This chapter discusses the sources of international law. International law’s authority is generally regarded as deriving from the consent of States. As such, it is only pursuant to State consent that international legal rules can be developed. This is not to say that all international law is made by States; States frequently delegate law-making authority to specific bodies or organs, and they may acquiesce or consent to a legal rule which originated in a non-State institution. The chapter then considers Article 38 of the Statute of the International Court of Justice. Technically, Article 38 of the ICJ Statute only lays out the categories of sources to be applied by the ICJ: its lex arbitri or applicable law. Yet, in practice, Article 38 has long been regarded as an authoritative, complete statement as to the sources of international law.

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2. Sources of international law

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