

Free download International gaap 2013 generally accepted accounting principles under international financial reporting standards (Read Only)

general principles and the coherence of international law offers a comprehensive analysis of general principles of law assessing their role in guaranteeing the coherence of the international legal system kelsen hans principles of international law new york rinehart company inc 1952 xvii 461 pp reprinted 2003 by the lawbook exchange ltd isbn 1 58477 325 1 cloth 85 upon his retirement from the faculty of university of california at berkeley in 1952 noted legal philosopher and political scientist hans kelsen 1881 1973 produced arguably this his most important work a systematic study of the most important aspects of international law including international delicts and sanctions reprisals the spheres of validity and the essential function of international law creation and application of international law and national law nicoletta bersier ladavac hans kelsen 1881 1973 biographical note and bibliography european journal of international law vol 9 1998 no 2 principles of international law explains and illustrates the cardinal concepts of international law from an australian perspective it provides an authoritative yet accessible guide to the structure of international law its systemic requirements and major substantive topics while reflecting recent teaching trends in australian universities each chapter contains a clear statement of objectives a list of key instruments and authorities a lucid statement of the law original analysis extracts from relevant treaties and other international instruments and helpful case summaries and extracts problem questions and suggested arguments for use in answering them are included and further discussion questions are provided an appendix of basic documents is included for convenient quick reference the fourth edition of principles of international law is updated and revised to incorporate current developments in international law across a wide range of areas recent decisions from the international court of justice and other international and domestic tribunals have been added it includes new sections on responsibility to protect terrorism sovereign immunity and mens rea and general defences in international criminal law in an increasingly global society a clear understanding of the principles of international law is invaluable this text provides clear guidance to scholars legal practitioners and students of law or international relations seeking to improve their knowledge and extend their understanding of this important subject features includes important recent curial and arbitral decisions treaties developments in customary law and the work of international agencies such as the international law commission jargon free explanations provide a thorough understanding of core concepts extensive pedagogic features relevant international source documents included in appendix comprehensive current and reliable coverage of key topicsrelated lexisnexis titlestriggs international law contemporary principles and practices 2nd ed 2011hall law of contract in hong kong cases and commentary 3rd ed 2011 a new addition to the popular in principle series of texts international law in principle is a concise yet wide ranging analysis of the fragmented and dynamic field of public international law it provides a clear analysis of the core principles and sources of international law together with its nature and history in addition the book contains authoritative

contributions by experts on state jurisdiction and immunities the use of force and collective security world trade organization law international environmental law the law of the sea international criminal law and human rights law each chapter of this accessible and contemporary learning tool also includes short problem questions and answers as well as tutorial topics this book is essential for those readers wishing to test their understanding of international law and its relevance in today's world monograph on the theoretics of international law as seen in the context of the concepts and principles of marxism leninism covers the process of forming norms and the legal nature and essence of contemporary international law foreign policy and diplomacy the laws of societal development and international organizations legal status the general character and forms of state responsibility under international law etc and includes a bibliography of published works of gi tunkin 1938 to 1973 etc the first book of its kind in the field principles of public international law has been the definitive guide to international law for over 40 years this seventh edition builds on the reputation of its predecessors providing outstanding lucid and up to date treatment of all of the main issues in international law today rev ed of principles of public international law ian brownlie 7th ed 2008 there is a great degree of controversy on the proper complexion and role of general principles of law in the international legal order opinions range from total rejection of some types of principles to the most enthusiastic endorsement of principles as the necessary oil for the many complex wheels of the legal order in this book one of the leading public lawyers of his generation explores the concept of good faith and its role in international law rather than offer a detailed comprehensive examination kolb aims to map the true points of gravity of the principle of good faith in the international legal order in so doing he illustrates how the various legal institutions who operate in the sphere of public international law allow the principle of good faith to unfold bloomsbury publishing this volume offers an overview of some emerging trends and structural patterns in the development of international law highlighting its evolution over the course of time and discussing leading principles through various different thematic lenses 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 the municipal codes of well over a dozen countries expressly provide for the application of the general principles of law in the absence of specific legal provisions or of custom and the statute of the international court of justice stipulates that the general principles of law recognised by civilised nations constitute one of the sources of international law to be applied by the court but the exact meaning and scope of this section of

