

Comparative Law Of Security And Guarantees Law Practice Of International Finance

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Project Financing and the International Financial Markets -

Esteban C. Buljevich 2007-08-27

Since the 1970s, the practice of financing major private and public sector capital-intensive projects has shifted to an ever-greater reliance on private funding sources, as opposed to direct financing through the issuance of corporate or government bonds. In the 1990s, these financing practices have undergone further changes with the increasing globalization of capital markets, the growth of derivative instruments, and the rapid increase in information technology that enhances cash-management practices. Today's project financing market is increasingly using sophisticated capital market, bank and agency financing mechanisms as well as using derivative instruments for asset and liability management. Thus, financial market innovations are bringing the once separate fields of project financing and international finance more closely together. This is the first book to treat both topics as an interrelated whole, for contemporary project financing cannot be fully

understood without a good working knowledge of the international financial markets that have developed the various financing techniques and funding sources being used. The book provides an in-depth description of cross-border project financing as a technique for financing capital-intensive projects, as well as an overview of certain financing and derivative instruments currently available in the global financial markets. The first part of the book provides an overview of certain funding and derivative instruments currently used in the international financial markets, including a general overview of financial innovations that have occurred in recent decades. Topics covered include an introduction to the syndicated Euro-credit market; an overview of various marketable debt securities actively used in the international financial markets; an introduction to depositary receipt as an innovative way of raising cross-border equity capital; an elaboration of the derivative instruments most commonly used in the project financing arena, including interest rate, currency and commodity swaps; and finally an overview of banks' off-

balance sheet activities as a critical driving force for the participation of banks in the international financial and derivative markets. The second part of the book provides an in-depth analysis of project financing that concentrates on the financier's perspective. Topics covered include a general overview of the project financing industry; a step-by-step description of a typical cross-border project finance transaction; a description of the main characteristics and advantages of project financing as opposed to more traditional corporate lending practices; an overview of appraisal techniques for assessing project financing; a comprehensive analysis of the different risk management techniques used in project financing for reducing, distributing and hedging risks; and a brief overview of certain limited-resource financing schemes. The book includes a special focus on the various stages of the risk management process for project financing, elaborating on the different stages of risk identification, risk assessment, risk reduction, risk distribution and hedging and insurance. The authors also provide a comprehensive glossary of terms relating to international finance and project financing. This book will fulfill the need for an essential text on project financing as well as a professional reference guide.

Expulsion in International Law - Matti Pellonpää 1984

The Pillars of Global Law - Ms Giuliana Ziccardi Capaldo 2013-02-28

This book addresses important changes in key legal issues; it reconstructs a complex legal framework, and the emergence of a new international order that has still not been studied in depth, providing a compass that will prove a useful resource for students, researchers and policy makers within the field of law and with an interest in international relations.

The Law of International Human Rights Protection - Walter Kälin 2019-08-29

At a time when human rights are coming under increasing pressure, in-depth knowledge and understanding of their foundations, conceptual underpinnings and current practice remain crucial. The second edition of Walter Kalin and Jorg Kunzli's authoritative book provides a concise but

comprehensive legal analysis of international human rights protection at the global and regional levels. It shows that human rights are real rights creating legal entitlements for those who are protected by them and imposing legal obligations on those bound by them. Based, in particular, on a wide-ranging analysis of international case-law, the book focuses on the sources and scope of application of human rights and a discussion of their substantive guarantees. Further chapters describe the different mechanisms to monitor the implementation of human rights obligations, ranging from the regional human rights courts in Africa, the Americas and Europe and the UN treaty bodies to the international criminal tribunals, the International Court of Justice and the UN Security Council. The book is based on an understanding of human rights as legal concepts that address basic human needs and vulnerabilities, and highlights the indivisibility of civil and political rights on the one and economic, social and cultural rights on the other hand. It also highlights the convergence of international human rights and international humanitarian law and the interlinkages with international criminal law as well as general international law, in particular the law of state responsibility.

