

the impact of corruption on international commercial contracts ius comparatum global studies in comparative

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Delving into the profound consequences of corruption, this study meticulously examines its pervasive influence on the landscape of international commercial contracts. Utilizing a comparative law framework, it offers global insights into how illicit practices undermine cross-border legal agreements and business integrity, providing essential perspectives for scholars and practitioners in comparative global studies.

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The Impact of Corruption on International Commercial Contracts

This volume presents national reports describing the legal instruments that are available to prevent the payment of bribes for acquiring contracts. Anti-corruption is one of the preeminent issues in the modern global commercial order and is tackled with the help of criminal law and contract law in different ways in different countries. The reports included in this volume, from very diverse parts of the world, represent a unique and rich compilation of court decisions, doctrinal discussions and a pool of suggested solutions. The central theme is the enforceability of three problematic types of contracts: the bribe agreement, whereby a bribe payer promises the agent of his business partner a personal benefit in exchange for favourable contract terms; the agreement between a bribe payer and an intermediary (a "bribe merchant"), where the latter offers his expertise to help funnel bribes to agents of the business partner; and finally, the contract between the bribe payer and his business partner which was obtained by means of bribery. The analysis is tailored toward commercial contracts, which can also include contracts with state-owned enterprises. The examination and comparison of international and national initiatives included in this volume advance the discussion on the most appropriate remedies in corruption cases, and show how to get past the boundaries of criminal, private and contract law.

Dealing with Bribery and Corruption in International Commercial Arbitration

International Arbitration Law Library, Volume 65 International commercial arbitration is by no means free from bribery and corruption. Although a plethora of legal scholarship clearly affirms this contention, a thorough study on the particularly important question of the authority and duty of international commercial arbitrators to investigate a suspicion or indication of bribery or corruption sua sponte — that is, on their own initiative — has been surprisingly lacking. This important book fills this gap,

inter alia, by locating sua sponte authority in the position of arbitral tribunals in establishing the facts of a case and ascertaining and applying the applicable normative standards. In addition to providing a comprehensive examination of how the issue of bribery and corruption is dealt with in contemporary international commercial arbitration, the book also highlights the role of arbitrators in global efforts to combat transnational commercial bribery and corruption. Among others, the following critical issues are thoroughly investigated: arbitrability of issues of public interests; intermediary contracts; role of arbitrators in the fact-finding process; party autonomy versus overriding mandatory rules; iura novit curia in international commercial arbitration in the context of bribery and corruption; notion of transnational (or 'truly international') public policy; arbitrators' duty to act as guardians of international commerce; investigative tools available to arbitrators; dealing with manifestly recalcitrant parties; possible consequences of violating the obligation to sua sponte investigate; and the view from developing countries. The analysis leans primarily on Swiss law, as Switzerland is one of the most important jurisdictions in international commercial arbitration; Switzerland has also been involved in some of the most famous and controversial arbitration cases wherein bribery and corruption became an issue. However, the study also includes a comparative analysis of the relevant laws, jurisprudence, and doctrine of other major arbitration venues, particularly England, France, and Germany. Not only in the light it sheds on how and whether international commercial arbitrators have hitherto justified the trust States have placed in them regarding the protection of the public interests but also in the practical solutions it offers arbitrators faced with issues of bribery and corruption, this deeply researched book equips arbitration practitioners and arbitration institutions with a hitherto lacking in-depth analysis on the question of sua sponte investigation. It also provides invaluable insights on how this issue might affect the future, legitimacy and expansion of this dispute settlement mechanism. Outside the field of arbitration, the book also provides jurists, legal scholars, in-house counsel for companies doing transnational business and public officials with highly enlightening perspectives on the interaction between international commercial arbitration and public interests.

General Reports of the XIXth Congress of the International Academy of Comparative Law Rapports Généraux du XIXème Congrès de l'Académie Internationale de Droit Comparé

This book deals with convergences of legal doctrine despite jurisdictional, cultural, and political barriers, and of divergences due to such barriers, examining topics that are of vital importance to contemporary legal scholars. Written by leading scholars from more than twenty countries, its thirty-two chapters present a comparative analysis of cutting-edge legal topics of the 21st century. While each of the countries covered stands alone as a sovereign state, in a technologically advanced world their disparate systems nonetheless show comparable strategies in dealing with complex legal issues. The book is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law. It covers a vast area of topics that are dealt with from a comparative point of view and represents the current state of law in each area.

The UNIDROIT Principles in Practice

Since fall 2006: a new, revised edition of Unidroit Principles in Practice, featuring approximately 120-130 cases. The UNIDROIT Principles of International Commercial Contracts, published in 1994, were an entirely new approach to international contract law. Prepared by a group of eminent experts from around the world as a "restatement" of international commercial contract law, the Principles are not a binding instrument but are referred to in many legal matters. They are widely recognized now as a balanced set of rules designed for use throughout the world irrespective of the legal traditions and the economic and political conditions of the countries in which they are applied.