the statute have always been a subject of controversy amongst international lawyers in this printing of his classic 1953 work professor bin cheng inquires into the practical application of these principles by international courts and tribunals since the beginning of modern international arbitration with the jay treaty of 1794 and presents them as a coherent body of fundamental principles that in fact furnish the international legal system with its juridical basis citations from nearly 600 international arbitral and judicial decisions amply testify to the role of these principles in the international legal system and illustrate their application in practically every important field of international law this carefully crafted book discusses a wide range of important legal principles such as procedural fairness and reasonableness in the context of international trade and investment law using comparative methodology the authors examine how those principles are reflected in treaties and how they are employed by adjudicators resolving disputes contributing to a growing and important body of scholarship principles of international trade and investment law provides critical analysis of important topics in international economic law including cross border data transfers and prudential regulation by identifying commonalities and divergences in how the two regimes treat key legal concepts such as necessity testing and non discrimination the book provides insight into international trade and investment law while also furthering our understanding of the broader fields of international economic law and public international law examining how these key principles are interpreted and used in international economic law this book will be welcomed by academics and practitioners interested in international investment and trade law as well as researchers in the international public law field 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 principles of international criminal law has become one of the most influential textbooks in the field of international criminal justice it offers a systematic and comprehensive analysis of the foundations and general principles of substantive international criminal law including thorough discussion of its core crimes it provides a detailed understanding of the general principles sources and evolution of international criminal law demonstrating how it has developed and how its application has changed after establishing the general principles the book assesses 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 this new edition revises and updates work with developments in international criminal justice since 2009 it includes new material on the principle of culpability as one of the fundamental principles of international criminal law the notion of terrorism as a crime

under international law the concept of direct participation in hostilities the problem of so called unlawful combatants and the issue of targeted killings the book retains its highly acclaimed systematic approach and consistent methodology making the book essential reading for both students and scholars of international criminal law as well as for practitioners and judges working in the field please include a 200 500 word descriptive paragraph which we could use for our website posting and brochures should a contract be signed international law needs to be revised and changed radically because presently it is not able to function to protect human rights as it should most of the global economic transactions happen beyond states and are not under their control in fact they are transnational as are most of the world s citizens interests and aspirations most states are now weak corporations tend to control them indirectly as well as provide citizens the services that used to be provided by states in fact many legal scholars argue that states are now so weakened that they have become irrelevant so that a law that is intended to be inter national that is between nations ignores the global changes that have occurred supranationally in the new transnational area controlled by non state actors and various legal persons some of which act in desirable ways while many others are both dangerous and uncontrolled the citizens of most nations are now transnational themselves as they turn to new non state actors and organizations that embody their interests and aspiration far better than the states where they live can world citizens turn to the internet to follow their choices and interests as they have lost their trust in the home states mostly unable to provide not only the services they used to provide but also any hope of improvement or development hence we argue that a law that is intended to operate exclusively between nations is no longer sufficient as it is a system that neither includes nor regulates the real actors that contribute to global governance today that is non state actors and legal persons of various kinds the foundational principles that inspired the most important international legal regimes for the protection of humanity especially those forbidding racial discrimination protecting the rights of women and children of prisoners and others who are oppressed which are no longer respected too many states as political gain of various government parties supersede the respect for principles of protection many new problems that emerge then are simply ignored from the grave problem of migration everywhere to the loss of democratic power often controlled by the economic interests of the most powerful especially in the west to the imminent disasters caused by climate change all problems that are beyond the scope of any single nation to control therefore this work proposes a return to the basic principles that should govern international legal regimes in order to achieve a renewed effective international system of laws this fully updated second edition of jurisdiction in international law examines the international law of jurisdiction focusing on the areas of law where jurisdiction is most contentious criminal antitrust securities discovery and international humanitarian and human rights law since f a mann s work in the 1980s no analytical overview has been attempted of this crucial topic in international law prescribing the admissible geographical reach of a state s laws this new edition includes new material on personal jurisdiction in the u s extraterritorial applications of human rights treaties discussions on cyberspace the morrison case jurisdiction in international law has been updated covering developments in sanction and tax laws and includes further exploration on transnational tort litigation and universal civil jurisdiction the need for such an overview has grown more pressing in recent years as the traditional framework of the law of jurisdiction grounded in the principles of sovereignty and territoriality has been undermined by piecemeal developments antitrust jurisdiction is heading in new directions influenced by law and economics approaches new ec rules are reshaping jurisdiction in securities law the u s is arguably overreaching in

