

English Text: International law can be defined as a body of rules and principles that governs the relations between states and other international actors. It is important to understand that international law is different from domestic or national law in several key ways. Domestic law operates within a single country. It has a clear hierarchy: there is a legislature that makes the laws, an executive that enforces them, and a judiciary that interprets them. If a person breaks a domestic law, there is a police force to arrest them and courts to punish them. International law, however, works very differently. There is no single world government or international police force. Instead, international law is a horizontal legal system. This means that the states themselves are both the lawmakers and the subjects of the law. They create the rules through treaties, which are like international contracts, and through customs, which are practices that have been followed for so long that they become legally binding. The main purpose of international law is to create a stable and orderly international system. It helps to manage a vast range of issues that go beyond the borders of any one nation. These issues include international trade and finance, the laws of war and armed conflict, the protection of human

armed conflict, the protection of human rights, the global environment, the use of the world's oceans and outer space, and diplomatic relations between states. When a state violates its international obligations, other states may respond with diplomatic pressure, economic sanctions, or by bringing a case to an international court or tribunal. However, because there is no central enforcer, compliance often depends on the good faith of states and the principle of reciprocity—the idea that today I follow the rules so that tomorrow you will follow them too.

Key Vocabulary :

- . Body of rules : مجموعه ای از قوانین
- . Domestic law : حقوق داخلی
- Legislature : قوه مقننه
- . Executive : قوه مجریه
- . Judiciary : قوه قضائیه

Horizontal legal system: نظام حقوقی افقی (غیر سلسله مراتبی)

Reciprocity: معامله متقابل , رفتار متقابل

a custom, two elements are needed. First, there must be a general practice among states. This means that many states have acted in a certain way over a period of time.

Second, this practice must be followed out of a sense of legal obligation, which is called *opinio juris*. States must believe that they are legally required to act in that way, not just doing it out of politeness or habit. The third source is the general principles of law recognized by civilized nations. These are principles that are found in the domestic legal systems of countries all around the world. Because they are so common, they can be applied to international disputes as well. Examples include principles like "good faith" in negotiations, the principle that one should not be a judge in their own case, and the principle that agreements must be kept (*pacta sunt servanda*). In addition to these three primary sources, Article 38 also mentions judicial decisions (like the rulings of the ICJ) and the teachings of the most highly qualified publicists (the writings of respected legal scholars) as subsidiary means for determining the law. They are not sources of law themselves, but they help to interpret and understand the primary sources .

English Text: When lawyers or judges want to know what the law is on a particular international issue, they must look to its sources. The most authoritative list of these sources is found in Article 38 of the Statute of the International Court of Justice (ICJ). This article is widely accepted as the starting point for understanding where international law comes from. It lists three primary sources. The first and most important source in the modern world is international treaties, also known as conventions, covenants, or protocols. A treaty is a written agreement between states that is governed by international law. Treaties can be bilateral, meaning between two states, like a treaty between Iran and Turkey on trade. They can also be multilateral, meaning between many states, like the United Nations Charter. Treaties are like contracts, but for countries. They create specific, written obligations for the states that choose to become parties to them. The second source is international customary law. Custom is not written down in a single document. It develops over time from the general and consistent practice of states. For a rule to become a custom, two elements are needed .

Session 1: Introduction to International Law

International law is the body of rules, norms, and standards generally accepted in relations between nations. It governs the conduct of sovereign states and other entities with international personality. Unlike domestic law, which is enforced by a municipal authority, international law is largely created by states themselves, through treaties, customs, and

general principles. Understanding its foundations is crucial for comprehending global governance and interstate relations. Key concepts include:

- * **Sources of International Law:** Primarily treaties (formal written agreements between states), customary international law (practices followed by states as a matter of obligation), and general principles of law (foundational legal principles common to major legal systems). Decisions of international courts and tribunals, and the writings of legal scholars, can also be important subsidiary means for determining rules of law.
- * **Subjects of International Law:** Traditionally, states were the primary subjects. However, international organizations (like the UN), and to a more limited extent, individuals and non-governmental organizations, now also possess rights and obligations under international law.
- * **State Sovereignty:** A cornerstone principle, asserting that each state has exclusive supreme authority within its territory, free from external control. This principle shapes much of international law, balancing state independence with the need for international cooperation.

Session 2: Key Concepts and Principles in International Law

This session delves into fundamental concepts and principles that underpin the international legal order. These principles guide state behavior and the interpretation and application of international law. We will explore:

- * **Jus Cogens:** Peremptory norms of general international law from which no derogation is permitted. These are fundamental principles that all states must adhere to, such as the prohibition of genocide, torture, and slavery.
- * **State Responsibility:** The principle that each state is responsible for the internationally wrongful acts it commits. This involves an act or omission attributable to the state that constitutes a breach of an international obligation. The consequences typically include the obligation to make full reparation for the injury caused.
- * **Recognition of States and Governments:** The process by which states acknowledge the existence of another state or government, conferring legal status and enabling diplomatic relations. This is often a political act with significant legal consequences.
- * **Diplomatic Immunity:** A principle that grants certain immunities and privileges to diplomats and diplomatic missions to enable them to perform their duties without fear of coercion or harassment from the host state.

