

Transnational Litigation in United States Courts



Harold Hongju Koh

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Transnational Litigation In United States Courts Concepts And Insights

**Maria Antonia Tigre, Melanie Jean
Murcott, Susan Ann Samuel**



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Transnational Legal Orders Terence C. Halliday, Gregory Shaffer, 2015-01-19 This book offers a path breaking empirically grounded theory that reframes the study of law and society It shifts research from a predominantly national context to one that places transnational national and local lawmaking and practice within a single coherent analytic frame By presenting and elaborating a new concept transnational legal orders Halliday and Shaffer present an original approach to legal orders that affect fundamental economic and social behaviors The contributors generate arrays of hypotheses about how transnational legal orders rise and fall where they compete and cooperate and how they settle and unsettle This original theory is applied and developed by distinguished scholars from North America Europe and Asia in business law taxation corporate bankruptcy secured transactions transport of goods by sea regulatory law monetary and trade finance food safety climate change and human rights law civil and political rights rule of law right to health access to medicines human trafficking criminal accountability of political leaders Touro journal of transnational law ,1988 *Reasoning Rights* Liora Lazarus, Christopher McCrudden, Nigel Bowles, 2014-12-01 This book is about judicial reasoning in human rights cases The aim is to explore the question how is it that notionally universal norms are reasoned by courts in such significantly different ways What is the shape of this reasoning which techniques are common across the transnational jurisprudence and which are particular The book comprising contributions by a team of world leading human rights scholars moves beyond simply addressing the institutional questions concerning courts and human rights which often dominate discussions of this kind seeking instead a deeper examination of the similarities and divergence of reasonings by different courts when addressing comparable human rights questions These differences while partly influenced by institutional concerns cannot be attributed to them alone This book explores the diverse and rich underlying spectrum of human rights reasoning as a distinctive and particular form of legal reasoning evident in the case studies across the selected jurisdictions *UC Irvine Law Review* ,2013 **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 *Intolerant Justice* Asif Efrat, 2023 The idea of facing a court in a foreign country would typically cause serious doubt about whether the foreign legal process and its outcome would be fair Intolerant Justice examines the political implications of those doubts regarding foreign justice and how they might hinder international cooperation among national legal systems Should we allow our troops to stand trial in foreign courts Should we extradite offenders to countries with a poor human rights record Should we enforce rulings issued by foreign judges This book

examines the domestic political controversies over these sensitive legal questions **Denver Journal of International Law and Policy**, 1982 Environmental NGOs and Access to Justice before the CJEU Mario Pagano, 2025-11-13 This book tells a fascinating legal mobilisation story Analysing EU environmental litigation over the last 30 years it illustrates how the European environmental movement has patiently attempted and succeeded in expanding access to justice opportunities before the EU Courts This is despite the longstanding reluctance of the EU Court of Justice to soften its standing requirements for private applicants bringing cases directly to Luxembourg This research draws on both doctrinal analysis and qualitative methods of socio legal inquiry At its heart are interviews with key stakeholders environmental lawyers plaintiffs and activists which give an invaluable and innovative perspective on strategic litigation before the EU judiciary With the growing emergency posed by the climate crisis and resultant increased litigation this book makes a significant scholarly contribution to the study of environmental movements to our conceptualisation of legal mobilisation and to our understanding of the impact of litigation in European environmental law *Multinational Enterprises and the Law* Peter Muchlinski, 2021-02-18 *Multinational Enterprises and the Law* is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals **Climate Litigation and Vulnerabilities** Maria Antonia Tigre, Melanie Jean Murcott, Susan Ann Samuel, 2025-06-19 This volume explores climate litigation as a means to tackle the rights and socio ecological

intergenerational gender racial and other justice implications of the ever growing vulnerability to climate change whilst critically engaging with the notions of vulnerability and intersectional climate justice With insightful analysis thought provoking case studies and a global perspective the collection illustrates the opportunities and pitfalls of litigation pursued by people from the Global South who face intersecting forms of oppression and marginalisation amidst the climate crisis Contributors discuss litigation strategy novel legal arguments institutional barriers and unique socio ecological and political challenges in the Global South Divided into two parts the book recognises that climate change is an existential threat to humanity more frequently being tackled in courts worldwide The first part exposes the limits of litigation as a mechanism for intersectional climate justice for vulnerable people in the Global South The second part highlights innovations in climate litigation in pursuit of intersectional climate justice The book will be of interest to academics researchers and policymakers in the areas of human rights law environmental law climate law Latin American studies South Asian studies and African studies