the field of corporate governance law and the universality principle has gained ground in european criminal law and u s tort law such developments have given rise to conflicts over competency that struggle to be resolved within traditional jurisdiction theory this study proposes an innovative approach that departs from the classical solutions and advocates a general principle of international subsidiary jurisdiction under the new proposed rule states would be entitled and at times even obliged to exercise subsidiary jurisdiction over internationally relevant situations in the interest of the international community if the state having primary jurisdiction fails to assume its responsibility many different and even opposite meanings are ascribed to the term sources of international law the author of this work goes back to the meaning of the term source in general spring or well and analyses in detail the various sources of international law he first explains the sources of general and then those of particular international law he starts with general principles of law which is followed by common features of customary process of whatsoever kind and then by general and by particular customary law custom will be followed by unilateral acts of states and with opposable situations in international law which are closely linked with this kind of sources of international law the explanation ends with treaties in regard to which there are the least doctrinal controversies the explanation cannot be quite homogeneous there are still deep doctrinal misunderstandings in respect to general principles of law and of unilateral acts of states the author therefore offers a critical analysis of representative views of other authors and tries to reach solutions to problems presented he also gives a systematic explanation of recent pronouncements of international courts and tribunals with regard to customary law and he examines the specific solutions prescribed in the 1969 vienna convention on the law of treaties two hundred years ago in the wake of the modern world s first great republican revolutions in france and the united states of america immanuel kant endorsed a federation of independent republics as the only valid basis of international law this echoed the new federal constitution of the united states which guaranteed a republican form of government to every state in the union enlightened scholars supposed that if ever some powerful people could form a republic republican principles would become the basis of a just world order international law had first developed in the writings of hugo grotius christian wolff emmerich de vattel and others on the basis of republican legal principles inherited from cicero and rome and international law depended from the outset for its content and moral validity on republican legal theory this still remains true today international laws and institutions depend on republican principles for their binding force and their claims to validity international law binds and should influence republican governments only to the extent that it reflects republican procedures of politics and legislation the essays selected for the first part of this volume offer an insight into the development as distinguished from the history of international humanitarian law the focus of the majority of the works reprinted here is on an analysis of the adequacy of the law as it stood at the time of the respective publication and in the light of existing contemporary armed conflicts and military operations thus the reader is afforded an in depth look at the early roots of international humanitarian law the continuing relevance of that body of law despite advances in weapons technology and the efforts to progressively develop it international humanitarian law s development cannot be considered in isolation from its principles the essays selected for the second part of the volume deal with the two fundamental principles underlying all of international humanitarian law humanity and military necessity the articles on the principles of humanity include reflections on the famous martens clause and the analyses of military necessity take no account of kriegsraison moreover they offer proof of the customary character of the principle of distinction in land air

and naval warfare the shared responsibility in international law series examines the underexplored problem of allocation of responsibilities among multiple states and other actors the international law commission in its work on state responsibility and the responsibility of international organisations recognised that attribution of acts to one state or organisation does not exclude possible attribution of the same act to another state or organisation but has provided limited guidance on allocation or reparation from the new perspective of shared responsibility this volume reviews the main principles of the law of international responsibility as laid down in the articles on state responsibility and the articles on responsibility of international organizations such as attribution of conduct breach circumstances precluding wrongfulness and reparation it explores the potential and limitations of current international law in dealing with questions of shared responsibility in areas such as military operations and international environmental law in general principles of law recognized by civilized nations 1922 2018 marija Đorđeska offers a comprehensive and innovative account of the origins theory and application of the general principles as ascertained in the jurisprudence of the permanent court of international justice and international court of justice between 1922 and 2018 international copyright is an indispensable reference work for professionals involved with international intellectual property transactions or litigation it is essential reading for scholars and for intellectual property practitioners worldwide this edition provides new sections on contributory liability of intermediaries and on collective rights management clear initial insight into the key issues in international taxation international accountant 2007 provides the ideal textbook for students of international taxation british tax review 2007 principles of international taxation 2nd edition is a unique textbook which clearly and concisely examines the basic concepts and key principles of international tax an increasingly important subject in the world of business written by two leading international tax academics principles of international taxation 2nd edition will prove valuable to tax students and tax practitioners who need a broader understanding of the underlying principles of international taxation it provides a clear insight into the key issues of international taxation the legal framework the use of double tax treaties the basics of double tax relief and the planning pitfalls are all considered book jacket now available as an ebook for the first time bantekas s 2002 title on the forms of criminal responsibility arising from violations of international humanitarian law examines the evolution of personal responsibility and its contemporary application to war crimes crimes against humanity and genocide it traces the origin and development of such concepts as direct participation ordering complicity and inciting the work includes extensive analysis of the jurisprudence of the international criminal tribunals for yugoslavia and rwanda and the international criminal court as well as a variety of other legal material hans peter gasser then editor of the international review of the red cross describes the book in his foreword as an invaluable contribution to a better understanding of the role that criminal law can play in efforts to enhance respect for the rights of victims of violence and war this title in the melland schill studies in international law series is a useful text for all those who wish to understand the principles of criminal responsibility in international humanitarian law the unidroit principles of international commercial contacts are widely recognized as a balanced set of rules designed for use throughout the world irrespective of the legal traditions and the economic and political conditions of the countries in which they are applied since their appearance the unidroit principles have met with extraordinary success within the international legal and business communities the unidroit principles in practice provides a comprehensive collection of international caselaw and bibliographic materials relating to the principles in particular it contains the text and official comments of the unidroit

