

# Accountability In Extraterritoriality

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**Extraterritorial Application of U. S Criminal Law** - Darla A. Garcia 2012-08-01  
Criminal law is usually territorial. It is a matter of the law of the place where it occurs. Nevertheless, a number of American criminal laws apply outside of the United States. Application is generally a question of legislative intent, expressed or implied. In either case, it most often involves crimes committed aboard a

ship or airplane, crimes condemned by international treaty, crimes relating to government employees or property overseas, or crimes that have an impact in this country even if planned or committed in part elsewhere. This book discusses the laws and policy surrounding extraterritorial jurisdiction and proposals for furthering accountability.

**Jus Post Bellum** - Carsten

Stahn 2008

Jus ad bellum and jus in bello are established concepts in contemporary international law. This book is the first work to treat the origins, contents and contemporary challenges of jus post bellum. It offers new analysis and fresh thinking on one of the greatest challenges of warfare and armed force: the management and restoration of peace after conflict. Fundamental issues, such as the extraterritorial application of human rights obligations, the accountability of occupying powers and international organizations and approaches towards justice and reconciliation, are at the heart of contemporary debate. New concepts, such as the notion of responsibility to protect are gradually emerging. This book addresses these issues from a novel perspective. It identifies legal gaps and policy challenges and inquires to what extent they may be addressed under a common normative umbrella: Jus Post Bellum. The individual contributions offer guidance on

shortcomings, directions and possible avenues of reform. In this way, the authors - from various disciplines, such as philosophy, legal history, political science and international law - contribute to the emerging scholarship in this field. Carsten Stahn is a Reader in Public International Law and International Criminal Justice, at the Swansea University School of Law, UK. Jann K. Kleffner is Assistant Professor at the Amsterdam University Center of International Law, The Netherlands, and the Managing Editor of the Yearbook of International Humanitarian Law.

Extraterritorial Immigration Control - Bernhard Ryan 2010

This work analyses the legal challenges posed by contemporary practices of extraterritorial immigration control: visas, pre-embarkation checks and the interception of irregular migrants. It examines the international law framework, and provides case-studies from Europe, Australia and the United States.

*Transparency in International Law* - Andrea Bianchi

2013-11-07

While its importance in domestic law has long been acknowledged, transparency has until now remained largely unexplored in international law. This study of transparency issues in key areas such as international economic law, environmental law, human rights law and humanitarian law brings together new and important insights on this pressing issue. Contributors explore the framing and content of transparency in their respective fields with regard to proceedings, institutions, law-making processes and legal culture, and a selection of cross-cutting essays completes the study by examining transparency in international law-making and adjudication.

Universal Human Rights and Extraterritorial Obligations -

Mark Gibney 2012-07-03

Globalization challenges fundamental principles governing international law, especially with respect to state

sovereignty and international relations. This transformation has had a significant impact on the practice of trade law, financial regulation, and environmental law but relatively little effect on one area of law and regulation: human rights. Universal Human Rights and Extraterritorial Obligations examines both the international and domestic foundations of human rights law. What other contemporary human rights debates have almost totally ignored is that in an increasingly interdependent world—where public and private international actors have great influence on the lives of individuals everywhere—it is insufficient to assess only the record of domestic governments in human rights. It is equally important to assess the effect of actions taken by intergovernmental organizations, international private entities, and foreign states. From this standpoint, contributors to this book address how states' actions or

omissions may affect the prospects of individuals in foreign states and asks important questions: To what extent do agricultural policies of rich countries influence the right to food in poorer countries? How do decisions to screen asylum seekers outside state borders affect refugee rights? How does cooperation among different states in the "war on terror" influence individuals' rights to be free from torture? This volume presents a brief for a more complex and updated approach to the protection of human rights worldwide.

*The Oxford Handbook Public Accountability* - Mark Bovens 2014-04

Drawing on the best scholars in the field from around the world, this handbook showcases conceptual and normative as well as the empirical approaches in public accountability studies.

