



General Principles

Gerhard Werle, Florian Jeßberger



General Principles:

General Principles of Law and International Due Process Charles T. Kotuby, Jr., Luke A. Sobota, Center for International Legal Education (CILE) University of Pittsburgh School of Law, 2017-02-10 Article 38 of the Statute of the International Court of Justice defines international law to include not only custom and convention between States but also the general principles of law recognized by civilized nations within their municipal legal systems In 1953 Bin Cheng wrote his seminal book on general principles identifying core legal principles common to various domestic legal systems across the globe This monograph summarizes and analyzes the general principles of law and norms of international due process with a particular focus on developments since Cheng's writing The aim is to collect and distill these principles and norms in a single volume as a practical resource for international law jurists advocates and scholars The information contained in this book holds considerable importance given the growth of inter state intercourse resulting in the increased use of general principles over the past 60 years General principles can serve as rules of decision whether in interpreting a treaty or contract determining causation or ascertaining unjust enrichment They also include a core set of procedural requirements that should be followed in any adjudicative system such as the right to impartiality and the prohibition on fraud Although the general principles are by definition basic and even rudimentary they hold vital importance for the rule of law in international relations They are meant not to define a rule of law but rather the rule of law

General Principles of Law in the Decisions of International Criminal Courts and Tribunals Fabián Raimondo, 2008 International lawyers usually disregard the vital functions that general principles of law may play in the decisions of international courts and tribunals As far as international criminal law is concerned general principles of law may be crucial to the outcome of an international trial *inter alia* because the conviction of an accused in respect of a particular charge may depend on the existence of a given defence under this source This volume examines the role that general principles of law have played in the decisions of international criminal courts and tribunals In particular it analyses their alleged subsidiary nature their process of determination and their transposition from national legal systems into international law It concludes that general principles of law have played a significant role in the decisions of international criminal courts and tribunals not only by filling legal gaps but also by being a fundamental means for the interpretation of legal rules and the enhancement of legal reasoning

General Principles of Law and International Investment Arbitration Andrea Gattini, Attila Tanzi, Filippo Fontanelli, 2018-05-29 General Principles of Law in Investment Arbitration surveys the function of general principles in the field of international investment law particularly in investment arbitration The authors analysis provides a representative case study of how this informal source operates alongside and in the absence of other sources of applicable law The contributions are divided into two parts devoted respectively to substantive principles and procedural ones The principles discussed in the book are selected for their currency in the practice their contested nature and their relevance *Principles*

of Toxicology Phillip L. Williams, Robert C. James, Stephen M. Roberts, 2003-10-10 A fully updated and expanded edition of the bestselling guide on toxicology and its practical application The field of toxicology has grown enormously since *Industrial Toxicology Safety and Health Applications in the Workplace* was first published in 1985 And while the original edition was hugely popular among occupational health professionals the time is ripe to address toxic agents not only in the industrial setting but also in the environment at large Renamed *Principles of Toxicology Environmental and Industrial Applications* this new edition provides health protection professionals as well as environmental scientists with precise up to date practical information on how to apply the science of toxicology in both the occupational and environmental setting Through contributions from leading experts in diverse fields *Principles of Toxicology Second Edition* features Clear explanations of the fundamentals necessary for an understanding of the effects of chemical hazards on human health and ecosystems Coverage of occupational medicine and epidemiological issues The manifestation of toxic agents such as metals pesticides organic solvents and natural toxins Special emphasis on the evaluation and control of toxic hazards Specific case histories on applying risk assessment methods in the modern workplace Ample figures references and a comprehensive glossary of toxicological terms

Principles of International Criminal Law Gerhard Werle, Florian Jeßberger, 2020-10-09 *Principles of International Criminal Law* is one of the most influential textbooks in the field of international criminal justice This fourth edition builds on the highly successful work of the previous editions setting out the general principles governing international crimes as well as the fundamentals of both substantive and procedural international criminal law It provides a detailed understanding of the sources and evolution of international criminal law demonstrating how it has developed and how its application has changed The book assesses in detail the four key international crimes as defined by the statute of the International Criminal Court genocide crimes against humanity war crimes and the crime of aggression The new edition revises and updates the work with developments in international criminal justice since 2014 It includes substantial new material on critical perspectives on international criminal justice the fragmentation of international criminal law new war crimes of prohibited means of warfare and the prosecution of crimes committed in Syria and Northern Iraq The book retains its highly acclaimed systematic approach and consistent methodology making it essential reading for both students and scholars of international criminal law as well as practitioners and judges working in the field