principles over 70 decisions by courts and arbitral tribunals worldwide referring to the unidroit principles a vast bibliography the decisions which are reproduced in the form of abstracts with keywords and in their full text where available are listed under each article of the principles according to the specific issues they address in addition to a general bibliography there are bibliographical references pertinent to individual articles this comprehensive historical institutional and functional programmatic analysis of the development of contemporary international organizations in all forms examines the activities of salient regional organizations and non governmental organizations as well as multinational corporations focusing on major principles organizational characteristics functions and activities of the united nations and un system the book strikes a balance between comprehensive coverage of the problems inquiries and decisions that face these organizations with concise accessible coverage of the subject the volume addresses the league of nations the genesis of the united nations basic principles organization structure and operations of the un peaceful settlement of disputes collective security and peacekeeping the search for justice under law controlling the instruments of war varieties of regionalism globalization transnational relations and international organization promoting economic welfare managing global resources promoting social progress human rights international administration and international organization in retrospect and prospect for individuals interested in international affairs and organizations the 2002 new delhi declaration of principles of international law relating to sustainable development marked a significant milestone setting out seven principles of sustainable development that have been agreed in treaties and soft law instruments this book provides an overview of the expanding body of jurisprudence incorporating the new delhi principles of sustainable development consisting of chapters written by respected commentators it documents the application and interpretation of these principles by international and regional courts tribunals and dispute settlement bodies with jurisdiction over the environment human rights trade investment and international crime this book provides a critique of current international law making and draws on a set of principles from persian philosophers to present an alternative to influence the development of international law making procedure the work conceptualizes a substantive notion of democracy in order to regulate international law making mechanisms under a set of principles developed between the twelfth and seventeenth centuries in persia what the author here names democratic egalitarian multilateralism is founded on the idea of egalitarian law by suhrawardi the account of substantial motion by mulla sadra and the ideal of intercultural dialectical democracy developed by rŭmĭ following a discussion of the conceptual flaws of the chartered and customary sources of international law it is argued that democratic egalitarian multilateralism could be a source for a set of principles to regulate the procedures through which international treaties are made as well as a criterion for customary international law ascertainment presenting an alternative drawn from a less dominant culture to the established ideas of international law making the book will be essential reading for researchers and academics working in public international law history of law legal theory comparative legal theory islamic law and history this book examines the role played by domestic and international judges in the ĩflexibilizationĭ of legal systems through general principles it features revised papers that were presented at the annual conference of the european american consortium for legal education held at the university of parma italy may 2014 this volume is organized in four sections where the topic is mainly explored from a comparative perspective and includes case studies the first section covers theoretical issues it offers an analysis of principles in shaping dworkinĭs theories about international law a reflection on the role of procedural principles

in defining the role of the judiciary a view on the role of general principles in transnational judicial communication a study on the recognition of international law from formal criteria to substantive principles and an inquiry from the viewpoint of neo constitutionalism the second section contains studies on the role of general principles in selected legal systems including international law european union law as well as common law systems the third section features an analysis of select legal principles in a comparative perspective with a particular focus on the comparison between european and american experiences the fourth and last section explores selected principles in given areas of law including the misuse of the lex specialis principle in the relationship between international human rights law and international humanitarian law the role of the judiciary in poland as regards discrimination for sexual orientation and the impact of the ecthr case law on italian criminal law with regard to the principle of legality overall the book offers readers a thoughtful reflection on how the interpretation application and development of general principles of law by the judiciary contribute to the evolution of legal systems at both the domestic and international levels as well as further their reciprocal interactions this book deals with the identification of the aggressor state under international law this issue raises a deceptively easy question that is how does one distinguish the aggressor state from the victim state in situations involving the unilateral use of force in a straightforward situation where state a attacks state b without any provocation it is clear that state a is the aggressor however confusion begins to arise when state a first attacks state b as a form of anticipatory self defence or when state a first attacks state b as a form of pre emptive self defence or when state a attacks state b in order to prevent state b from committing gross human rights atrocities against its own nationals in all of these latter situations the current rules are unclear and therefore either make it impossible to distinguish between the aggressor state and the victim state or give the aggressor state an unfair advantage over the victim state this book utilizes general principles of criminal law in an attempt to tackle these questions and ultimately to devise a solution for distinguishing between the aggressor and the victim state regardless of the circumstances attention has also been given to the field of international relations

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 a subsidiarya tm 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 and the Coherence of International Law

2019-05-20

general principles and the coherence of international law offers a comprehensive analysis of general principles of law assessing their role in guaranteeing the coherence of the international legal system

Principles of International Law

2003

kelsen hans principles of international law new york rinehart company inc 1952 xvii 461 pp reprinted 2003 by the lawbook exchange ltd isbn 1 58477 325 1 cloth 85 upon his retirement from the faculty of university of california at berkeley in 1952 noted legal philosopher and political scientist hans kelsen 1881 1973 produced arguably this his most important work a systematic study of the most important aspects of international law including international delicts and sanctions reprisals the spheres of validity and the essential function of international law creation and application of international law and national law nicoletta bersier ladavac hans kelsen 1881 1973 biographical note and bibliography european journal of international law vol 9 1998 no 2