Extraterritorial Application of Human Rights Treaties - Marko Milanovic 2013-03-28

Questions as to when a state owes obligations under a

human rights treaty towards an individual located outside its territory are being brought more and more frequently before both international and domestic courts. Victims of aerial bombardment, inhabitants of territories under military occupation, deposed dictators, suspected terrorists detained in Guantanamo by the United States, and the family of a former KGB spy who was assassinated in London through the use of a radioactive toxin, allegedly at the orders or with the collusion of the Russian government - all of these people have claimed protection from human rights law against a state affecting their lives while acting outside its territory. These matters are extremely politically and legally sensitive, leading to much confusion, ambiguity and compromise in the existing case law. This study attempts to clear up some of this confusion, and expose its real roots. It examines the notion of state jurisdiction in human rights treaties, and places it within the framework of

international law. It is not limited to an inquiry into the semantic, ordinary meaning of the jurisdiction clauses in human rights treaties, nor even to their construction into workable legal concepts and rules. Rather, the interpretation of these treaties cannot be complete without examining their object and purpose, and the various policy considerations which influence states in their behaviour, and courts in their decision-making. The book thus exposes the tension between universality and effectiveness, which is itself the cause of methodological and conceptual inconsistency in the case law. Finally, the work elaborates on the several possible models of the treaties' extraterritorial application. It offers not only a critical analysis of the existing case law, but explains the various options that are before courts and states in addressing these issues, as well as their policy implications.

### **The European Convention on Human Rights and General International Law -**

Anne van Aaken 2018-09-20  
The European Court of Human Rights is one of the main players in interpreting international human rights law where issues of general international law arise. While developing its own jurisprudence for the protection of human rights in the European context, it remains embedded in the developments of general international law. However, because the Court does not always follow general international law closely and develops its own doctrines, which are, in turn, influential for national courts as well as other international courts and tribunals, a feedback loop of influence occurs. This book explores the interaction, including the problems arising in the context of human rights, between the European Convention on Human Rights and general international law. It contributes to ongoing debates on the fragmentation and convergence of international law from the perspective of international

judges as well as academics. Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation. The focus is on specific topics which have posed special problems, namely sources, interpretation, jurisdiction, state responsibility and immunity.

Global Justice, State Duties -

Malcolm Langford 2013  
Explores whether states possess extraterritorial obligations under international law to respect and ensure economic, social and cultural rights.

*Extraterritoriality in East Asia* -  
Ireland-Piper, Danielle  
2021-07-31

Extraterritoriality in East Asia examines the approaches of China, Japan and South Korea to exercising legal authority over crimes committed outside their borders, known as 'extraterritorial jurisdiction'. It considers themes of justiciability and approaches to international law, as well as relevant examples of legislation and judicial decision-making, to

offer a deeper understanding of the topic from the perspective of this legally, politically and economically significant region.

**FRONTEX and the EBCGA** -  
Amélie Poméon 2017

With this book, Amélie Pomeon won the Hanneke Steenbergen Scriptie Prijs 2016 (prize for the best master thesis in the field of migration law in the Netherlands for the year 2015/2016). Hanneke Steenbergen taught migration law at the University of Leiden and was highly dedicated to the promotion of migration law education. After her death, a commemorative foundation was established, the primary purpose of which is to award a yearly prize stimulating research and interest in migration law issues. This book discusses the question to what extent Frontex (and, to a more limited degree, its successor, the European Border and Coast Guard Agency) can be held accountable for breaches of EU law acting both inside and outside EU territory. The issues covered include a

detailed discussion of Frontex' tasks and competences, the legal position and status of EU agencies, agency accountability and the distinction between the notions of accountability and responsibility as well as the extraterritorial applicability of EU law. It also addresses the question whether an individual complaint mechanism can and should be introduced within the Agency's setup.

