

Conflict Of Laws Crisis Paperback

The Rule of Crisis

This book analyzes emergency legislations formed in response to terrorism. In recognition that different countries, with different legal traditions, have different solutions, it adopts a comparative point of view. The countries profiled include America, France, Israel, Poland, Germany and United Kingdom. The goal is not to offer judgment on one response or the other. Rather, the contributors offer a comprehensive and thoughtful examination of the entire concept. In the process, they draw attention to the inadaptability of traditional legal and philosophical categories in a new and changing political world. The contributors first criticize the idea of these legislations. They then go on to develop different models to respond to these crises. They build a general analytical framework by answering such questions as: What is an emergency legislation? What kinds of emergencies justify laws of this nature? Why is contemporary terrorism such a specific emergency justifying new laws? Using legal and philosophical reflections, this study looks at how we are changing society. Coverage also provides historical experiences of emergency legislations to further illustrate this point. In the end, readers will gain insight into the long-term consequences of these legislations and how they modify the very work of the rule of law.

The Rule of Law in Crisis and Conflict Grey Zones

This book responds to ongoing calls for clarification and consensus regarding the meaning, scope and interplay of humanitarian law and human rights law in the 'grey zones' of unconventional operational environments such as counterterrorism and counterinsurgency operations. It contributes to the debate in this area by developing objective criteria for determining where the shift from the legal framework of law enforcement to that of non-international armed conflict occurs in relation to targeting law and weaponry law; by developing improved objective criteria for determining what constitutes direct participation in hostilities and de facto membership in an organised armed group; by taking stock of how existing targeting and weaponry rules are being applied to unconventional conflicts within civilian populated areas by key state players as well as by international and regional human rights mechanisms; by arguing for the progressive realisation of targeting and weaponry law so that they are more

fitting for operational environments that are increasingly urbanised and civilianised; by seeking to understand how global networked connectivity may affect our understanding of the operational theatre of war and the geographical reach of the legal framework of non-international armed conflict.

Litigation Communication

The book is a brief journey through centuries and jurisdictions and expands on examples of enactment practices of states that support, challenge or even reject communication during pending litigations. England, as the main representative of a jurisdiction, suggests communication solutions potentially different than the practice in the United States where litigation communication first time occurred. Accordingly, the author offers a comprehensive analysis and detailed historical narrative of the positions of various jurisdictions in relation to communication in the legal process. As a kind of applied legal history, the book provides an exploration of historical events that were significant in a legal communication context and addresses their implications for modern enactments. The account looks at the history of regulations to allow a better understanding of the strict rules that have often been cited over the years support or restrict communication in the legal process. The author provides the reader with proper contexts on different judicial and communication considerations, as well as the collaboration of legal and public relations experts, in a particular form of crisis and reputation management, in the litigation process. As such, this book is an attempt to present an accurate and thoughtful account of the theory and history of litigation communication, which is directly relevant in various debates such as the work on the meaning and context of the Contempt of Court Act in England or the American First and Sixth Amendments in different centuries.

The Effects of Financial Crises on the Binding Force of Contracts - Renegotiation, Rescission or Revision

This book is about one of the most controversial dilemmas of contract law: whether or not the unexpected change of circumstances due to the effects of financial crises may under certain conditions be taken into account. Growing interconnectedness of global economies facilitates the spread of the effects of the financial crises. Financial crises cause severe difficulties for persons to fulfill their contractual obligations. During the financial crises, performance of contractual obligations may become excessively onerous or may cause an excessive loss for one of the contracting parties and consequently destroy the contractual equilibrium and legitimate the governmental interventions.

Uncomfortable economic climate leads to one of the most controversial dilemmas of the contract law: whether the binding force of the contract is absolute or not. In other words, unstable economic circumstances impose the need to devote special attention to review and perhaps to narrow the binding nature of a contract. Principle of good faith and fair dealing motivate a variety of theoretical bases in order to overcome the legal consequences of financial crises. In this book, all these theoretical bases are analyzed with special focus on the available remedies, namely renegotiation, rescission or revision and the circumstances which enables the revocation of these remedies. The book collects the 19 national reports and the general report originally presented in the session regarding the Effects of Financial Crises on the Binding Force of Contracts: Renegotiation, Rescission or Revision during the XIXth congress of the International Academy of Comparative Law, held in Vienna, July 2014.

Are Legal Systems Converging or Diverging?