Principles of International Law

2014

principles of international law explains and illustrates the cardinal concepts of international law from an australian perspective it provides an authoritative yet accessible guide to the structure of international law its systemic requirements and major substantive topics while reflecting recent teaching trends in australian universities each chapter contains a clear statement of objectives a list of key instruments and authorities a lucid statement of the law original analysis extracts from relevant treaties and other international instruments and helpful case summaries and extracts problem questions and suggested arguments for use in answering them are included and further discussion questions are provided an appendix of basic documents is included for convenient quick reference the fourth edition of principles of international law is updated and revised to incorporate current developments in international law across a wide range of areas recent decisions from the international court of justice and other international and domestic tribunals have been added it includes new sections on responsibility to protect terrorism sovereign immunity and mens rea and general defences in international criminal law in an increasingly global society a clear understanding of the principles of international law is invaluable this text provides clear guidance to scholars legal practitioners and students of law or international relations seeking to improve their knowledge and

extend their understanding of this important subject features includes important recent curial and arbitral decisions treaties developments in customary law and the work of international agencies such as the international law commission jargon free explanations provide a thorough understanding of core concepts extensive pedagogic features relevant international source documents included in appendix comprehensive current and reliable coverage of key topicsrelated lexisnexis titlestriggs international law contemporary principles and practices 2nd ed 2011hall law of contract in hong kong cases and commentary 3rd ed 2011

International Law

2009

a new addition to the popular in principle series of texts international law in principle is a concise yet wide ranging analysis of the fragmented and dynamic field of public international law it provides a clear analysis of the core principles and sources of international law together with its nature and history in addition the book contains authoritative contributions by experts on state jurisdiction and immunities the use of force and collective security world trade organization law international environmental law the law of the sea international criminal law and human rights law each chapter of this accessible and contemporary learning tool also includes short problem questions and answers as well as tutorial topics this book is essential for those readers wishing to test their understanding of international law and its relevance in today s world

Theory of International Law

1974

monograph on the theoretics of international law as seen in the context of the concepts and principles of marxism leninism covers the process of forming norms and the legal nature and essence of contemporary international law foreign policy and diplomacy the laws of societal development and international organizations legal status the general character and forms of state responsibility under international law etc and includes a bibliography of published works of gi tunkin 1938 to 1973 etc

Principles of Public International Law

2008

the first book of its kind in the field principles of public international law has been the definitive guide to international law for over 40 years this seventh edition builds on the reputation of its predecesors providing outstanding lucid and up to date treatment of all of the main issues in international law today

Brownlie's Principles of Public International Law

2012-09-27

rev ed of principles of public international law ian brownlie 7th ed 2008

Good Faith in International Law

2017

there is a great degree of controversy on the proper complexion and role of general principles of law in the international legal order opinions range from total rejection of some types of principles to the most enthusiastic endorsement of principles as the necessary oil for the many complex wheels of the legal order in this book one of the leading public lawyers of his generation explores the concept of good faith and its role in international law rather than offer a detailed comprehensive examination kolb aims to map the true points of gravity of the principle of good faith in the international legal order in so doing he illustrates how the various legal institutions who operate in the sphere of public international law allow the principle of good faith to unfold bloomsbury publishing

Evolving Principles of International Law

2012

this volume offers an overview of some emerging trends and structural patterns in the development of international law highlighting its evolution over the course of time and discussing leading principles through various different thematic lenses

General Principles of Law and International Due Process

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 as Applied by International Courts and Tribunals

1987-06-01

the municipal codes of well over a dozen countries expressly provide for the application of the general principles of law in the absence of specific legal provisions or of custom and the statute of the international court of justice stipulates that the general principles of law recognised by civilised nations constitute one of the sources of international law to be applied by the court but the exact meaning and scope of this section of the statute have always been a subject of controversy amongst international lawyers in this printing of his classic 1953 work professor bin cheng inquires into the practical application of these principles by international courts and tribunals since the beginning of modern international arbitration with the jay treaty of 1794 and presents them as a coherent body of fundamental principles that in fact furnish the international legal system with its juridical basis citations from nearly 600 international arbitral and judicial decisions amply testify to the role of these principles in the international legal system and illustrate their application in practically every important field of international law

The Principles of International Law

1910

this carefully crafted book discusses a wide range of important legal principles such as procedural fairness and reasonableness in the context of international trade and investment law using comparative methodology the authors examine how those principles are reflected in treaties and how they are employed by adjudicators resolving disputes contributing to a growing and important body of scholarship principles of international trade and investment law provides critical analysis of important topics in international economic law including cross border data transfers and prudential regulation by identifying commonalities and divergences in how the two regimes treat key legal concepts such as necessity testing and non discrimination the book provides insight into international trade and investment law while also furthering our understanding of the broader fields of international economic law and public international law examining how these key principles are interpreted and used in international economic law this book will be welcomed by academics and practitioners interested in

international investment and trade law as well as researchers in the international public law field

The Law of Recognition in International Law

1994-01-01

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

Principles of International Trade and Investment Law

2021-09-28

principles of international criminal law has become one of the most influential textbooks in the field of international criminal justice it offers a systematic and comprehensive analysis of the foundations and general principles of substantive international criminal law including thorough discussion of its core crimes it provides a detailed understanding of the general principles sources and evolution of international criminal law demonstrating how it has developed and how its application has changed after establishing the general principles the book assesses 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 this new edition revises and updates work with developments in international criminal justice since 2009 it includes new material on the principle of culpability as one of the fundamental principles of international criminal law the notion of terrorism as a crime under international law the concept of direct participation in hostilities the problem of so called unlawful combatants and the issue of targeted killings the book retains its highly acclaimed systematic approach and consistent methodology making the book essential reading for both students and scholars of international criminal law as well as for practitioners and judges working in the field