Exploring Indian Modernities Leïla Choukroune, Parul Bhandari, 2018-06-04 This book analyses how multiple and hybrid modernities have been shaped in colonial and postcolonial India from the lens of sociology and anthropology literature media and cultural studies law and political economy It discusses the ideas that shaped these modernities as well as the lived experience and practice of these modernities The two broad foci in this book are a The dynamism of modern institutions in India delineating the specific ways in which ideas of modernity have come to define these institutions and how institutional innovations have shaped modernities and b perspectives on everyday practices of modernities and the cultural constituents of being modern This book provides an enriching read by bringing together original papers from diverse disciplines and from renowned as well as upcoming scholars

Earth System Law: Standing on the Precipice of the Anthropocene Timothy Cadman, Margot Hurlbert, Andrea C. Simonelli, 2021-12-13 This book systematically explores the emerging legal discipline of Earth System Law ESL challenging the closed system of law and marking a new era in law and society scholarship Law has historically provided stability certainty and predictability in the ordering of social relations predominantly between humans However in recent decades the Earth's relationship in law has changed with increasing recognition of the standing of Mother Earth inherent rights of the environment such as flora and fauna rivers and now recognition of the multiple relations of the Anthropocene This book questions the fundamental assumption that the law only applies to humans and that the earth as a system has intrinsic rights and responsibilities In the last ten years the planet has experienced its hottest period since human evolution and by the year 2100 unless substantive action is taken many species will be lost and planetary conditions will be intolerable for human civilisation as it currently exists Relationships between humans the biosphere and all planetary systems must change The authors address these challenging topics setting the groundwork of ESL to ensure sustainable development of the coupled socio ecological system that the Earth has become Earth System Law is an interdisciplinary and transdisciplinary research project and as such this book will be of great interest to researchers and stakeholders from a wide

range of disciplines including political science anthropology economics law ethics sociology and psychology **Enforcing International Humanitarian Law via Individual Rights** Vera Strobel, 2025-09-08 This book centres on the contribution of strategic litigation to the enforcement of international humanitarian law IHL with regard to armed conflicts around the world It examines the instrument of strategic litigation as a vehicle for access to justice and scrutinizes its possibilities and challenges for enforcing compliance with IHL in Germany In particular the novel approach of connecting IHL duties set out to protect civilians with individual rights claims and the increased presence of such arguments in strategic cases before domestic courts is analysed The monograph first provides a general introduction to the term of strategic litigation its actors and approaches It then explores the framework for access to justice in Germany and beyond as well as important past and current strategic cases Further the crucial impacts as well as raised concerns and key potentials of such cases are discussed Two detailed case studies are undertaken of the landmark proceedings before German courts in the Ramstein drone case with plaintiffs from Yemen and in the case on the Kunduz Afghanistan air strike These case studies scrutinize the procedural avenues the legal arguments the resulting court decisions the strategic litigation context and the important impact of the proceedings The work contributes significant and novel findings to the literature on IHL human and fundamental rights and strategic litigation Next to a primary research audience the book's findings are highly relevant for IHL practitioners individual and collective actors in strategic litigation NGOs courts and governments Vera Strobel is a researcher at the Chair of Professor Dr Thilo Marauhn in Public Law and International Law at the Justus Liebig University in Gießen Germany

