



PRIVATE INTERNATIONAL LAW

Private International Law In The International Arena

**Horatia Muir Watt, Diego P. Fernández
Arroyo**



Private International Law In The International Arena:

Private Law in the International Arena Jürgen Basedow, 2000-09 Private Law in the International Arena analyzes a wide variety of effects that cross border activities have on the operation of private law ranging from corporate and insolvency law to labor law property law the law of obligations family law European law and lex mercatoria Civil procedure aspects in national courts and arbitration proceedings are also explored This book provides a unique source of insights into the problems encountered and their possible solutions All contributions have been written in honor of an eminent Private International Law scholar Prof Dr Kurt Siehr **Private law in the international arena**, 2000 **Private International**

Law in Israel Talia Einhorn, 2022-09-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to the law applied to cases involving cross border issues in Israel It offers every lawyer dealing with questions of conflict of laws much needed access to these conflict rules presented clearly and concisely by a local expert Beginning with a general introduction the monograph goes on to discuss the choice of law technique sources of private international law and the relevant connection with other laws Then follows clear description and analysis of the rules of choice of law on natural and legal persons contractual and non contractual obligations movable and immovable property intangible property rights company law family law marriage cohabitation registered partnerships matrimonial property maintenance child law and succession law including testamentary dispositions The presentation concludes with an overview of relevant civil procedure examining lex fori and issues of national and international jurisdiction acceptability and enforcement of foreign judgements and international arbitration Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers handling cases in Israel Academics and researchers as well as judges notaries public marriage registrars youth welfare officers teachers students and local and public authorities will welcome this very useful guide and will appreciate its value in the study of private international law from a comparative perspective **Hague Yearbook of International Law / Annuaire de La Haye de Droit**

International, Vol. 24 (2011) Nikolaos Lavranos, Ruth A. Kok, 2017-06-01 The title of the Hague Yearbook of International Law reflects the close ties which have always existed between the AAA and the City of The Hague with its international law institutions and indicates the Yearbook's aim of devoting attention to developments taking place in the international law institutions based in The Hague However the Yearbook has a broader scope as well to offer a platform for review of new developments in the field of international law As of the 2010 Volume the Yearbook will be compiled by a new and expanded Editorial Board offering fresh ideas and a new approach A newly established Advisory Board has also been added including ICJ Judge Bruno Simma Serge Brammertz Prosecutor of the International Criminal Tribunal for the Former Yugoslavia ICTY Jacomijn J van Haersolte van Hof advocate advocaat at HaersolteHof and arbitrator The Netherlands and Professor Peter Hilpold Innsbruck University Austria Sections have been created on public international law private international law

international investment law and international criminal law containing in depth articles on current issues The breadth of the Yearbook's content thus offers an interesting and valuable illustration of the dynamic developments in the various sub areas of international law

Russian Approaches to International Law Lauri Mälksoo, 2015-03-06 This book addresses a simple question how do Russians understand international law Is it the same understanding as in the West or is it in some ways different and if so why It answers these questions by drawing on from three different yet closely interconnected perspectives history theory and recent state practice The work uses comparative international law as starting point and argues that in order to understand post Soviet Russia's state and scholarly approaches to international law one should take into account the history of ideas in Russia To an extent Russian understandings of international law differ from what is considered the mainstream in the West One specific feature of this book is that it goes inside the language of international law as it is spoken and discussed in post Soviet Russia especially the scholarly literature in the Russian language and relates this literature to the history of international law as discipline in Russia Recent state practice such as the annexation of Crimea in 2014 Russia's record in the UN Security Council the jurisprudence of the European Court of Human Rights prominent cases in investor state arbitration and the creation of the Eurasian Economic Union are laid out and discussed in the context of increasingly popular civilizational ideas the claim that Russia is a unique civilization and therefore not part of the West The implications of this claim for the future of international law its universality and regionalism are discussed

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

Research Handbook on International Family Law Janeen M. Carruthers, Bobby W.M. Lindsay, 2024-06-05 The Research Handbook on International Family Law brings together a carefully selected array of experts to address legal topics pertaining to family relationships in a cross border context and international family law disputes It shows how this independent field of study has developed and continues to develop and adeptly surveys the practice and regulation of international family law

Private International Law and Global Governance Horatia Muir Watt, Diego P. Fernández Arroyo, 2014 Contemporary debates about the changing nature of law engage theories of legal pluralism political economy social systems international relations or regime theory global constitutionalism and public international law Such debates reveal a variety of emerging responses to distributional issues which arise beyond the Western welfare state and new conceptions of private transnational authority However private international law tends to stand aloof claiming process based neutrality or the apolitical nature of private law technique and refusing to recognize frontiers beyond than those of the nation state As a result the discipline is paradoxically ill equipped to deal with the most significant cross border legal difficulties from immigration to private financial regulation which might have been expected to

fall within its remit Contributing little to the governance of transnational non state power it is largely complicit in its unhampered expansion This is all the more a paradox given that the new thinking from other fields which seek to fill the void theories of legal pluralism peer networks transnational substantive rules privatized dispute resolution and regime collision have long been part of the daily fare of the conflict of laws The crucial issue now is whether private international law can or indeed should survive as a discipline This volume lays the foundations for a critical approach to private international law in the global era While the governance of global issues such as health climate and finance clearly implicates the law and particularly international law its private law dimension is generally invisible This book develops the idea that the liberal divide between public and private international law has enabled the unregulated expansion of transnational private power in these various fields It explores the potential of private international law to reassert a significant governance function in respect of new forms of authority beyond the state To do so it must shed a number of assumptions entrenched in the culture of the nation state but this will permit the discipline to expand its potential to confront major issues in global governance

