

# Lex Specialis Derogat Legi Generali

**BM King**

Customary International Law and Treaties Mark Eugen Villiger, 1985-01-01 A study of their interactions and interrelations, with special consideration of the 1969 Vienna Convention on the Law of Treaties.--T.p.

General Principles of Law - The Role of the Judiciary Laura Pineschi, 2015-06-22 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 Handbook of the International Law of Military Operations** Terry D. Gill, Dieter Fleck, 2015-12-10 The second edition of this well received handbook provides a comprehensive overview and annotated commentary of those areas of international law most relevant to the planning and conduct of military operations. It covers a wide scope of military operations, ranging from operations conducted under UN Security Council mandate to (collective) self-defence and consensual and humanitarian operations and identifies the relevant legal bases and applicable legal regimes governing the

application of force and treatment of persons during such operations. It also devotes attention to the law governing the status of forces, military use of the sea and airspace and questions of international (criminal) responsibility for breaches of international law. New developments such as cyber warfare and controversial aspects of law in relation to contemporary operations, such as targeted killing of specific individuals are discussed and analysed, alongside recent developments in more traditional types of operations, such as peacekeeping and naval operations. The book is aimed at policy officials, commanders and their (military) legal advisors who are involved with the planning and conduct of any type of military operation and is intended to complement national and international policy and legal guidelines and assist in identifying and applying the law to ensure legitimacy and contribute to mission accomplishment. It likewise fulfils a need in pertinent international organizations, such as the UN, NATO, Regional Organizations, and NGOs. It also serves as a comprehensive work of reference to academics and is suitable for courses at military staff colleges, academies and universities, which devote attention to one or more aspects of international law treated in the book. This mix of intended users is reflected in the contributors who include senior (former) policy officials and (military) legal advisors, alongside academics engaged in teaching and research in these areas of international law.

**The Choice of Legal Basis for Acts of the European Union** Annegret Engel, 2018-09-10 This book provides the first comprehensive discussion of conflicts between legal bases in EU law. It fills an important gap in the existing literature on the choice of legal basis in EU law by analysing the structure of legal bases and the resulting legal basis litigation in the European Union, thus identifying areas of conflict produced by overlapping competences, divergent inter-institutional interests, and inconsistencies in the courts' judgements. While certain cases have been discussed extensively in academic literature (e.g. Tobacco Advertising, ECOWAS), there has been little analysis of the general underlying criteria and principles governing the choice of legal basis on the part of European institutions. Such an analysis has, however, become necessary in order to better understand and possibly predict judicial outcomes, and to identify flaws in the current legislative framework.

**Customary International Law: A Comprehensive Study of State Practice, *Opinio Juris*, and the Legitimacy of Norm Formation** Charles Quince, 2026-01-06 This comprehensive study provides an essential examination of customary international law, addressing one of the most fundamental yet frequently misunderstood sources of international legal norms. The work bridges critical gaps in contemporary understanding through rigorous doctrinal analysis, extensive jurisprudential discussion, and illuminating case illustrations that demonstrate how custom operates within the global legal framework. As an authoritative reference tool, this volume serves legal scholars, practitioners, and students seeking to understand the complex mechanisms through which customary international law develops and functions, providing clear frameworks for identifying and interpreting customary norms across diverse legal contexts through its systematic approach to analyzing state practice and *opinio juris*. Beyond its reference value, the book offers practical methodological guidance for researchers

investigating customary law formation. By examining evidentiary challenges and providing analytical frameworks, it equips scholars with robust tools for conducting empirical research on state practice and assessing the legitimacy of emerging international norms. The work's structured approach to jurisprudential analysis serves as a valuable template for systematic legal research, while international law professionals will find the study particularly valuable for its practical applications in legal practice and policy development. The comprehensive exploration of norm formation processes, combined with detailed case studies, provides practitioners with insights essential for advocacy, treaty negotiation, and dispute resolution. Researchers benefit from the work's contribution to theoretical understanding while gaining access to methodologies that enhance the consistency and reliability of customary law interpretation. This study ultimately advances the field by clarifying persistent ambiguities in customary international law, offering a more coherent understanding of its evolving role in contemporary global governance and legal order.

**The Concept of an International Organization in International Law** Lorenzo Gasbarri, 2021 The aim of this series is to publish important and original pieces of research on all aspects of international law. Topics that are given particular prominence are those which, while of interest to the academic Lawyer, also have important bearing on issues which touch the actual conduct of international relations. Nonetheless the series is wide in scope and includes monographs on the history and philosophical foundations of international law. Book jacket.

