

University of Groningen

## Contemplating an Uneven Landscape

Gorobets, Kostiantyn

DOI:  
[10.33612/diss.199817424](https://doi.org/10.33612/diss.199817424)

**IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.**

*Document Version*  
Publisher's PDF, also known as Version of record

*Publication date:*  
2022

[Link to publication in University of Groningen/UMCG research database](#)

*Citation for published version (APA):*

Gorobets, K. (2022). *Contemplating an Uneven Landscape: The Authority of International Law*. [Thesis fully internal (DIV), University of Groningen]. University of Groningen. <https://doi.org/10.33612/diss.199817424>

### Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

### Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

*Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.*

# Propositions

1. Authority of law can be mediated or unmediated.
2. Law's authority manifests in its capacity to pre-empt practical reasons, and this capacity does not depend on the existence of formal institutions.
3. That a norm of international law originates from a valid source does not automatically imply its authority.
4. Fluctuations of the *de facto* authority of international courts is a reflection of the relative pre-emptive strength of their judgments.
5. Interpretation of rules of customary international law consists in investigating how practical reasons are balanced within a context of a particular practice and determining how new reasons can be incorporated into the balance.
6. Fundamental values and principles of international law, such as solidarity, require normative pre-emption; a legal system that respects solidarity makes direct appeals to it redundant.
7. The traditional differentiation between the formal and substantive qualities of the law does not fully apply for the purposes of the international rule of law.
8. The authority of (international) law can be studied without a necessary inquiry into its legitimacy.
9. General jurisprudence must adopt a more inclusive and encompassing view of the concept of law and legality.
10. International law is not a borderline case of law.