I. SOURCES OF LAW

Introducción: What Are

Summary

Hugh Thirlway

INTERNATIONAL LAW
THE SOURCES OF

(4)

(1)

(2)

(3)

(4)

In Malcolm E. Evans (cd), INT. LAW (3rd ed.)
THE SOURCES OF INTERNATIONAL LAW

ARTICLE 38 OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

II. ARTICLE 38 OF THE STATUTE OF THE
INTERNATIONAL COURT OF JUSTICE

The Statute of the International Court of Justice, Article 38, provides that the Court is to base its decisions and advisory opinions on "the sources of international law as developed by the teachings of peoples of the United Nations and by the custom of nations."

The sources of international law are divided into two broad categories: (1) international treaties and conventions; and (2) international law in general, which includes custom, general principles of law, the law of nations as embodied in the Charter of the United Nations, and international court decisions.

In practice, the Court has relied heavily on international treaties and conventions, particularly those that have been adopted by the United Nations. However, the Court has also been known to refer to customary international law, general principles of law, and precedent-setting judicial decisions in its reasoning.

In 1945, the United Nations Charter established the International Court of Justice as the principal judicial organ of the United Nations. The Court's jurisdiction is based on the consent of States, and it is empowered to settle disputes between States in accordance with international law.

The Court has a dual role: to provide a forum for the peaceful settlement of disputes between States, and to offer advisory opinions on legal questions referred to it by the United Nations Security Council or the General Assembly.

The Court's decisions are binding on the parties to the dispute, and its advisory opinions are authoritative and persuasive. However, the Court's role is not to create international law, but rather to interpret and apply existing international law in the resolution of disputes.
The sources of international law include treaties and custom.

Custom

In Chapter 2, Section 1, the question of the law as it is to be applied to international transactions or disputes, is discussed. The extent of the observance of a custom, or a practice or course of dealing, is determined by its nature and by the extent to which the conduct in question is required or expected by other states. A custom may be established by following the practice of others, or by the observance of a rule of law, or by the practice of a particular group. A custom may be considered to be a rule of law if it is adopted by a number of states, or if it is a rule which is observed by them in relation to the conduct of their own affairs. A custom may also be considered to be a rule of law if it is adopted by a number of states, or if it is a rule which is observed by them in relation to the conduct of their own affairs.

The extent of the observance of a custom, or a practice or course of dealing, is determined by its nature and by the extent to which the conduct in question is required or expected by other states. A custom may be established by following the practice of others, or by the observance of a rule of law, or by the practice of a particular group. A custom may be considered to be a rule of law if it is adopted by a number of states, or if it is a rule which is observed by them in relation to the conduct of their own affairs. A custom may also be considered to be a rule of law if it is adopted by a number of states, or if it is a rule which is observed by them in relation to the conduct of their own affairs.
THE SOURCES OF INTERNATIONAL LAW

THE SOURCES OF INTERNATIONAL LAW

The sources of international law are the bodies which are capable of binding all states and which states are bound to follow their rules. The sources of international law are those from which states derive their rights and duties, and from which they have their obligations. These sources are:

1. Customary international law
2. Treaty law
3. General principles of law recognized by civilized nations
4. Judicial decisions and the teachings of the most highly qualified publicists of the various countries
5. The International Court of Justice and the International Court of Justice, which are permanent courts established by the United Nations, and which have been given competence to resolve disputes between states

The sources of international law are of great importance, as they provide the foundation for the rules that govern international relations. They are also essential for the development of international law, as they allow states to establish new norms and standards that reflect the changing nature of international relations.

The sources of international law are the basis for the development of international law, and they provide the basis for the resolution of disputes between states. They are essential for the maintenance of international order, and they play a crucial role in the promotion of peace and security.