Dissertation. [Subject: Migration Law, Human Rights Law]

### **European Convention on Human Rights** - Christoph Grabenwarter 2014-02-12

The European Convention on Human Rights (ECHR) entered into force on 3 September 1953 with binding effect on all Member States of the Council of Europe. It grants the people of Europe a number of fundamental rights and freedoms (right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private

and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to an effective remedy, prohibition of discrimination) plus some more by additional protocols to the Convention (Protocols 1 (ETS No. 009), 4 (ETS No. 046), 6 (ETS No. 114), 7 (ETS No. 117), 12 (ETS No. 177) and 13 (ETS No. 187)). Any person who feels his or her rights under the ECHR have been violated by the authorities of one of the Member States can bring a case to the European Court of Human Rights, established under the Convention. The States are bound by the Court's decisions. The Committee of Ministers of the Council of Europe make sure that the decisions are properly executed. Today the Court receives thousands of petitions annually, demonstrating the immense impact of the Convention and the Strasbourg Court. Professor Grabenwarter's Commentary deals with the Convention

systematically, article-by-article, considering the development and scope of each article, together with the relevant case-law and literature.

### **Business and Human Rights**

- Dalia Palombo 2020-02-06

This book analyses the accountability of European home States for their failure to secure the human rights of victims from host States against transnational enterprises. It argues for a reconfiguration of the relationship between multinational enterprises and individuals, both of which have been profoundly changed by globalisation. Enterprises are now supranational entities with numerous affiliates all over the world. Likewise, individuals are increasingly part of a global community. Despite this, the relationship between the two is deregulated. Addressing this gap, this study proposes an innovative business and human rights litigation strategy. Human rights advocates could file a test case against a European home State, at the

European Court of Human Rights, for its failure to secure the rights of victims vis-à-vis European multinational enterprises. The book illustrates why such a strategy is needed, and points to the lack of effective legal remedies against European multinationals. The goal is to empower victims from developing countries against European States which are failing to hold multinational enterprises accountable for human rights abuses.

### **Beyond National Borders**

- Sigrun Skogly 2006

Within and outside the legal and academic professions, it is now increasingly recognised that the human rights consequences of states' actions are not limited to the domestic sphere but quite often transcend national borders. This is a challenge to the human rights community, which up to the present time has focused almost exclusively on human rights violations and protections solely within a national setting. The term "extraterritorial"



effect/application/obligation in international law refers to acts that are taken by one actor (state) that have some kind of effect within another country's territory, with or without this second country's implicit or explicit agreement.

Extraterritoriality within international human rights law, then, concerns actions or omissions by one state that have an effect on the human rights of individuals in another state - with or without this other state's agreement. This effect may be positive or negative in that such actions or omissions by foreign states may contribute positively to the enjoyment of human rights; or alternatively, they may result in a deteriorated human rights situation, and even human rights violations. This book gives, for the first time, a comprehensive analysis of extraterritorial obligations in international human rights law by placing the discussion in a larger international law context, interpreting obligations in the various sources of international human

rights law, and discussing the way in which extraterritoriality has been approached by international courts and human rights implementation bodies in the United Nations and regional systems.

**EU Borders and Shifting Internal Security** - Raphael Bossong 2016-02-19

This edited volume analyzes recent key developments in EU border management. In light of the refugee crises in the Mediterranean and the responses on the part of EU member states, this volume presents an in-depth reflection on European border practices and their political, social and economic consequences. Approaching borders as concepts in flux, the authors identify three main trends: the rise of security technologies such as the EUROSUR system, the continued externalization of EU security governance such as border mission training in third states, and the unfolding dynamics of accountability. The contributions show that internal security cooperation in Europe is far from

consolidated, since both political oversight mechanisms and the definition of borders remain in flux. This edited volume makes a timely and interdisciplinary contribution to the ongoing academic and political debate on the future of open borders and legitimate security governance in Europe. It offers a valuable resource for scholars in the fields of international security and migration studies, as well as for practitioners dealing with border management mechanisms.

**The Oxford Handbook of International Refugee Law -**

Cathryn Costello 2021

This Handbook draws together leading and emerging scholars to provide a comprehensive critical analysis of international refugee law. This book provides an account as well as a critique of the status quo, setting the agenda for future research in the field.

