



NATION STATE AND GLOBALIZATION

Globalisation And Jurisdiction Globalization And Jurisdiction

Leone Niglia



Globalisation And Jurisdiction Globalization And Jurisdiction:

Globalisation and Jurisdiction Pieter J. Slot, Mielle K. Bulterman, E.M. Meijers Instituut, 2004-01-01 The spectacular growth of the international economy over the past decades has called for a more intensive role for the law and probably also a different kind of law In 2002 the Europa Instituut of Leiden University convened a seminar to discuss the various responses to the challenges posed by globalism in different fields of economic activity and legal practice Their presentations are presented in this book in a more formal and extensive format

Global Competition David Gerber, 2012-01-26 Global competition now shapes economies and societies in ways unimaginable only a few years ago and competition or antitrust law is a key component of the legal framework for global competition These laws are intended to protect competition from distortion and restraint and on the national level they reflect the relationships between markets their participants and those affected by them The current legal framework for the global economy is provided however by national laws and institutions This means that those few governments that have sufficient power to apply their laws to conduct outside their own territory provide the norms of global competition This has long meant that the US and more recently the EU structure global competition but China and other countries are increasingly using their economic and political leverage to apply their own competition laws to global markets The result is increasing uncertainty costs and conflicts that burden global economic development This book examines competition law on the global level and reveals its often complex and little understood dynamics It focuses on the interactions between national and international legal regimes that are central to these dynamics and a key to understanding them Part I examines the evolution of the current global system the factors that have shaped it how it operates today and recent efforts to alter that system e g by including competition law in the WTO Part II focuses on national competition law systems revealing how national laws and experiences shape global competition law dynamics and how global factors in turn shape national laws and experiences It examines the central roles of US and European law and experience and it also pays close attention to countries such as China that are playing increasingly important roles in the global competition law arena Part III analyzes current strategies for improving the legal framework for global competition and identifies the factors that may contribute to a system that more effectively supports global economic and political development This analysis also suggests a pathway for moving toward that goal

Protecting Animals Within and Across Borders Charlotte E. Blattner, 2019 How can we protect animals more effectively both at home and abroad given the ongoing globalization of animal production This book provides a catalogue of options for extraterritorial jurisdiction which states can employ to strengthen their animal laws It offers top down perspectives drawn from general international law and trade law and complements them by a bottom up view from the perspective of animal law

Global Perspectives on E-Commerce Taxation Law Dr Subhajit Basu, 2013-01-28 In its most advanced form e commerce allows unidentified purchasers to pay obscure vendors in electronic cash for products that are often goods services and licenses all rolled into

one This book considers the implications for the domestic and international tax systems of the growth of e commerce It covers a wide variety of activities from discussion of the principles governing direct and indirect taxation to explanation of the implementation and use of e commerce on the part of businesses as well as the application of existing tax principles in this field With its focus on the broader issues surrounding the expansion of e commerce and its attention to the problems arising internationally in this field *Global Perspectives in E Commerce Taxation Law* will appeal to scholars worldwide

Jurisdictional Exceptionalisms Anver M. Emon,Urfan Khaliq,2021-08-12 Examines a complex global legal problem to demonstrate a compelling method for comparative legal cultural and social understanding **Organizational Information Systems in the Context of Globalization** Mikko Korpela,Ramiro Montealegre,Angeliki Poulymenakou,2013-03-09 Organizational Information Systems in the Context of Globalization exemplifies the role of social theory in approaching ICT utilization challenges in a globalization context The debates raised on implementation policy organizations and organizing and social dynamics increase our awareness of the diversity of perspectives we need to delve into when framing the role of ICTs in the globalization agenda The equal representation of managerial and non managerial decision making contexts alerts us to the fact that ICTs should not be considered only as a corporate wealth creation prerogative This book contains the selected proceedings of the Working Conference on Information Systems Perspectives and Challenges in the Context of Globalization sponsored by the International Federation for Information Processing IFIP and held in Athens Greece in June 2003 *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 Poject of the European Commision *The Hague Judgments Convention and Commonwealth Model Law* Abubakri Yekini,2021-08-12 This book undertakes a systematic analysis of the 2019 Hague Judgments Convention the 2005 Hague Choice of Court Convention 2005 and the 2017 Commonwealth Model Law on recognition and Enforcement of Foreign Judgments from a pragmatic perspective The book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of judgments It demonstrates the practical application of legal pragmatism by

setting up a toolbox pragmatic goals and methods that will assist courts and policymakers in developing an effective and efficient judgments enforcement scheme at national bilateral and multilateral levels Practitioners national courts policymakers academics students and litigants will benefit from the book s comparative approach using case law from the United Kingdom and other leading Commonwealth States the United States and the Court of Justice of the European Union The book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the UK and the Commonwealth statutory registration schemes respectively