Comparative Climate Change Litigation: Beyond the Usual Suspects

This book is based on the acknowledgment that climate change is a multifaceted challenge that requires action on the part of all stakeholders, including civil society, and the notion that climate change is at a tipping point with urgent measures needed in the next decade. Against this background, civil society is turning its attention to the courts as a means to directly influence climate action, partly because of the global scepticism towards the progress of global climate action, despite the ongoing implementation of the Paris Agreement. Focusing on the individual, broadly representing civil society, the book offers fresh perspectives on climate change litigation. While most of the literature on climate change litigation examines the same specific jurisdictions, mostly common law countries (US and Australia in particular), this book also considers specific countries in Asia, Africa and Latin America with little or no climate

change litigation. It explores the reasons for the lack of litigation and discusses what measures should or could be taken to change this situation and push forward climate action. Unlike other literature on the subject, this book analyses climate change litigation using a scenario-based methodology. Combining rigorous academic analysis with a practical policy-oriented focus, the book provides valuable insights for a wide range of stakeholders interested in climate change litigation. It appeals to civil society organisations around the world, international organisations and law firms interested in climate change litigation.

The Civil Law Consequences of Corruption

Until now, the fight against corruption was regarded as a criminal law problem. This volume, on the other hand, focuses on the victims' rights to hold perpetrators of corrupt acts to account under civil law. Its contributions provide an overview of the legal situation in the US and several European states, as well as an examination of legal arbitration. Furthermore, representatives of international organizations express their views. The book centers on the enforceability of corrupt contracts, the skimming-off of illegal profits, and the right to damages.

Recognition and Enforcement of Foreign Arbitral Awards

This book examines how the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, commonly known as The New York Convention, has been understood and applied in [insert number] jurisdictions, including virtually all that are leading international arbitration centers. It begins with a general report surveying and synthesizing national responses to a large number of critical issues in the Convention's interpretation and application. It is followed by national reports, all of which are organized in accordance with a common questionnaire raising these critical issues. Following introductory remarks, each report addresses the following aspects of the Convention which include its basic implementation within the national legal system; enforcement by local courts of agreements to arbitrate (including grounds for withholding enforcement), recognition and enforcement of foreign awards by local courts under the Convention (including grounds for denying recognition and enforcement), and essential procedural issues in the courts' conduct of recognition and enforcement. Each report concludes with an overall assessment of the Convention's interpretation and application on national territory and recommendations, if any, for reform. The New York Convention was intended to enhance the workings of the international arbitral system, primarily by ensuring that arbitral awards are readily recognizable and enforceable in States other than the State in which they are rendered, subject of course to certain safeguards reflected by the Convention's limited grounds for denying recognition or enforcement. It secondarily binds signatory states to enforce the arbitration agreements on the basis of which awards under the Convention will be rendered. Despite its exceptionally wide adoption and its broad coverage, the New York Convention depends for its efficacy on the conduct of national actors, and national courts in particular. Depending on the view of international law prevailing in a given State, the Convention may require statutory implementation at the national level. Beyond that, the Convention requires of national courts an apt understanding of the principles and policies that underlie the Convention's various provisions. Through its in-depth coverage of the understandings of the Convention that prevail across national legal systems, the book gives practitioners and scholars a much-improved appreciation of the New York Convention "on the ground."

Disgorgement of Profits

Disgorgement of profits is not exactly a household word in private law. Particularly in civil law jurisdictions – as opposed to those of the common law – the notion is not well known. What does it stand for? It is best illustrated by examples. One of the best known being the British case of *Blake v Attorney General*, [2001] 1 AC 268. In which a double spy had been imprisoned by the UK government before escaping and settling in the former Soviet Union. While there wrote a book on his experiences, upon which the UK government claimed the proceeds of the book. The House of Lords, as it then was, allowed the claim on the basis of Blake's breach of his employment contract. Other examples are the infringement of intellectual property rights, where the damages of the owner are limited, but the profits of the wrongdoer immense. In such cases, the question arises whether the infringing party should be disgorged of his profits. This volume aims at establishing the notion of disgorgement of profits as a keyword in the discourse of private law. It does not purport to answer the question whether or not such damages should or should not be awarded. It does however aim to contribute to the discussion, the arguments in favour and against, and the organisation of the various actions.