This book focuses on two main aspects: legal convergence and crises. Despite the abundance of literature on legal convergence over the years, the question of whether legal systems are converging or diverging remains unanswered. This book provides a valuable contribution to questions concerning comparative law, legal convergence, and legal transplants by examining them through the lens of crises. Crises challenge countries' legal systems and prompt institutional responses to tackle perceived shortcomings in the law. The crises witnessed by the world over the last two decades have highlighted two seemingly contradictory tendencies: (i) increased cooperation and a natural phenomenon of legal convergence as states find common solutions to common problems; (ii) a preference for state-centric solutions, which prioritise domestic interests; rejection of supranational standards and harmonisation efforts; and protection of domestic sovereignty. This book aims to determine whether, in times of crisis, foreign laws, rules, and concepts can transcend countries' domestic legal systems, or whether states' responses to crises lead to legal divergence and disintegration. Unlike traditional studies on convergence, this edited volume takes an international and cross-thematic approach, with chapters focusing on how legislation in selected jurisdictions has responded to crises. Therefore, the book's originality lies in its truly global nature, with chapters and authors surveying jurisdictions in Africa, North and South America, Asia, Europe and Oceania. The breadth of legal areas covered, with a mix of private and public law, also add to its uniqueness. From Russia to Germany and from bankruptcy law to environmental law, the book examines whether, as a result of crises, policy and legal responses have adopted, copied, or implemented features, policies, principles and/or rules from other legal systems (convergence), or have departed from existing legal norms, adopting policies and rules that differ from

those of other countries (divergence).

Still Waiting for Tomorrow

This book focuses on the common features of protracted refugee situations. It is a critical examination of the reasons underlying the extended nature of those crises, as well as potential solutions to them. The book addresses war and armed conflict, environmental change and natural disasters, statelessness and protection gaps, among other elements, as common origins of refugee crises. It analyzes the root causes of some of the longest-standing unresolved refugee situations in the world today (including, but not limited to, the cases of Palestinians, Sahrawis, and Tibetans), addressing the particular political and legal tensions undermining solutions to them. The book comprises contributions from some of the leading scholars and practitioners in the field of international refugee, human rights and humanitarian law, and international relations.

Shaping Foreign Policy in Times of Crisis

Shaping Foreign Policy in Times of Crisis grew out of a series of meetings that the authors convened with all ten of the living former U.S. State Department legal advisers (from the Carter administration to that of George W. Bush). Based on their insider accounts of the role that international law actually played during the major crises on their watch, the book explores whether international law is real law or just a form of politics that policymakers are free to ignore whenever they perceive it to be in their interest to do so. Written in a style that will appeal to the casual reader and serious scholar alike, the book includes a foreword by the Obama administration's State Department legal adviser, Harold Koh; background on the theoretical underpinnings of the compliance debate; an in-depth case study of the treatment of detainees in the war on terror; and a comprehensive glossary of the terms, names, places, and events that are discussed in the book.

Conflict Among Nations

How do nations act in a crisis? This book seeks to answer that question both theoretically and historically. It tests and synthesizes theories of political behavior by comparing them with the historical record. The authors apply theories of bargaining, game theory, information processing, decision-making, and international systems to case histories of sixteen crises that occurred during

a seventy-five year period. The result is a revision and integration of diverse concepts and the development of a new empirical theory of international conflict. Originally published in 1978. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

Conflict and Crisis Communication

Conflict and crisis communication is the management of a critical incident which has the potential for resolution through successful negotiations. This can include negotiating with individuals in crisis, such as those threatening self-harm or taking individuals hostage as part of emotional expression, and also critical incidents such as kidnapping and terrorist activities. By focusing on the empirical and strong theoretical underpinnings of critical incident management, and including clear demonstrations of the practical application of conflict and crisis communication by experts in the field, this book proves to be a practical, comprehensive and up-to-date resource. Discussion of relevant past incidents – such as the 1993 WACO siege in the United States – is used to enhance learning, whilst an examination of the application of critical incident management to individuals with mental disorder offers groundbreaking insight from clinicians working in this area. Conflict and Crisis Communication is an excellent source of reference for national and international law enforcement agencies, professionals working in forensic settings, and also postgraduate students with an interest in forensic psychology and forensic mental health.

Global Responses to Conflict and Crisis in Syria and Yemen

This book compares different international responses to the internal conflicts in Syria and Yemen through an examination of the coverage each conflict has received in the media. The work explores and evaluates rival explanations for why the Syrian conflict has garnered so much more attention than the Yemen conflict and the opportunities and limitations for using international law and international humanitarian law to discuss and analyze intervention. Using this assessment, the authors discuss why this differential attention matters in terms of IR theory, humanitarian response, and policy recommendations for

responding to humanitarian crises.

