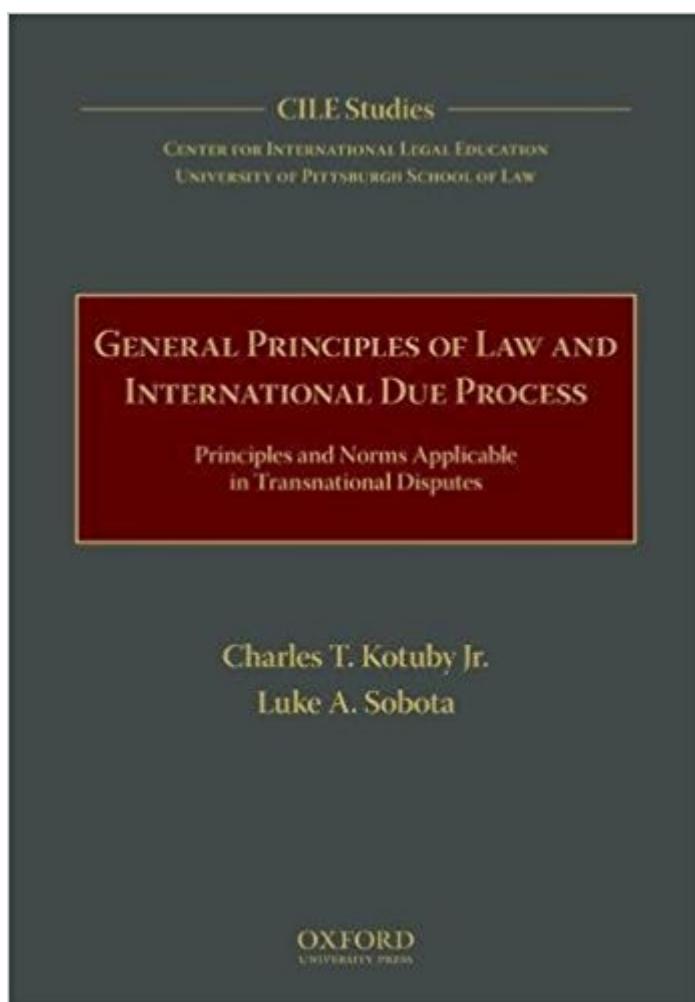


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General Principles Of Law And International Due Process: Principles And Norms Applicable In Transnational Disputes (Cile Studies)



Synopsis

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.

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Customer Reviews

This book explores how general principles of law are being applied, providing a timely update to Bin Cheng's classic work. It focuses on the application of the principles to private conduct an astute

response to the evolution of international process over the past half-century. The result is a work that will benefit both scholars and practitioners. -James Crawford, Judge, International Court of Justice As said once by Kurt Lewin in another context, 'there is nothing more practical than a good theory'. At a time when the number of international courts and tribunals is increasing, international judges and arbitrators aim to establish their respective decisions on the most universal of grounds; they are more than ever conduced to refer to the fundamental values that bring together positive rules and normative visions. In that respect, Charles Kotuby and Luke Sobota offer a brilliant, comprehensive, and most useful study on the place and role of general principles of law in contemporary international arbitration in relation to the due process of law as fertilized by comparative and international law. -Pierre-Marie Dupuy, International Arbitrator

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