Comparative Human Rights Law - Sandra Fredman 2018

Courts in different jurisdictions face similar human rights questions. Does the death penalty breach human rights? Does freedom of speech include racist speech? Is there a right to health? This book uses the prism of comparative law to examine the fascinating ways in which these difficult questions are decided. On the one hand, the shared language of human rights suggests that there should be similar solutions to comparable problems. On the other hand, there are important differences. Constitutional texts are worded differently; courts have differing relationships with the legislature; and there are divergences in socio-economic development, politics, and history. Nevertheless, there is a growing transnational conversation between courts, with cases in one jurisdiction being cited in others. Part I sets out the cross-cutting themes which shape the ways judges respond to challenging human rights issues. It examines when it is legitimate to refer to foreign materials; how universality and cultural relativity are balanced in human rights law;

the appropriate role of courts in adjudicating human rights in a democracy; and the principles judges use to interpret human rights texts. The book is unusual in transcending the distinction between socio-economic rights and civil and political rights. Part II applies these cross-cutting themes to comparing human rights law in the US, UK, South Africa, Canada, and India. Its focus is on seven particularly challenging issues: the death penalty, abortion, housing, health, speech, education and religion, with the aim of inspiring further comparative examination of other pressing human rights issues.

Title and Title Conflicts in respect of Intermediated Securities under English Law - Wenwen Liang 2013-08-19

This book examines property issues in respect of intermediated securities under English law, namely title and title conflicts between a true owner and a purchaser. Intangible book entry securities held with an intermediary, often commingled with the holdings of other clients of the intermediary, often give rise to uncertainty in property rights in the securities of an investor under most legal systems, for example, whether property rights can be established and how title conflicts are dealt with. This book identifies the flexible framework of English property law for establishing property rights over commingled intangibles, in particular through trusts; establishes the policy of priority rules as of comparing the merits of rights and preferring a vested right of a true owner over a subsequent purchaser, particularly a vested right under fiduciary relations. The book works towards the conclusion that, given the general principle of English property law for vested rights, title conflicts may be tilted towards purchasers in a mild rather than a radical way, by introducing a good faith purchaser rule to intermediated securities or leaving it to judicial discretion where an estoppel might work in favour of a purchaser. This book is suitable for lawyers, officials and academics in the field of intermediated securities, as well as trust, property and financial regulation.

The Oxford Handbook of International Law in Armed Conflict - Andrew Clapham 2014-03

Written by a team of distinguished and internationally renowned experts,

this Oxford Handbook gives an analytical overview of international law as it applies in armed conflicts. The Handbook draws on international humanitarian law, human rights law, and the law of neutrality to provide a comprehensive picture of the status of law in war.

The Right to Liberty and Security versus Counter-Terrorism under International Law - Shimels Sisay Belete 2018-11-14

Particularly in the aftermath of the 9/11 terrorist attack, the threat of terrorism, however, defined, has been invoked as a common 'justification' in the pursuit of remodelling policies, laws, and institutions, both at the international and in the domestic politico-legal showground. The broader central theme that this book explores is the normative vibe under which the present-day counterterrorism discourse is construed and sculpted in the legislative and institutional structures of an authoritarian state where the political power and government institutions are functioning under a single-party-monopolised system. Presenting the Ethiopian legislative and institutional frameworks as a case study, the book critically reflects on the extent that the international legal and/or institutional counterterrorism response is sensitised in a manner lessening the risk of conflating authoritarian regime's unbearable reactions to citizens' legitimate demands and resistances against its repression vis-à-vis that of its response to the common threat of international terrorism. In particular, the book ponders whether or not the range of the substantive and procedural aspects of the Ethiopian antiterrorism legislative and institutional frameworks are wrought to fit into the main objectives and standards that emanate from the pertinent international laws relating to terrorism and the international human rights law as well as the domestic constitutional law maxims.

Comparative Law of Security Interests and Title Finance - Philip R. Wood 2007

W Green has brought together leading figures from both academia and domestic and international practice to write this book, which features a comprehensive commentary on the Arbitration (Scotland) Act 2010

The Law of International Responsibility - James Crawford 2010-05-20

The law of international responsibility is one of international law's core

foundational topics. Written by international experts, this book provides an overview of the modern law of international responsibility, both as it applies to states and to international organizations, with a focus on the ILC's work.

Letters of Credit and Bank Guarantees Under International Trade Law - Matti Kurkela 2008

Rev. ed. of : Letters of credit under international trade law. c1985.