The Fight Against Poverty and the Right to Development

This book conducts a comparative legal study from two analytical points of view. First, it accounts for the legal dimensions of the fight against poverty and the right to development as seen from the perspective of domestic legal law. It examines the domestic legal tools, such as constitutional law, that aim to contribute to the fight against poverty and the right to development. Second, the book accounts for the domestic contributions to the international legal framework and examines cross-cutting themes of the contemporary state-of-play on the fight against poverty more broadly and of the right to development. The book consists of several national and thematic reports, which look at these issues from either a national or a thematic perspective. Its first chapter is a general report, which draws on the national and thematic reports to compare, systematize and question the contemporary features at play within the field of the fight against poverty and the right to development.

Whistleblowing - A Comparative Study

This volume takes a look at the status quo of whistleblowing in several jurisdictions from around the world. Covering a topic that draws the attention of a broad public and is gaining importance amongst legislators, practitioners and scholars all over the globe, the book examines the various aspects of whistleblowing. It looks at what kind of legal protection of whistleblowers is in force, who is protected, what kind of behaviour is protected, and what kind of behaviour whistleblowers are protected against. This is achieved by a combination of a general comparative report with country-specific reports that give information on whistleblowing in various jurisdictions. These countries include, amongst others, Canada, Germany, France, Italy, the Netherlands and the USA. A synopsis comprises information on whistleblowing in 23 countries in one tabula. The chapters of this book were originally prepared for the XIXth International Congress of Comparative Law (20th and 21st sup=" July 2014) of International Academy of Comparative Law in Vienna.

Architects of Buddhist Leisure

Buddhism, often described as an austere religion that condemns desire, promotes denial, and idealizes the contemplative life, actually has a thriving leisure culture in Asia. Creative religious improvisations designed by Buddhists have been produced both within and outside of monasteries across the region—in Nepal, Japan, Korea, Macau, Hong Kong, Singapore, Laos, Thailand, and Vietnam. Justin McDaniel looks at the growth of Asia's culture of Buddhist leisure—what he calls “socially disengaged Buddhism”—through a study of architects responsible for monuments, museums, amusement parks, and other sites. In conversation with noted theorists of material and visual culture and anthropologists of art, McDaniel argues that such sites highlight the importance of public, leisure, and spectacle culture from a Buddhist perspective and illustrate how “secular” and “religious,” “public” and “private,” are in many ways false binaries. Moreover, places like Lek Wiriyaphan's Sanctuary of Truth in Thailand, Suñi Tiên Amusement Park in Saigon, and Shi Fa Zhao's multilevel museum/ritual space/tea house in Singapore reflect a growing Buddhist ecumenism built through repetitive affective encounters instead of didactic sermons and sectarian developments. They present different Buddhist traditions, images, and aesthetic expressions as united but not uniform, collected but not concise: Together they form a gathering, not a movement. Despite the ingenuity of lay and ordained visionaries like Wiriyaphan and Zhao and their colleagues Kenzo Tange, Chan-soo Park, Tadao Ando, and others discussed in this book, creators of Buddhist leisure sites often face problems along the way. Parks and museums are complex adaptive systems that are changed and influenced by budgets, available materials, local and global economic conditions, and visitors. Architects must often compromise and settle at local optima, and no matter what they intend, their buildings will develop lives of their own. Provocative and theoretically innovative, *Architects of Buddhist Leisure* asks readers to question the very category of “religious” architecture. It challenges current methodological approaches in religious studies and speaks to a broad audience interested in modern art, architecture, religion, anthropology, and material culture.

A Methodical System of Universal Law

The book focusses on the enforcement of consumer law in order to identify commonalities and best practices across nations. It is composed of twenty-eight contributions from national rapporteurs to the IACL Congress in Montevideo in 2016 and the introductory comparative general report. The national contributors are drawn from across the globe, with representation from Africa (1), Asia (5), Europe (15), Oceania (2) and the Americas (5). The general report proposes a general introduction to the question of enforcement and effectiveness of consumer law. It then proceeds to identify the variety of ways in which

national legislatures approach this question and the diversity of mechanisms put in place to address it. The general report uses examples drawn from the reports to illustrate common approaches and to identify more original or distinct unique approaches, taking into account the reported strengths and weaknesses of each. The general report consistently points readers to particular national reports on specific issues, inviting readers to consult these individual contributions for more details. The national contributions deal with the following areas: the national legal framework for consumer protection, the general design of the enforcement mechanism, the number and characteristics of consumer complaints and disputes, the use of courts and specialized agencies for the enforcement of consumer law, the role of consumer organizations and of private regulation in the enforcement of consumer law, the place of collective redress mechanism and of alternative dispute resolution modes, the sanctions for breaches of consumer law and the nature of external relations or cooperation with other countries or international organizations. These enriching national and international perspectives offer a comprehensive overview of the current state of consumer law around the globe.

