

PUBLIC INTERNATIONAL LAW

GENERAL PRINCIPLES

PUBLIC INTERNATIONAL LAW, DEFINED

Traditional - A body of rules and principles of action which are binding upon civilized states in their relation with one another.

Schwarzenberger's - The body of legal rules which apply between sovereign states and such other entities as have been granted international personality.

Restatement (3rd) of Foreign Relations Law of the US - The law which deals with the conduct of states and of international organizations and with their relations inter se, as well as with some of their relations with persons, whether natural or juridical. The term "international law" was first used in 1870 by **Jeremy Bentham** in his **Introduction to the Principles of Morals and Legislation**.

Public International Law is the unique system of law that continuously evolves from the process of identifying normative conduct, which primarily governs relations among states, and secondarily governs other actors in the international system, such as international organization and individuals acting as collectivities.

Considered broadly, international law may include "public" and "private" international law although the term is generally understood to cover only public international law.

INTERNATIONAL LAW V. NATIONAL LAW

INTERNATIONAL LAW does not recognize a sovereign authority with power to impose its will on the world. Follows the principle of collective responsibility.

It is a process rather than a set of pre-existing immutable rules.

Such is the founding guiding principle of international law out of respect for the right of **self-determination** for each state.

SELF DETERMINATION as the legal right to free choice is exemplified by the African Charter on Human and People's Right to Self-Determination.

Art. 20: Colonial or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

NATIONAL LAW follows the principle of individual responsibility.

PUBLIC INTERNATIONAL LAW V. PRIVATE INTERNATIONAL LAW

PUL	PRIL
Definition It is a body of legal principles, norms and processes which regulates the relations of States and other international persons and governs their conduct affecting the interest of the international community as a whole.	It is that part of the law of each State which determines whether, in dealing with a factual situation, an event or transaction between private individuals or entities involving a foreign element, the law of some other State will be recognized.
Dispute resolution	
International nature	in Through municipal tribunals
Subject	
Through international modes	Relations of individuals whether or not of the same nationality
Source	
Relations of States inter se and persons with international legal personality	Lawmaking authority of each state
Responsibility for breach	
Collective because it attaches directly to	Entails individual responsibility

Principles On Public Law

Brinton Coxe



Principles On Public Law:

International Investment Law. The Sources of Rights and Obligations Tarcisio Gazzini, Eric De Brabandere, 2012-08-22 Drawing on State practice arbitral awards and national decisions this book provides a systematic study of the sources of rights and obligations in the field of transnational investment and their coordination and interaction Beatson, Matthews and Elliott's Administrative Law Text and Materials Mark Elliott, Jack Beatson, Martin Matthews, 2011-01-27 Beatson Matthews Elliott's Administrative Law combines extracts from key cases articles and other sources with detailed commentary Aimed at undergraduates studying administrative law it provides comprehensive coverage of the subject *Moral Universalism and Pluralism* Melissa S. Williams, 2008-10-01 Moral universalism or the idea that some system of ethics applies to all people regardless of race color nationality religion or culture must have a plurality over which to range a plurality of diverse persons nations jurisdictions or localities over which morality asserts a universal authority The contributors to *Moral Universalism and Pluralism* the latest volume in the NOMOS series investigate the idea that far from denying the existence of such pluralities moral universalism presupposes it At the same time the search for universally valid principles of morality is deeply challenged by diversity The fact of pluralism presses us to explore how universalist principles interact with ethical political and social particularisms These important essays refuse the answer that particularisms should simply be made to conform to universal principles as if morality were a mold into which the diverse matter of human society and culture could be pressed Rather the authors bring philosophical legal and political perspectives to bear on the core questions Which forms of pluralism are conceptually compatible with moral universalism and which ones can be accommodated in a politically stable way Can pluralism generate innovations in understandings of moral duty How is convergence on the validity of legal and moral authority possible in circumstances of pluralism As the contributors to the book demonstrate in a wide variety of ways these normative conceptual and political questions deeply intertwine Contributors Kenneth Baynes William A Galston Barbara Herman F M Kamm Benedict Kingsbury Frank I Michelman William E Scheuerman Gopal Sreenivasan Daniel Weinstock and Robin West **The Public's Law** Blake Emerson, 2019-02-15 The Public's Law is a theory and history of democracy in the American administrative state The book describes how American Progressive thinkers such as John Dewey W E B Du Bois and Woodrow Wilson developed a democratic understanding of the state from their study of Hegelian political thought G W F Hegel understood the state as an institution that regulated society in the interest of freedom This normative account of the state distinguished his view from later German theorists such as Max Weber who adopted a technocratic conception of bureaucracy and others such as Carl Schmitt who prioritized the will of the chief executive The Progressives embraced Hegel's view of the connection between bureaucracy and freedom but sought to democratize his concept of the state They agreed that welfare services economic regulation and official discretion were needed to guarantee conditions for self determination But they stressed that the people should participate deeply in administrative policymaking This