*Accountability in*

*Extraterritoriality* - Danielle Ireland-Piper 2017-02-24

Nation states are increasingly asserting jurisdiction over

criminal offenses that occur extraterritorially. In some instances, this can cause political tension and legal uncertainty, as the principles of jurisdiction under international law do not adequately resolve competing claims. In that context, this book considers principles of jurisdiction and mechanisms by which to achieve jurisdictional restraint under international law, including the possibilities presented by the abuse of rights doctrine.

*Seeking Human Rights Justice in Latin America* - Jeffrey Davis 2014

This book studies how victims of human rights violations in Latin America, their families, and their advocates work to overcome entrenched impunity and seek legal justice. Their struggles show that legal justice is a multifaceted process, the overarching purpose of which is to restore human dignity and prevent further violence. Uncovering, revealing, and proving the truth are essential elements of legal justice, and are also

powerful tools to activate the process. When faced with stubborn impunity at home, victims, families, and advocates can carry on their work for legal justice by bringing cases in courts in other countries or in the Inter-American human rights system. These extra-territorial courts can jumpstart the process of legal justice at home. Seeking Human Rights Justice in Latin America examines the political and legal struggle through the lens of the human story at the heart of these cases.

**The Frontiers of Human Rights** - Nehal Bhuta 2016

In an epoch of transnational armed conflict, global environmental harm, and rising inequality, the extraterritorial application of human rights law has become a pressing and controversial legal issue. The faultlines of the Westphalian order are the meridians along which the extraterritorial application of human rights run, as human rights are invoked to address a panoply of global-scale problems, from transborder environmental

harm, to social and economic development and global inequality, to the repression of piracy in ungoverned spaces, and military occupation and armed conflict in the territory of a third state.

*Human Rights in the World Community* - Burns H. Weston 2016-04

Designed for educational use in international relations, law, political science, economics, and philosophy classes, *Human Rights in the World Community* treats the full range of human rights issues, including implementation problems and processes involving international, national, and nongovernmental action. Now with online appendices.

*Research Handbook on Unilateral and Extraterritorial Sanctions* - Charlotte Beaucillon 2021-08-17

Providing a unique analytical framework to capture a diverse, fragmented and highly evolving practice, the *Research Handbook on Unilateral and Extraterritorial Sanctions* is the key original reference work covering how sanctions have

indisputably become central instruments of foreign policy. This discerning Research Handbook combines a series of case studies and cross-cutting analyses. It reflects the levers and evolution of international law and practice in the field, as well as covering important topics over multiple disciplines, particularly in international law and international relations. Featuring diverse contributions from a selection of esteemed scholars, the Research Handbook provide an unprecedented analysis of the evolution of diplomatic, legal and business practices and tackle topical legal issues arising from unilateral and extraterritorial sanctions. Offering a unique panorama of contemporary practice, this 360-degree study will be of interest to legal academics and their students as well as practitioners in both the public and private sectors.

**Extraterritorial Human Rights Obligations from an African Perspective** - Takele Soboka Bulto 2018-05-11

This book addresses the often

neglected question of whether African regional human rights instruments impose extraterritorial obligations on State parties, and if so, the extent and scope of these obligations. The prevalence of extraterritorial violations of human and peoples' rights in the African system, due to the actions or omissions of African, as well as non-African, states has not gone unnoticed. Strengthening extraterritorial obligations in Africa is an urgent necessity to ensure a rights-based African regional order that seeks to address, among other issues, challenges stemming from globalisation, accountability for human rights violations in Africa where a third state or entity (as well as an intergovernmental organisation) is involved, and to ensure respect and protection of the human rights of future generations. With the increasing quasi-judicial and judicial scrutiny of the extraterritorial reach of human rights and states' duties, at both international and regional levels-including from the

African Commission-the African region is ripe for extraterritorial analysis. Extraterritoriality is an emerging concept in the context of international human rights law, and has generally not been the focus of many books, and less so in the African context. This book is, therefore, among the first book of its kind, providing the reader with a unique perspective on this important topic. [Subject: African Law, Human Rights Law]