Constitutionalism Under Extreme Conditions

This book examines the problem of constitutional change in times of crisis. Divided into five main parts, it both explores and interrogates how public law manages change in periods of extraordinary pressure on the constitution. In Part I, "Emergency, Exception and Normalcy," the contributors discuss the practices and methods that could be used to help legitimize the use of emergency powers without compromising the constitutional principles that were created during a period of normalcy. In Part II, "Terrorism and Warfare," the contributors assess how constitutions are interpreted during times of war, focusing on the tension between individual rights and safety. Part III, "Public Health, Financial and Economic Crises," considers how constitutions change in response to crises that are neither political in the conventional sense nor violent, which also complicates how we evaluate constitutional resilience in times of stress. Part IV, "Constitutionalism for Divided Societies," then investigates the pressure on constitutions designed to govern diverse, multi-national populations, and how constitutional structures can facilitate stability and balance in these states. Part V, titled "Constitution-Making and Constitutional Change," highlights how constitutions are transformed or created anew during periods of tension. The book concludes with a rich contextual discussion of the pressing challenges facing constitutions in moments of extreme pressure. Chapter "Public Health Emergencies and Constitutionalism Before COVID-19: Between the National and the International" is available open access under a Creative Commons Attribution 4.0 International License via link.springer.com.

Crisis Counsel

Crisis Counsel: Navigating Legal and Communication Conflict, by Tony Jaques, Ph.D. is a new book by Rothstein Publishing. This book is designed to provide hands-on, practical guidance for senior executives, lawyers and public relations professionals to navigate crises and to balance conflicting advice from lawyers and communication professionals while promoting open communication and protecting legal liability. The book will help you to: * Balance reputation protection and legal obligation during a crisis. * Know why and how to apologize without increasing liability. * Weigh legal and communications advice when a crisis strikes. * Learn from original research which lets lawyers and communicators speak in their own words. * Draw practical everyday lessons from real-world examples of conflict between lawyers and communicators. *

Navigate the legal and communication challenges of dealing with the media in a crisis. * Motivate lawyers and communicators to work better together. * Identify and avoid crucial areas of potential conflict from selected crisis case studies. * Understand the essential difference between corporate responsibility and legal liability. * Make decisions and do the right thing to protect your organization. The book includes a wide variety of global case studies and examples while analyzing how legal and communications advice was managed and the impact on reputation. Crisis Counsel also includes interviews with four of the leading global experts on crisis management and the conclusions of a focused, unique global survey of senior lawyers.

Space in Support of Human Rights

This book stems from the worrying scale and intensity of conflicts, humanitarian crises, and human rights violations around the world, which can be seen in a wide range of global hotspots including Venezuela, Yemen, Syria, Myanmar, Sudan, Eritrea, and numerous others. These developments are also relevant for Europe, given the large-scale migrations they can produce. In order to effectively respond to them, it has become imperative to analyse ways in which space data and technologies can be used to uphold human rights and monitor violations. Various international tribunals, such as the International Court of Justice (ICJ) and the International Criminal Court (ICC), are increasingly relying on satellite data and especially images when considering human rights violations cases. This use of space-related technologies represents a trend that promises to continue as the range and accuracy of space-derived data improves. Further, satellite data has important legal implications because it allows the fulfilment of international obligations to be monitored, and offers a powerful tool for dispute resolution. Accordingly, this book examines the use of satellite images for cases concerning human rights violations, since the multitude of humanitarian crises worldwide demonstrate that it is of the utmost importance to analyse how space law, policies and space-related applications could further support the implementation and monitoring of the observance of human rights, thus contributing to enhanced security and sustainable development. A range of relevant areas, such as migration, refugees (including settlements and whether they are adequately supplied with basic necessities), water distribution and quality, housing and settlement monitoring are crucial aspects addressed in this book. In closing, the use of satellite data for legal purposes is not without its fair share of problems and concerns, which are also considered to guide the evolution of this emerging field.

The Yugoslav Crisis in International Law

This book brings together for the first time a comprehensive documentary record of the crisis in the former Yugoslavia, tracing the responses both of the United Nations and regional organisations. Many of the documents reproduced are otherwise inaccessible. This volume contains all relevant UN Security Council Resolutions and Presidential Statements together with the records of the debates leading to their adoption; reports on the crisis compiled by the UN Secretary-General; and extracts from decisions and debates in the UN General Assembly. The efforts of regional organisations are reflected in general documents from, amongst others, the EC, NATO, the Western European Union, the Conference on Security and Cooperation in Europe, the Organisation of the Islamic Conference, and the Non-Aligned Movement.

CETA's Investment Chapter

This book provides a comprehensive account of the CETA Investment Chapter's ability to overcome the legitimacy crisis facing investment arbitration. To do so, it first examines the root causes behind the legitimacy crisis, ultimately arguing that it reflects a fundamental rule of law crisis within investment arbitration. In particular, it asserts that the normative standpoints of the legitimacy crisis form part of the rule of law, the uniting legal principle from which the legitimacy concerns stem. The book contends that the rule of law is not only the principal normative and causal assumption on which the legitimacy concerns are based, but that it could also be utilized as a platform to evaluate the investment arbitration mechanism in CETA's Investment Chapter. Based on this, the book evaluates CETA's Investment Chapter through the rule of law framework in order to provide a convincing account of the latter's ability to overcome the legitimacy crisis facing investment arbitration. It concludes that CETA's Investment Chapter is unlikely to completely solve the legitimacy crisis simply because it is just a patchwork of reforms rather than a comprehensive reinvention of the substantive and procedural law of investment arbitration. Lastly, the book offers meaningful insights into the way the challenges presented by investment arbitration should be addressed. The book is intended for academics researching international investment law and arbitration as well as for policy-makers focusing on reforming investor-state dispute settlement.