Corporate and Employment Perspectives in a Global Business Environment Boel Flodgren,2006-01-01 In today s society the foreground of deliberation in politics legislation judicial decisions even war is increasingly experienced by citizens as a mask for the working out of norms and institutions the precise nature of which eludes us We are accustomed to looking behind every news item often feeling that the real decisions are made by other people than those who seem to be in power or that events are merely driven by facts on the ground or unconscious motives To consider global business activity and especially employment issues in this experiential context is a daring and provocative challenge one which was taken up in August 2004 under the sponsorship of the Department of Business Law at Lund University This remarkable book presents a rich sampling of what was said at that unique symposium among a group of notable authorities in law business and international relations The seventeen authors whose contributions appear in this book bring their lucid perspectives to bear on the vital and complex issues that emerge from the contemplation of the territory where the rule of law encounters global business interests These perspectives encompass such factors as the following the role of the expert global extension of the nation state model the effect of development aid on legal systems in developing countries WTO rules and dispute settlement the most favoured nation MFN principle efforts to harmonise contract law international taxation multinational corporate behaviour the search for fair labour standards the clash of economic law and labour law corporate social responsibility and alternative dispute resolution in international trade Underlying all the essays is the insight that although there is no established global law and no global law giver yet there is no national law that is not deeply affected by the globalisation of markets Collectively these authors provide a deeper and truer vision of the real global legal regime that is rapidly taking shape The powerful impetus this book provides toward an understanding of actually developing global governance and global justice will be of great value to all who wish to see a balance struck among economic environmental and social interests in our world

Private International Law and Competition Litigation in a Global Context Mihail Danov,2023-09-21 This important book systematically analyses the private international law issues regarding private antitrust damages claims which arise out of transnational competition law infringements It identifies those problems that need to be considered by injured parties defendants judges and policy makers when dealing with cross border private antitrust damages claims in a global context It considers the post Brexit landscape and the implications in cross border private proceedings before the English courts and suggests how the legal landscape

should be developed It also sets out how private international law techniques could play an increasingly important role in private antitrust enforcement Comprehensive and rigorous this is required reading for scholars of both competition litigation and private international law

International Maritime Labour Law Laura Carballo Piñeiro, 2015-05-25 This book focuses on maritime employment from a private international law perspective The first chapter analyzes the background against which international jurisdiction and conflict of laws rules are drawn up and examines uniform law in this context in particular the 2006 Maritime Labour Convention and the 2007 ILO Convention No 188 on Work in Fishing The second chapter addresses international jurisdiction issues as regards individual employment contracts while also exploring other issues e g insolvency related and social security matters that are subsequently revisited in the third chapter while discussing conflict of laws issues related to said contracts In turn chapter four focuses on collective labour relations and private international law i e collective agreements strikes and other forms of collective action and information and on the participation rights of employees in business matters

The Impact of the European Convention on Human Rights on Private International Law Louwrens R. Kiestra, 2014-09-11 In this book the interaction between the rights guaranteed in the European Convention of Human Rights ECHR and private international law has been analysed by examining the case law of the European Court of Human Rights the Court and selected national courts In doing so the book focuses on the impact of the ECHR on the three main issues of private international law jurisdiction applicable law and the recognition and enforcement of foreign judgments Next to a list of cases consulted and a comprehensive bibliography the book offers brief introductions to PIL and the ECHR for readers who are less familiar with either of the topics This makes the book not only a valuable tool for specialists and practitioners in the fields covered but at the same time a well documented basis for students and starting researchers specializing in either or both directions

Drafting Legislation Helen Xanthaki, 2014-10-16 This book constitutes the first thorough academic analysis of legislative drafting By placing the study of legislation and its principles within the paradigm of Flyvberg s phronetic social sciences it offers a novel approach which breaks the tradition of unimaginative past descriptive reiterations of drafting conventions Instead of prescribing rules for legislation it sets out to identify efficacy as the main aim of the actors in the policy legislative and drafting processes and effectiveness as the main goal in the drafting of legislation Through the prism of effectiveness as synonymous with legislative quality the book explores the stages of the drafting process guides the reader through structure and sections in their logical sequence and introduces rules for drafting preliminary substantive and final provisions Special provisions comparative legislative drafting and training for drafters complete this thorough analysis of the drafting of legislation as a tool for regulation Instead of teaching the reader which drafting rules prevail the book explores the reasons why drafting rules have come about thus encouraging readers to understand what goal is served by each rule and how each rule applies The book is aimed at academics and practitioners who draft or use statutory law in the common or civil law traditions