Business Freedoms and Fundamental Rights in European Union Law Niall O'Connor, 2024-10-31 Article 16 of the EU Charter of Fundamental Rights recognizing the freedom to conduct a business in accordance with Union law and national laws and practices has been the subject of intense debate over the value of business freedoms within EU law Problematically the Court of Justice of the European Union CJEU relied on this provision in a series of highly deregulatory judgments invoking Article 16 to undermine the effectiveness of employee protective legislation *Business Freedoms and Fundamental Rights in European Union Law* assesses the value placed on the freedom to conduct a business as a fundamental right within the legal reasoning of the CJEU

Arguing that this freedom can only properly be understood in relation to its wider constitutional and social rights functions it uses the employment law context as a case study given the tensions that exist between the economic rights of employers and the social rights of employees Examined holistically the book demonstrates that granting fundamental rights status to business freedoms is not inherently deregulatory with such freedoms also encapsulating social rights values and interests The freedom to conduct a business therefore emerges as a malleable fundamental rights concept dependent on the underlying constitutional context whether that be within national constitutional law the EU Charter of Fundamental Rights general principles of EU law or in the arrangements governing the United Kingdom s departure from the EU This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to read on Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations

The Role of State Aid in the European Fiscal Integration Rossella Miceli, 2022-01-03 This book analyzes the issue of European fiscal State aid in order to provide insights into the related evolution prospects and legal problems State aid has assumed a central position in the field of taxation becoming the most important instrument of European legal integration especially in the area of direct taxes This is the result of major regulatory and interpretative development which has altered the initial European and national balances in the face of globalization and the problems of the new economy In this context the scope and objectives of State aid have progressively broadened encompassing a significant level of both positive and negative integration of European national tax systems

Solidarity in EU Law Andrea Biondi, Eglė Dagilytė, Esin Küçük, The European Union has evolved from a purely economic organisation to a multi faceted entity with political social and human rights dimensions This has created an environment in which the concept of solidarity is gaining a more substantial role in shaping the EU legal order This book provides both a retrospective assessment and an outlook on the future possibilities of solidarity s practical and theoretical meaning and legal enforcement in the ever changing Union

Liberalising Trade in the EU and the WTO Sanford E. Gaines, Birgitte Egelund Olsen, Karsten Engsig Sørensen, 2012-08-02 This comparison of developments in EU and WTO trade law and institutions suggests how each can learn from the other

Protecting Civilians in Refugee Camps Maja Janmyr, 2013-11-28 Rather than serving as civilian and humanitarian safe havens refugee camps are notorious for their insecurity Due to the host state s inability or unwillingness to provide protection camps are often administered by the United Nations High Commissioner for Refugees UNHCR and its implementing partners When a violation occurs in these situations to which actors shall responsibility be allocated Through an analysis of the International Law Commission s work on international responsibility Maja Janmyr argues that the primary responsibility of states does not exclude the responsibilities of other actors Using the example of Uganda Janmyr questions the general assumption that unable and unwilling is the same as unable or unwilling and argues for the necessity of distinguishing between these two scenarios Doing so leads to different conclusions in terms of responsibility for the state and therefore for UNHCR and its implementing partners

Translating

Guilt Cassandra Steer, 2017-02-26 This book seeks to understand how and why we should hold leaders responsible for the collective mass atrocities that are committed in times of conflict It attempts to untangle the debates on modes of liability in international criminal law ICL that have become truly complex over the last twenty years and to provide a way to identify the most appropriate model for leadership liability A unique comparative theory of ICL is offered which clarifies the way in which ICL develops as a patchwork of different domestic criminal law notions This theory forms the basis for the comparison of some influential domestic criminal law systems with a view to understanding the policy and cultural reasons for their differences There is a particular focus on the background of the German law which has influenced the International Criminal Court so much recently This helps to understand and seek a solution to the current impasses in the debates on which model of liability should be applied An entire chapter of the book is devoted to considering why leaders should be held responsible for crimes committed by their subordinates from legal moral and pragmatic perspectives The moral responsibility of leaders is translated into criminal liability and the different domestic models of liability are translated to the international context in such a way as to appeal to advanced students of ICL academics and practitioners who want to understand the complexities of leadership liability in international criminal law today and identify the best way to approach it Cassandra Steer is Executive Director of Women in International Security Canada and Junior Wainwright Fellow at McGill University Canada She holds a Ph D in Law from the University of Amsterdam The Netherlands [The Law of Interactions Between International Organizations](#)