Enforcement and Effectiveness of Consumer Law

This book presents a comprehensive study on how twenty-three countries have approached the issue of company groups. In addition to detailed profiles of each country's legislation, written by some of the most respected experts in the field, the book also presents a general overview and offers readers an in-depth, up-to-date and highly practical comparative analysis of the company group phenomenon in connection with national legal regimes. As such, the book is a must-read for all those seeking a deeper understanding of how company groups are viewed and regulated around the globe.

Groups of Companies

The book provides an overview of the right to counsel and the attorney-client privilege in the following 12 jurisdictions: China, Germany, Greece, Italy, Japan, the Netherlands, Portugal, Spain, Switzerland, Turkey, UK and USA. The right to counsel is a fundamental right providing the accused access to justice in criminal proceedings. Lawyers can only practice their profession properly if clients have complete trust in their lawyer's discretion. This trust is safeguarded by the attorney-client privilege, which is an indispensable part of every constitutional state and one of the most important professional duties of a lawyer. It is of particular importance in criminal proceedings regarding the protection of the confidentiality of lawyer-client communications in the different procedural stages, coercive measures as well as the various duties and interests in play. However, the communications protected by attorney-client privilege vary greatly from country to country. With regard to criminal investigations in an increasingly globalised world, where sophisticated tools enable broad digital investigations, there is an urgent need to clarify how this fundamental right is protected at both the national and supranational level. Each chapter explores the regulations, practices and recent developments in each jurisdiction and was written by highly qualified experts in the legal field – from academia and practice alike. It identifies possible solutions and best practices, providing valuable insights for practitioners and law-making bodies alike regarding the actual protection (or lack thereof) of lawyer-client confidentiality in the pretrial and trial stage of criminal proceedings.

The Right to Counsel and the Protection of Attorney-Client Privilege in Criminal Proceedings

This book addresses the theme of collective bargaining in different legal systems and explores legal framework of collective bargaining as well as the role of different bargaining models in domestic labour law systems in altogether twenty-one jurisdictions throughout the world. Recent development of collective bargaining regimes can be viewed as part of a larger development of labour law models that face increasing challenges caused by globalization and transition of work and workplaces. The book places particular emphasis on identifying and examining most important development trends affecting domestic labour law regimes and collective bargaining and regulatory responses thereto. The analysis offered extends to transnational dimension of collective bargaining. As the chapters analyse the influence of the legal frameworks of collective bargaining in different countries they provide unique comparative insight into the topic which is central to understanding the function of labour law.

Collective Bargaining in Labour Law Regimes

This book addresses one of the core challenges in the corporate social responsibility (or business and human rights) debate: how to ensure adequate access to remedy for victims of corporate abuses that infringe upon their human rights. However, ensuring access to remedy depends on a series of normative

and judicial elements that become highly complex when disputes are transnational. In such cases, courts need to consider and apply different laws that relate to company governance, to determine the competent forum, to define which bodies of law to apply, and to ensure the adequate execution of judgments. The book also discusses how alternative methods of dispute settlement can relate to this topic, and the important role that private international law plays in access to remedy for corporate-related human rights abuses. This collection comprises 20 national reports from jurisdictions in Europe, North America, Latin America and Asia, addressing the private international law aspects of corporate social responsibility. They provide an overview of the legal differences between geographical areas, and offer numerous examples of how states and their courts have resolved disputes involving private international law elements. The book draws two preliminary conclusions: that there is a need for a better understanding of the role that private international law plays in cases involving transnational elements, in order to better design transnational solutions to the issues posed by economic globalisation; and that the treaty negotiations on business and human rights in the United Nations could offer a forum to clarify and unify several of the elements that underpin transnational disputes involving corporate human rights abuses, which could also help to identify and bridge the existing gaps that limit effective access to remedy. Adopting a comparative approach, this book appeals to academics, lawyers, judges and legislators concerned with the issue of access to remedy and reparation for corporate abuses under the prism of private international law.

Private International Law Aspects of Corporate Social Responsibility

This innovative, refreshing, and reader-friendly book is aimed at enabling students to familiarise themselves with the challenges and controversies found in comparative law. At present there is no book which clearly explains the contemporary debates and methodological innovations found in modern comparative law. This book fills that gap in teaching at undergraduate level, and for postgraduates will be a starting point for further reading and discussion. Among the topics covered are: globalisation, legal culture, comparative law and diversity, economic approaches, competition between legal systems, legal families and mixed systems, comparative law beyond Europe, convergence and a new *ius commune*, comparative commercial law, comparative family law, the 'common core' and the 'better law' approaches, comparative administrative law, comparative studies in constitutional contexts, comparative law for international criminal justice, judicial comparativism in human rights, comparative law in law reform, comparative law in courts and a comparative law research project. The individual chapters can also be read as stand-alone contributions and are written by experts such as Masha Antokolskaia, John Bell, Roger Cotterell, Sjef van Erp, Nicholas Foster, Patrick Glenn, Andrew Harding, Peter Leyland, Christopher McCrudden, Werner Menski, David Nelken, Anthony Ogus, Esin Örücü, Paul Roberts, Jan Smits and William Twining. Each chapter begins with a description of key concepts and includes questions for discussion and reading lists to aid further study. Traditional topics of private law, such as contracts, obligations and unjustified enrichment are omitted as they are amply covered in other comparative law books, but developments in other areas of private law, such as family law, are included as being of current interest.