General Principles as a Source of International Law

2021-02-25

please include a 200 500 word descriptive paragraph which we could use for our website posting and brochures should a contract be signed international law needs to be revised and changed radically because presently it is not able to function to protect human rights as it should most of the global economic transactions happen beyond states and are not under their control in fact they are transnational as are most of the world s citizens interests and aspirations most states are now weak corporations tend to control them indirectly as well as provide citizens the services that used to be provided by states in fact many legal scholars argue that states are now so weakened that they have become irrelevant so that a law that is intended to be inter national that is between nations ignores the global changes that have occurred supranationally in the new transnational area controlled by non state actors and various legal persons some of which act in desirable ways while many others are both dangerous and uncontrolled the citizens of most nations are now transnational themselves as they turn to new non state actors and organizations that embody their interests and aspiration far better than the states where they live can world citizens turn to the internet to follow their choices and interests as they have lost their trust in the home states mostly unable to provide not only the services they used to provide but also any hope of improvement or development hence we argue that a law that is intended to operate exclusively between nations is no longer sufficient as it is a system that neither includes nor regulates the real actors that contribute to global governance today that is non state actors and legal persons of various kinds the foundational principles that inspired the most important international legal regimes for the protection of humanity especially those forbidding racial discrimination protecting the rights of women and children of prisoners and others who are oppressed which are no longer respected too many states as political gain of various government parties supersede the respect for principles of protection many new problems that emerge then are simply ignored from the grave problem of migration everywhere to the loss of democratic power often controlled by the economic interests of the most powerful especially in the west to the imminent disasters caused by climate change all problems that are beyond the scope of any single nation to control therefore this work proposes a return to the basic principles that should govern international legal regimes in order to achieve a renewed effective international system of laws

Principles of International Criminal Law

2014-08-14

this fully updated second edition of jurisdiction in international law examines the international law of jurisdiction focusing on the areas of law where jurisdiction is most contentious criminal antitrust securities discovery and international humanitarian and human rights law since f a mann s work in the 1980s no analytical overview has been attempted of this crucial topic in international law prescribing the admissible geographical reach of a state s laws this new edition includes new material on

personal jurisdiction in the u s extraterritorial applications of human rights treaties discussions on cyberspace the morrison case jurisdiction in international law has been updated covering developments in sanction and tax laws and includes further exploration on transnational tort litigation and universal civil jurisdiction the need for such an overview has grown more pressing in recent years as the traditional framework of the law of jurisdiction grounded in the principles of sovereignty and territoriality has been undermined by piecemeal developments antitrust jurisdiction is heading in new directions influenced by law and economics approaches new ec rules are reshaping jurisdiction in securities law the u s is arguably overreaching in the field of corporate governance law and the universality principle has gained ground in european criminal law and u s tort law such developments have given rise to conflicts over competency that struggle to be resolved within traditional jurisdiction theory this study proposes an innovative approach that departs from the classical solutions and advocates a general principle of international subsidiary jurisdiction under the new proposed rule states would be entitled and at times even obliged to exercise subsidiary jurisdiction over internationally relevant situations in the interest of the international community if the state having primary jurisdiction fails to assume its responsibility

From Principles to Norms: the Development of International Law

2019-10-21

many different and even opposite meanings are ascribed to the term sources of international law the author of this work goes back to the meaning of the term source in general spring or well and analyses in detail the various sources of international law he first explains the sources of general and then those of particular international law he starts with general principles of law which is followed by common features of customary process of whatsoever kind and then by general and by particular customary law custom will be followed by unilateral acts of states and with opposable situations in international law which are closely linked with this kind of sources of international law the explanation ends with treaties in regard to which there are the least doctrinal controversies the explanation cannot be quite homogeneous there are still deep doctrinal misunderstandings in respect to general principles of law and of unilateral acts of states the author therefore offers a critical analysis of representative views of other authors and tries to reach solutions to problems presented he also gives a systematic explanation of recent pronouncements of international courts and tribunals with regard to customary law and he examines the specific solutions prescribed in the 1969 vienna convention on the law of treaties

Jurisdiction in International Law

2015

two hundred years ago in the wake of the modern world s first great republican revolutions in france and the united states of america immanuel kant endorsed a federation of independent republics as the only valid basis of international law this

echoed the new federal constitution of the united states which guaranteed a republican form of government to every state in the union enlightened scholars supposed that if ever some powerful people could form a republic republican principles would become the basis of a just world order international law had first developed in the writings of hugo grotius christian wolff emmerich de vattel and others on the basis of republican legal principles inherited from cicero and rome and international law depended from the outset for its content and moral validity on republican legal theory this still remains true today international laws and institutions depend on republican principles for their binding force and their claims to validity international law binds and should influence republican governments only to the extent that it reflects republican procedures of politics and legislation

