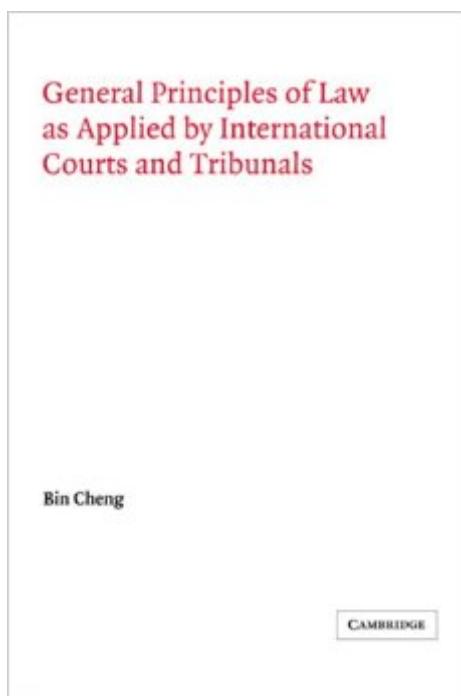


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General Principles Of Law As Applied By International Courts And Tribunals (Grotius Classic Reprint Series)



Synopsis

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.

Book Information

Series: Grotius Classic Reprint Series

Paperback: 544 pages

Publisher: Cambridge University Press; 1 edition (November 2, 2006)

Language: English

ISBN-10: 0521030005

ISBN-13: 978-0521030007

Product Dimensions: 6 x 1.1 x 9 inches

Shipping Weight: 2.1 pounds (View shipping rates and policies)

Average Customer Review: 5.0 out of 5 starsÂ See all reviewsÂ (2 customer reviews)

Best Sellers Rank: #912,394 in Books (See Top 100 in Books) #36 inÂ Books > Law > Specialties > Air & Space #830 inÂ Books > Law > Foreign & International Law #7572 inÂ Books > Textbooks > Law

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Very few monographs on international law can claim to be "indispensable." However, Dr. Cheng's book on General Principles of Law [The "general principles of law recognized by civilized nations" Art. 38(1)c Statute of the PCIJ and ICJ, primarily used as gap-fillers], first published in the middle of the last century, remains the only comprehensive treatment of one of the four categories of the sources of international law provided by Article 38 of the Statute of the International of Justice. His

stated purpose is "to determine what they are in substance and the manner in which they have been applied by international tribunals." Generations of international lawyers, including myself, have found this book a necessary starting point when inquiring into the content of general principles (for me, it was the principle of "salus populi" in reference to internal strife).

Despite the fact, that the book was originally press in 1953, it is a contemporary classic. The new edition by Cambridge is a good source of research on a difficult area. It is the most important book on the subject. Highly recommend by anyone who wants to study International Law and its application by international Courts.Dr. Juan Carlos Sainz-BorgoChair Professor in International LawUniversidad Central de Venezuela. Caracas

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