Institutional Competition between Common Law and Civil Law

This book addresses two countervailing challenges to theory and policy in law

and economics. The first is the rise of legal origins theory, which denies the comparative law view of convergence between common law and civil law by the assertion of an economic superiority of common law. The second is the series of economic crises in the very financial markets on which that assertion was based. Both trends unsettled certainties about the rule of law and institutional economics. Meeting legal origins theory in its main areas of political science, sociology and economics, the book extends the interdisciplinary reach to neglected aspects of comparative law, legal history, dynamic econometric analysis and "quasi-natural experiments" with counterfactual evidence of different institutional regimes in divided countries. These combined methodological tools make tests of the economic impact of different legal origins much more reliable. This is shown for developed and newly industrialized countries as well as developing, transforming and emerging countries with or without financial center advantage, affected or not by financial crises. The Asian financial crises and the American subprime crisis have been, or could have been resolved using the resources of common law or civil law. These cases and data on access to justice in Africa, Asia and Latin America reveal the problem of substantive law remaining "law on the books" without efficient procedural rules and judicial structures. The single most striking common law-civil law divide is that lawyer-dominated common law procedure is slower and costlier than judge-managed civil law procedure. Countries as diverse as the Netherlands, Japan, and China show functional interaction between culture and law in legal reforms. Such interaction can reduce the occurrence of legal disputes as well as facilitate their resolution. It can use economic crises as catalysts for legal reforms or rely on regional integration, and it should replace the discredited method of legal "transplants" by sustained dialogue between legal advisors and all actors involved in legal reforms.

Varieties of European Economic Law and Regulation

This is the first book to comprehensively analyze the work of Hans Micklitz, one of the leading scholars in the field of EU economic law. It brings together analysts, academic friends and critics of Hans Micklitz and results in a unique collection of essays that evaluate his work on European Economic Law and Regulation. The contributions discuss a wide range of Micklitz' work: from his theoretical work on private law beyond party autonomy, with a special focus on its regulatory function, to the illustration of how his work has built the basis for current solutions such as used in solving the financial crisis. The book is divided into sections covering foundations of private law, regulatory law, competition and intellectual property law, product safety law, consumer contract law and the enforcement of law. This book clearly shows the enormous impact of Hans

Micklitz' work on the EU legal system in both scholarship and practice.

Criminal Law and the COVID-19 Crisis

This book provides a comparative perspective on the impact of the COVID-19 pandemic on different criminal law systems. To this end, the book brings together country reports from Brazil, Argentina, Spain, Portugal, Italy, Austria, Sweden, the Netherlands, Germany, Poland, France and Belgium. All country reports address the same key issues in order to facilitate comparative conclusions. Those key issues re: criminal liability for spreading the coronavirus, criminal liability of medical staff in triage situations, criminal liability of political decision-makers, as well as further (country-specific) challenges in the context of the pandemic and criminal law. Furthermore, they explore domestic case-law and academic literature relevant in this context. This book will be useful for criminal law scholars and practitioners as well as policymakers around the world. The comparative approach of the book will provide them with a more informed and objective perception of their national systems and their respective approaches to COVID-19 and criminal law. Another key objective of this volume in the ICJ Series is to foster dialogue and an exchange of ideas between stakeholders of different nations and ultimately to enable cross-semination between different criminal law systems. Prof. Dr. Frank Zimmermann is Professor for Criminal Law and Criminal Procedure, European and International Criminal Law as well as Criminal Law and Digitalization at the Institute for Criminal Sciences, Dept. V, University of Münster in Münster, Germany.

New Europe - Old Values?

This book explores the reactions to Europeanization and globalization in times of economic distress, including the transformation of European values in national legal cultures. The authors explore how European values, tradition and new legal challenges interconnect and dictate the paths of transition between old and new Europe. The first chapter starts with a question: can Roman Legal Tradition play a role of identity factor towards a New Europe? Can it be considered as a general value identifying new Europe, built on a minimum core of principles - persona, dominum, obligation, contract and inheritance - composing the whole European private law tradition? Subsequent chapters attempt to provide possible responses to the question: what is Europe today? The answers diverge, depending on the research area. The inherent dichotomy of human rights protection in Europe and the concept of 'one law, one court' are investigated in the second chapter, whereas the third chapter focuses on asylum and the

interrelation and interdependence of the Court of Justice of the EU and the European Court of Human Rights. The next three chapters concentrate on matters of equal treatment and non-discrimination. The first contribution in this part reflects on the crisis and methodological and conceptual issues faced by modern anti-discrimination law. It is followed by a specific analysis of the empowerment of women or gender-balancing in company boards. The third contribution reveals the impact of the Croatian anti-discrimination law on private law relations. The next chapter deals with the issue of social rights in Croatia and the method of their regulation in the context of the new European values. The immense challenges posed by the market integration imperative and democratic transition have brought about different reactions in the national legal systems and legal cultures of both old and new Member States. As such, Europe has effectively been reunited, but what about the convergence of national legal cultures? This is the focal point of the remaining chapters, which focus on various issues, from internal market, competition law, consumer welfare, liberalization of network industries to the EU capital market. The magnitude of EU activity in these areas offers conclusive evidence that old and new paradigms are evolving and shaping the future of the EU.

