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# Parallel And Conflicting Enforcement Of Law

**Kenneth Watkin**



## **Parallel And Conflicting Enforcement Of Law:**

**Forum Shopping in International Adjudication** Luiz Eduardo Salles, 2014-05-22 How can procedural objections be used to address the emerging phenomenon of forum shopping before international tribunals

**The Arrest of Ships in Private International Law** Verónica Ruiz Abou-Nigm, 2011-11-17 Analysing the arrest of ships in English and Scots law in the light of the international conventions in the field this book examines the protective security and jurisdictional functions of arrest within the three classical domains of private international law applicable law jurisdiction and the recognition and enforcement of foreign judgments

*Private International Law in BRICS* Stellina Jolly, Saloni Khanderia, 2024-08-08 This book examines the convergences divergences and reciprocal lessons that the BRICS countries Brazil Russia India China and South Africa share with one another in developing the principles of private international law The chapters provide a thematic understanding of the cornerstones of private international law in each of the BRICS countries namely 1 the procedure to initiate claims in civil and commercial matters 2 the law that would govern such matters in litigation and arbitration as well as 3 the mechanism to recognise and enforce foreign judgments and arbitral awards Written by leading private international law scholars and practitioners the chapters draw on domestic legislation and its interpretation through cases decided by the courts in each of these emerging economies and explicitly cover the rules applicable in contractual and non contractual concerns and issues of choice of court agreements Issues around marriage divorce matrimonial property succession and surrogacy are also addressed considering the implication of such aspects through the increased movement of persons The book is a useful comparative resource for the governments of the BRICS countries legislators traders academics researchers and students looking for an in depth discussion of the reciprocal lessons that these countries may have to offer one another on these issues

Parallel and Conflicting Enforcement of Law Torbjörn Andersson, 2005 Fourteen contributions by scholars judges and lawyers from Europe and the U S examine the problem of parallel and conflicting enforcement of the law The papers were originally presented at an international symposium held in Thoresta Sweden in August 2004 under the auspices of the Swedish Institute for Legal Research Coverage includes such topics as European harmonization of procedural law criminal law in civil proceedings and concurrent application of competition law The volume is not indexed Nijhoff is an imprint of Brill Academic Publishers Annotation 2005 Book News Inc Portland OR booknews com

**Legitimacy in EU Cartel Control** Ingeborg Simonsson, 2010-02-23 This book examines the law developed by the EU to control cartels The law including case law is carefully documented and analysed against a standard of legitimacy which questions the EU s enforcement measures its institutional structures policy choices substantive law evidentiary standards and procedures and sanctions It includes a unique catalogue of over 150 EU cartel decisions as well as novel analyses of difficult borderline issues such as mixed horizontal and vertical cartels single brand dealer cartels and buyer cartels The effect on trade in cartel cases is analysed with reference to established law and deterrence theory Throughout the book the author asks whether EU

law also applies at the national level or whether certain assessments need to be made according to national law This approach makes the book particularly helpful for national authorities courts and private practitioners The book includes in depth comparisons with US law as well as a comprehensive survey of the secondary academic literature on cartels As such it presents not only a comprehensive practical view but also a sound theoretical framework for better understanding cartel law This is a work which will be of utmost importance to those working in competition authorities and competition courts in the EU Member States as well as those working for EU institutions and in private practice and academia

Methods of Resolving Conflicts between Treaties Seyed-Ali Sadat-Akhavi, 2021-10-18 Despite the theoretical and practical importance of the question of conflict between treaties little has been written on the subject This monograph fills this gap by providing a detailed analysis of the main issues The book is divided into three parts The first deals with the definition of conflict causes of conflict and different types of conflict The second part examines different sources of international law in order to identify rules of international law relating to the resolution of conflicts The third part addresses the actual process of resolving conflicts between treaties After describing different stages of treaty conflict resolution it discusses some special principles advanced for resolving conflicts between certain types of treaties namely those relating to the protection of human rights those concerning dispute settlement and treaties dealing with private law issues

*Fighting at the Legal Boundaries* Kenneth Watkin OMM, CD, QC, 2016-05-03 The international law governing armed conflict is at a crossroads as the formal framework of laws designed to control the exercise of self defense and conduct of inter state conflict finds itself confronted with violent 21st Century disputes of a very different character Military practitioners who seek to stay within the bounds of international law often find themselves applying bodies of law IHRL IHL ICL in an exclusionary fashion and adherence to those boundaries can lead to a formal and often rigid application of the law that does not adequately address contemporary security challenges *Fighting at the Legal Boundaries* offers a holistic approach towards the application of the various constitutive parts of international law The author focuses on the interaction between the applicable bodies of law by exploring whether their boundaries are improperly drawn or are being interpreted in too rigid a fashion Emphasis is placed on the disconnect that can occur between theory and practice regarding how these legal regimes are applied and interact with one another Through a number of case studies *Fighting at the Legal Boundaries* explores how the threat posed by insurgents terrorists and transnational criminal gangs often occurs not only at the point where these bodies of law interact but also in situations where there is significant overlap In this regard the exercise of the longstanding right of States to defend nationals including the conduct of operations such as hostage rescue can involve the application of human rights based law enforcement norms to counter threats transcending the conflict spectrum This book has five parts Part I sets out the security legal and operational challenges of contemporary conflict Part II focuses on the interaction between the jus ad bellum humanitarian law and human rights including an analysis of the historical influences that shaped their application as

