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Alexander Mitsos, Paul I. Barton



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Due Process as a Limit to Discretion in International Commercial Arbitration Franco Ferrari, Friedrich Rosenfeld, Dietmar Czernich, 2020-09-25 The absence of a coherent body of case law on due process has increasingly motivated recalcitrant parties to use due process as a strategic tool thereby putting at risk the prospect of obtaining an enforceable award in expeditious proceedings Countering this inherent danger here for the first time is a comprehensive study on due process as a limit to arbitral discretion showing how due process applies in practice in key jurisdictions around the world Based on country reports prepared by leading arbitration practitioners and academics the book explores how courts in major arbitration jurisdictions apply due process guarantees when performing their post award review The contributors driven by an interest in exploring the interplay between due process and efficiency focus on those due process guarantees that set limits to arbitral discretion Matters covered include the following the right to be heard and how it may be affected by submission deadlines evidentiary offers by the opposing party and directions to the parties as to which aspects require further pleading the right to be treated equally and its interplay with the duty to give each party full opportunity to present its case and to comment on submissions and evidence filed by the other party the duty to effect proper notice including delivery and language issues the independence and impartiality of arbitrators with a focus on when an arbitrator's conduct can become the basis for a successful challenge and courts standards of deference when examining issues arising at the post award stage An introductory general report thoroughly analyses the normative basis of due process and its interplay with party autonomy as well as applicable standards of review and commonalities among manifestations of due process across jurisdictions A signal contribution to the debate regarding the so called due process paranoia affecting arbitral tribunals a topic relevant in every single arbitration proceeding this book provides practical guidelines on how to maintain the balance between due process and efficiency and how to apply due process and counteract its misuse in arbitration proceedings It will be welcomed by counsel arbitrators and judges from all countries as well as by academics and researchers concerned with international commercial arbitration

Military Resilience in Low-Intensity Conflict Rachel Suissa, 2012-06-14 Military Resilience in a Low Intensity Conflict A Comparative Study of New Directions Worldwide by Rachel Suissa offers a prognosis for the dilemma of army resilience in the post modern era She clarifies the concept of military resilience among the challenges of the twenty first century examining how the military model affects resilience and how those effects are expressed during the management of a given conflict She investigates the issue through a comparative study of armies and states which have been involved or are currently involved in low intensity conflicts the countries discussed include France and Algeria Great Britain and Ireland Russia and Chechnya and Israel and the Palestinian authority Another challenge that Suissa addresses is that of peace coalitions and their organizational resilience She further discusses the connection between political and military ranks and under which conditions the former affects the latter Military

Resilience in a Low Intensity Conflict makes the issues associated with resilience and conflict accessible to both academics and those who might translate its findings into practicable insights *Incitement in International Law* Wibke K.

Timmermann,2014-08-13 This book offers a comprehensive study of incitement in its various forms in international law It discusses the status of incitement to hatred in human rights law and examines its harms and dangers as well as the impact of a prohibition on freedom of speech The book additionally presents a detailed definition of punishable incitement In this context Wibke K Timmermann argues that incitement should be recognized as the crime of persecution where it is utilized within a system of persecutory measures by the State or a similarly powerful organization The book draws on the Nahimana case before the International Criminal Tribunal for Rwanda as well as jurisprudence from German and other courts following World War II to provide support for this proposal The work moreover provides a comprehensive analysis of public incitement to crimes solicitation or instigation and the related modes of liability aiding and abetting and commission through another person Dedicated exclusively and comprehensively to incitement in its various forms this book will be of essential use and great interest to students and researchers of international criminal law and human rights law in addition to practitioners within these areas Microfabricated Power Generation Devices Alexander Mitsos,Paul I. Barton,2008-12-23 Focusing on a