Sources of International Law

2024-01-15

the essays selected for the first part of this volume offer an insight into the development as distinguished from the history of international humanitarian law the focus of the majority of the works reprinted here is on an analysis of the adequacy of the law as it stood at the time of the respective publication and in the light of existing contemporary armed conflicts and military operations thus the reader is afforded an in depth look at the early roots of international humanitarian law the continuing relevance of that body of law despite advances in weapons technology and the efforts to progressively develop it international humanitarian law s development cannot be considered in isolation from its principles the essays selected for the second part of the volume deal with the two fundamental principles underlying all of international humanitarian law humanity and military necessity the articles on the principles of humanity include reflections on the famous martens clause and the analyses of military necessity take no account of kriegsraison moreover they offer proof of the customary character of the principle of distinction in land air and naval warfare

Republican Principles in International Law

2008

the shared responsibility in international law series examines the underexplored problem of allocation of responsibilities among multiple states and other actors the international law commission in its work on state responsibility and the responsibility of international organisations recognised that attribution of acts to one state or organisation does not exclude possible attribution of the same act to another state or organisation but has provided limited guidance on allocation or reparation from the new perspective of shared responsibility this volume reviews the main principles of the law of international responsibility as laid down in the articles on state responsibility and the articles on responsibility of international organizations such as attribution of conduct breach circumstances precluding wrongfulness and reparation it

explores the potential and limitations of current international law in dealing with questions of shared responsibility in areas such as military operations and international environmental law

The Development and Principles of International Humanitarian Law

2017-07-05

in general principles of law recognized by civilized nations 1922 2018 marija Đorđeska offers a comprehensive and innovative account of the origins theory and application of the general principles as ascertained in the jurisprudence of the permanent court of international justice and international court of justice between 1922 and 2018

Principles of Shared Responsibility in International Law

2016-10-06

international copyright is an indispensable reference work for professionals involved with international intellectual property transactions or litigation it is essential reading for scholars and for intellectual property practitioners worldwide this edition provides new sections on contributory liability of intermediaries and on collective rights management

General Principles of Law Recognized by Civilized Nations (1922-2018)

2020-01-20

clear initial insight into the key issues in international taxation international accountant 2007 provides the ideal textbook for students of international taxation british tax review 2007 principles of international taxation 2nd edition is a unique textbook which clearly and concisely examines the basic concepts and key principles of international tax an increasingly important subject in the world of business written by two leading international tax academics principles of international taxation 2nd edition will prove valuable to tax students and tax practitioners who need a broader understanding of the underlying principles of international taxation it provides a clear insight into the key issues of international taxation the legal framework the use of double tax treaties the basics of double tax relief and the planning pitfalls are all considered book jacket

International Copyright

2013

now available as an ebook for the first time bantekas s 2002 title on the forms of criminal responsibility arising from violations of international humanitarian law examines the evolution of personal responsibility and its contemporary application to war crimes crimes against humanity and genocide it traces the origin and development of such concepts as direct participation ordering complicity and inciting the work includes extensive analysis of the jurisprudence of the international criminal tribunals for yugoslavia and rwanda and the international criminal court as well as a variety of other legal material hans peter gasser then editor of the international review of the red cross describes the book in his foreword as an invaluable contribution to a better understanding of the role that criminal law can play in efforts to enhance respect for the rights of victims of violence and war this title in the melland schill studies in international law series is a useful text for all those who wish to understand the principles of criminal responsibility in international humanitarian law

Definitions and Distinctions and General Principles in International Law, Public & Private

1957

the unidroit principles of international commercial contacts are widely recognized as a balanced set of rules designed for use throughout the world irrespective of the legal traditions and the economic and political conditions of the countries in which they are applied since their appearance the unidroit principles have met with extraordinary success within the international legal and business communities the unidroit principles in practice provides a comprehensive collection of international caselaw and bibliographic materials relating to the principles in particular it contains the text and official comments of the unidroit principles over 70 decisions by courts and arbitral tribunals worldwide referring to the unidroit principles a vast bibliography the decisions which are reproduced in the form of abstracts with keywords and in their full text where available are listed under each article of the principles according to the specific issues they address in addition to a general bibliography there are bibliographical references pertinent to individual articles

The International Law of the Future, Postulates, Principles, Proposals

2013-06-01

this comprehensive historical institutional and functional programmatic analysis of the development of contemporary international organizations in all forms examines the activities of salient regional organizations and non governmental organizations as well as multinational corporations focusing on major principles organizational characteristics functions and activities of the united nations and un system the book strikes a balance between comprehensive coverage of the problems inquiries and decisions that face these organizations with concise accessible coverage of the subject the volume addresses the league of nations the genesis of the united nations basic principles organization structure and operations of the un

peaceful settlement of disputes collective security and peacekeeping the search for justice under law controlling the instruments of war varieties of regionalism globalization transnational relations and international organization promoting economic welfare managing global resources promoting social progress human rights international administration and international organization in retrospect and prospect for individuals interested in international affairs and organizations