separate bodies of law Emphasis is placed on the influence the proper authority principle has had in the human rights based approach being favored when dealing with criminal non State actors during both international and non international armed conflict Part III analyzes the threats of insurgency and terrorism and the state response This includes exploring their link to criminal activity and the phenomenon of transnational criminal organizations Part IV addresses the conduct of operations against non State actors that span the conflict spectrum from inter state warfare to international law enforcement Lastly Part V looks at the way ahead and discusses the approaches that can be applied to address the evolving diverse and unique security threats facing the international community Fighting at the Legal Boundaries Kenneth Watkin,2016 Fighting at the Legal Boundaries offers a holistic approach towards the application of the various constitutive parts of international law The author focuses on the interaction between the applicable bodies of law by exploring whether their boundaries are improperly drawn or are being interpreted in too rigid a fashion Emphasis is placed on the disconnect that can occur between theory and practice regarding how these legal regimes are applied and interact with one another Through a number of case studies Fighting at the Legal Boundaries explores how the threat posed by insurgents terrorists and transnational criminal gangs often occurs not only at the point where these bodies of law interact but also in situations where there is significant overlap In this regard the exercise of the longstanding right of States to defend nationals including the conduct of operations such as hostage rescue can involve the application of human rights based law enforcement norms to counter threats transcending the conflict spectrum **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

**Conflict of Laws in the People's Republic of China** Zheng Sophia Tang,Yongping Xiao,Zhengxin Huo,2016-07-27 The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s regarding both jurisdiction and choice of law rules mark the establishment of a modern Chinese conflicts system Jointly written by three professors from both China and the UK this book provides the most up to date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters covering jurisdiction choice of law procedure judgment and awards recognition and enforcement and interregional conflicts in China **New Wars, New**

**Laws? Applying Laws of War in 21st Century Conflicts** David Wippman,Matthew Evangelista,2022-05-16 This timely new

volume brings together experts on the laws of war from academia the military and the NGO community to examine the issues surrounding September 11th and its aftermath which have raised fundamental challenges to the existing corpus of international humanitarian law The book features a thoughtful overview and discussion of the extent to which new wars call for new laws The authors analyze specific topics pertaining to this theme including the definition of armed conflict the identification of military objectives the meaning and application of the principle of proportionality in contemporary conflicts the legitimacy of targeted killings the treatment of individuals detained in non traditional armed conflicts and the contemporary application of the law of occupation Specific highlights include Lt Col William K Lietzau National Defense University and former Special Advisor to the General Counsel of the Department of Defense DoD on when to apply the law of war and when to apply a law enforcement paradigm Yoram Dinstein Stockton Professor of International Law at the U S Naval War College on proportionality Crimes of War website editor Anthony Dworkin on due process problems in the anti terror campaign Ken Watkin Visiting Fellow in the Human Rights Program at Harvard Law School on targeting and assassination and much more Published under the Transnational Publishers imprint

Post-conflict Administrations in International Law Eric de Brabandere, 2009-04-24 The concept of international administrations of territory in which comprehensive administrative powers are exercised by on behalf of or with the agreement of the United Nations has recently re emerged in the context of reconstructing parts of states after conflict Although in Kosovo and East Timor the UN was endowed with wide ranging executive and legislative powers in the subsequent operations in Afghanistan it was decided to principally rely on local capacity with minimal international participation and in Iraq administrative power was exercised by the occupying powers The objectives are however very similar This work first delineates the origins of the granting of administrative functions to international actors and analyses the context in which it has resurfaced namely post conflict peace building or reconstruction Secondly the book methodically establishes the legal framework applicable to post conflict administrations and peace building operations by taking into account the post conflict scenario in which they operate Based on these two analyses an enquiry into the practice of the reconstruction processes in Kosovo East Timor Afghanistan and Iraq is undertaken to analyse and understand the influence of the international legal framework and the different approaches on the implementation of the mandates Finally the book concludes with an analysis of questions on exit strategies local ownership the internationalisation of domestic institutions and the need for a comprehensive approach towards post conflict reconstruction

