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International Economic Law, Globalization and Developing Countries



Economic Law In Globalizing Markets Studies In Transnational Economic Law

Elaine Fahey



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Economic Law in Globalizing Markets Karl Matthias Meessen, 2004-01-01 Many product markets have gone global already Others are following The globalization of markets is well understood by business It has also come to dominate the economic policy agenda of nation states and supranational organizations They all compete for inward investment to create and preserve employment opportunities Economic law is one of several parameters in the global competition of systems This study takes note of that new and additional function of economic law Part I sets out to examine the making of economic law by states by business and by international and supranational organizations Part II discusses some of the main rules of substantive economic law divided into chapters on market law transactions law and property rights law and Part III addresses key issues of enforcement by the executive branch on the one hand and by the judiciary and arbitral tribunals on the other Each of the 32 chapters contains an essay on a current cross border related problem of economic law often as reflected in recent case law Nearly 300 cases are discussed or at least referred to in that way They were selected from international case law and from cases decided by EC US and German courts and courts of ten more countries as well as by ICC ICSID and other arbitral tribunals The introductory notes to and summaries of the various parts and chapters integrate economic and political theory and provide the common thread The overall conclusion is to advocate a transnational approach problem oriented and cutting right across all layers of sources of law international supranational national and transnational law It distinguishes neatly between public and private law aspects of economic law but decidedly treats them together The book is of interest to academia and practitioners both for references to current problems and for a vue d ensemble Advanced students might use the book to understand the logic of today s economic law In addition to decades of research in international economic law the author capitalizes on his exposure to a wide array of practical issues as well as on six years of English language teaching in Geneva

STUDIES IN TRANSNATIONAL ECONOMIC LAW 20 Socio-legal Approaches to International Economic Law Amanda Perry-Kessaris, 2013 This collection explores the analytical empirical and normative components that distinguish socio legal approaches to international economic law both from each other and from other approaches It pays particular attention to the substantive focus what of socio legal approaches noting that they go beyond the text to consider context and often subtext In the process of identifying the what and the how analytical and empirical tools of their own socio legal approaches contributors to this collection reveal why they or anyone else ought to bother the many reasons why it is important for theory and for practice to take a social legal approach to international economic law

The Right to Development and International Economic Law Isabella D Bunn, 2012-03-01 The United Nations is commemorating the 25th anniversary of the 1986 Declaration on the Right to Development which proclaimed the right to be an inalienable human right by virtue of which every human person and all peoples are entitled to participate in contribute to and enjoy economic social cultural and political development in which all human rights and fundamental freedoms can be

realized The UN now aims to mainstream the right into its policies and operational activities and is reviewing prospects for an internationally binding legal instrument The evolution of the right to development however has been dominated by debates about its conceptual validity and practical ramifications It has been hailed as the cornerstone of the entire human rights system and criticized as a distracting ideological initiative Questions also persist about the role of the right in reforming the international economic order This book examines the legal and moral foundations of the right to development addressing the major issues It then considers the right to development in the global economy noting the challenges of globalization and identifying key principles such as differential treatment of developing countries participation and accountability It relates the right to broad objectives such as the Millennium Development Goals the human rights based approach to development and environmental sustainability Implications for international economic law and policy in the areas of trade development finance and corporate responsibility are assessed The conclusion looks to the legal and ethical contributions and limitations of the right to development in this new context With an academic and professional background in international law human rights and moral theology the author brings a unique interdisciplinary focus to this timely project

Research Handbook in International Economic Law Andrew T. Guzman, A. O. Sykes, 2008-01-01 This major new work consists of carefully commissioned original and incisive contributions from leading scholars in the field of international economic law Covering a full range of topics the Handbook provides an accessible treatment of the law in each area as well as a thoughtful synthesis and discussion of related public policy issues from a broadly social science perspective

Public Policy in International Economic Law Diane Desierto, 2015-02-19 States reject inequality when they choose to ratify the International Covenant on Economic Social and Cultural Rights ICESCR but to date the ICESCR has not yet figured prominently in the policy calculus behind States international economic decisions This book responds to the modern challenge of operationalizing the ICESCR particularly in the context of States decisions within international trade finance and investment Differentiating between public policy mechanisms and institutional functional mandates in the international trade finance and investment systems this book shows legal and policy gateways for States to feasibly translate their fundamental duties to respect protect and fulfil economic social and cultural rights into their trade finance and investment commitments agreements and contracts It approaches the problem of harmonizing social protection objectives under the ICESCR with a State's international economic treaty obligations from the designing and interpreting international treaty texts up to the institutional monitoring and empirical analysis of ICESCR compliance In examining public policy options the book takes into account around five decades of States implementation of social protection commitments under the ICESCR its normative evolution through the UN Committee on Economic Social and Cultural Rights and the Committee's expanded fact finding and adjudicative competences under the Optional Protocol to the ICESCR as well as the critical dialectical and deliberative roles of diverse functional interpretive communities within international trade finance and investment law Ultimately the book

shoes how States ICESCR commitments operate as the normative foundation of their trade finance and investment decisions