Principles of International Taxation

2009

the 2002 new delhi declaration of principles of international law relating to sustainable development marked a significant milestone setting out seven principles of sustainable development that have been agreed in treaties and soft law instruments this book provides an overview of the expanding body of jurisprudence incorporating the new delhi principles of sustainable development consisting of chapters written by respected commentators it documents the application and interpretation of these principles by international and regional courts tribunals and dispute settlement bodies with jurisdiction over the environment human rights trade investment and international crime

Principles of Direct and Superior Responsibility in International Humanitarian Law

2002

this book provides a critique of current international law making and draws on a set of principles from persian philosophers to present an alternative to influence the development of international law making procedure the work conceptualizes a substantive notion of democracy in order to regulate international law making mechanisms under a set of principles developed between the twelfth and seventeenth centuries in persia what the author here names democratic egalitarian multilateralism is founded on the idea of egalitarian law by suhrawardi the account of substantial motion by mulla sadra and the ideal of intercultural dialectical democracy developed by rūmī following a discussion of the conceptual flaws of the chartered and customary sources of international law it is argued that democratic egalitarian multilateralism could be a source for a set of principles to regulate the procedures through which international treaties are made as well as a criterion for customary international law ascertainment presenting an alternative drawn from a less dominant culture to the established ideas of international law making the book will be essential reading for researchers and academics working in public international law history of law legal theory comparative legal theory islamic law and history

Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-use of Force in International Relations

1987

this book examines the role played by domestic and international judges in the flexibilization of legal systems through general principles it features revised papers that were presented at the annual conference of the european american consortium for legal education held at the university of parma italy may 2014 this volume is organized in four sections where the topic is mainly explored from a comparative perspective and includes case studies the first section covers theoretical issues it offers an analysis of principles in shaping dworkin's theories about international law a reflection on the role of procedural principles in defining the role of the judiciary a view on the role of general principles in transnational judicial communication a study on the recognition of international law from formal criteria to substantive principles and an inquiry from the viewpoint of neo constitutionalism the second section contains studies on the role of general principles in selected legal systems including international law european union law as well as common law systems the third section features an analysis of select legal principles in a comparative perspective with a particular focus on the comparison between european and american experiences the fourth and last section explores selected principles in given areas of law including the misuse of the lex specialis principle in the relationship between international human rights law and international humanitarian law the role of the judiciary in poland as regards discrimination for sexual orientation and the impact of the ecthr case law on italian criminal law with regard to the principle of legality overall the book offers readers a thoughtful reflection on how the interpretation application and development of general principles of law by the judiciary contribute to the evolution of legal systems at both the domestic and international levels as well as further their reciprocal interactions

The UNIDROIT Principles in Practice

2002

this book deals with the identification of the aggressor state under international law this issue raises a deceptively easy question that is how does one distinguish the aggressor state from the victim state in situations involving the unilateral use of force in a straightforward situation where state a attacks state b without any provocation it is clear that state a is the aggressor however confusion begins to arise when state a first attacks state b as a form of anticipatory self defence or when state a first attacks state b as a form of pre emptive self defence or when state a attacks state b in order to prevent state b from committing gross human rights atrocities against its own nationals in all of these latter situations the current rules are unclear and therefore either make it impossible to distinguish between the aggressor state and the victim state or give the aggressor state an unfair advantage over the victim state this book utilizes general principles of criminal law in an attempt to

tackle these questions and ultimately to devise a solution for distinguishing between the aggressor and the victim state regardless of the circumstances attention has also been given to the field of international relations

International Organizations

1977

International Organizations
The International Law Commission (ILC) was established in 1948 as a subsidiary organ of the United Nations. Its primary task is to identify and codify general principles of international law. The ILC has produced numerous draft articles and conventions, including the Vienna Convention on the Law of the Sea (1982) and the Vienna Convention on Consular Relations (1961). The ILC also plays a significant role in the development of international law through its work on state responsibility and the law of treaties.

Sustainable Development Principles in the Decisions of International Courts and Tribunals, 1992-2012

2017

This book examines the role of sustainable development principles in the decisions of international courts and tribunals from 1992 to 2012. It analyzes how these principles have been integrated into the legal reasoning of various international judicial bodies, including the International Court of Justice, the World Trade Organization, and the International Criminal Court. The book highlights the challenges and opportunities of incorporating sustainable development into international law.

Democracy in International Law-Making

2021

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 a 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

2015

Identifying the Aggressor Under International Law

2006-01-01

Principles of Evidence in International Criminal Justice

2010

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2008-07

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1997-07-25

□□□□□

2007-02

General Principles of Law in the Decisions of International Criminal Courts and Tribunals

2008

2023-09-23

22/23

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