**University Djillali BOUNAMA**

**Public Law Department**

**COMMON TRUNK/ 1ST YEAR**

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**Lecture n°6 :**

**Contemporary International Society**

**Introduction:**

This period from 1492 to 1914 in European witnessed radical changes society.

* **The European international society from 1492 to 1914:**

After the collapse of the feudal system and the emergence of the capitalist system, which limited the authority of the Pope and the Emperor, the features of international law began to appear to regulate international relations among European Christian nations-Catholic and Protestant- alike. It was named European Public Law.

With these data, these countries came to see themselves as the civilized nation that laid the foundation for international law. The European international community expanded to include the American continent. After Turkey joined the international community in 1856, the implementation of Article 7 of the peace treaty signed in Paris began to liberate itself from the Christian bias.

**There are several factors that contributed to the emergence of the principles of international law, the most important of which are:**

1. **Scientific Renaissance:**

It is a scientific movement that was established through the founding of universities during the 13th and 14th centuries. It focused on studying the principles of international law: the sovereignty of states, equality and equity between them, the legality of war, and the sources of international law.

**And international law jurists enriched it, including:**

**Suárez:** A Spanish Jesuit monk who wrote extensively in the 17th century, in his book **'On Divine Laws and God as a Legislator**.' He indicated that society includes all nations of the earth, and the applied law is the law of nations, National interest is subject to global public interest, and the decision to go to war comes from a political body. To prevent war, resorting to arbitration is done. The law is not made by natural law but by human creation.

**Grotius:** A Dutch jurist who laid the foundations for international law and wrote a book titled 'On the Law of War and Peace.' He distinguished between natural and positive international law. He advocated for the principles of natural law and emphasized its justice**.**

**Vattel:** A Swiss scholar who wrote a book titled **'The Law of Nations or the Principles of Natural Law.**' Vattel was one of the staunchest defenders of the state, considering it the source of international law as it establishes the rules of international law and subjects itself to them without infringing on the sovereignty of states.

1. **The Great Geographical Discoveries:**

After the discovery of the American continent in 1492 by Christopher Columbus, this discovery contributed to the establishment of the foundations of international law. The races to establish colonies began, and among the prominent explorations were:

**Portuguese Discoveries:** Cape Verde, Sierra Leone, and the Comoros Islands. **Spanish Discoveries:** Mexico and Guatemala. The great powers' competition for colonies in Africa and Asia, through this movement, led to the establishment of the foundations of international law through systems of territorial administration.

1. **The Treaty of Westphalia:**

played a role in establishing the principles of international law. It ended the war through diplomatic missions, established the principle of the independence of state authority from the church, and promoted equality among European states regardless of their religious affiliation.

Westphalia represents a peaceful way to resolve conflicts and wars.

Additionally, the French and American revolutions, known as the revolutions of rights and freedoms, eradicated monarchic despotism. The principle of nationalism emerged, liberating nations and leading them to demand their sovereignty and independence.

* **The international community from 1914 to 1990:**

**Globalization:** Marked by the League of Nations and the United Nations, this globalization increased after the independence of most countries worldwide. **International Organization:** Referring to the emergence of international and regional organizations.

**Prohibition of the use of force in international relations:** Adopted as a principle of international law for peaceful coexistence.

**World Division:** Following the onset of the Cold War, the world divided into the Eastern bloc led by the Soviet Union (Socialism) and the United States (Capitalism)."

* **The international community from 1990 to the present day:**

After the end of the Cold War, the so-called New World Order emerged, with key features including:

**the disappearance of bipolarity:** after the collapse of the Soviet Union and the rise of the United States, especially after the Gulf War in 1991.

**Characteristics of the new international system** **include**

**-** the emergence of the United States, asserting its system through the War on Terror and military interventions in Afghanistan and Iraq.

-Globalization involves the removal of customs borders, liberalization of global trade by the World Trade Organization, and the rise of American globalization.

- The reliance on the United Nations to address international issues either militarily (NATO) or through sustainable development programs and environmental considerations.