Comparative Law Yearbook - Dennis Campbell 1996-10-10

The Yearbook offers an important forum for legal practitioners to address and compare practical legal issues of direct interest to their areas of specialisation. Each volume features a comprehensive range of articles written for and by leading practitioners and advisers working within the international business sector. This eighteenth volume contains chapters on: the law relating to banking competition dispute settlement foreign investment and secured transactions general commercial issues facing international businesses the various laws and regulations governing investment and the operating of companies in foreign countries (which should be of great interest to anyone involved with the business of multi-jurisdictional organizations.) banking regulations and the need to obtain security over transactions Other important issues covered in the general section of this volume are those of product safety, restraint of trade, clauses in employment contracts and the remedies available to foreign sellers of goods. All the above topics contribute to making this volume of the Yearbook a valuable tool for international legal practitioners and their clients.

International Loans, Bonds, Guarantees, Legal Opinions - Philip R. Wood 2007

This volume provides coverage of syndicated bank credit agreements and loan transfers, international bond issues including equity-linked bonds, note programs and high yield notes, bondholder trustees and collective action clauses and more.

Social Rights Jurisprudence - Malcolm Langford 2008

The book is the most comprehensive in its area and analyses many jurisdictions that have received little attention.

Hierarchy in International Law: The Place of Human Rights - Erika De Wet 2012-02-16

This book takes an inductive approach to the question of whether there is a hierarchy in international law, with human rights obligations trumping other duties. It assesses the extent to which such a hierarchy can be said to exist through an analysis of the case law of national courts. Each chapter of the book examines domestic case law on an issue where human rights obligations conflict with another international law requirement, to see whether national courts gave precedence to human rights. If this is shown to be the case, it would lend support to the argument that the international legal order is moving toward a vertical legal system, with human rights at its apex. In resolving conflicts between human rights obligations and other areas of international law, the practice of judicial bodies, both domestic and international, is crucial. Judicial practice indicates that norm conflicts typically manifest themselves in situations where human rights obligations are at odds with other international obligations, such as immunities; extradition and refoulement; trade and investment law; and environmental protection. This book sets out and analyses the relevant case law in all of these areas.

Business Law - Joanne Cox 2015

Written by leading experts in the field, the sixth edition of Business Law is designed to provide trainee solicitors with a clear understanding of key aspects of business law, one of the most challenging and dynamic areas of law in study and in practice. Each chapter gives a clear overview of the subject as well as focusing on the legal issues that solicitors face in practice. Coverage includes: establishing and operating a business, buying and selling a business, selected business law issues, and business arrangements. The manual is essential reading for trainee solicitors on the Law Society of Ireland's Professional Practice Courses, and is also an excellent resource for Irish legal practitioners.

Cross-border Security Over Receivables - Harry C. Sigman 2009

Receivables transactions play an important role in modern national economies. Cross-Border Security over Receivables, which studies the

law of seven European nations, provides an in-depth examination of the key substantive law issues, as well as a detailed examination of the private international law issues, particularly, the third party effects of assignments. National reports use practical cases to explore the issues and to highlight differences and similarities. The book will assist market participants and their counsel to better understand the rules of their own countries and those of other countries. It will be of great value to academics in the private, comparative, and private international law fields and will assist those involved in national, EU and global reform efforts.

International Investment Law and Comparative Public Law - Stephan W. Schill 2010-10-14

International investment law is one of fastest-growing areas of international law, but it is plagued by the vagueness of many investors' rights and unpredictable investment tribunal decisions. This book analyses international investment law through the lens of comparative public law to clarify investment treaty obligations and arbitral procedure.

Global Pandemic, Security and Human Rights - Ben Stanford 2021-12-30

This book presents an international and comparative exploration of how the COVID-19 global pandemic has affected and impacted on issues of human rights, security and law. Throughout the world the COVID-19 global pandemic has fundamentally impacted and altered our way of life. As this book sets out, all states have had to contend with similar challenges as well as competing interests and obligations affecting human rights and security. These challenges present very few simple choices but nonetheless carry enormous consequences. Organised into two thematic and distinct, yet interrelated parts, first on theoretical and practical challenges for human rights and second on threats to personal, collective and global security, the book examines how the ability of states to safeguard our fundamental rights and security, broadly defined, has been challenged and that questions about the legality and legal impact of recent responses to COVID-19 will persist for some time. It is often said that global problems require coordinated global solutions, but the

various responses to the pandemic by states suggest a notable lack of a consensus amongst the international community. The book will be of interest to academics and researchers working in the areas of human rights law and security law. It will also appeal to constitutional lawyers, given the nature of law-making and the challenge of ensuring adequate scrutiny in emergency situations as well as the impact of COVID-19 upon the legal framework more generally. It will provide a valuable resource for policymakers, practitioners, and public servants.