Credit Rating Agencies

The book examines the role of credit rating agencies (CRAs) in the subprime mortgage crisis. The CRAs are blamed for awarding risky securities '3-A' investment grade status and then failing to downgrade them quickly enough when circumstances changed, which led to investors suffering substantial losses. The causes identified by the regulators for the gatekeeper failure were conflicts of interest (as the issuers of these securities pay for the ratings); lack of competition (as the Big Three CRAs have dominated the market share); and lack of regulation for CRAs. The book examines how the regulators, both in the US and EU, have sought to address these problems by introducing soft law self-regulation in accordance with the International Organisation of Securities Commissions Code and hard law statutory regulation, such as that found in the "Reform Act" and "Dodd-Frank Act" in the US and similar provisions in the EU. The highly topical book examines these provisions in detail by using a doctrinal black-letter law method to assess the success of the regulators in redressing the problems identified. It also examines the US case law regulation relating to the legal liability of CRAs. The book examines whether the regulations introduced have had a deterrent effect on the actions of CRAs, whether investors are compensated for their losses, and how the regulators have dealt with the issues of conflicts of interest and an anti-competitive environment. Should liability be introduced for CRAs through changes in the law so as to compel them to issue reliable ratings and solve the current problems? The book seeks to simplify the

complex issues involved and is backed by concrete evidence; as such, it will appeal to both the well-informed and the lay general public who are interested in learning more about the role of CRAs in the sub-prime mortgage crisis and regulators' attempts to remedy the situation. Novice readers can familiarise themselves with the legal and financial terminology used by referring to the glossary at the end of the book.

Latin American Investment Treaty Arbitration

Nowhere in the world has the process of investment treaty arbitration been more volatile or unpredictable than in Latin America. Although the rush of bilateral investment treaties (BITs) entered into by Latin American countries during the 1990s seemed to promise stable guarantees and security for investors, recent years have produced an ever increasing number of arbitrations before international tribunals involving claims by foreign investors amounting to millions and even billions of dollars. In many cases, the disputes have arisen from regulatory measures involving matters of public interest, including the general welfare, health, environment, security, or economy. In five deeply informative and challenging essays by well-known authorities in various aspects of Latin American and/or international investment legal practice, this book investigates the issues affecting arbitration of disputes invoking Latin American BITs. In-depth coverage includes the following: emerging controversies and conflicts, as well as the serious academic debates regarding varying interpretations of treaty terms by different arbitral tribunals; ICSID cases concluded to date against Latin American States and cases that have been dismissed on jurisdictional grounds; detailed analysis of non-precluded measures provisions, the state of necessity defence, and State liability for investor harms in exceptional circumstances (particularly in connection with water rights); a guide for government officials managing investment treaty obligations and investor-State disputes; procedural and substantive issues that States should consider in connection with their investment obligations and the handling of claims; and options available to address investment treaty provisions that States find troubling and the utility and effectiveness of the recommendations presented. The book demonstrates that there is a compelling need for States to develop greater awareness of their investment treaty obligations with a view to both diminishing the likelihood of claims and properly managing those that are submitted to arbitration. It describes the stocktaking process that should form part of any State's efforts to manage its investment treaty obligations and claims by investors that the State has breached those obligations. With specific recommendations for the effective administration of State obligations and investor-State disputes, the book offers eminently practical utility in addition to its penetrating theoretical analysis, and as such constitutes an

enormously valuable resource for all parties concerned in Latin American investment.

Understanding Conflicts of Sovereignty in the EU

This book investigates the multifaceted conflicts of sovereignty in the recent crises in the European Union. Although the notion of sovereignty has been central in the contentious debates triggered by the recent crises in the European Union, it remains strikingly under-researched in political science. This book bridges this gap by providing both theoretical reflections and empirical analyses of today's conflicts of sovereignty in the EU. More particularly, it investigates conflicts between four types of sovereignty. First, national sovereignty referring to the autonomy of the Westphalian Nation-State to rule on a territory delimited by borders; second, the supranational sovereignty acquired by the EU in a fragmentary fashion in a number of scattered internal and external policy fields; third, parliamentary sovereignty understood as the autonomy of parliaments (at the regional, national and European levels) to take part in the decision making process and control the executive in the name of the principles of election and representation; fourth, popular sovereignty whereby the body politic confers legitimacy to decision makers in a democratic system. Through an analysis of the various crises (rule of law, Brexit, migration, Eurozone crisis), the chapters look at how sovereignty is framed and contested by different types of actors, and how the strengthening or the weakening of certain types of sovereignty contribute to shape preferences regarding policies and governance structures in the multi-level EU. The chapters in this book were originally published as a special issue of the Journal of European Integration.