**Visual Evidence and the Gaza Flotilla Raid** - Maayan Amir 2022-02-24

This book engages with pivotal examples of extraterritoriality-from Antiquity and into the twenty first century-in order to broaden the original judicial and geographical definition and thereby include physical and digitized information, and visual data in particular. By focusing on a critical incident of recent Middle Eastern history-namely, the Gaza Freedom Flotilla of 2010 which sailed against Israel's enduring blockade-it shows how the

device of extraterritoriality shapes not only the political situation in Gaza, the legal status of the maritime environment in which the flotilla incident took place, and the judicial actions taken in response but also reveals how the concept of extraterritoriality is key to explaining the State's subsequent efforts to confiscate and monopolize all visual evidence of its alleged violations of international statutes. Through the lens of the missing visual evidence characterizing the Mavi Marmara incident after-effects, it explores how the legal system's ability to evade transparency seems to be a built-in condition for eluding criminal accountability at the international level, with the emphasis on extraterritoriality's fundamental role in fashioning our current legal and political orders.

**Accountability and Corporate Human Rights Violations in Tort and International Law** -

Emmanuel K. Nartey  
2021-10-04

This volume identifies a coherent legal principle in order to establish a novel duty of care for corporate human rights violations and environmental damages. It examines whether tort and civil law offer better accountability and remedies for victims of corporate human rights abuses, and carries out an in-depth and critical analysis of the concept of corporate accountability. Moreover, a fundamental part of this book is devoted to examining the extent to which international criminal law influences international human rights law in its use of tort law and civil law remedies. Finally, the book sets out a theoretical mechanism for duty of care, as well as a proposal for the establishment of a 'Hybrid International Transnational Corporation Court' that would have the potential to effectively interpret the concept of the corporate duty of care under tort law.

### **Corporate Responsibility for**

*accountability-in-  
extraterritoriality*

### **Human Rights Impacts -**

Lara Jill Blecher 2015-04-16

Written by a highly respected panel of experts, this book examines the difficult and nuanced questions associated with corporate accountability from all sides. This book contributes unique and thoughtful perspectives, legally grounded and passionately contended, to the ongoing dialogue about the intersection of human rights and corporate responsibility. Corporate Responsibility for Human Rights Impacts focuses mainly on developments in the United States and the United Kingdom, although examples of legal developments in corporate accountability for human rights in developing countries are discussed in many chapters. This book considers the question: how will lawyers and courts deal with the thorny issue of extraterritoriality in transnational litigation brought against companies for human rights abuses abroad?

### The EU as a Global Regulator for Environmental Protection -

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Ioanna Hadjiyianni 2019-08-08  
This book critically examines the extension of EU environmental legislation beyond EU borders through measures that determine access to the single market on the basis of processes that take place in third countries. It makes a timely contribution to political debates about the relations between EU and non-EU countries, and the Union's role in the global governance of environmental policy, where it has been considered a global leader. The book aims to identify and explain the emerging legal phenomenon of internal environmental measures with extraterritorial implications as an important manifestation of EU global regulatory power, and assesses the extraterritorial reach of EU environmental law from a legitimacy perspective. It examines mechanisms that can bolster its legitimacy, focusing on the legal orders of the EU and the World Trade Organization, which are key legal fora for controlling the EU's global regulatory power.

Extraterritorial Application of American Criminal Law - Charles Doyle 2010-10  
Crime is usually territorial. It is a matter of the law of the place where it occurs. Nevertheless, a surprising number of American criminal laws apply outside of the U.S. Application is generally a question of legislative intent, expressed or implied. In either case, it most often involves crimes committed aboard a ship or airplane, crimes condemned by international treaty, crimes committed against government employees or property, or crimes that have an impact in this country even if planned or committed in part elsewhere. Although the crimes over which the U.S. has extraterritorial jurisdiction may be many, so are the obstacles to their enforcement. Contents of this report: (1) Introduction; (2) Constitutional Considerations; (3) Conclusion; (5) Bibliography.  
**The Philosophical Foundations of Extraterritorial Punishment**  
- Alejandro Chehtman

2010-12-09

Originally presented as the author's thesis (Ph.D.)--London School of Economics, 2009 under the title: The morality of extraterritorial punishment.