**The Handbook of International Humanitarian Law** Dieter Fleck, 2021-02-25 The Handbook of International Humanitarian Law sets out a Black Letter text of international humanitarian law accompanied by case analysis and extensive explanatory commentary by a team of distinguished and internationally renowned experts. This updated and revised fourth edition, first published in 2021, takes account of the latest legal developments, such as the 2017 Nuclear Weapons Prohibition Treaty, as well as the ongoing debate on many old and new issues including the notion of direct participation in hostilities; air and missile warfare; military operations in outer space; military cyber operations; belligerent occupation; operational detention; and the protection of the environment in relation to armed conflict. The continuing need to consider borderline issues of the law of armed conflict as well as the interplay of international humanitarian law, human rights law, and other branches of international law is highlighted. Certain topics, such as the law of occupation, protection of the environment in relation to armed conflicts, humanitarian assistance, and human rights in armed conflict have been made more visible in separate chapters.

**Between the Lines of the Vienna Convention?** Joseph Klingler, Yuri Parkhomenko, Constantinos Salonidis, 2018-12-18 The 1969 Vienna Convention on the Law of Treaties makes no express reference to many of the most common canons and interpretative principles derived from international jurisprudence over many years. This volume represents the first modern, freestanding analysis of such canons and principles, their role in treaty interpretation and their relationship with the Vienna

Convention regime. A top-flight roster of respected scholars and practitioners of public international law offers an in-depth examination of, among other things: • the origins of canons and interpretive principles; • their utility and limits in treaty interpretation; and • the application of numerous individual canons and interpretive principles, including *effet utile*, *expressio unius*, *lex specialis*, *ejusdem generis*, *in dubio mitius*, *in pari materia*, *ex abundante cautela*, the principles of contemporaneity and evolutive interpretation, and more. Extensive analysis of case law and scholarship provides insightful interpretive guidance across virtually every subfield of public international law. With its valuable insights into when the application of particular canons or principles of interpretation is most likely to be appropriate and persuasive, the volume will be of great value to lawyers representing parties (whether states, corporations or individuals) before international dispute resolution bodies, as well as to judges and arbitrators, legal officials at ministries of foreign affairs, and scholars of public international law.

Agrarian Reform in Roumania and the Case of the Hungarian Optants in Transylvania Before the League of Nations ,1927

Parallel Applicability of International Humanitarian Law and International Human Rights Law ,2007

**The Politicization of the Nation's Banking Case** Otto Cornelis Kaligis,2006

The Use of Nuclear Weapons and the Protection of the Environment During International Armed Conflict Erik V

Koppe,2008-04-07 This work focuses on whether the use of nuclear weapons during international armed conflict violates existing norms of public international law.

Fundamental Issues and Practical Problems in Tax Treaty Interpretation Michael Schilcher,Patrick Weninger,2008 This volume deals in Part I with general principles of tax treaty interpretation, including many general issues of international law and especially treaty law. Part II is dedicated to specific tax treaty provisions that trigger particularly interesting interpretation questions. Part III is concerned with situations in which states disagree on the interpretation of tax treaties.

**The Basis of Legal Justification** Aleksander Peczenik,1983

Official Records ,2006

**Legal Knowledge Based Systems** Joost Breuker,Jaap C. Hage,R. V. de Mulder,1991

**Reports of Cases Before the Court** Court of Justice of the European Communities,1991

**International Encyclopedia for Labour Law and Industrial Relations** ,1977

**Common Market Law Review** ,1989

*Dispute Settlement Decisions: Bernan's Annotated Reporter* Bernan Press,2010-07-08 Dispute settlement decisions (DSD) of the World Trade Organization (WTO) are presented with the aid of extensive annotations, in-depth analysis, and comprehensive summaries of case histories. The extensive index in each volume enables access to particular titles. Legal precedents and conclusions are detailed in the legal annotations and conclusions sections. Case and treaty citations, along

with current information on the overall status of all disputes before the WTO are presented in two tables. Current interpretations of the various treaties that govern international trade law contain full-text decisions. Starting with Volume 78, published in February 2007, Bernan is collaborating with international trade experts from Bryan Cave LLP to produce enhanced editions of the WTO DSD. The editors for this series are Felipe Berer and Jackson C. Pai. Messrs. Berer and Pai are Senior Trade Policy Advisors working out of the Washington, D.C., and Los Angeles offices of Bryan Cave LLP. They assist clients in the analysis of cross-border trade rules and trade agreements, including the implications of U.S. bilateral and regional trade agreements and WTO rules. Berer has also assisted in trade remedy investigations, WTO proceedings and trade policy developments in the United States and Latin America. These volumes contain in-depth analysis that includes market implications for the various industries and nations affected. This expert commentary makes this series truly invaluable for all companies that do business internationally, law firms with a trade practice, government agencies with a focus on trade, and academic institutions with related courses of study. Volume 90 includes dispute case DS343, which concerns anti-dumping measures on imports of frozen warm water shrimp, and dispute case DS345, which concerns the Amended Bond Directive and the enhanced bond requirement imposed by the U.S. on imports of frozen warm water shrimp from India.

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