Transatlantic Jurisdictional Conflicts in

Data Protection Law Mistale Taylor,2023-04-13 Examines extraterritoriality and transatlantic jurisdictional conflicts in data protection law focusing on fundamental rights *Beyond Territoriality* Gunther Handl,Joachim Zekoll,Peer Zumbansen,2012 This book traces the evolution of transnational legal authority in the course of globalization Representative case studies buttress its conclusion that today transnational authority is multifaceted a phenomenon that renders unreliable the concepts of territoriality extraterritoriality as global governance markers **Freezing Injunctions in Private International Law** Filip Šaranović,2022-10-27 Based on author s thesis doctoral University of Cambridge 2017 issued under title Private international law aspects of freezing injunctions **Politics Globalization and Insurgency** M.R. Biju,2015-01-01 The legacy of the national movement in terms of liberal socialist and Gandhian ideals continues to shape and deepen India s democratic process and structure The Indian democratic experiment envisioned and operationalised by our forefathers constitutional experts and leaders have worked successfully and have evolved and devolved strengthening the very foundations of the democratic system But the long march to democracy to prove its worth has not been without constraints and hurdles Its struggle to achieve national unity and political integration by democratic means is threatened by unlawful and centrifugal tendencies of many kinds Every time during the sixteen general elections for Lok Sabha and the few hundred for State Assemblies the people have exercised their franchise to elect the legislatures and the governments of their choice and given ample evidence for their inherent and innate democratic qualities Against this backdrop the present book addresses the issues pertaining to national politics electoral politics women s participation transnational terrorism gender and poverty issues agrarian crisis public private partnership sustainable energy generation and insurgency The book contains fifteen research papers contributed by senior academics administrators and development practitioners on the core areas of the subject In their submissions the authors have tried to explore the constraints faced by Indian polity and present innovative solutions to revamp the system *Jurisprudence in a Globalized World* Jorge Luis Fabra-Zamora,2020-02-28 Leading legal scholars and philosophers provide a breadth of perspectives and inspire stimulating debate around the transformations of jurisprudence in a globalized world This innovative book considers modifications to jurisprudence s methodological approaches driven by globalization the concepts and theoretical tools required to account for putative new forms of legal phenomena and normative issues relating to the legitimacy and democratic character of these legal orders

The Challenges of Illegal Trafficking in the Mediterranean Area Vincenzo Militello,Alessandro Spena,2023-12-23 The book deals with illicit trafficking in the Mediterranean seen as a borderline issue between mobility and security under a strongly interdisciplinary approach The opening part is dedicated to issues that transversally concern illegal trafficking criminological criminal law criminal procedure but also international law issues This part presents a kind of general theory of illegal trafficking showing its recurring aspects and identifying the legal and criminal political issues that would be best addressed by a unified approach to the matter The other parts are devoted to presenting instead a special part overview of

illegal trafficking The second and the third section are devoted in particular to illegal traffics having human beings as their objects More specifically the second part examines smuggling of migrants which has a central criminological and criminal political relevance among the illegal traffics taking place in the Mediterranean The third part deals with the neighbouring theme of human trafficking especially in its connection with the problem of labour exploitation Finally the fourth part focuses on some trafficking in goods offering a selected and representative overview of some of the most significant forms that such trafficking can take tobacco trafficking drug trafficking and trafficking in cultural goods

Rough Consensus and Running Code Galf-Peter Calliess, Peer Zumbansen, 2010-05-31 Private law has long been the focus of efforts to explain wider developments of law in an era of globalisation As consumer transactions and corporate activities continue to develop with scant regard to legal and national boundaries private law theorists have begun to sketch and conceptualise the possible architecture of a transnational legal theory Drawing a detailed map of the mixed regulatory landscape of hard and soft laws official unofficial direct and indirect modes of regulation rules recommendations and principles as well as exploring the concept of governance through disclosure and transparency this book develops a theoretical framework of transnational legal regulation Rough Consensus and Running Code describes and analyses different law making regimes currently observable in the transnational arena Its core aim is to reassess the transnational regulation of consumer contracts and corporate governance in light of a dramatic proliferation of rule creators and compliance mechanisms that can no longer be clearly associated with either the state or the market The chosen examples from two of the most dynamic legal fields in the transnational arena today serve as backdrops for a comprehensive legal theoretical inquiry into the changing institutional and normative landscape of legal norm creation

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