

# LAW CAPSULE

FOR LAW COMPETITIVE EXAMS

## DEFINITION OF INTERNATIONAL LAW & JUS COGENS



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The Roman Law doctrine "*jus publicum privatorum pactis mutari not potest*" means a public law or right cannot be altered by the agreement of private persons. Similarly the concept of "*Jus cogens*" means that there are certain principles in international law which all States must observe because their non-observance will affect the very foundation of the legal system to which they belong.

Some of the Classical and Modern definitions of the International Law or "Trans-national Law" are as follows:—

| Sl. No.                      | Name of Author                               | Definition   |
|------------------------------|--|--|
| <b>CLASSICAL DEFINITIONS</b> |  |  |
| 1.                           | Openheim                                     | Law of Nations or International Law is the name for the body of customary and conventional rules which are considered legally binding by the civilized States in their intercourse with each other.  |
| 2.                           | Brierly                                      | The Law of Nations or International Law may be defined as the body of rules and principles of action which are binding upon civilized States in their relations with one another.  |
| 3.                           | Hockworth                                    | International Law consists of a body of rules governing the relations between States.  |
| 4.                           | Lord Coleridge, C.J.<br><i>Queen v. Keyn</i> | The Law of Nations is the collection of usages, which civilized States have agreed to observe in their dealings with one another.  |
| 5.                           | Gray   | International Law or the Law of Nations is the name of a body of rules, which according to the usual definitions regulate the conduct of States in their intercourse with each other.  |
| 6.                           | Cobbett                                      | International Law may be described as the sum of the rules accepted by civilized States as determining their conduct towards each other, and towards each other's subjects.  |
| <b>MODERN DEFINITIONS</b>    |  |  |
| 7.                           | Whiteman                                     | International Law is the standard of conduct, at a given time, for States and other entities subject thereto.  |
| 8.                           | Schwarzenberger                              | International Law is the body of legal rules, which apply between Sovereign States, and such other entities as have been granted international personality.  |
| 9.                           | Starke                                       | International Law may be defined as that body of Law which is composed for its greater part of principles and rules of conduct which States feel themselves bound to observe, and, therefore, do commonly observe in their relations with each other. And which includes also: |

1. Used by Jessup