Extraterritorial Jurisdiction in Theory and Practice Karl M. Meessen, 1996-08-01 This work contains the proceedings of a symposium held in Dresden addressing the topic of extraterritorial jurisdiction with respect to financial services tax arms control environmental law antitrust matters and mergers and acquisitions It provides an overview of how differently jurisdictional issues are perceived and dealt with especially in the USA and UK Contributions are from experts in the field The book differs from others in the field in that it provides a resolution on extraterritorial jurisdiction Audience Civil servants practising lawyers and academics in the field of international public law and private international law **The Oxford**

Handbook of Jurisdiction in International Law Stephen Allen, Steve Allen, Daniel Costelloe, Malgosia Fitzmaurice, Paul Gragl, Edward Guntrip, 2019 This Handbook provides an authoritative and comprehensive analysis of the concept of jurisdiction in international law The authors undertake a thematic analysis of its history its contemporary application and how it needs to adapt to encompass future developments in international law *The Restatement and Beyond* Paul B. Stephan, Sarah H. Cleveland, 2020-09-18 Reflecting on the Fourth Restatement of the Foreign Relations Law these essays provide a comprehensive survey of the most significant issues in contemporary U S foreign relations law They review the context and assumptions on which that work relied critique its analysis and conclusions and explore topics left out of the published work that need research and development Collectively the essays provide an authoritative study of the issues generating controversy today as well as those most likely to emerge in the coming decade The book is organized in three parts The first provides a historical context for the law of foreign relations from the beginning of the twentieth century to the present The second and largest part looks at contested issues in foreign relations law today from the status of international law as federal domestic law to presidential authority to make unmake and apply international agreements and to the immunity of international organizations and foreign government officials from domestic lawsuits The last part considers how

foreign relations law might develop in the future as well as the difficulties raised by using the Restatement process as a way of contributing to the law's development. These essays for the most part concentrate on U.S. law but the problems they face are common to all democratic republics that seek to reconcile international relations with the rule of law. **The New Global Law** Rafael Domingo, 2010-02-26 The dislocations of the worldwide economic crisis, the necessity of a system of global justice to address crimes against humanity and the notorious democratic deficit of international institutions highlight the need for an innovative and truly global legal system, one that permits humanity to re-order itself according to acknowledged global needs and evolving consciousness. A new global law will constitute by itself a genuine legal order and will not be limited to a handful of moral principles that attempt to guide the conduct of the world's peoples. If the law of nations served the hegemonic interests of Ancient Rome and international law served those of the European nation-state, then a new global law will contribute to the common good of all humanity and ideally to the development of durable world peace. This volume offers a historical juridical foundation for the development of this new global law. Regional and Global Regulation of International Trade Francis Snyder, 2002-07-05 The processes of legal and economic integration at a regional and global scale have created powerful legal and economic dilemmas. They challenge the paradigms of constitutionalism, including the State's monopoly of constitutionalism, the autonomy of national political communities, and the traditional forms of participation and representation. The phenomena of globalisation and regional forms of governance have promoted the interdependence of national political communities and destroyed the artificial boundaries upon which national constitutional democracies are founded and from which they derive their legitimacy. Furthermore, it is inevitable that the development of international trade and economic integration will raise claims for some form of global distributive justice to complement the wealth maximisation arising from free trade. This will come from the gradual development of global forms of political discourse and law-making, challenging State constitutionalism and requiring some of the instruments and theories of constitutionalism. The essays in this collection, written by leading scholars in international trade law, argue the pros and cons of greater regional and global regulation. They conclude that whatever the final framework for international trade, the critical decisions about institutional form and content will be decided in an emerging global political arena. They help to identify this political arena, who governs it, and according to which rules, and identify the different institutional alternatives in that global political arena. *The Future of Cross-Border Insolvency* Irit Mevorach, 2018-03-01 A fresh and insightful guide to post-financial crisis cross-border insolvency, this book interrogates the current regime and sets out a framework for improving its future. In recent decades, and especially since the global financial crisis, a number of important initiatives have focused on developing the mechanisms for managing the insolvency of multinational enterprises and financial institutions. The book considers the effectiveness of the current system and identifies the gaps that could be bridged by adopting certain strategies and tools to improve the system further. The book first discusses the theoretical debate regarding cross-border insolvency and

surveys the strengths and weaknesses of the prevailing method modified universalism in its application to both commercial entities and financial institutions consequently identifying a single set of emerging norms The book argues that adhering to these norms more robustly would enhance global welfare and produce the best outcomes for businesses and institutions By drawing upon sources from international law as well as behavioural and economic theory the book offers a blueprint for meeting the demands of future cross border insolvencies It considers how to translate modified universalism into binding international law and how to choose the right instrument for cross border insolvency as well as the impact that instrument design has on decisions and choices It explores how to encourage compliance and proposes mechanisms that could potentially overcome or at least take into account behavioural biases in decision making