Session 3: Sources of International Law

Article 38 of the Statute of the International Court of Justice (ICJ) is widely regarded as the

authoritative statement on the sources of international law. This session will unpack these sources:

- * **International Conventions (Treaties):** Bilateral or multilateral agreements between states that create legally binding obligations for the parties. Treaties can cover a vast range of subjects, from trade and human rights to arms control and environmental protection.
- * **Customary International Law:** This arises from a general practice accepted as law ("opinio juris"). It requires both evidence of state practice (consistent behavior) and the belief by states that such practice is legally required. Unlike treaties, customary law applies to all states, not just those that have formally consented.

- * **General Principles of Law:** These are fundamental legal principles recognized by civilized nations, often derived from domestic legal systems. Examples include principles like good faith, estoppel, and the principle that no one should be a judge in their own cause.
- * **Judicial Decisions and Scholarly Writings:** While not formal sources themselves, the decisions of international courts (like the ICJ) and the writings of highly qualified legal scholars can serve as "subsidiary means" for the determination of rules of law, helping to interpret and clarify existing norms.

Session 4: The Law of Treaties

Treaties are the primary instruments for formalizing agreements and obligations between states in the international arena. The Vienna Convention on the Law of Treaties (1969) codifies many of the customary rules governing treaties. This session covers:

- * **Formation of Treaties:** The process typically involves negotiation, adoption of the text, authentication, and consent to be bound (often through signature or ratification).
- * **Entry into Force:** Treaties generally enter into force upon the deposit of the required number of ratification instruments.
- * **Reservations:** A state may make a reservation to a treaty, meaning it wishes to exclude or modify the legal effect of certain provisions in its application to that state. However, reservations must not be incompatible with the object and purpose of the treaty.
- * **Interpretation of Treaties:** Treaties are to be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in light of its object and purpose.
- * **Termination and Suspension:** Treaties may be terminated or suspended under certain conditions, such as by consent of the parties, material breach, supervening impossibility of performance, or fundamental change of circumstances.

Session 5: State Jurisdiction and Immunities

Jurisdiction refers to a state's authority to make, apply, and enforce its laws. International law places limits on this authority, particularly concerning actions occurring outside a state's territory or involving foreign nationals. Key principles include:

- * **Territorial Principle:** A state has jurisdiction over all persons and property within its territory. This is the most fundamental basis of jurisdiction.
- * **Nationality Principle:** A state can exercise jurisdiction over its nationals, regardless of where they are located.
- * **Protective Principle:** A state may exercise jurisdiction over conduct outside its territory that threatens its security or vital interests, such as counterfeiting currency.
- * **Universality Principle:** In certain exceptional cases, any state may exercise jurisdiction over individuals accused of egregious international crimes, regardless of where the crime occurred or the nationality of the perpetrator or victim (e.g., piracy, genocide, war crimes). Related to jurisdiction is the concept of **State Immunity**, which generally provides that one sovereign state cannot be sued in the courts of another sovereign state without its consent.

Session 6: International Human Rights Law

International Human Rights Law (IHRL) is a body of international law designed to promote and protect fundamental human rights and freedoms. It establishes the obligations of governments to respect, protect, and fulfill human rights. Key aspects include:

- * **Key Instruments:** The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) form the core of international human rights law. Numerous other treaties address specific rights or vulnerable groups.
- * **Categories of Rights:** Rights are often categorized into civil and political rights (e.g., freedom of speech, right to a fair trial) and economic, social, and cultural rights (e.g., right to education, right to work, right to health).

Both categories are considered indivisible and interdependent.

- * **Obligations of States:** States have a "three-tiered" obligation: to **respect** the right (refrain from interfering), to **protect** the right (prevent third parties from interfering), and to **fulfill** the right (take positive steps to realize the right). > عشقم * **Monitoring Mechanisms:** Various international bodies, such as UN treaty bodies and the Human Rights Council, monitor state compliance with human rights obligations.

Session 7: International Humanitarian Law (The Law of Armed Conflict)

International Humanitarian Law (IHL), also known as the law of armed conflict, aims to limit the effects of armed conflict for humanitarian reasons. It protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare. Key principles include:

- * **Distinction:** Parties to a conflict must at all times distinguish between combatants and the civilian population, and between military objectives and civilian objects. Attacks may only be directed against military objectives.
- * **Proportionality:** The anticipated military advantage of an attack must not be excessive in relation to the expected incidental loss of civilian life or damage to civilian objects.
- * **Precaution:** Parties must take all feasible precautions in the choice of means and methods of attack to avoid, and in any event, to minimize incidental loss of civilian life, injury to civilians, and damage to civilian objects.
- * **Protection of Specific Groups:** IHL provides special protection for wounded and sick soldiers, prisoners of war, and civilians. The Geneva Conventions are the cornerstone of IHL.

Session 8: International Criminal Law and Dispute Settlement

This session explores the mechanisms for holding individuals accountable for serious international crimes and the methods for resolving international disputes peacefully.

- * **International Criminal Law:** Deals with the most serious crimes of concern to the international community as a whole, including genocide, crimes against humanity, war crimes, and the crime of aggression. The International Criminal Court (ICC) is a permanent international court that prosecutes individuals for these crimes when national courts are unwilling or unable to do so. Ad hoc tribunals (like those for the former Yugoslavia and Rwanda) have also played a significant role.
- * **International Dispute Settlement:** States have a range of options for resolving disputes peacefully:
 - * **Diplomatic Means:** Negotiation, inquiry, mediation, conciliation, and good offices. These are non-binding methods aimed at facilitating agreement.
 - * **Legal Means:** Arbitration (parties agree to submit a dispute to an arbitral tribunal, whose decision is binding) and judicial settlement (submitting disputes to permanent international courts, such as the ICJ, whose judgments are binding).