**University Djillali BOUNAMA**

**Public Law Department**

**COMMON TRUNK/ 1ST YEAR**

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**Lecture n°4:**

**The international community in the ancient era, 3100 BCE - 476 CE.**

**Introduction :**

Most historians agree that the ancient era spans from 3100 BCE to the fall of the Roman Empire in 476 CE. With the discovery of agriculture, there emerged a desire for settlement in specific geographical areas, particularly around rivers and lakes. This led to the rise of some of the most prominent human civilizations in ancient times.

**This stage was characterized by two types of political organizations:**

1. The empires established by great powers that expanded their territories across vast regions.
2. The existence of city-states, as seen in ancient Greece, which were founded on limited territories and distinguished by internal cohesion in organizing their internal and external relations.
* The civilizations in ancient times were not isolated; rather, they had relationships that did not evolve into a true international community. In this lecture, we will study ancient Eastern and Western civilizations to explore the primary sources of international organization.
1. **Ancient Eastern Civilizations:**
	1. **Mesopotamian Civilization:**

It contributed to the formation of some principles of international law through the treaty concluded between the leaders of the **Anatam** and **Uma** tribes in the year 3100 BCE. The treaty stipulated the sanctity of borders and resorting to arbitration in case of any future disputes.

* 1. **Phoenician Civilization:**
* The Phoenician civilization was characterized by the presence of institutions: specialized councils such as the Council of Elders and the Judiciary Council.
* The King of Tyre in Phoenicia concluded the Treaty of Esarhaddon with the Assyrian King Esarhaddon, dated 680-669 BCE. The reason for concluding the treaty was to define the maritime passages, ports, and trade routes for Baal, the ruler of Tyre.
* Additionally, a measure was adopted where King Esarhaddon guaranteed compensation for ships belonging to Baal. This procedure is known today as maritime insurance.
	1. **Ancient Egyptian Pharaonic Civilization:**
* Ancient Egypt was concerned with internal and external organization, with legislation established around 1330 BCE at the internal level to regulate the economy and agriculture, curb chaos, and solidify the idea that the public function's goal is to serve the people.
* At the external level, the ancient inscriptions engraved on the walls of temples indicated the existence of legal principles regarding the organization of relations with other countries. Among the most important treaties concluded were:
1. The treaty concluded with the state in the year 1680 BC was signed by **Ramesses II** and Prince **Khatseer**. It included the cessation of war, cooperation between the two states in extraditing criminals, and mutual defense.
2. The treaty concluded between **Amenhotep II**, the King of Egypt, and **Burnaburiash II**, the King of Babylon, focused on exchanging relations of friendship and the ancient cooperation that bound the two families. It emphasized the strengthening of traditional ties between the two parties.
3. The treaty between **Amenhotep III** and the King of Babylon included a significant provision: the marriage of Princess **Kishi** to the Egyptian king, signifying the continuation of friendly relations between the two countries.
	1. **Indian civilization**:

The Indian civilization has been concerned with international law through the (Laws of Manu), which provided a framework for international humanitarian law. It emphasized the necessity of distinguishing between civilians and combatants during armed conflicts, refraining from cutting down trees, not killing surrendered or unarmed enemies, and prohibiting slavery.

* 1. **Chinese civilization:**

China became acquainted with international humanitarian law through Confucian philosophy, which called for the elevation of humanitarian principles. Confucius advocated for the elimination of distinctions based on gender, language, or religion. He emphasized the superiority of goodness over evil and underscored the importance of protecting civilians in times of war.

1. **Ancient Western civilizations:**
	1. **Greek civilization:**
* The Greeks established a culture and principles for organizing relations with other countries, where a group of independent city-states was formed. In this way, the Greek city-states constituted an international community, while other societies :
* The volume 'History of the Peloponnesian War' by **Thucydides** represents one of the most important historical testimonies to the Greeks' contribution to the principles of the international community. It addresses the issue of relations between Athens and **Melos** within the framework of the **Delian** League. This led Athens to subjugate Melos. Here, **Thucydides** clarified that in wars, justice is determined by the victor negotiating from a position of strength.
	1. **Roman civilization:**
* The Roman civilization established the foundations of international law and applied civil law to the Romans. After Rome opened up to other peoples, it implemented laws for foreigners and appointed specialized judges for them through the law of nations.
* Rome was renowned for its treaty system in its dealings with foreign nations. Relations depended on the existence of treaties such as friendship treaties, hospitality treaties, or alliance treaties. These treaties guaranteed the protection of foreigners during their presence in Rome.

**Conclusion:** International law in ancient times was characterized by being reactive, and this can be attributed to two fundamental factors:

1. Ancient societies lived in isolation, hindering economic, intellectual, and cultural exchange, which impacted the development of international relations.
2. The significant differences in religion, language, and identity among ancient societies led to strained relations between civilizations, often evolving into conflicts.