Comparative Law

This title is part of UC Press's Voices Revived program, which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice, reach, and impact. Drawing on a backlist dating to 1893, Voices Revived makes high-quality, peer-reviewed scholarship accessible once again using print-on-demand technology. This title was originally published in 1984.

Vindiciae Gallicae

This work deals with the temporal effect of judicial decisions and more specifically, with the hardship caused by the retroactive operation of overruling decisions. By means of a jurisprudential and comparative analysis, the book explores several issues created by the overruling of earlier decisions. Overruling of earlier decisions, when it occurs, operates retrospectively with the effect that it infringes the principle of legal certainty through upsetting any previous arrangements made by a party to a case under long standing precedents established previously by the courts. On this account, in the recent past, a number of jurisdictions have had to deal with the prospect of introducing in their own systems the well-established US practice of prospective overruling whereby the court may announce in advance that it will change the relevant rule or interpretation of the rule but only for future cases. However, adopting prospective overruling raises a series of issues mainly related to the constitutional

limits of the judicial function coupled by the practical difficulties attendant upon such a practice. This book answers a number of the questions raised by this practice. It makes use of the great reservoir of foreign legal experience that furnishes theoretical and practical ideas from which national judges may draw their knowledge and inspiration in order to be able to advise a rational method of dealing with time when they give their decisions.

Households

The book gathers the general report and the national reports presented at the XXth General Congress of the IACL, in Fukuoka (Japan), on the topic “Debating legal pluralism and constitutionalism: new trajectories for legal theory in the global age”. Discussing the major contemporary changes occurring in and problems faced by domestic legal systems in the global age, the book describes how and to what extent these trends affect domestic legal orderings and practices, and challenges the traditional theoretical lenses that are offered to tackle them: constitutionalism and pluralism. Combining comparative law and comparative legal doctrine, and drawing on the national contributions, the general report concludes that most of the classic tools offered by legal doctrine are not appropriate to address most of today’s practical and theoretical global legal challenges, and as such, the book also offers new intellectual tools for the global age.

Comparing the Prospective Effect of Judicial Rulings Across Jurisdictions

This book analyses the development of anti-corruption as a policy field in the European Union with a particular focus on the EU Anti-Corruption Report. It reconstructs the origins of anti-corruption policy in the 1990s when the EU started to recognise corruption as a serious crime with a cross-border dimension. It also analyses the processes surrounding the downfall of the Santer Commission on charges of corruption in 1999 and the enlargement of the EU. This incorporation of transitional new Member States was accompanied by a number of specific measures, instruments and monitoring mechanisms to combat corruption at the supranational level, finally leading to the introduction of the EU-wide Anti-Corruption Report in 2014. The book presents an in-depth analysis of its implementation, abandonment and the way forward under the European Semester as the new instrument for achieving EU anti-corruption reforms. It offers a new interpretation of the Report as a form of reflexive governance that operates at multiple levels and involves not only the European institutions and national governments, but also the role of civil society actors in the process of developing anti-corruption policy. It applies the theory of reflexive governance in analysing the impact of the Report in the UK, Romania and Albania, including the involvement of non-state actors in anti-corruption policy making in these countries. The book concludes with a discussion on how future EU Anti-Corruption policy can make use of reflexive governance and offers recommendations to enhance anti-corruption policies of the EU, the Member States and Candidate States.

Debating Legal Pluralism and Constitutionalism

This open access book explores the role of the ILO (International Labour Organization) in building global social governance from multiple and mutually complementary perspectives. It explores the impact of this UN’s oldest agency, founded in 1919, on the transforming world of work in a global setting, providing insights into the unique history and functions of the ILO as an organization and the evolution of workers’ rights through international labour standards stemming from its regulatory mechanism. The book examines the persistent dilemma of balancing the benefits of globalization with the protection of workers. It critically assesses the challenges that emerge when international labour standards are implemented and enforced in highly diverse regulatory frameworks in international, regional, national and local contexts. The book also identifies feasible ways to achieve more inclusive labour protection, putting into perspective the tension between the economic and the social in the ILO’s second century of operation. It includes reflections on the work of the ILO World Commission on the Social Dimension of Globalisation by Tarja Halonen, who as President of Finland co-chaired the Commission with Benjamin William Mkapa, President of Tanzania. Written by distinguished experts and scholars in the fields of international labour law and international law, the book provides an insightful and in-depth analysis of the role of the ILO as an international organization devoted to decent work and social justice. It also sheds light on tripartism and its particular role in the work of the ILO, examining the challenges that a profoundly changing working life presents in terms of labour protection and social justice, and examining the transnational dimension of labour law. Lastly, the book includes a postscript by Nobel economics laureate Professor Joseph E. Stiglitz.

