

General Principles as Systemic Elements of International Law

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Projected Impact

Research Objectives

This research has identified and sought to address a gap in the understanding of general principles of law in the international legal system. While there is growing momentum for academic discussion on general principles in international law, existing accounts tend not to have foundational theoretical aspects as their focus. The result is a series of persistent questions on the very nature and function of general principles of law on the international level. Tackling these questions, this research aims to facilitate theoretical discussion of these norms as a basis for their further use in the international legal system.

Societal Relevance and Target Groups

While the research results will primarily be of relevance to the academic community, the findings presented may also be of relevance to other participants in international law and society. General principles are closely linked to underlying principles and values, and frequently give legal expression to these norms. Greater understanding on these norms can lead to greater reliance on them in practice. As a result, the actors (including individuals) who seek legal redress in the international legal system will have a new range of tools available, with greater certainty and transparency in the system in which they operate.

The findings presented in this research help conceptualise the role of courts and tribunals in the creation of international law. The conclusions on the development of these norms may serve as a basis for such actors more effectively elucidating their reasoning when relying on general principles. Clarity on such foundational issues contributes to the legitimacy of relying on general principles. The theoretical focus of this research may also be of relevance to the International Law Commission, which is currently working on the issue of general principles of law.

Further Work

Essentially, this research should serve as a foundation for further discussion on the role of general principles in international law and reliance on individual general principles in order to address contemporary challenges facing international society. These findings will be disseminated in the form of a monograph published with a leading publisher. Further work, building upon these more theoretical foundations, is envisaged. This could include a focus on specific norms or fields in which general principles (could) play a prominent role, such as in the imposition of obligations to protect the environment or the determination of certain procedural rules of international law.