

# Challenges With Trade Controls

- ↪ conflicts with extraterritorial US trade controls
  - ↪ US deemed re-export rules vs Canadian human rights
  - ↪ US trade embargo of Cuba
    - ↪ Canada's Foreign Extraterritorial Measures Act "blocking" order prohibits compliance with US trade embargo of Cuba
    - ↪ obligation to notify Canadian Attorney General of certain communications
    - ↪ criminal penalty exposure: up to \$1.5 million and/or 5 years imprisonment
    - ↪ provincial business discriminatory practices legislation

# Extraterritorial Application Of Export Control Legislation Canada And The U S A

**Zhe Xu**



## **Extraterritorial Application Of Export Control Legislation Canada And The U S A:**

**Extraterritorial Application of Laws of Export Control Legislation** Armand L. C. De Mestral, T.

Gruchalla-Wesierski, 1990-01-01 *Extraterritorial Application of Export Control Legislation* A.L.C. de Mestral, T.

Gruchalla-Wesierski, 2024-02-19 **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 Extraterritorial Jurisdiction in Theory and Practice Karl M. Meessen, 1996-08-01 This work contains the proceedings of a symposium held in Dresden addressing the topic of extraterritorial jurisdiction with respect to financial services tax arms control environmental law antitrust matters and mergers and acquisitions It provides an overview of how differently jurisdictional issues are perceived and dealt with especially in the USA and UK Contributions are from experts in the field The book differs from others in the field in that it provides a resolution on extraterritorial jurisdiction Audience Civil servants practising lawyers and academics in the field of international public law and private international law International Contracts and National Economic Regulation: Dispute Resolution Through International Commercial Arbitration Mahmood Bagheri, 2000-12-06 The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws The author challenges

conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes He identifies the normative foundation of contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice Applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the Rome Convention and governmental interest analysis which could disregard either public interest or private rights The author taking these theories into account proposes an alternative two dimensional interest analysis approach He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration In adopting this approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract

Space Technology Export Controls and International Cooperation in Outer Space Michael Mineiro, 2011-11-08 Export controls definitively impact international cooperation in outer space Civil and commercial space actors that engage in international endeavors must comply with space technology export controls In the general discourse members of the civil and commercial space community have an understanding of their domestic export control regime However a careful reading of the literature on space technology export controls reveals that certain questions relevant to international engagements have not been identified or answered What is the legal political origin of space technology export controls How do they relate to the current international legal structure What steps can be taken to evolve our current unilateral paradigm of space technology within the context of peaceful exploration and use of outer space In this book these and other relevant questions on space technology export controls are identified and assessed through an insightful case study of the U S commercial communication export control regime The findings of this case study are used in an international legal political analysis of international space law public international law and international cooperation Breaking new ground in international legal theory a self justified security dilemma that is manifest in international law is identified and explained as the origin for the current paradigm of space technology export controls

Trilateral Perspectives on International Legal Issues Yuji Iwasawa, Michael K. Young, 2023-11-27 Published under the auspices of the American Society of International Law This book provides a valuable discussion of international law making dispute resolution and international enforcement Receil Vol 7 Issue 2 Prominent international law experts from the U S Japan and Canada discuss some of the vital matters afloat in the intersecting areas of national and international law including important issues relating to the Law of the Sea Environmental Law Extraterritorial Application of Domestic Law in the Fields of Trade and Economic Regulation Japan North American Economic Frictions and other developments in the post Cold War world Published under the Transnational

Publishers imprint      *The Multinational Enterprise and Legal Control* Cynthia Day Wallace, 2002-04-02 This long awaited new book from Cynthia Day Wallace picks up the thread of her best selling *Legal Control of the Multinational Enterprise National Regulatory Techniques and the Prospects for International Controls* In the present work she applies herself to legal and pragmatic aspects of control surrounding MNE operations The primary focus is on legal and administrative techniques and measures practised by host states to control transparently or less so foreign MNE activity within their territories or even extraterritorially when effects are felt within national boundaries The primary geographic focus is the six most investment intensive industrialized states namely Canada France Germany Japan the United States and the United Kingdom At the same time an important message of the present study is precisely the implication for the developing countries as well as for the emerging market economies of central and eastern Europe and even Asian nations besides Japan because it is the sharing of this very experience of years that can best serve to facilitate a fuller participation on the part of the up and coming economies in the same global market place      *The New Chemical Weapons Convention - Implementation and Prospects* Michael Bothe, Natalino Ronzitti, Allan Rosas, 2023-09-20 The Chemical Weapons Convention entered into force on 29 April 1997 This text reviews the history of the chemical weapons negotiations and presents an analysis of the major features of the Convention      **Law and Politics on Export Restrictions** Chien-Huei Wu, 2021-07-29 Delving into export restrictive measures this book links the key areas of WTO law public international law investment and competition law to expose how and why WTO rules on export dimension are insufficient due to export bias how public international law helps to justify their adoption or maintenance and how investment and competition laws contribute to their regulation Built on works on accession protocols and national security exceptions this book goes beyond international trade law and looks into international political economy competition and investment law It contributes to debates in conceptualising public and private forms of export restrictions appreciating the complementary nature of trade and competition law in disciplining them capturing the dynamic between trade and investment policies for their effectuation and circumvention and bridging trade law and public international law to better understand their impositions for political and diplomatic purposes with the invocation of the national security justification      *States, Firms, and Power* George E. Shambaugh, 1999-08-12 *States Firms and Power* uncovers the workings behind frequently maligned and often misapplied economic sanctions and incentives that have emerged as the United States policy tools of choice Shambaugh uses a theory of economic statecraft to analyze the sources and limitations of power relations between states and firms The book features a statistical analysis of 66 sanction episodes since 1949 including detailed case studies of U S sanctions in the energy computer and telecommunications industries in the 1980s and current U S sanctions against foreign companies conducting business in Cuba Iran and Libya Understanding when and why economic statecraft works provides insights into the nature and exercise of power in world politics that can in turn guide policy makers in their use of sanctions and incentives against friends foes and firms      **Principles of International**