Progressive ideal influenced administrative programs during the New Deal It also sheds light on interventions in the War on Poverty and the Second Reconstruction as well as on the Administrative Procedure Act of 1946 The book develops a normative theory of the state on the basis of this intellectual and institutional history with implications for deliberative democratic theory constitutional theory and administrative law On this view the administrative state should provide regulation and social services through deliberative procedures rather than hinge its legitimacy on presidential authority or economic reasoning

Property and Protection Frank Meisel, Peter J Cook, 2000-12-15 This collection of essays is dedicated to Brian Harvey the retired Professor of Property Law at the University of Birmingham The contributions reflect his eclectic interests and bring new insights to issues of property law both real and personal consumer protection auction sales and tax Historical human rights public law European Community and international aspects are addressed in addition to persistent domestic conveyancing concerns Contributors Peter Cook David Feldman Jonathan Harris Tim Kaye Jeremy McBride Frank Meisel Norman Palmer Deborah Parry David Salter Carla Shapreau John Stevens Mark Thompson Nick Wikeley and John Wylie

Damages and Human Rights Jason NE Varuhas, 2016-05-19 Winner of the 2018 Inner Temple New Authors Book Prize and the 2016 SLS Peter Birks Prize for Outstanding Legal Scholarship Damages and Human Rights is a major work on awards of damages for violations of human rights that will be of compelling interest to practitioners judges and academics alike Damages for breaches of human rights is emerging as an important and practically significant field of law yet the rules and principles governing such awards and their theoretical foundations remain underexplored while courts continue to struggle to articulate a coherent law of human rights damages The book's focus is English law but it draws heavily on comparative material from a range of common law jurisdictions as well as the jurisprudence of international courts The current law on when damages can be obtained and how they are assessed is set out in detail and analysed comprehensively The theoretical foundations of human rights damages are examined with a view to enhancing our understanding of the remedy and resolving the currently troubled state of human rights damages jurisprudence The book argues that in awarding damages in human rights cases the courts should adopt a vindicatory approach modelled on those rules and principles applied in tort cases when basic rights are violated Other approaches are considered in detail including the current mirror approach which ties the domestic approach to damages to the European Court of Human Rights approach to monetary compensation an interest balancing approach where the damages are dependent on a judicial balancing of individual and public interests and approaches drawn from the law of state liability in EU law and United States constitutional law The analysis has important implications for our understanding of fundamental issues including the interrelationship between public law and private law the theoretical and conceptual foundations of human rights law and the law of torts the nature and functions of the damages remedy the connection between rights and remedies the intersection of domestic and international law and the impact of damages liability on public funds and public administration The book was

the winner of the 2016 SLS Peter Birks Prize for Outstanding Legal Scholarship and the 2018 Inner Temple New Authors Book Prize **An Essay on Judicial Power and Unconstitutional Legislation** Brinton Coxe, 2005 Coxe's main argument is that the Constitution contains express texts providing for judicial competency to decide questioned legislation to be constitutional or unconstitutional and to hold it valid or void accordingly 4 There are four subordinate arguments First that the framers of the constitution specifically granted the courts the power to hold a law unconstitutional by dint of the Supremacy Clause and by Article III Section 2 defining judicial power Second that documents written before the constitution were influential in framing the text and establishing the idea of judicial review The third looks at the era before and during the confederation with an eye toward the court's power to rule on constitutionality The fourth argument finds analogies and precedents in foreign law including Roman and Canon law **Pluralism and European Private Law** Leone

Niglia, 2013-01-29 European private law has hitherto tended to be conceptualised firmly around ideas of unity and harmony Yet the discourse within other areas of European law notably constitutional law scholarship visibly adopts pluralist perspectives This book seeks to bridge the gap between public and private law by looking at European private law from various pluralist positions and by investigating old and new ways in which to understand legal pluralism in general It fills a gap in the wide literature on legal pluralism as the first book entirely dedicated to offering an insight into legal pluralism from the vantage point of the private law domain The book addresses critically issues such as what pluralism really means in private law and what conceptions of pluralism it embodies including discussion about the outer boundaries of any of the pluralist understandings Contributions address comparative critical historical theoretical and normative aspects The book provides an opportunity to engage innovatively with problematic conceptual issues which inform the work of European private law scholars including the debate on the Common Frame of Reference Project of the European Commission

Principles of Public Law Andrew Le Sueur, Rosalind English, Javan Herberg, 1999 **The Public Law of Gender** Kim Rubenstein, Katharine G. Young, 2016-05-26 Examines the public law of gender and equality from the perspectives of comparative constitutional law international law and governance

Decoding **Principles On Public Law**: Revealing the Captivating Potential of Verbal Expression

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