The EU Anti-Corruption Report

The book discusses compensation mechanisms and other non-judicial means that offer alternatives to court proceedings, designed and provided for within national legal regimes. Such schemes are primarily of a civil or administrative character and are mainly intended to supplement criminal liability for medical negligence. As such, the book focuses on medical malpractice and prospective medical harm from a civil law perspective. It examines the contemporary perspective of a patient-physician relationship, which has evolved from a relation of a quasi-patrimonial character into a partnership of quasi-equal parties, dealing with a medical treatment procedure as a scientific endeavor. It also reviews the extra-legal conditions that are taken into account in compensation arrangements, particularly the need to satisfy a psychological urge for conciliation and empathy on the part of medical personnel. Lastly, the book explores the responsibility of public authorities and healthcare providers to guarantee access to healthcare that is of a sufficient quality, based upon standards provided for in international (and European) law.

International Labour Organization and Global Social Governance

In *Sources of Slavic Pre-Christian Religion* Juan Antonio Álvarez-Pedrosa presents all known medieval texts that provide us with information about the religion practiced by the Slavs before their Christianization.

Civil Law Convention on Corruption

Skin-clad barbarians ransacking Rome remains a popular image of the "decline and fall" of the Roman Empire, but why, when, and how the Empire actually fell are still matters of debate among students of classical history. In this pioneering study, Ralph W. Mathisen examines the "fall" in one part of the western Empire, Gaul, to better understand the shift from Roman to Germanic power that occurred in the region during the fifth century AD. Mathisen uncovers two apparently contradictory trends. First, he finds that barbarian settlement did provoke significant changes in Gaul, including the disappearance of most secular offices under the Roman imperial administration, the appropriation of land and social influence by the barbarians, and a rise in the overall level of violence. Yet he also shows that the Roman aristocrats proved remarkably adept at retaining their rank and status. How did the aristocracy hold on? Mathisen rejects traditional explanations and demonstrates that rather than simply opposing the barbarians, or passively accepting them, the Roman aristocrats directly responded to them in various ways. Some left Gaul. Others tried to ignore the changes wrought by the newcomers. Still others directly collaborated with the barbarians, looking to them as patrons and holding office in barbarian governments. Most significantly, however, many were willing to change the criteria that determined membership in the aristocracy. Two new characteristics of the Roman aristocracy in fifth-century Gaul were careers in the church and greater emphasis on classical literary culture. These findings shed new light on an age in transition. Mathisen's theory that barbarian integration into Roman society was a collaborative process rather than a conquest is sure to provoke much thought and debate. All historians who study the process of power transfer from native to alien elites will want to consult this work.

Compensation Schemes for Damages Caused by Healthcare and Alternatives to Court Proceedings

This book examines the right to be forgotten and finds that this right enjoys recognition mostly in jurisdictions where privacy interests impose limits on freedom of expression. According to its traditional understanding, this right gives individuals the possibility to preclude the media from revealing personal facts that are no longer newsworthy, at least where no other interest prevails. Cases sanctioning this understanding still abound in a number of countries. In today's world, however, the right to be forgotten has evolved, and it appears in a more multi-faceted way. It can involve for instance also the right to access, control and even erase personal data. Of course, these prerogatives depend on various factors and competing interests, of both private and public nature, which again require careful balancing. Due to ongoing technological evolution, it is likely that the right to be forgotten in some of its new manifestations will become increasingly relevant in our societies.

Sources of Slavic Pre-Christian Religion

The *Unidroit Principles of International Contracts*, first published in 1994, have met with extraordinary success in the legal and business community worldwide. Prepared by a group of eminent experts from all major legal systems of the world, they provide a comprehensive set of rules for international commercial contracts. This new edition of *An International Restatement of Contract Law* is the first comprehensive introduction to the *Unidroit Principles* 2004. In addition, it provides an extensive survey

and analysis of the actual use of the Unidroit Principles in practice with special emphasis on the different ways in which they have been interpreted and applied by the courts and arbitral tribunals in the hundred or so cases reported worldwide. The book also contains the full text of the Preamble and the 180 articles of the Unidroit Principles 2004 in Chinese, English, French, German, Italian and Russian as well as the 1994 edition in Spanish.

Roman Aristocrats in Barbarian Gaul

This book argues that the destruction of Jerusalem is a key explanatory trope for early modern texts.