description of the technologies and methodologies for computer aided conceptual design this book covers the design modeling and simulation of micropower generation devices The articles are authored by internationally recognized experts in the field who take the reader from fundamentals and design aspects to numerous power generation strategies and system engineering The comprehensive coverage also extends to fuel processing energy conversion material and heat management device operation economics and quality control For materials scientists chemists physicists process engineers and those in power technology *General International Law in International Investment Law* ,2024-01-27 General international law is part and parcel of investor state arbitration This is the case not only regarding treaty law and state responsibility but also with respect to matters such as state succession the international minimum standard and state immunity all of which feature regularly in investor state arbitration Yet although general international law issues arise in almost every investment case and often require extensive research no systematic exploration of the relationship between the two exists This Commentary is the first to fill this gap providing a comprehensive treatment of the role of general international law in international investment law It engages in detail with central matters of general international law including in the practice of investment arbitration tribunals moving beyond existing works which focus solely on procedural and institutional provisions The Commentary s forty six chapters do not focus on a single source or subject Instead each concentrates on a specific relevant article from a particular source of public law such as the Vienna Convention on the Law of Treaties 1969 or the International Law Commission s Articles on the Responsibility of States for Internationally Wrongful Acts 2001 among others The entries combine detailed analysis with an examination of procedural and substantive aspects such as nationality and unjust

enrichment and respond to the following questions how have investment tribunals interpreted and applied the specific rule of general international law To what extent and why does such interpretation and application align with or deviate from the practice by other international courts or tribunals How could and should investment tribunals interpret and apply rules that have yet to feature in investment arbitration This unique format means this commentary will serve as a central guide for all relevant case law and scholarship on international investment law

Japan's International Democracy Assistance as Soft Power Maiko Ichihara, 2017-08-15 Japan has increasingly emphasized democracy assistance since the mid 2000s such that it now constitutes a major part of Japan's foreign policy This approach is an ostensible departure from the country's traditional foreign policy stance which tries to avoid bringing values to the forefront of foreign policies This book intends to answer the questions of why Japan has started emphasizing democracy assistance and why it has relegated itself to a minor role in democracy assistance nevertheless It argues that Japan's emphasis on democracy assistance reveals its intention to increase its political influence with regards to China based on democratic values and its usage of the term democracy assistance is a performative speech act to orchestrate a comprehensive approach for international democracy support Shedding light on the novel aspect of Japanese policy this book contributes to the understanding of Japanese foreign policy and democracy promotion Providing the analysis that state's speech act could cause to create foreign policies that counter what is predicted by structural realism this analysis makes contributions to neoclassical realism which explains states foreign policy choices within the constraints of international structure

International Libel and Privacy Handbook Charles J. Glasser, Jr., 2013-01-31 An indispensable survival guide for anyone in the media industry and the lawyers who serve them Especially now in an age of instant global access through digital media it is vitally important that journalists authors and publishers as well as the lawyers who serve them be fully up on the laws governing media worldwide The ultimate resource for all the media content providers and purveyors this fully updated and expanded Third Edition of the critically acclaimed handbook offers you instant access to relevant libel and privacy laws and important legal rulings in the Europe Asia the Middle East and the Americas It clearly and concisely explains risks publishers should know about prior to publication steps they can take in order to avoid legal conflicts and legal defences available to them in the event of a claim Offers nation by nation summaries of libel and privacy law written by local practitioners in an easy to use reference format Expanded to include coverage of important emerging territories Mexico Israel and Argentina et al as well as the latest libel and privacy rulings Features new chapters on emerging media markets including Israel Mexico Argentina Jordan and others as well as valuable updates to the Middle East section Provides updates on all major media markets and nations along with coverage of changes in libel laws in key jurisdictions including Australia the UK Hungary and Germany

Unifying the Software Process Spectrum Barry Boehm, 2005 This book constitutes the thoroughly refereed post proceedings of the International Software Process Workshop SPW 2005 held in Beijing China in May 2005 The 30 papers presented here together with 11 keynote

addresses are organized in topical sections on process content process tools and metrics process management process representation and analysis as well as experience reports