Cases and Concepts on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights - Fons Coomans 2012

From the Foreword by Prof. Olivier De Schutter, United Nations Special Rapporteur on the Right to Food: "This volume is the result of over ten years of research conducted jointly by non-governmental organisations and universities. It presents a range of cases in which the actions or omissions of States have impact on the enjoyment of human rights outside their national territory, raising the question of whether, and under which conditions, such conduct may engage the international responsibility of the States concerned. When the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights

were adopted on 28 September 2011, it is these cases, among others, that the experts who developed these principles had in mind. As such, the series of case studies presented by Fons Coomans and Rolf

KÄ¼nnemann is at the cutting edge both of human rights activism and of human rights doctrine. This volume provides clear evidence both that the Maastricht Principles are useful and important, and that if we accept to build on the extraterritorial obligations of States, the accountability gap that economic globalization has created can be closed." \*\*\* This book is essential reading for academics, students, non-governmental organizations, and other practitioners. The human rights community should start making the analysis of extraterritorial obligations a standard part of its casework. The cases in this book show why this is necessary and how this can be done. (Series: Maastricht Series in Human Rights)

**The Politics of Global Supply Chains** - Kate



MacDonald 2014-01-14  
The Politics of Global Supply Chains analyses the changing politics of power and distribution within contemporary global supply chains. Drawing on over 300 interviews with farmers, workers, activists, businesses and government officials in garment and coffee sector supply chains, the book shows how the increased involvement of non-state actors in supply chain governance is re-shaping established patterns of global political power, responsibility and accountability. These emerging supply chain governance systems are shown to be multi-layered and politically contested, as transnational governance schemes interact with traditional state governance arrangements in both complementary and conflicting ways. The book's analysis of changes to the relationship between state and non-state actors within transnational governance processes will be of particular interest to scholars and students of

globalisation, global governance and regulation. The Politics of Global Supply Chains also suggests some practical ways by which the effectiveness and accountability of supply chain governance could be strengthened, which will interest both scholars and practitioners in fields of global business regulation and corporate social responsibility. Conclusions are relevant to the business and civil society actors who participate directly in non-state governance schemes, and to state regulators whose distinctive governance capacities could play a much greater role than at present in supporting transnational, non-state governance processes.

**Challenging Territoriality in Human Rights Law** - Wouter

Vandenhoele 2015-06-19

Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents. Interpretations of international human rights treaties tend

either to ignore or downplay obligations beyond this 'territorial space'. This edited volume challenges the territorial bias of mainstream human rights law. It argues that with increased globalisation and the impact of international corporations, organisations and non-State actors, human rights law will become less relevant if it fails to adapt to changing realities in which States are no longer the only leading actor. Bringing together leading scholars in the field, the book explores potential applications of international human rights law in a multi-duty bearer setting. The first part of the book examines the current state of the human rights obligations of foreign States, corporations and international financial institutions, looking in particular at the ways in which they address questions of attribution and distribution of obligations and responsibility. The second part is geared towards the identification of common principles that may underpin a human rights legal

regime that incorporates obligations of foreign States as well as of non-State actors. As a marker of important progress in understanding what lies ahead for integrating foreign States and non-State actors in the human rights dutybearer regime, this book will be of great interest to scholars and practitioners of international human rights law, public international law and international relations.

[Transnational Corporations and International Law](#) - Alice De Jonge 2011-01-01

This well-documented work will appeal to corporate leaders interested in understanding the related practicalities of international corporate liability as well as post-graduate students in international business and international policy studies. Policymakers, academics and researchers interested in a unique perspective on the future of the global corporation as an internationally responsible global citizen will find much to interest them in this book.