Economic Law as an Economic Good Karl Matthias Meessen, Marc Bungenberg, Adelheid Puttler, 2009 Governments or at least the clever ones among them are aware of the factors guiding business activities In the course of adopting and enforcing economic legislation they seek to attract business activities in order to increase national income and fiscal revenues generate employment opportunities and very generally please voters Hence economic law may be considered an economic good as suggested by the title of this book That function which most rules of economic law have in the competition of systems was strengthened by the worldwide liberalization of trade Today it is of greater significance than ever before Lawyers economists academics and practitioners from inside and outside Germany have taken a look at the facts and have discussed approaches to conceptualizing them The resulting 30 essays collected in this volume contribute to the

interpretation of existing and the making of new economic law **International Economic Law after the Global Crisis**

Chin Lim, C. L. Lim, Bryan Mercurio, 2015-04-30 This collection explores the theme of fragmentation within international economic law following the global financial crisis *The Reform of International Economic Governance* Antonio Segura

Serrano, 2016-05-05 The second half of the twentieth century saw the emergence of international economic law as a major force in the international legal system This force has been severely tested by the economic crisis of 2008 Unable to prevent the crisis the existing legal mechanisms have struggled to react against its direst consequences This book brings together leading experts to analyse the main causes of the crisis and the role that international economic law has played in trying to prevent it on the one hand and worsening it on the other The work highlights the reaction and examines the tools that have been created by the international legal field to implement international cooperation in an effort to help put an end to the crisis and avoid similar events in the future The volume brings together eminent legal academics and economists to examine key issues from the perspectives of trade law financial law and investment law with the collective aim of reform of international economic governance Regulating Global Corporate Capitalism Sol Picciotto, 2011-05-12 This analysis of how

multi level networked governance has superseded the liberal system of interdependent states focuses on the role of law in mediating power and shows how lawyers have shaped the main features of capitalism especially the transnational corporation It covers the main institutions regulating the world economy including the World Bank the IMF the WTO and a myriad of other bodies and introduces the reader to key regulatory arenas corporate governance competition policy investment protection anti corruption rules corporate codes and corporate liability international taxation avoidance and evasion and the campaign to combat them the offshore finance system international financial regulation and its contribution to the financial crisis trade rules and their interaction with standards especially for food safety and environmental protection the regulation of key services telecommunications and finance intellectual property and the tensions between exclusive private rights and emergent forms of common and collective property in knowledge **The EU as a Global Digital Actor**

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timely book explores a novel market mechanism Stock Connect which gives mutual market access to Chinese and international investors and provides original analyses and fresh insights This mechanism could become the new normal in future global financial integration By examining this cross border scheme from a regulatory perspective via a three tiered analytical framework investors issuers and regulators this book unearths the profound implications of Stock Connect to local and global financial markets and the legal impediments to its implementation It covers a broad range of topics in this cross boundary investment channel including an overview of four existing connectivity arrangements Shanghai Hong Kong Shenzhen Hong Kong Shanghai London and China Switzerland the uniqueness of these connectivity arrangements investor protection regulations of connect issuers regulatory cooperation and enforcement the impacts on local and global financial markets the implications for the world market connectivity as well as the challenges and future of Stock Connect This pioneering study will appeal to a broad range of readers who are interested in the on going reshaping of international financial systems and China s emerging influence in the international financial order **Foundations of International**

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Wu,2013-11-12 Building upon a theoretical framework and empirical research this book provides a thought provoking analysis of the interests strategies and challenges that China has faced in developing its Anti Monopoly Law AML in the context of economic globalization The book comprises three main parts Part I reviews the directions of convergence of global competition law Part II provides a contextual analysis of China s market governance and its strategic interests and Part III examines the latest enforcement of the Anti Monopoly Law by focusing on the interactions between global actors and China the relationships between Chinese competition and sectoral regulators and the enforcement of global competition law norms in the Chinese context This book is one of the first to provide a critical understanding of China s experience as a new competition regulator set against the background of the plural sources of global competition laws **The Foundations and**