Women in Crisis

This book explores the linguistic patterns of conflict, crisis and threat generation in Polish political rhetoric that have been at the heart of state-level policies since the Law and Justice (PiS) Party came to power in October 2015. Analysing a vast corpus of speeches, statements and remarks by prominent Law and Justice Party politicians, this book sheds light on internal parliamentary and presidential discourse against opponents of the government, before widening its lens to Poland's strained relations with the EU regarding refugee distribution and immigration. Drawing on theories from contemporary critical discourse studies and critical-cognitive pragmatics, the book shows how the crisis, conflict and threat elements in these discourses produce public coercion and strengthen the Party's leadership. Piotr Cap extends his argument further to examine discursive

examples from Hungary, Romania, Bulgaria, Austria, Italy and the UK, highlighting the correlation between the Law and Justice Party and broader socio-political and rhetorical trends in contemporary Europe. The result is an authoritative panorama of the mutual dependencies and shared discursive strategies of European right-wing groups.

The Discourse of Conflict and Crisis

This book presents the results of extensive international comparative research into the effects of the economic and financial crisis on democratic institutions and social cohesion policies. The collected studies describe and analyse the measures (often referred to as "reforms") adopted to counter the crisis and the effects of these measures. It investigates three areas: the impact on the functioning of institutions, with respect to the relationship between representative institutions and governments, and the organisational structure of administrations at national and local levels; the impact that the austerity policies on public spending have on social rights; and the impact on traditional instruments of public action (administrative simplification, public services delivering, the use of common assets). The general findings highlight the effect of reducing the administrative and government capacity of the democratic institutions: the public sector, rather than being innovative and made more effective, declines, offering increasingly poor public services and making bad decisions, fuelling substantive or formal privatisation solutions, which in turn cause further weakening.

European Democratic Institutions and Administrations

What happens when the international community simultaneously pursues peace and justice in response to ongoing conflicts? What are the effects of interventions by the International Criminal Court (ICC) on the wars in which the institution intervenes? Is holding perpetrators of mass atrocities accountable a help or hindrance to conflict resolution? This book offers an in-depth examination of the effects of interventions by the ICC on peace, justice and conflict processes. The "peace versus justice" debate, wherein it is argued that the ICC has either positive or negative effects on 'peace', has spawned in response to the Court's propensity to intervene in conflicts as they still rage. This book is a response to, and a critical engagement with, this debate. Building on theoretical and analytical insights from the fields of conflict and peace studies, conflict resolution, and negotiation theory, the book develops a novel analytical framework to study the Court's effects on peace, justice, and conflict

processes. This framework is applied to two cases: Libya and northern Uganda. Drawing on extensive fieldwork, the core of the book examines the empirical effects of the ICC on each case. The book also examines why the ICC has the effects that it does, delineating the relationship between the interests of states that refer situations to the Court and the ICC's institutional interests, arguing that the negotiation of these interests determines which side of a conflict the ICC targets and thus its effects on peace, justice, and conflict processes. While the effects of the ICC's interventions are ultimately and inevitably mixed, the book makes a unique contribution to the empirical record on ICC interventions and presents a novel and sophisticated means of studying, analyzing, and understanding the effects of the Court's interventions in Libya, northern Uganda - and beyond.

Reshaping Markets

This book provides a holistic view on the topics of peace and conflict, peace education, international relations and regional studies during the end of the second decade of the twenty-first century. It collects the studies, experience and analysis of faculty members of the University for Peace presented in three sections: regional and institutional outlook, and common challenges and interventions. Some of the topics in this book include the complex concept of peace; governance and security in Africa; peace and conflict in the Middle East; maritime security conflicts in South China Sea, the European Union in a multipolar world, religious fundamentalism and violent extremism; food security, climate change; and participatory action research in the culture of peace. Scholars, capacity building trainers, policy makers, politicians, lawyers, and individuals interested in international affairs among others might find in this book a diverse academic source for further analysis in their respective fields.