Henner Gött, 2021-02-02 The book analyses how international law addresses interactions between international organizations In labour governance these interactions are ubiquitous They offer each organization an opportunity to promote its model of labour governance yet simultaneously expose it to adverse influence from others The book captures this ambivalence and examines the capacity of international law to mitigate it Based on detailed case studies of mutual influence between the International Labour Organization the World Bank and the Council of Europe the book offers an in depth analysis of the pertinent law and its key challenges both at institutional and inter organizational level The author envisions a law of inter organizational interactions as a normative framework structuring interactions and enhancing the effectiveness and legitimacy of multi institutional governance **The Development of Human Rights Law by the Judges of the International Court of Justice**

Shiv R.S. Bedi, 2007-01-18 The jurisprudence of the International Court of Justice generally demonstrates that no rule of international law can be interpreted and applied without regard to its innate values and the basic principles of human rights Through its case law the ICJ has made immense contributions to the development of human rights law and in so doing continues to provide solutions to mounting international problems such as terrorism and unilateral use of force Part I of the book argues that the legislative spirit of contemporary international law lies in the doctrine of human rights and that the spirit of human rights doctrine lies in the principle of human dignity Furthermore it argues that the processes of international legislation and international adjudication are inseparable and that there is no norm

of international law which does not intertwine the fundamental principle of human dignity with human rights doctrine Hence human rights law is more a school of law than merely a normative branch of international law and the ICJ's willingness to engage in the development of human rights law depends upon which judicial ideology its judges subscribe to In order to evaluate how this human rights spirit is manifested or occasionally not manifested through the vast jurisprudence of the ICJ Parts II and III critically examine the Court's principal contentious and advisory cases in which it has treated human rights questions The legal reasoning of the Court and the opinions appended to its decisions by its individual judges are analysed in light of the principle of human dignity and the doctrine of human rights

The Common Core of European Administrative Laws Giacinto della Cananea, 2023-07-24 Though European administrative laws have gained global significance in the last few decades research which provides both theoretical analysis and original empirical research has been scarce This book offers an important account of the evolution of judicial review and administrative procedure legislation using a factual analysis to shed light on how the different legal systems react to similar problems Discussing the concept of a common core Giacinto della Cananea reveals the commonalities in and differences between the foundational assumptions of European administrative adjudication and rule making

Nordic and Other European Constitutional Traditions Joakim Nergelius, 2006-06-01 In the complicated legal and political situation that reigns in Europe at the moment characterized not at least by the uncertainty of what happens with the proposed EU constitution after negative results in the French and Dutch referendums in 2005 it has become increasingly important to analyse the EU constitutional frameworks from historical and comparative perspectives This book provides new insights based on perspectives from Member States such as Germany and Italy as well as the Nordic Countries It also deals with European legal and philosophical heritage in general as well as special issues like closer cooperation among Core States and the role of the Court of Justice in recent EC law development It is of interest both for legal practitioners and scholars as well as students of political science and history

Investment Treaty Arbitration Kaj Hobér, Joel Dahlquist Cullborg, 2018-06-29 Investment Treaty Arbitration is an excellent teaching tool for lecturers and readers of international investment arbitration This casebook includes over 40 exercises based on real life disputes helping readers evaluate and analyse all aspects of the topic

General Principles, Oesophagus, Stomach, Duodenum, Small Intestine, Abdominal Wall, Hernia Hugh Arnold Freeman Dudley, 1983

Basic Principles of Civil Law in China David M Jones, 2019-07-25 This is an abridged translation of the principal Chinese textbook on civil law which was published as part of the restructuring of China's legal system following the Third Plenum of the Chinese Communist Party in late 1978 Because the closest thing China has to a civil code the General Provisions of Civil Law enacted in 1986 is very incomplete this treatise is an authoritative source on the subject Basic Principles of Civil Law in China translates those portions of the Chinese text that are likely to be most useful for foreigners dealing with China such as material on contracts torts joint ventures negotiable instruments and technology transfer It also contains general material on such matters as

agency and partnership the general principles of juristic persons and statutes of limitations **Cambridge Yearbook of European Legal Studies, Vol 10, 2007-2008** Catherine Barnard, 2008-12-18 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in European Union Law the Law of the Council of Europe and Comparative Law with a European dimension particularly those issues which have come to the fore during the year preceding publication The chapters presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration

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International Legal Theory Nicholas Onuf, 2009-05-07 Nicholas Onuf's International Legal Theory Essays and Engagements 1966-2007 is a collection of the author's articles and book reviews from the period including some previously unpublished material The book records the author's efforts to address important problems in international legal theory and to engage other scholars who were also addressing these problems As well as demonstrating Onuf's own constructivist contribution to the theoretical dimension of international law and international relations each piece is preceded by a short introduction which highlights the wider themes and developments which have occurred in the field of international law in the last forty years

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