Imagine there’s no countries
   It isn’t hard to do.
Nothing to kill or die for
   And no religion too.
Imagine all the people
   Living life in peace . . .
You may say I’m a dreamer
   But I’m not the only one
I hope someday you’ll join us
   And the world will be as one

1 JUS GENTIUM

Legal rules relating to states and/or intergovernmental organizations (IGOs) are the discipline of *jus gentium*—also referred to as public international law or merely international law. As posited by Hans Kelsen, before the IGOs became important players: “International Law or the Law of Nations is the name of a body of rules which—according to the usual definition—regulate the conduct of the states in their intercourse with one another.” This chapter gives an outline of the concepts and rules in *jus gentium* that are relevant for the analyses in this book.

Initially, a few basic observations should be noted:

1. In *jus gentium*, the relations among states are horizontal in nature, which means that the vertical structure, with three branches of government utilized in most domestic systems (the judicial branch, the executive branch and the legislative branch), has not crystallized (yet) in the world community in spite of the increased interdependence due to globalization.

The primary consequence hereof is, according to Cassese, that

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2 Non-governmental organizations (NGOs) may have a *de lege ferenda* agenda on issues in *jus gentium*.
in carrying out functions of the three branches in IGOs, the individual governments do not act on behalf of, or in the interest of the IGO, but in their own self-interest.\textsuperscript{5}

2. It must be noted that the U.N. Charter\textsuperscript{6} is based on the principle that all states are equal and sovereign.\textsuperscript{7} In reality, all states are, however, not equal in terms of power, and countries’ actions can often be understood better by looking at their power in the world community. In terms of the WTO, the members’ ability to retaliate against another WTO member in the event of non-implementation by the losing party, is closely linked to its economic ability and interest in retaliation and not merely its legal right to do so; e.g., a poor country cannot afford retaliating against any country—and a rich country will not be affected by minor retaliation.

3. It must be noted that international environmental law and the laws of the WTO are to be understood as branches or sub-systems of public international law.\textsuperscript{8} Thus, neither international environmental law nor the laws of the WTO system can be said to be a self-contained regime or a closed legal circuit. Both systems follow the general principles of public international law, equal to how different branches of domestic law, such as criminal law and family law, are branches of the domestic legal systems. The possibly evolved customs inside each sub-system are not the focus of the analyses in this book and will therefore not be discussed; the exercise is simply to lay the foundations for the further analysis within the framework of the rules in \textit{jus gentium}.

2 RIGHTS AND OBLIGATIONS IN RELATION TO SOVEREIGNTY

Sovereignty is a core concept in the analyses in this book; as well, sovereignty also is a core concept in \textit{jus gentium}. It is therefore vital to under-