Justice in Conflict

For almost a decade the European Union has been stuck in a permanent crisis. Starting with domestic constitutional crises, followed by an imported financial crisis, it has evolved into a fully formed political crisis. This book argues that none of the crises are exclusively internal to the EU and the responses to date, which have taken inward looking approaches, are simply inadequate. Resolution can only come when the EU engages more fully with transnational law. This highly topical book offers an innovative dual focus on both transnational and EU law together. It sets out the relationship between the two frameworks by exploring practical concrete problems that transnational law has posed to the

EU. These problems are explored from the perspective of four key tenets of both systems, namely the rule of law, democracy, the protection of human rights, and justice. It does this by advancing the theoretical framework of principled legal pluralism. In so doing it offers clear normative guidance as to how the relationship between EU and transnational law should be developed and fostered.

The Difficult Task of Peace

A fresh and insightful guide to post-financial crisis cross-border insolvency, this book interrogates the current regime and sets out a pattern to improve its future. In recent decades, and especially since the global financial crisis, a number of important initiatives have focused on developing effective solutions for managing the insolvency of multinational enterprises and financial institutions. Irit Mevorach here takes stock of the varying success of previous policy, and identifies the gaps and biases that could be bridged by a new approach.

The European Union under Transnational Law

The 1990s saw a constant increase in international peace missions, predominantly led by the United Nations, whose mandates were more and more extended to implement societal and political transformations in post-conflict societies. However, in many cases these missions did not meet the high expectations and did not acquire a sufficient legitimacy on the local level. Written by leading experts in the field, this edited volume brings together 'liberal' and 'post-liberal' approaches to peacebuilding. Besides challenging dominant peacebuilding paradigms, the book scrutinizes how far key concepts of post-liberal peacebuilding offer sound categories and new perspectives to reframe peacebuilding research. It thus moves beyond the 'liberal'-'post-liberal' divide and systematically integrates further perspectives, paving the way for a new era in peacebuilding research which is theory-guided, but also substantiated in the empirical analysis of peacebuilding practices. This book will be essential reading for postgraduate students and scholar-practitioners working in the field of peacebuilding. By embedding the subject area into different research perspectives, the book will also be relevant for scholars who come from related backgrounds, such as democracy promotion, transitional justice, statebuilding, conflict and development research and international relations in general.

The Future of Cross-border Insolvency

The euphoric cries of a peaceful and more dynamic new world order', which followed the end of the Cold War have been silenced by the increased intensity of local conflicts around the world. The humanitarian crises resulting from these conflicts have attracted greater international attention. Perhaps even more tragic is the failure of the international community to find early effective response to these conflicts, which have profound security implications for the affected regions and have led to the collapse of state structures in some cases. The intra-state conflicts in Africa alone have claimed over one million lives since 1990. On the international scene these internal conflicts have created new challenges for the UN, whose efforts at dealing with them have produced mixed results, whilst international policy makers, the military and academics are faced with difficult questions. Can traditional peacekeeping be stretched to accommodate this class of conflict? What is the legal basis for these operations? Attempts to answer these questions at the conceptual level have led to the development of concepts such as second generation peacekeeping, wider peacekeeping, peace support operations and strategic peacekeeping. It has emerged that there is no common view on an effective and realistic set of tools to manage these crises. Perhaps the most significant point to arise from the differing conceptual views presently is that an effective approach and sound legal basis have not been found for dealing with recalcitrant internal conflicts in far away regions, which are not high on the strategic considerations of the great powers. This book reconsiders the role of the UN and regional organisations such as ECOWAS in Africa. It examines the response to the civil war in Liberia, which served as a precursor to the international response to the crisis in Sierra Leone. On the one hand, this book offers an analysis of a new conceptual framework for managing a specific class of violent conflict. On the other hand, it provides first hand account of the character of a force that attempted to apply this approach. In drawing some of its conclusions, the book relies on the testimonies of many of the soldiers who formed the core of the military operations in these difficult conflict areas in West Africa.

The International Legal Protection of Persons in Humanitarian Crises

This versatile and pedagogically effective book brings together in a coordinated way the rich and diverse perspectives and 66 years combined teaching experience of two highly respected conflicts scholars: the author of 25 annual surveys of choice-of-law cases and drafter of three conflicts codifications, and the author of a path-breaking, established casebook on civil procedure. The book presents the real world of conflict law, behind the leading cases and beyond

America's borders, through distilled documentation of what courts actually do and strategically placed extensive information about international practice and the law other countries.

Peacebuilding in Crisis

'Human rights and conflict' is divided into three parts, each capturing the role played by human rights at a different stage in the conflict cycle.