The Right To Be Forgotten

This book identifies and explains the different national approaches to data protection – the legal regulation of the collection, storage, transmission and use of information concerning identified or identifiable individuals – and determines the extent to which they could be harmonised in the foreseeable future. In recent years, data protection has become a major concern in many countries, as well as at supranational and international levels. In fact, the emergence of computing technologies that allow lower-cost processing of increasing amounts of information, associated with the advent and exponential use of the Internet and other communication networks and the widespread liberalization of the trans-border flow of information have enabled the large-scale collection and processing of personal data, not only for scientific or commercial uses, but also for political uses. A growing number of governmental and private organizations now possess and use data processing in order to determine, predict and influence individual behavior in all fields of human activity. This inevitably entails new risks, from the perspective of individual privacy, but also other fundamental rights, such as the right not to be discriminated against, fair competition between commercial enterprises and the proper functioning of democratic institutions. These phenomena have not been ignored from a legal point of view: at the national, supranational and international levels, an increasing number of regulatory instruments – including the European Union's General Data Protection Regulation applicable as of 25 May 2018 – have been adopted with the purpose of preventing personal data misuse. Nevertheless, distinct national approaches still prevail in this domain, notably those that separate the comprehensive and detailed protective rules adopted in Europe since the 1995 Directive on the processing of personal data from the more fragmented and liberal attitude of American courts and legislators in this respect. In a globalized world, in which personal data can instantly circulate and be used simultaneously in communications networks that are ubiquitous by nature, these different national and regional approaches are a major source of legal conflict.

An International Restatement of Contract Law: The UNIDROIT Principles of International Commercial Contracts

This book addresses the interactions between the domestic courts and the international investment arbitral tribunals, one of the most pressing issues confronting both domestic legal systems and the international legal system. It deals with the core issues inherent in the above interactions, especially with regard to countries outside the ICSID system. It contrasts this narrative with the position under classical international investment law, where national courts are assigned a very specific and minimalistic role in the process of investment disputes settlement. For this purpose, the book chooses India, which follows the non-ICSID model, as the major point of focus and considers both domestic judicial decisions and investment arbitral decisions for critical analysis. The ICSID Convention grants limited powers to domestic courts to issue provisional measures and to enforce ICSID awards. As the central theme of the book lies at the intersection of domestic law and international law, the work is indispensable for any scholar working in the areas of general international law, international investment law, international economic law, law and economics, international dispute settlement, or international law in domestic courts, as well as domestic judges and international arbitrators. Further, as the subject matter has great implications for both domestic and global governance, it will benefit civil servants, opinion leaders, policy planners and subject experts in economics, the political economy and regional studies, to name a few. Excerpt from the Foreword: "One of the great merits of this book is that... It looks at bilateral investment treaties themselves to probe more deeply into the role of national courts in investment arbitration... This masterful book fills a major void as a resource in Indian international arbitration law. But is also the prototype of what any serious inquiry into the judicial role in investor-State arbitration in any jurisdiction should look like..." - George A. Bermann, Walter Gellhorn Professor of Law and Jean Monnet Professor of European Union Law, Columbia Law School, USA

The Destruction of Jerusalem in Early Modern English Literature

This book provides a comparative analysis of the legal frameworks of six Latin American central banks to determine whether there is legal certainty regarding central bank autonomy. Based on this, it ascertains whether the way in which legal institutions are designed – specifically those that rule the autonomy of the central bank – provides reasons to believe that central banks can keep inflation at bay even if governments face fiscal problems or pursue contradictory objectives. The analysis covers three key areas: a constitutional analysis, a detailed study of the central bank statutes and a study of a number of underexplored threats to central bank autonomy. After defining and identifying different types of legal certainty and linking them to the credibility of government promises, the author goes on to examine the grounds that the law provides for confidence that central banks operate independently of political influence. The second part of the book focuses on a granular analysis of the legal design of the central banks' objectives and autonomy. Lastly, the third part features two case studies that represent little-known and unusual institutional threats to legal certainty relating to central bank autonomy, such as the interventions by the Constitutional Court of Colombia in the autonomy of the Colombian central bank, and the interventions of the Argentinean executive and legislative branches in the autonomy of Argentina's central bank through stabilization plans introduced via emergency laws and decrees. In sum, the book suggests that there are serious doubts about the ability of Latin American central banks to maintain price stability over time. Although central banks were granted a degree of autonomy, authorities in Latin American countries are able to affect central bank decisions. Most importantly, a lack of clarity, inconsistencies, or generous exceptions in the law provide ways for authorities to influence central banks even without bending or disregarding the rules.

