

# Fundamentals of public international law

Autor: Luis Manuel Marcano Salazar

Ediciones Olejnik /2020

www.librotecna.cl

## TABLET OF CONTENTS

PROLOGUE .....	11
PRELIMINARY NOTE .....	17

### CHAPTER I PUBLIC INTERNATIONAL LAW

DEFINITION .....	19
OBJECT OF THE PUBLIC INTERNATIONAL LAW .....	21
DENOMINATIONS .....	21
DIVISIONS .....	22
HISTORIC EVOLUTION AND CHARACTERISTICS .....	22
Ancient times .....	23
The international classic system (1648 - 1789) .....	25
The transitional international system (1789 - 1945) .....	26
I World War (1914 - 1918) .....	28
The II World War (1939 - 1945) .....	30
The system that followed the II World War .....	31
The system after September 11th, 2001 .....	32
American International Law .....	32
Public International Law as Universal Law .....	32
Relations and differences with the Domestic Law: dualism and monism .....	33
Dualist theory .....	33
Monist Theory .....	34
RELATIONS WITH OTHER SCIENCES; INTERNATIONAL POLITICS AND INTERNATIONAL ETHICS .....	34

### CHAPTER II FOUNDATION AND SOURCES OF THE PUBLIC INTERNATIONAL LAW

FOUNDATION AND DIFFERENT SCHOOLS .....	35
CLASSIFICATION OF THE SOURCES .....	36
International treaties or agreements .....	37
The International Custom .....	37
General Principles of the Law .....	38

www.librotecna.cl

Legal sentences .....	39
The doctrine .....	39
The equality .....	40
THE TREATIES .....	40
Conclusion .....	40
Effective date .....	40
Classification of the treaties .....	41
Conditions of form and content .....	42
Initial phase .....	42
Negotiation .....	42
Adoption .....	43
Authentication .....	43
Final Phase .....	43
Manifestation of consent .....	43
Perfection of consent .....	44
Principles that rule the Law of the Treaties .....	44
Pacta sunt servanda .....	44
Bona fide .....	44
Ex consensus advenit vinculum .....	44
Res inter alias acta .....	45
Effects of the treaties .....	45
Effects on the parties .....	45
Effects in regard to the executive branch .....	45
Effects in regard to the legislative and judicial branches .....	45
Effects in regard to the individuals .....	45
Effects in regard to third parties .....	46
Ratification .....	46
Signature .....	46
The exchange of instruments that integrate the treaty .....	46
The incorporation .....	47
Acceptance and approval .....	47
Interpretation of the treaties .....	47
Disclaimers and grounds for nullity .....	47
Termination .....	49
OTHER SOURCES OF PUBLIC INTERNATIONAL LAW .....	49
Unilateral Acts of the States .....	49
The resolutions of international organizations .....	50
The sources derived from the scientific and technological progress ..	50

CHAPTER III  
CONSULAR AND DIPLOMATIC LAW

DIPLOMACY .....	51
Concept .....	51

Origins .....	51
DIPLOMATIC LAW .....	52
Diplomatic Law and Foreign Policy .....	53
Diplomatic representations .....	54
Letter of Accreditation and Placet .....	55
Privileges and diplomatic immunity .....	55
Vienna Convention on Diplomatic Relations .....	56
Diplomatic mission and the head of mission .....	57
Persona non grata .....	58
Number of members in the mission .....	58
Effect of the letters of accreditation .....	59
Precedence and classes of heads of mission: .....	59
Absence of the head of mission .....	59
The premises of the missions .....	60
Tax exemption .....	60
Communication with the missions .....	61
Privileges and immunity of the diplomatic agent .....	61
Other associated privileges and immunity .....	62
Duration of the privileges and immunity .....	63
Innocent passage .....	64
End of functions of a diplomatic agent and end of a diplomatic mission ..	64
Optional Protocol concerning the Compulsory Settlement of Disputes ....	65
CONSULAR LAW .....	65
Concept .....	65
Historical reference .....	65
The consuls .....	66
Organic Law of the Consular Service .....	66
Attributions of the consular agents .....	67
Consular immunity and prerogatives .....	70
Letter Patent .....	71
Venezuelan Foreign Service .....	71

CHAPTER IV  
LATIN-AMERICAN LEGAL FOUNDATION

CONSIDERATIONS ABOUT INTERNATIONAL SOCIETY AND LAW ...	73
Regarding the concept .....	73
Regarding the rejections .....	73
Regarding the International Society: conditioning elements .....	74
Regarding the enforceability of International Law .....	74
Regarding the spontaneous compliance to infringement and aggravation of International Law: worldwide? .....	75
VENEZUELAN LEGAL NATURE .....	75
Principal provisions .....	75

Approbatory Law of the American Convention on Human Rights. 81  
Pact of San Jose, Costa Rica ..... 81  
Inter-American Democratic Charter ..... 82

CHAPTER V  
THE INTERNATIONAL COMMUNITY

THE INTERNATIONAL COMMUNITY IN THE XXI CENTURY:  
THE HEGEMONIC GLOBAL STATE AND SOME  
CONSIDERATIONS OF THE BEGINNING OF THE CENTURY ..... 95  
EVOLUTION OF THE INTERNATIONAL COMMUNITY ..... 97  
Elements and features of the Western European World ..... 98  
Reference to the League of Nations ..... 99  
THE UNITED NATIONS. UN CHARTER: PURPOSES, PRINCIPLES  
AND ORGANIZATION. .... 101  
Principal organs: functions. Principal members: duties and rights. ... 103  
THE ORGANIZATION OF AMERICAN STATES: PURPOSES,  
PRINIPLES, ORGANS AND FUNCTIONS. .... 104  
OTHER CONCEPTIONS OF LAW: ISLAMIC LAW ..... 106  
THE WORLD ORDER OF THE FUTURE: UNIPOLAR OR MULTIPOLAR? ... 107

CHAPTER VI  
FOREIGN POLICY AND INTERNATIONAL LAW

FOREIGN POLICY ..... 109  
Concept ..... 109  
Relations with Public International Law ..... 117  
POLITICAL SYSTEMS AND PUBLIC INTERNATIONAL LAW ..... 118  
Political System ..... 118  
Relations with Public International Law ..... 119

CONCLUSION ..... 120

[www.librotecnia.cl](http://www.librotecnia.cl)