**Refugee Externalisation**

**Policies** - Azadeh Dastyari

2022-07-22

This book examines the impact and effects of refugee externalisation policies in two regions: Australia's border control practices in Southeast Asia and the Pacific and the activities of the European Union and its member states in North Africa. The book assesses the underlying motivations, processes, policy frameworks, and human rights violations of refugee externalisation practices. Case studies illuminate the funding, institutional partnerships, geopolitical impacts, financial costs, and the human price of refugee externalisation. It provides the first truly comparative analysis of asylum externalisation and explores maritime interdiction, extraterritorial process, containment and third-country interception, and communication campaigns in Southeast Asia and the Middle East/North Africa. This book will be of key interest to scholars and students of refugee and asylum studies,

law, politics, and the arts, legal practitioners, non-government organisations, and policymakers grappling with the issues of detention, refugee externalisation practices, and the growing need to find safety for the world's most vulnerable.

**Jurisdiction in International Law** - Cedric Ryngaert

2015-04-16

This fully updated second edition of Jurisdiction in International Law examines the international law of jurisdiction, focusing on the areas of law where jurisdiction is most contentious: criminal, antitrust, securities, discovery, and international humanitarian and human rights law. Since F.A. Mann's work in the 1980s, no analytical overview has been attempted of this crucial topic in international law: prescribing the admissible geographical reach of a State's laws. This new edition includes new material on personal jurisdiction in the U.S., extraterritorial applications of human rights treaties, discussions on cyberspace, the

Morrison case. Jurisdiction in International Law has been updated covering developments in sanction and tax laws, and includes further exploration on transnational tort litigation and universal civil jurisdiction. The need for such an overview has grown more pressing in recent years as the traditional framework of the law of jurisdiction, grounded in the principles of sovereignty and territoriality, has been undermined by piecemeal developments. Antitrust jurisdiction is heading in new directions, influenced by law and economics approaches; new EC rules are reshaping jurisdiction in securities law; the U.S. is arguably overreaching in the field of corporate governance law; and the universality principle has gained ground in European criminal law and U.S. tort law. Such developments have given rise to conflicts over competency that struggle to be resolved within traditional jurisdiction theory. This study proposes an innovative approach that

departs from the classical solutions and advocates a general principle of international subsidiary jurisdiction. Under the new proposed rule, States would be entitled, and at times even obliged, to exercise subsidiary jurisdiction over internationally relevant situations in the interest of the international community if the State having primary jurisdiction fails to assume its responsibility. [The State and Cosmopolitan Responsibilities](#) - Richard Beardsworth 2019-06-06 This book explores the role that states might play in promoting a cosmopolitan condition as an agent of cosmopolitanism rather than an obstacle to it. In doing so the book seeks to develop recent arguments in favour of locating cosmopolitan moral and political responsibility at the state level as either an alternative to, or a corollary of, cosmopolitanism as it is more commonly understood qua requiring transnational or global bearers of responsibility. As a result, the contributions in this

volume see an on-going role for the state, but also its transformation, perhaps only partially, into a more cosmopolitan-minded institution — instead of a purely 'national' or particularistic one. It therefore makes the case that the state as a form of political community can be reconciled with various form of cosmopolitan responsibility. In this way the book will address the question of how states, in the present, and in the future, can be better bearers of cosmopolitan responsibilities?

### **Recognition of Foreign Bank Resolution Actions -**

Guo, Shuai 2022-02-15  
This timely book offers a comprehensive study of the mechanism that gives effect to foreign bank resolution actions. In particular, it focuses on how the legal framework for the recognition of foreign bank resolution actions should be structured and proposes detailed legal principles on which effective frameworks should be based.