International Tax Planning and Prevention of Abuse Luc De Broe, 2008 This study considers how tax authorities attempt to strike down international tax avoidance structures in particular those involving the use of conduit and base companies set up by third country residents for purposes of treaty shopping and EC Directive shopping The book focuses on the interaction between provisions and judicially developed doctrines of domestic tax law preventing international tax avoidance on the one hand and norms of international law in particular tax treaties and rules of Community law on the other It also considers treaty based anti avoidance measures such as the beneficial ownership requirement and limitation on benefits provisions This part of the study compares and analyses the case law of Australia Austria Belgium Canada the Czech Republic Finland France Germany India the Netherlands Switzerland the United Kingdom and the United States

Bank Guarantees in International Trade Roeland F. Bertrams, 2013-01-06 For decades this remarkable book now in its updated fourth edition has served practitioners in international trade and banking law as a thorough codification of the law and practice of bank guarantees The new edition has been thoroughly revised updated and amended in the light of new developments in the law and changing patterns in practice Bertrams uses case law arbitral decisions and legal writing from five European jurisdictions The Netherlands Germany France Belgium and England to build an analysis of how the practical applications of bank guarantees have established a pattern of law The new edition takes into account all legal and arbitral decisions and relevant legal writing through 2012 from these countries as well from other European countries and the United States Written from a transnational perspective Bank Guarantees in International Trade can be used in both civil and common law jurisdictions and it has been cited as an authoritative source of case law in several jurisdictions from each system With reference throughout to the effect and significance of the Uniform Rules for Demand Guarantees URDG of the International Chamber of Commerce International Standby Practices ISP and the UNCITRAL Convention on Independent Guarantees and Stand by Letters of Credit the author continuously elucidates the way guarantees function in actual practice and the numerous practical aspects and issues to which they give rise The analysis covers the following subjects and much else types of guarantee tender performance maintenance repayment retention payment mechanisms first demand third party documents arbitral or court decision risks and negotiations drafting and clauses bank guarantees as a financial service the bank's perspective direct and indirect guarantees counter guarantees formation enforceability of expiry dates assignment and transfer demand for payment and the rule of strict compliance fraud and restraining orders applicable law and jurisdiction reference to URDG 2010 revision and ISP98 throughout the text In addition to his thorough coverage of law and legal writing the author has drawn on intensive contacts with the banking community construction firms export credit insurance companies and local lawyers His insight into the daily life of the world of independent first demand guarantees and the practices difficulties and

peculiarities in a great number of countries and regions including the Middle East and North Africa cannot be matched in any other source Bank guarantees can present major difficulties and this book is the lawyer's best guide in any situation likely to arise As a comprehensive study of the legal and practical aspects of bank guarantees and standby letters of credit it offers practitioners in international trade law the most complete analysis of banking law in the field In its wealth of practical detail it is unlikely to be surpassed

Neutrality in Contemporary International Law James Upcher, 2020-04-30 The law of neutrality the corpus of legal rules regulating the relationship between belligerents and States taking no part in hostilities assumed its modern form in a world in which the waging of war was unconstrained The neutral State enjoyed territorial inviolability to the extent that it adhered to the obligations attaching to its neutral status and thus the law of neutrality provided spatial parameters for the conduct of hostilities Yet the basis on which the law of neutrality developed the extra legal character of war no longer exists Does the law of neutrality continue to survive in the modern era If so how has it been modified by the profound changes in the law on the use of force and the law of armed conflict This book argues that neutrality endures as a key concept of the law of armed conflict The interaction between belligerent and nonbelligerent States continues to require legal regulation as demonstrated by a number of recent conflicts including the Iraq War of 2003 and the Mavi Marmara incident of 2010 By detailing the rights and duties of neutral states and demonstrating how the rules of neutrality continue to apply in modern day conflicts this restatement of law of neutrality will be a useful guide to legal academics working on the law of armed conflict the law on the use of force and the history of international law as well as for government and military lawyers seeking comprehensive guidance in this difficult area of the law