Data Protection in the Internet

There is a shift taking place in the fight against corruption. Increasingly attention is turning to the role of the private actor.² This can be characterized as a shift from a public approach that sees the state and government as the primary driving force in the fight against corruption to an approach that sees private processes and actors playing an equally important role. This begs the question: what is a private approach? What is its motivation, content, or method? How does a private approach interrelate with the public approach? This book on private remedies for corruption is a response to these questions from the perspective of private law.³ This chapter introduces the research question, the research method and the relevance of this research.

Role of Domestic Courts in the Settlement of Investor-State Disputes

The Oxford Handbook of Law and Anthropology is a ground-breaking collection of essays that provides an original and internationally framed conception of the historical, theoretical, and ethnographic inter-connections of law and anthropology. Each of the chapters in the Handbook provides a survey of the current state of scholarly debate and an argument about the future direction of research in this dynamic and interdisciplinary field. The structure of the Handbook is animated by an overarching collective narrative about how law and anthropology have and should relate to each other as intersecting domains of inquiry that address such fundamental questions as dispute resolution, normative ordering, social organization, and legal, political, and social identity. The need for such a comprehensive project has become even more pressing as lawyers and anthropologists work together in an ever-increasing number of areas, including immigration and asylum processes, international justice forums, cultural heritage certification and monitoring, and the writing of new national constitutions, among many others. The Handbook takes critical stock of these various points of intersection in order to identify and conceptualize the most promising areas of innovation and sociolegal relevance, as well as to acknowledge the points of tension, open questions, and areas for future development.

Legal Certainty and Central Bank Autonomy in Latin American Emerging Markets

Practices of comparing shape how we perceive, organize, and change the world. This volume outlines the program of a new research agenda that places comparative practices at the center of an interdisciplinary exploration.

Private Remedies for Corruption

This book explores convergences of legal doctrine despite jurisdictional, cultural and political barriers, as well as divergences due to such barriers, examining topics that are of vital importance to contemporary legal scholars. Written by leading experts from all continents, its 26 chapters present a comparative analysis of cutting-edge legal issues of the 21st century. While each of the countries

covered stands alone as a sovereign state, in a technologically advanced world their disparate systems nonetheless show comparable strategies in dealing with complex legal issues. Several of the chapters show how, in addition to state normative production and state adjudication, a growing panoply of non-state instruments and non-state adjudication are becoming more and more central to the legal field. This book is a key addition to the library of any scholar wanting to keep abreast of the major trends in contemporary law. Representing the current state of law in a vast range of areas, it covers each topic from a comparative perspective. Cet ouvrage, en examinant des sujets d'une importance vitale pour les juristes contemporains, traite des convergences de la doctrine juridique malgré les barrières juridictionnelles, culturelles et politiques ainsi que des divergences dues à ces barrières. Écrits par d'éminents universitaires de tous les continents, ses 26 chapitres présentent une analyse comparative de sujets juridiques majeurs du 21^e siècle. Dans un monde technologiquement avancé, bien que chaque pays analysé dans cet ouvrage demeure autonome en tant qu'État souverain, l'ensemble des systèmes disparates présente néanmoins des stratégies comparables pour traiter des questions juridiques complexes. En outre, plusieurs chapitres montrent comment, en plus de la production normative et de la résolution des différends étatiques, la panoplie croissante de différents types d'instruments non étatiques et de résolution non étatique des différends devient de plus en plus centrale dans la sphère juridique. Cet ouvrage est un ajout essentiel à la bibliothèque de tout universitaire souhaitant se tenir au courant des principales tendances du droit contemporain. Il couvre un vaste domaine de sujets traités d'un point de vue comparatif et représente l'état actuel du droit dans chaque domaine.

The Oxford Handbook of Law and Anthropology

In this age of the sound bite, what sort of author could be more relevant than a master of the epigram? Martial, the most influential epigrammatist of classical antiquity, was just such a virtuoso of the form, but despite his pertinence to today's culture, his work has been largely neglected in contemporary scholarship. Arguing that Martial is a major author who deserves more sustained attention, William Fitzgerald provides an insightful tour of his works, shedding new and much-needed light on the Roman poet's world—and how it might speak to our own. Writing in the late first century CE—when the epigram was firmly embedded in the social life of the Roman elite—Martial published his poems in a series of books that were widely read and enjoyed. Exploring what it means to read such a collection of epigrams, Fitzgerald examines the paradoxical relationship between the self-enclosed epigram and the book of poems that is more than the sum of its parts. And he goes on to show how Martial, by imagining these books being displayed in shops and shipped across the empire to admiring readers, prophetically behaved like a modern author. Chock-full of epigrams itself—in both Latin and English versions—Fitzgerald's study will delight classicists, literary scholars, and anyone who appreciates an ingenious witticism.

Practices of Comparing

General Reports of the XXth General Congress of the International Academy of Comparative Law -
Rapports généraux du XX^{ème} Congrès général de l'Académie internationale de droit comparé