

## **Identification of Particular Customary International Law in Light of the *SAN JUAN* River Case**

**Mohammad SETAYESHPUR** (Ph.D student and lecturer in international law at  
faculty of law, university of Qom)

### **Abstract**

International Court of Justice decision on ‘Dispute Regarding Navigational and Related Rights’ (Costa Rica v. Nicaragua) has been considered as the first decision of the ICJ as the world court. Although being controversial and debatable, in fronting lack of state practice, ICJ dynamically invoked the role of individuals in order to identify a rule of particular Customary International Law as one of the most fundamental and primary sources of public international law enunciated in ICJ statute. The decision in question emphasized the salient role of a rule of particular customary international law in public international law and regarded the role that the individuals may have and should be considered in formation of this kind of legal rule. Applying functional approach very dynamically, ICJ, as well as possible, has played a considerable role in promoting progressive development of international law.

### **Keywords:**

Customary International Law, International Court of Justice, Navigable Rivers, Marine Transportation.