INTRODUCTION

The term “international law” was first used by the English philosopher Jeremy Bentham in 1780 in his treatise entitled “Introduction to the Principles of Morals and Legislation”.

Public international law has conventionally been regarded as a system of principles and rules designed to govern relations between sovereign states. Treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or two or more related instruments and whatever its particular designation. Treaties may have different names, such as Agreement, Convention, Pact, Protocol and Charter. Treaties may be bilateral (two parties) or multilateral (between several parties) and a treaty is usually only binding on the parties to the agreement. An agreement "enters into force" when the terms for entry into force as specified in the agreement are met. Bilateral treaties usually enter into force when both parties agree to be bound as of a certain date.

WESTPHALIA, PEACE OF (1648). The Treaties of Münster and Osnabrück, which ended the Thirty Years' War, are known collectively as the Peace of Westphalia. The main obstacles to a general peace in Germany after 1635 were the ambitions of France and Sweden and changing military fortunes. Sweden wanted territorial and financial compensation while France, under the cardinals (Richelieu to 1642, Mazarin thereafter), envisaged something altogether more ambitious that involved a considerable reduction in both Spanish and Austrian Habsburg power. In addition, matters were complicated by the individual ambitions of various German princes and separate negotiations between the Spanish and the Dutch. Ultimately, 176 plenipotentiaries representing 196 rulers attended the peace negotiations. The Peace of Westphalia was signed simultaneously at Münster and Osnabrück on 24 October 1648 and consisted of 128 clauses. The Peace of Westphalia was actually innovative in many ways. It was the first pan-European peace congress, and there was a genuine attempt to resolve a multitude of disputes in the hope that there would be a general settlement and lasting peace. Most experts believe it was a success.
The Vienna Convention on the Law of Treaties of 1969 (VCLT) is the main instrument that regulates treaties. It defines a treaty and relates to how treaties are made, amended, interpreted, how they operate and are terminated. It does not aim to create specific substantive rights or obligations for parties – this is left to the specific treaty (i.e. the Vienna Convention on Diplomatic Relations creates rights and obligations for States in their diplomatic relations).

VCLT governs treaties irrespective of its subject matter or objectives – e.g.: treaties to regulate conduct of hostilities (Geneva Conventions on 1949); treaties setting up an international organisation (UN Charter of 1945); and treaties regulating matters between States and other parties on the law of the sea (UN Convention on the Law of the Sea of 1982).

Extradition has been defined by Oppenheim as "the delivery of an accused or a convicted individual to the State on whose territory he is alleged to have committed, or to have been convicted of, a crime by the State on whose territory the alleged criminal happens for the time to be." The right to demand extradition and the duty to surrender an alleged criminal to the demanding State is created by a treaty.

The attentiveness amongst nations about the societal requirement of developing interjurisdictional collaboration is reflected in the existing widespread exercise of returning a person who is accused or who has been convicted of an offence to the State in which the crime was committed.

Extradition may be briefly described as the surrender of an alleged or convicted criminal by one State to another. More precisely, extradition may be defined as the process by which one State upon the request of another surrenders to the latter a person found within its jurisdiction for trial and punishment or, if he has been already convicted, only for punishment, on account of a crime punishable by the laws of the requesting State and committed outside the territory of the requested State.

Extradition plays an important role in the international battle against crime. It owes its existence to the so-called principle of territoriality of criminal law, according to which a State will not apply its penal statutes to acts committed outside its own boundaries except where the protection of special national interests is at stake. In view of the solidarity of nations in the repression of criminality, however, a State, though refusing to impose direct penal sanctions to offences committed abroad, is usually willing to cooperate otherwise in bringing the perpetrator to justice lest he goes unpunished.
ICPO-Interpol has been a forerunner in international efforts to improve and accelerate existing procedure of extradition. Apart from attempts by academic bodies such as the Harvard Research Draft Convention on Extradition, the ICPO-Interpol was the first international organization to recommend to member countries a Draft General Agreement for the Extradition of Offenders, which unfortunately has remained a dead letter since it was adopted by the General Assembly of the Organization (then known as the International Criminal Police Commission) in 1948. Interpol's interest in finding ways of improving the extradition process did not end with the failure of the Draft General Agreement. Since the early fifties, the General Secretariat of the ICPO-Interpol has undertaken on behalf of the member countries two new activities intended to facilitate international police cooperation in matters relating to extradition. The first of these initiatives concerns the publication of a series of circulars on a country basis, setting out the provisional measures that the police in each country may take when complying with a request from the police of another member country for quick action with a view to identification and arrest of a person wanted on a warrant of arrest. The second initiative taken by the ICPO-Interpol consists in the dissemination of national extradition laws. This activity is based on a resolution of the General Assembly passed in 1967 in Tokyo (Japan) inviting member countries to forward the texts of their extradition laws to the General Secretariat so that the latter may send them to other member countries for their information. The pre-extradition circulars and the texts of extradition laws of the member countries received from the General Secretariat are being maintained in the Interpol Wing.

Extradition may be briefly described as the surrender of an alleged or convicted criminal by one State to another. More precisely, extradition may be defined as the process by which one State upon the request of another surrenders to the latter a person found within its jurisdiction for trial and punishment or, if he has been already convicted, only for punishment, on account of a crime punishable by the laws of the requesting State and committed outside the territory of the requested State.