The Evolving Dimensions of International Law John F. Murphy, 2010-03-22 This book examines recent developments in sources of public international law such as treaties and custom operating among nations in their mutual relations as well as developments in some of the primary rules of law international institutions created by these processes It finds that public international law has become increasingly dysfunctional in dealing with some of the primary problems facing the world community such as the maintenance of international peace and security violations of international human rights and the law of armed conflict arms control disarmament and non proliferation and international environmental issues and that international law and international institutions face a problematic future It concludes however that all is not lost There are possible alternative futures for international law and legal process but choosing among them will require the world community making hard choices

Liber Memorialis Petar Šarčević Petar Sarcevic, 2006 This vast collection of scholarly writings examines a wide range of legal topics including for example European Private International Law of Obligations and Internal Market Legislation A Matter of Coordination Balancing Sovereignty and Party Autonomy in Private International Law Parenthood for Same Sex Couples Challenges of Private International Law from a Scandinavian Perspective The Use of Unpublished Opinions on Relocation Law by the California Courts of Appeal Hiding the Evidence Spousal Support after Divorce under American Family Law An Attempt to Contribute to the Alimony Debate Working with Children The Balance between the Protection of Children and the Right to Work with Children Changing Parenthood after Divorce The Contribution of the UNCITRAL Arbitration Rules to International Commercial Arbitration Universalism and Tradition The Use of Non binding Principles in International Commercial Law Problems in the Implementation of WTO Law in the People s Republic of China Notes on the Pellegrini Judgment of the European Court of Human Rights Professional Traditions The Reciprocating Ethics of Jurist and Judge

Praxis as a Perspective on International Politics Gunther Hellmann, Jens Steffek, 2023-10-17 Bringing together leading figures in the study of international relations this collection explores praxis as a perspective on international politics and law

2003 Petar Sarcevic, Paul Volken, 2009-04-27 With articles by Symeon Symeonides Ronald A Brand Andrea Bonomi national reports from Korea Bulgaria and Slovenia and news from The Hague and Brussels as well as

texts materials and recent developments , *Fundamental legal problems of surrogate motherhood. Global perspective.* Piotr Mostowik, Marta Soniewicka, Nathalie Baillon-Wirtz, Mirosław Boruta, Justyna Holocher, Błażej Kmiecik, Ewa Kozerska, Tomasz Scheffler, Katažyna Mikša, Natalja Žitkevits, Avishalom Westreich, Andrea Nicolussi, Andrei A. Novikov, Carlos Martínez de Aguirre, Monika Wałachowska, Alla Anatoliivna Herts, Witold Borysiak, Agnieszka Czubik, Łukasz Mirocha, Agata Niżnik-Mucha, Aleksandra Dębowska, Marcin Sokołowski, Agnieszka Wedeł-Domaradzka, Olga Bobrzyńska, Dita Frintová, Ondřej Frinta, Janusz Gajda, Rafał Łukasiewicz, Elena Júdová, Martin Píry, Wojciech Lis, Piotr Telusiewicz, Michał Wojewoda, Edyta Figura-Góralczyk, Radosław Flejszar, Piotr Rodziewicz, Konrad Burdziak, Łukasz Pohl, Wojciech Górski, Agnieszka Laber, Dominik Zając, Karolina Sęk, 2019-07-01 The observation that mater semper certa est remains accurate under most legal systems in the world Maternity is defined as the personal status filiation of a woman who gave birth to a child It is typically complemented by the fatherhood of the man from whom the child biologically originates often quem nuptiae demonstrant However in some states a kind of competitive way of acquiring the legal status of mother and father or homosexual parents A and B has been introduced via concluding a contract with a surrogate mother Usually with a woman coming from poorer societies and with the assistance of professional intermediaries and organizers The postulates to change substantive family law or at least to recognize the effects of foreign law and procedures a kind of procreative tourism appear nowadays also in states generally prohibiting surrogate motherhood The issues discussed in this volume concern both national law and international court cases Recent examples include the opinion of the European Court of Human Rights of 10 April 2019 initiated by the French Cour de cassation the judgement of the German Bundesgerichtshof of 20 March 2019 and dilemmas of Polish administrative courts Focusing on the international perspective the present volume as well as an accompanying book in Polish are the results of the international cooperation of over 30 experts from both member states and observer states of the Council of Europe The monograph is structured from the general to the detail and includes a comprehensive view as well from the issues of philosophy and sociology of law to human rights standards of national constitutions and international agreements to principles of ordre public of forum and their protection with measures of private public and penal law This allows readers including legislators and judges the better understanding of the fundamental legal problems that surrogate motherhood brings both in states where law creates them in a narrower or wider extent and in other countries of the world to which these problems can be imported with the movement of people and with de lege lata and de lege ferenda postulates

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