

3. General Principles of Law

- The general principles of law are those principles which have got *recognition from all the states and by all the legal systems of the world.*
- The general principles of law are *based on justice and equity.*
- They include basic principles of law which are *indisputable.*
- They provide a mechanism to address international issues not already subject either to treaty provisions or to binding customary rules.

The Law Of Recognition In International Law Basic Principles

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The Law Of Recognition In International Law Basic Principles:

The Law of Recognition in International Law P. K. Menon, 1994-01-01 **Akehurst's Modern Introduction to International Law** Peter Malanczuk, 2002-04-12 First published in 2002 Routledge is an imprint of Taylor Francis an informa company Regulating the Use of Force in Wars of National Liberation: The Need for a New Regime Noelle Higgins, 2009-12-14 This work reconsiders and critically evaluates the complex international legal framework which seeks to regulate wars of national liberation in the light of two fascinating case studies It tests the effectiveness of both the jus ad bellum and jus in bello aspects of the current legal framework by applying it to self determination wars waged in the South Moluccas and Aceh by armed groups against Indonesia The book highlights the various difficulties inherent in the current legal framework as well as the ad hoc and unpredictable practice of States in relation to its application The work concludes with recommendations on how the current framework should be updated and enhanced so that it can adequately deal with modern self determination conflicts A Guide to General Principles of Law in International Investment Arbitration Patrick Dumberry, 2020-04-20 In recent years there has been a noticeable increase in references by investor State arbitral tribunals to general principles of law as a source of law however these references have rarely been accompanied by detailed explanation This book aims to provide the actors involved in investor State arbitration with a set of comprehensive guidelines to better understand the nature meaning and function of general principles of law in the field of international investment law Applying these principles to practice the book assesses seventeen concepts and notions in the field of investment arbitration to provide counsel and arbitrators with clear guidance on what should and should not be considered a general principle of law **General Principles as a Source of International Law** Imogen Saunders, 2021-02-25 This book provides a comprehensive analysis of an often neglected misunderstood and maligned source of international law Article 38 1 c of the Statute of the International Court of Justice sets out that the Court will apply the general principles of law recognized by civilized nations This source is variously lauded and criticised held up as a panacea to all international law woes or denied even normative validity The contrasting views and treatments of General Principles stem from a lack of a model of the source itself This book provides that model offering a new and rigorous understanding of Article 38 1 c that will be of immense value to scholars and practitioners of international law alike At the heart of the book is a new tetrahedral framework of analysis looking to function type methodology and jurisprudential legitimacy Adopting an historical approach the book traces the development of the source from 1875 to 2019 encompassing jurisprudence of the Permanent Court of International Justice and the International Court of Justice as well as cases from international criminal tribunals the International Criminal Court and the World Trade Organisation The book argues for precision in identifying cases that actually apply General Principles and builds upon these proper use cases to advance a comprehensive model of General Principles advocating for a global approach to the methodology of the source **Legal Implications of Territorial Secession in Spain** Carlos Fernández de

Casadevante Romani,2022-09-30 The book deals with the secession separation of territorial entities and the legal consequences that derive from it both for the parent state and for the seceded separated entity or the entity that intends to secede separate This subject is approached from the triple perspective of international law comparative law and Spanish law International law because it is this legal system which contains the general legal framework within which this issue must be dealt with Thus for example the legal basis of the right to self determination the constituent elements of the state the recognition of states and governments succession in the matter of treaties succession in membership of International Organisations etc Moreover international law is also the reference invoked by secessionist independentist political projects within states in an attempt to provide a legal basis for the legality of their claim Comparative law in order to find out not only how most state constitutions deal with secession or independence of their territories but also the jurisprudence handed down by national courts on the matter USA Canada Italy France Spain among others And finally Spanish Law because the perspective chosen to address the object of study is from the perspective of Spain General Principles of European Private International Law Stefan Leible,2016-02-22 European private international law as it stands in the Rome I II and III Regulations and the recent Succession Regulation presents manifold risks of diverging judgments despite seemingly harmonised conflict of law rules There is now a real danger in light of the rapid increase in the number of legal instruments of the European Union on conflict of laws that European private international law will become incoherent This collection of essays by twenty noted scholars in the field sheds clear light on the pivotal issues of whether a set of overarching rules a general part is required whether an EU regulation is the adequate legal instrument for such a purpose which general questions such an instrument should address and what solutions such an instrument should provide In analysing the possible emergence of general principles in European private international law over the past years the contributors discuss such issues and factors as the following the relationship between conflict of laws and recognition the room for party autonomy the concept of habitual residence adaptation when interplay between different laws leads to deadlock public policy exceptions the desirability of a general escape clause the classic topics of characterisation incidental question and renvoi and right to appeal in case of errors in the application of foreign law Practitioners dealing with these notoriously difficult cases will welcome this in depth treatment of the issues as will interested policymakers throughout the EU Member States and at the EU level itself Scholars will discover an incomparable comparative analysis leading to expert recommendations in European private international law opening the way to an effective European framework in this area Resolving Claims to Self-Determination Andrew Coleman,2014-01-03 Since the end of World War Two and the formation of the UN the nature of warfare has undergone changes with many wars being intra state wars or wars of secession Whilst wars of secession do not involve the same number or type of combatants as in the last two World Wars their potential for destruction and their danger for the international community cannot be underestimated There are currently many peoples seeking independence from