Rethinking Community Policing in International Police Reform Deniz Kocak, 2018-09-13 Community policing has often been promoted particularly in liberal democratic societies as the best approach to align police services with the principles of good security sector governance SSG The stated goal of the community policing approach is to reduce fear of crime within communities and to overcome mutual distrust between the police and the communities they serve by promoting police citizen partnerships This SSR Paper traces the historical origins of the concept of community policing in Victorian Great Britain and analyses the processes of transfer implementation and adaptation of approaches to community policing in Imperial and post war Japan Singapore and Timor Leste The study identifies the factors that were conducive or constraining to the establishment of community policing in each case It concludes that basic elements of police professionalism and local ownership are necessary preconditions for successfully implementing community policing according to the principles of good SSG Moreover external initiatives for community policing must be more closely aligned to the realities of the local context

The International Relations of the EU Steve Marsh, Hans Mackensteen, 2014-09-11 In an incisive and lively discussion International Relations of the EU examines both the economic and security dimensions of European Union external relations The book adopts an innovative approach that combines International Relations with International Political Economy Set against a backdrop of EU

enlargement and disarray over military intervention in Iraq International Relations of the EU is a timely contribution to our understanding of the EU's role as an international actor The text is suitable for advanced undergraduate courses in Politics and International Relations **American Book Publishing Record** ,2007 **Beyond Free and Fair** Eric

Bjornlund,2004-11-02 Publisher Description CMR: Contracts for the International Carriage of Goods by Road Donald James Hill,2017-07-05 This new book has been completely revised and updated to provide a guide to the workings of the Convention on the Contracts for the International Carriage of Goods by Road The text takes an article by article approach discussing the relevant English and European case law to illustrate how the courts interpret the convention in practice

The law of international organisations Nigel White,2016-11-18 This book provides a concise account of the principles and norms of international law applicable to the main type of international organisation the inter governmental organisation IGO That law consists of principles and rules found in the founding documents of IGOs along with applicable principles and rules of international law The book also identifies and analyses the law produced by IGOs applied by them and occasionally enforced by them There is a concentration upon the United Nations as the paradigmatic IGO not only upon the UN organisation headquartered in New York but on other IGOs in the UN system the specialised agencies such as the World Health Organisation *Comparative Company Law* Carsten Gerner-Beuerle,Michael Schillig,2019 Comparative Company Law provides a systematic and coherent exposition of company law across jurisdictions augmented by extracts taken from key judgments legislation and scholarly works It provides an overview of the legal framework of company law in the US the UK Germany and France as well as the legislative measures adopted by the EU and the relevant case law of the Court of Justice The comparative analysis of legal frameworks is firmly grounded in legal history and legal and economic theory and bolstered by numerous extracts including extracts in translation that offer the reader an invaluable insight into how the law operates in context The book is an essential guide to how company law cuts across borders and how different jurisdictions shape the corporate lifespan from its formation by way of incorporation to its demise corporate insolvency and eventual dissolution In addition it offers an introduction to the nature of the corporation the framework of EU company law incorporation and corporate representation agency problems in the firm rights of stakeholders and shareholders neutrality and defensive measures in corporate control transactions legal capital piercing the corporate veil and corporate insolvency and restructuring law Words on Cassette ,1997 **Security Studies** Associate Professor Elliott School of International Affairs Paul D Williams, Dr,Paul D. Williams,2008-06-03 Security Studies is the most comprehensive textbook available on security studies It gives students a detailed overview of the major theoretical approaches key themes and most significant issues within security studies Part 1 explores the main theoretical approaches currently used within the field from realism to international political sociology Part 2 explains the central concepts underpinning contemporary debates from the security dilemma to terrorism Part 3 presents an overview of the institutional security architecture currently influencing world

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