Reinventing Peacekeeping in Africa

This book critically analyses how arbitration cases, institutional rules and emerging codes of conduct in the international arbitration sector have dealt with a series of key arbitrator duties to date. In addition, it offers a range of feasible and well-grounded proposals regarding investment arbitrators' duties in the future. The following aspects are examined in depth: the duty of disclosure the duty to investigate the duty of diligence and integrity, which in turn may be divided into temporal availability, a non-delegation of responsibilities, and adhering to appropriate behaviour the duty of confidentiality, and other duties such as monitoring arbitration costs, or continuous training. Investment arbitration is currently undergoing sweeping changes. The EU proposal to create a Multilateral Investment Court incorporates a number of ground-breaking developments with regard to arbitrators. Whether this new model of permanent "members of the court" will ever become a reality, or whether the classical ex-parte arbitrator system will manage to retain its dominance in the investment arbitration milieu, this book is based on the assumption that there is a current need to re-examine and rethink the main duties of investment arbitrators. Apart from being the first monograph to analyse these duties in detail, the book will spark a crucial debate among international scholars and practitioners. It is essential to identify arbitrators' duties and find consensus on how they should be reshaped in the near future, so that these central figures in investment arbitration can reinforce the legitimacy of a system that is currently in crisis.

Conflict of Laws

The right to self-determination has played a crucial role in the process of assisting oppressed people to put an end to colonial domination. Outside of the

decolonization context, however, its relevance and application has constantly been challenged and debated. This book examines the role played by self-determination in international law with regard to post-conflict state building. It discusses the question of whether self-determination protects local populations from the intervention of international state-builders in domestic affairs. With a focus on the right as it applies to the people of an independent state, it explores how self-determination concerns that arise in the post-conflict period play out in relation to the reconstruction process. The book analyses the situation in Somalia as a means of drawing out the impact and significance of the legal principle of self-determination in the process of rebuilding post-conflict institutions. In so doing, it seeks to highlight how the relevance of self-determination is often overlooked in this context.

Human Rights and Conflict

Rule of law has emerged as an essential objective in assistance to post-conflict and post-crisis societies such as Somalia, Kosovo, Liberia and Egypt. This has led to a host of externally promoted programmes and projects on law reform, constitutional development and judicial training, and security sector transformation. Through UN Security Council resolutions and other means of conditionality, the rule of law is not simply promoted in post-conflict and crisis settings, but also enforced. A failure to adhere to the rule of law can result in donors withholding funds and political support. The employment of the concept as a standard and condition in state-building has national legal and political consequences. Clarity in communication on the rule of law is of great importance. This book provides a critical analysis of past and current rule of law promotion, and argues that despite past experiences of development and technical assistance, rule of law reform in war-torn and crisis societies operates in an autonomous field where best practices and lessons learned are rarely or only superficially acknowledged. Furthermore, there is a need for a reorientation of rule of law assistance to the core values of the concept in order to retain its independent and 'analytical bite', and to develop criteria that can guide reformers in the field. The author provides a comparative and systematic overview of how rule of law promotion has been put into effect and identifies challenges and opportunities for enhancing and strengthening norms, ideologies and methods for legal and judicial reform after war and crisis. About the book 'This compelling account of the role of international actors promoting rule of law in war to peace transitions argues that we have overreached. By prescribing value-laden rule of law reforms to formal justice institutions after war, we have created 'blind-spots': international actor accountability, informal and customary justice systems, and the procedures and outcomes of public administration. This important book argues that the real test of international rule of law

interventions is whether they create spaces where conflict-weary citizens can demand, challenge, and participate in the creation of better local governance.' Professor Veronica L. Taylor, Australian National University and University of Washington 'In short, Sannerholm's pithy volume is an excellent primer for those interested in international rule of law reform efforts in countries emerging from war or crisis. He harbors no illusions about the challenges that these reform efforts face, and his criticisms of such efforts to date are realistic and incisive without succumbing to pessimism. Overall, Rule of Law After War and Crisis is a welcome contribution to our understanding of the foundational importance of the rule of law and the immense challenges the international community faces in establishing it where it is absent.' Kendall L. Manlove in *International Law and Politics* (2013) 953 About the author Richard Zajac Sannerholm holds a PhD in law and has experience in rule of law reform in post-conflict, crisis and transition countries, working as a researcher and adviser for international organizations, national agencies and non-governmental organizations. Zajac Sannerholm currently works as a researcher and project leader at the Folke Bernadotte Academy in Sweden.

Key Duties of International Investment Arbitrators

The Crisis behind the Euro-Crisis encourages dialogue among scholars across the social sciences in an attempt to challenge the narrative that regarded the Euro-crisis as an exceptional event. It is suggested instead that the Euro-crisis, along with the subsequent crises the EU has come to face, was merely symptomatic of deeper systemic cracks. This book's aim is to uncover that hidden systemic crisis - the 'crisis behind the Euro-crisis'. Under this reading it emerges that what needs to be questioned is not only the allegedly purely economic character of the Euro-crisis, but, more fundamentally, its very classification as an 'emergency'. Instead, the Euro-crisis needs to be regarded as expressive of a chronic, dysfunctional, but 'normal' condition of the EU. By following this line of analysis, this book illuminates not only the causes of contemporary turbulences in the European project, but perhaps the 'true' nature of the EU itself.

Self-Determination, International Law and Post-Conflict Reconstruction

The 'Yugoslav' crisis in international law. 2. Succession, conflict and peace-keeping

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