*Conflict of Laws in International Arbitration* Franco Ferrari, Stefan Kröll, 2010-12-23 Irrespective of the increasing harmonization of law at the transnational level every arbitration raises a number of conflict of laws problems relating to procedural questions as well as to issues concerning the merits of the case Unlike a state court judge the arbitrator has no *lex fori* in the proper sense providing the relevant conflict rules to determine the applicable law This raises the question of what conflict of laws rules to apply and consequently of the extent of the freedom the arbitrator enjoys in

dealing with this and related issues The best example of the importance of conflict of laws questions in arbitration is the Vivendi Elektrim saga where the outcome of the various proceedings depended on the question of characterization This very beneficial book is dealing with the arbitration agreement the jurisdiction of the arbitral tribunal the law applicable to the merits and the arbitration procedure *The Accountability of Armed Groups under Human Rights Law* Katharine Fortin, Foreword by Andrew Clapham, 2017-08-11 Today the majority of the armed conflicts around the world are fought between States and armed groups rather than between States This changed conflict landscape creates an imperative to clarify the obligations of armed groups under international law While it is generally accepted that armed groups are bound by international humanitarian law the question of whether they are also bound by human rights law is controversial This book brings significant new understanding to the question of whether and when armed groups might be bound by human rights law Its conclusions will benefit international law academics legal practitioners and political scientists and anthropologists working on issues related to rebel governance and civil wars This book addresses the debate on this topic by employing a theoretical historical and comparative analysis that spans international humanitarian law international criminal law and international human rights law Embedding these different perspectives in public international law this book brings several key points of clarification to the legal framework Firstly the book draws upon social science literature on armed conflict to present a new viewpoint on the role that human rights law plays vis vis international humanitarian law in non international armed conflicts Secondly the book sheds light on the circumstances in which armed groups acquire obligations under human rights law It brings illumination to these topics by combining historical and comparative research on belligerency insurgency and international humanitarian law with a theoretical analysis of legal personality under international law In the final part of the book the author tests the four most utilised theories of how armed groups are bound by human rights law examining whether armed groups can be bound by virtue of i treaty law ii control of territory iii international criminal law and iv customary international law In the book's conclusions the author presents final remarks that are designed to provide concrete guidance on how the issue of armed groups and human rights law can be dealt with more thoroughly in practice *Clarkson & Hill's Conflict of Laws* Jonathan Hill, Máire Ní Shúilleabháin, 2016 Clarkson Hill's Conflict of Laws provides a detailed account of the topics taught on private international law courses reflecting the profound changes that the subject has undergone in recent years Focusing on key principles in an engaging and approachable style this text is key reading for private international law students *Conflict of Laws: A Comparative Approach* Cuniberti, Gilles, 2022-02-18 Now in its second edition and with significant updates and new material Gilles Cuniberti's innovative textbook offers a comparative treatment of private international law a field of great importance in an increasingly globalized world Written by a leading voice in the field and using a text and cases approach this text systematically presents and compares civil law and common law approaches to issues primarily within the United Kingdom United States France and the

EU as well as offering additional updated insights into rules applicable in other jurisdictions such as Japan China and Germany

**The Common Law Jurisprudence of the Conflict of Laws** Sarah McKibbin, Anthony Kennedy, 2023-05-04  
 This book presents a collection of leading common law cases in private international law ranging from the 18th to the 21st century The cases traverse issues of jurisdiction choice of law and the recognition and enforcement of foreign judgments Questions of marital validity domicile foreign immovable property and choice of law in contract are just some of the topics that this collection examines The unusual factual situations of some 18th and 19th century English cases also reveal compelling human interest stories and political controversies worthy of further exploration Drawing on a diverse team of contributors this edited collection showcases the research of eminent conflicts scholars together with emerging scholars from the United Kingdom Australia Canada Ireland and South Africa

**Conflict of Laws and the Internet** Pedro De Miguel Asensio, 2024-05-02  
 In this thoroughly revised second edition Pedro De Miguel Asensio presents a practical analysis of jurisdiction choice of law and recognition and enforcement of judgments in the context of online activities examining areas where private legal relationships are most affected by the Internet Addressing the tension between the ubiquity of the Internet and the territorial nature of national legal orders the author sets out the latest developments across multiple jurisdictions in this dynamic field

*The Conflict of Laws* Adrian Briggs, 2013-04-25  
 Adrian Briggs invaluable introduction to the study of the conflict of laws provides a survey and analysis of the rules of private international law as they apply in England The volume covers general principles jurisdiction and the effect of foreign judgments choice of law for contractual and non contractual obligations the private international law of property of persons and of corporations It does so in a manner which explains and illuminates the principles which underpin the subject in a clear and coherent fashion as the wealth of literature case law and legislation often obscures the architecture of the subject and unnecessarily complicates study This new edition organizes its material in light of European legislation on private international law reflecting the shift towards understanding private international law as European law with a common law background instead of common law with European legislative influences The author's approach is focused on the law and avoids the more abstract theory as the theory of the conflict of laws is actually to be found in and by applying the legislation and jurisprudence to the cases and issues which arise in private international litigation and legal advice

**Statutes on the Conflict of Laws** Martin P George, Andrew Dickinson, 2015-10-08  
 Statutes on the Conflict of Laws provides students with the principal current EU and UK legislation encountered in the study of private international law in one clear and easy to use volume The legislation is not annotated enabling the book to be used in examinations It has been structured and designed so that students can find the material they need quickly and efficiently with a table of contents organised chronologically by source type and alphabetical index



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