**Trade Law as a Monistic System** Hercules Booyen, 2003      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

**National Implementation of United Nations Sanctions** Vera Gowlland-Debbas, Djacoba Liva Tehindrazanarivelo, 2004 This work is a comparative study of domestic implementation of Security Council mandatory sanctions taken under Article 41 Chapter VII of the UN Charter including the establishment of the two international criminal tribunals the ICTY and ICTR and recent resolutions on the combating of the financing of terrorism The book examines implementation in 16 select States in Europe America Asia the Middle East and Africa underlining also the particular problems arising from sanctions implementation by the European Union by a permanently neutral and former non Member State Switzerland and by States confronted with special economic problems within the meaning of Article 50 of the UN Charter Three interrelated themes are addressed The first of a theoretical nature concerns the question of whether implementation of Security Council resolutions particularly where perceived to be in fulfilment of community objectives poses problems which are in some way distinct from those raised by the implementation of other conventional international law obligations thereby shedding a different light on the traditional relationship between international and municipal law The second concerns the effectiveness of the decisions of the Security Council viewed from the perspective of the effective mise en oeuvre of these decisions in national law The third theme concerns the legitimacy of Security Council resolutions as seen from the viewpoint of domestic legal systems that is the extent to which Security Council decisions encroach on internationally or constitutionally protected individual rights and the potential role played by domestic courts in reviewing the decisions of the Security Council The latter has assumed particular importance in the framework of the combating of the financing of terrorism This work which brings together the research results of 29 academics and experts is the second publication within the framework of a project on Security Council sanctions carried out under the auspices of the Graduate Institute of International Studies The first which looked at a broad set of issues was entitled United Nations Sanctions and International Law and was published by Kluwer Law International in 2001

**The Regulation of International Trade**

Robert Howse, Antonia Eliason, 2013-05-07 Drawing on a wide variety of classic and contemporary sources respected authors Trebilcock Howse and Eliason here provide a critical analysis of the institutions and agreements that have shaped international trade rules In light of the growing debate over globalization they include special sections with examinations of topics such as agriculture services and Trade Related Intellectual Property Rights labour rights the environment migration competition Drawing on previous highly praised editions this comprehensive text is an invaluable guide to students of economics law politics and international relations Now fully updated this fourth edition includes full coverage of new developments including the Doha trade round the proliferation of Preferential Trade Agreements the debate on trade climate change and green energy the response of the trading system to the 2007 10 financial and economic crisis the controversy over trade and exchange rate manipulation and the growing body of WTO dispute resolution case law      **Sanctions Beyond Borders** Kenneth Aaron Rodman, 2001 Rodman government Colby College examines the use of sanctions from the early Cold War era through the 1990s including the Helms Burton Law and the Iran Libya Sanctions Act He argues that sanctions are weak and costly measures that damage diplomatic relations particularly when used to prevent key multinational corporations from undertaking economically significant transactions with proscribed nations Annotation copyrighted by Book News Inc Portland OR      **International Law of Export Control: Jurisdictional Issues** Karl Meessen, 1992-03-03 This volume comprises the wide research undertaken by the International Law Association's Committee on Extraterritorial Jurisdiction revised and updated for publication It provides an overview of the export control laws and practice in several countries Argentina USA France Netherlands Germany UK Italy Austria and Canada and the exporting state and state of prohibited destination Throughout the problem of extraterritorial jurisdiction is examined from both the international law and conflicts of law viewpoint      **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      *U.S.-Canadian Defense Industrial Cooperation* Kristina Obecny, Gregory Sanders, 2017-07-17 This study evaluates the health of the U S Canadian defense industrial relationship which is critically important as the U S Department of Defense expands the national technology and industrial base The CSIS

study team gathered and analyzed a wide range of quantitative data and conducted interviews with government and industry officials involved with bilateral cooperation on both sides of the border In addition to looking at top level history legislation policy and trends the study team undertook five sectoral case studies highlighting different aspects of the benefits from and challenges facing bilateral cooperation The study finds that the benefits to both partners exceed what either could obtain solely by relying only on its own national resources While the overall U S Canadian defense industrial relationship remains sound the study team identifies a range of recommendations to enhance its value to both partners

**Arizona Journal of  
International and Comparative Law** ,2014



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