what they perceive as foreign and alien rulers including the Chechens West Papuans Achenese Tibetans and the Kurds The break up of Yugoslavia and the former USSR together with recent conflicts in South Ossetia reveal that the potential for future wars of secession remains high This book explores the relationship between recognition statehood and self determination and shows how self determination continues to be relevant beyond European decolonisation The book considers how and why unresolved questions of self determination have the potential to become violent The book goes on to investigate whether the International Court of Justice as the primary judicial organ of the United Nations could successfully resolve questions of self determination through the application of legal analysis and principles of international law By evaluating the strengths weaknesses and effectiveness of the Court s advisory jurisdiction Andrew Coleman asks whether the ICJ is a suitable forum for these questions and asks what changes would be necessary to provide an effective means for the peaceful birth of States

Preparing for War Boyd van Dijk, 2022 This engrossing documentary gives us an in depth look at the culture and values of America in the years immediately preceding our entry into World War II

General Principles of Law Recognized by Civilized Nations (1922-2018) Marija Đorđeska, 2020-01-20 In General Principles of Law Recognized by Civilized Nations 1922 2018 Marija Đorđeska offers an account of the origins theory and practical application of the general principles in the jurisprudence of the Permanent Court of International Justice and International Court of Justice between 1922 and 2018 Are general principles rules of international law What is their relationship to custom and treaties What are the types of general principles and where do international courts find them This monograph answers these and other questions and offers a detailed overview of over 150 general principles identified in the jurisprudence of the Permanent Court of International Justice and the International Court of Justice

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Table of Contents The Law Of Recognition In International Law Basic Principles

1. Understanding the eBook The Law Of Recognition In International Law Basic Principles
 - The Rise of Digital Reading The Law Of Recognition In International Law Basic Principles
 - Advantages of eBooks Over Traditional Books
2. Identifying The Law Of Recognition In International Law Basic Principles
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Law Of Recognition In International Law Basic Principles
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Law Of Recognition In International Law Basic Principles
 - Personalized Recommendations
 - The Law Of Recognition In International Law Basic Principles User Reviews and Ratings
 - The Law Of Recognition In International Law Basic Principles and Bestseller Lists
5. Accessing The Law Of Recognition In International Law Basic Principles Free and Paid eBooks
 - The Law Of Recognition In International Law Basic Principles Public Domain eBooks
 - The Law Of Recognition In International Law Basic Principles eBook Subscription Services
 - The Law Of Recognition In International Law Basic Principles Budget-Friendly Options

6. Navigating The Law Of Recognition In International Law Basic Principles eBook Formats
 - ePub, PDF, MOBI, and More
 - The Law Of Recognition In International Law Basic Principles Compatibility with Devices
 - The Law Of Recognition In International Law Basic Principles Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The Law Of Recognition In International Law Basic Principles
 - Highlighting and Note-Taking The Law Of Recognition In International Law Basic Principles
 - Interactive Elements The Law Of Recognition In International Law Basic Principles
8. Staying Engaged with The Law Of Recognition In International Law Basic Principles
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Law Of Recognition In International Law Basic Principles
9. Balancing eBooks and Physical Books The Law Of Recognition In International Law Basic Principles
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Law Of Recognition In International Law Basic Principles
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine The Law Of Recognition In International Law Basic Principles
 - Setting Reading Goals The Law Of Recognition In International Law Basic Principles
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of The Law Of Recognition In International Law Basic Principles
 - Fact-Checking eBook Content of The Law Of Recognition In International Law Basic Principles
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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