Future of Financial Regulation Mads Andenas,Iris H-Y Chiu,2013-11-20 Financial regulation has entered into a new era as many foundational economic theories and policies supporting the existing infrastructure have been and are being questioned following the financial crisis Goodhart et al s seminal monograph Financial Regulation Why How and Where Now Routledge 1998 took stock of the extent of financial innovation and the maturity of the financial services industry at that time and mapped out a new regulatory roadmap This book offers a timely exploration of the Why How and Where Now of financial regulation in the aftermath of the crisis in order to map out the future trajectory of financial regulation in an age where financial stability is being emphasised as a key regulatory objective The book is split into four sections the objectives and regulatory landscape of financial regulation the regulatory regime for investor protection the regulatory regime for financial institutional safety and soundness and macro prudential regulation The discussion ranges from theoretical and policy perspectives to comprehensive and critical consideration of financial regulation in the specifics The focus of the book is on the substantive regulation of the UK and the EU as critical examination is made of the unravelling and the future of financial regulation with comparative insights offered where relevant especially from the US Running throughout the book is consideration of the relationship between financial regulation financial stability and the responsibility of various actors in governance This book offers an important contribution to continuing reflections on the role of financial regulation market discipline and corporate responsibility in the financial sector and upon the roles of regulatory authorities markets and firms in ensuring the financial health and security of all in the future **The Regulation of the Global Water Services Market**

Julien Chaisse,2017-01-26 Fragmentation in Water Policies in the Riparian ASEAN Member States **Constitutionalism and Transnational Governance Failures** ,2024-03-11 This book explores strategies for limiting transnational market failures governance failures and constitutional failures impeding protection of the universally agreed sustainable development goals like climate change mitigation and access to justice and transnational rule of law Can multilevel democratic and judicial protection of fundamental rights and public goods across frontiers be extended through plurilateral agreements Can transnational economic and environmental constitutionalism be reconciled with constitutional pluralism and

with democratic constitutionalism depending on individual and democratic consent of free and equal citizens Will judicial challenges e g of EU carbon border adjustment measures and countermeasures lead to further disruption of UN and WTO law This innovative book provides convincing analyses by leading practitioners and academics of multilevel governance of transnational public goods It advocates the need for stronger involvement of civil society and democratic institutions It shows why constitutionalism and constitutional economics offer appropriate methodologies for limiting market failures government failures and constitutional failures It thereby offers a glimpse of much needed optimism Karl Ernst Brauner former Deputy Director General of the World Trade Organization WTO **Global Justice and International Economic Law** Chi

Carmody, Frank J. Garcia, John Linarelli, 2012-01-09 Since the beginnings of the GATT and the Bretton Woods institutions and on to the creation of the WTO states have continued to develop institutions and legal infrastructure to promote global interdependence International lawyers are experts in understanding how these institutions operate in practice but they tend to uncritically accept comparative advantage as the principal normative criterion to justify these institutions In contrast moral and political philosophers have developed accounts of global justice but these accounts have had relatively little influence on international legal scholarship and on institutional design This volume reflects the results of a symposium held at Tillar House the American Society of International Law headquarters in Washington DC in November 2008 which brought together philosophers legal scholars and economists to discuss the problems of understanding international economic law from the standpoints of rights and justice in particular from the standpoint of distributive justice The EU as a Global Regulator for Environmental Protection 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 **Open Markets, Free Trade and Sustainable Development** Mahendra Pal

Singh, Wolfram Cremer, Niraj Kumar, 2019-07-27 This book explores the dilemmas posed by globalisation in various aspects of law It covers diverse themes ranging from the impact of different legislative measures bilateral and regional agreements in the context of trade investment and mobility of labour to concerns about sustainability equity regional balance and social security in the light of globalisation Although it focuses mainly on India and the European Union the issues raised and challenges discussed are of a general nature and as such relevant in the broader context The chapters address contemporary

problems in trade investment and labour mobility which have emerged through the complex interaction of market state policies and socio environmental concerns and are expressed on national and global platforms in the context of evolving legal system The book is a valuable resource for students researchers and academics engaged in comparative legal studies particularly those interested in studying the interplay of globalisation with various areas and aspects of law at national as well as international levels It also appeals to anyone interested in law and policy studies

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