Human Rights Karin Buhmann, 2021-12-13 Human rights is an interdisciplinary subject as well as a foundational aspect of the law The importance of human rights at the intersection of business and society is central yet under analyzed This book provides an accessible understanding of what human rights are how business enterprises may impact human rights for better or for worse and how such impacts can or should be managed Human Rights A Key Idea for Business and Society equips readers interested in the relationship between business and society with the foundational knowledge for engaging in debates and operational tasks related to the roles and responsibilities of business with regard to human rights It covers human rights aspects relevant to common management tasks including supply chain management human resource management risk management non financial reporting finance and stakeholder engagement It covers opportunities and challenges related to the Sustainable Development Goals SDGs and climate change mitigation The book explains the foundations for human rights social expectations and legal requirements on businesses to respect human rights and how business enterprises should identify and manage their human rights impacts A concise introduction to a complex topic this book is perfect reading for students of corporate social responsibility business ethics and international business as well as an illuminating guide for researchers managers civil society organizations government officials and reflective practitioners *Non-state Actors and Human Rights* New York University. Center for Human Rights and Global Justice, 2005 The not a cat syndrome can the

international human rights regime accommodate non state actors Philip Alston The changing international legal framework for dealing with non state actors August Reinisch The evolving status of NGOs under international law a threat to the inter state system Menno T Kamminga Economic social and cultural human rights and the International Monetary Fund Francois Gianviti Catching the conscience of the king corporate players on the international stage Celia Wells and Juanita Elias Corporate responsibility and the international law of human rights the new Lex Mercatoria Ralph G Steinhardt The accountability of multinationals for human rights violations in European law Olivier de Schutter Human rights responsibilities of business as non state actors David Weissbrodt and Muria Kruger

The present confusion in International economic law Julian Mahari,1987 **Socio-Economic Rights in Emerging Free Markets** Surya Deva,2015-09-25 In the last decade or so China and India have emerged on the global stage as two powerful free market economies The tremendous economic growth in China and India has meant that they have been able to lift millions of people out of the poverty trap This growth has not however been without problems Apart from worrying levels of environmental pollution a significant number of people are still struggling to live a decent life as they do not have adequate access to basic needs such as food health services education water and housing The traditional old age support mechanism is collapsing amidst push for urbanisation and the practice of nuclear families while the alternative social security system has not been put in place Both China and India stress the importance of socio economic rights have ratified the International Covenant on Economic Social and Cultural Rights and have in place a strong legal framework for the realisation of such rights The constitutions of China and India accord significant importance to socio economic rights and the both countries have numerous laws regulations and policies that seek to implement various socio economic rights This book investigates how the gradual adoption of free market ideology has impacted on the realisation of socio economic rights in both India and China and how the constitutional and legal frameworks have made necessary adjustments Chapters in this volume which are written by academics of international standing explore how these two countries have tried to overcome certain common governance challenges in realising socio economic rights The role played by courts in India and China in the protection and realisation of socio economic rights is considered along with the use and limitations of public interest litigation in achieving these rights Finally the effectiveness of measures in realising socio economic rights are evaluated in relation to specific rights such as the rights to food health education social security and gender equality *State-federal Judicial Observer* ,1996 *Constitutional Courts, Gay Rights and Sexual Orientation Equality* Angioletta Sperti,2017-05-04 In the last fifteen years constitutional issues regarding the rights of gays lesbians and same sex couples have emerged on a global scale The pace of recognition of their fundamental rights both at judicial and legislative level has dramatically increased across different jurisdictions reflecting a growing consensus toward sexual orientation equality This book considers a wide range of decisions by constitutional and international courts from the decriminalization of sexual acts to the recognition of same sex marriage and parental rights for

same sex couples It discusses analogies and differences in judicial arguments and rationales in such cases focusing in particular on human dignity privacy liberty equality and non discrimination It argues that courts operate as major exporters of models and principles and that judicial cross fertilization also helps courts in increasing the acceptability of gays and lesbians rights in public opinions and politics Courts discuss changes in the social perception of marriage and family at national and international levels and at the same time confirm and reinforce them forging the legal debate over sexual orientation equality Furthermore by promoting the political reception of the achievements of foreign gay movements in their own jurisdictions courts play an essential role in breaking the political stalemate

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