### **Sanctions, Accountability**

### **and Governance in a Globalised World -** Jeremy Farrall 2009-11-05

This book is the first in a series examining how public law and international law intersect in five thematic areas of global significance: sanctions, global health, environment, movement of people and security. Until recently, international and public law have mainly overlapped in discussions on how international law is implemented domestically. This series explores the complex interactions that occur when legal regimes intersect, merge or collide. Sanctions, Accountability and Governance in a Globalised World discusses legal principles which cross the international law/domestic public law divide. What tensions emerge from efforts to apply and enforce law across diverse jurisdictions? Can we ultimately only fill in or fall between the cracks or is there some greater potential for law in the engagement? This book provides insights into international, constitutional

and administrative law, indicating the way these intersect, creating a valuable resource for students, academics and practitioners in the field.

Research Handbook on Unilateral and Extraterritorial Sanctions - Beaucillon,

Charlotte 2021-08-27

Providing a unique analytical framework to capture a diverse, fragmented and highly evolving practice, the Research Handbook on Unilateral and Extraterritorial Sanctions is the key original reference work covering how sanctions have indisputably become central instruments of foreign policy.

This discerning Research Handbook combines a series of case studies and cross-cutting analyses. It reflects the levers and evolution of international law and practice in the field, as well as covering important topics over multiple disciplines, particularly in international law and international relations.

Featuring diverse contributions from a selection of esteemed scholars, the Research Handbook's chapters provide

an unprecedented analysis of the evolution of diplomatic, legal and business practices and tackle topical legal issues arising from unilateral and extraterritorial sanctions.

Offering a unique panorama of contemporary practice, this 360-degree study will be of interest to legal academics and their students as well as practitioners in both the public and private sectors.

**Jurisdiction in International Law** - Cedric Ryngaert 2015

This fully updated second edition of Jurisdiction in International Law examines the international law of jurisdiction, focusing on the areas of law where jurisdiction is most contentious: criminal, antitrust, securities, discovery, and international humanitarian and human rights law. Since F.A. Mann's work in the 1980s, no analytical overview has been attempted of this crucial topic in international law: prescribing the admissible geographical reach of a State's laws. This new edition includes new material on personal jurisdiction in the U.S.,

extraterritorial applications of human rights treaties, discussions on cyberspace, the Morrison case. Jurisdiction in International Law has been updated covering developments in sanction and tax laws, and includes further exploration on transnational tort litigation and universal civil jurisdiction. The need for such an overview has grown more pressing in recent years as the traditional framework of the law of jurisdiction, grounded in the principles of sovereignty and territoriality, has been undermined by piecemeal developments. Antitrust jurisdiction is heading in new directions, influenced by law and economics approaches; new EC rules are reshaping jurisdiction in securities law; the U.S. is arguably overreaching in the field of corporate governance law; and the universality principle has gained ground in European criminal law and U.S. tort law. Such developments have given rise to conflicts over competency that struggle to be resolved

within traditional jurisdiction theory. This study proposes an innovative approach that departs from the classical solutions and advocates a general principle of international subsidiary jurisdiction. Under the new proposed rule, States would be entitled, and at times even obliged, to exercise subsidiary jurisdiction over internationally relevant situations in the interest of the international community if the State having primary jurisdiction fails to assume its responsibility. International Law in the US Legal System - Curtis A. Bradley 2020 International Law in the U.S. Legal System provides a wide-ranging overview of how international law intersects with the domestic legal system of the United States, and points out various unresolved issues and areas of controversy. Curtis Bradley explains the structure of the U.S. legal system and the various separation of powers and federalism considerations implicated by this structure,

especially as these considerations relate to the conduct of foreign affairs. Against this backdrop, he covers all of the principal forms of international law: treaties, executive agreements, decisions and orders of international institutions, customary international law, and jus cogens norms. He also explores a number of issues that are implicated by the intersection of U.S. law and international law, such as treaty withdrawal, foreign sovereign immunity, international human rights

litigation, war powers, extradition, and extraterritoriality. This book highlights recent decisions and events relating to the topic, including various actions taken during the Trump administration, while also taking into account relevant historical materials, including materials relating to the U.S. Constitutional founding. Written by one of the most cited international law scholars in the United States, the book is a resource for lawyers, law students, legal scholars, and judges from around the world.