Demand Guarantees in the Construction Industry - Karl Marxen 2018-08
Abstrakte Bankgarantien sind im internationalen Wirtschaftsverkehr ein unverzichtbares Zahlungssicherungsmittel für komplexe Bauvorhaben und andere Grossprojekte. Sie versprechen im Bedarfsfall sofortige Liquidität und lassen sich auf erstes Anfordern abrufen, ohne dass Einwände aus dem Grund-, oder Deckungsgeschäft die Auszahlung verhindern können. Diese unmittelbare Verwertungsmöglichkeit birgt jedoch zwangsweise ein erhöhtes Risiko einer ungerechtfertigten oder missbrauchlichen Abrufung. Das vorliegende Werk untersucht rechtsvergleichend den Missbrauch von Bankgarantien (sog. demand guarantee/independent guarantee/standby letter of credit) im sudafrikanischen, englischen sowie deutschen Recht. Unter Auswertung aktueller Gerichtsentscheidungen sowie des Schrifttums werden die praxisrelevanten Missbrauchsfallgruppen analysiert und Wege zur Risikominimierung bzw. -vermeidung aufgezeigt. Das Werk ist gleichermaßen für die Praxis und Wissenschaft geeignet und leistet einen wichtigen Beitrag zur Auflosung des Spannungsfeldes von Rechtssicherheit und materieller Gerechtigkeit im internationalen Wirtschaftsverkehr.

Security Over Corporeal Movable - Jean Georges Sauveplanne 1974-04-08

Held September 14-16, 1971 ; sponsored by the United Kingdom National Committee of Comparative Law.

Modern International Law - James Hastings Wolfe 2002

Citing both theory and case law, this book focuses on the political dynamics involved in contemporary international law. It describes the

importance of international law from the perspective of the rights of states, reciprocity among governments, and collaborative efforts to achieve stability and peace. And, by interweaving traditional subjects (e.g., statehood and sovereignty) with discussions of contemporary topics (e.g., human rights and the law of the sea), it reveals the emerging transition to a new style of international politics--an interdependent international system based on law and organization. Law of Nations. Law and the International System. International Law within the State. Subjects of International Law. Recognition of States and Governments. State Responsibility. Human Rights. Citizenship. Jurisdiction. Dispute Resolution. Territory. Law of the Sea. International Agreements. Diplomacy. Prospects. For those interested in the political aspects of international law.

Global Law: A Triple Challenge - Mireille Delmas-Marty 2021-09-13
The author addresses the question of whether globalization of law is possible in a world full of tensions due to an increase in economic inequality and the rise of national and regional differences. She discusses whether it is reasonable or imaginable to have an organized set of norms when the helter-skelter proliferation of norms and the displacement of landmarks create instead the impression of normative disorder. She then explores whether the globalization of law is ethically desirable, when none of our international institutions are currently able to guarantee respect for democratic values. Originally published in French under the title *Trois Defis Pour Un Droit Mondial*. Published under the Transnational Publishers imprint.

United Nations Protection of Humanity and Its Habitat - Bertrand G. Ramcharan 2016-08-11

This book is a study of the future of international law as well as the future of the United Nations. It is the first study ever bringing together the laws, policies and practices of the UN for the protection of the earth, the oceans, outer space, human rights, victims of armed conflicts and of humanitarian emergencies, the poor, the vulnerable and the disadvantaged world-wide. It reviews unprecedented dangers and challenges facing humanity such as climate change and weapons of mass

destruction, and argues that the international law of the future must become an international law of security and of protection. It submits that the concept of international security in the UN Charter can no longer be restricted to situations of armed conflict but must be given its natural meaning: whatever threatens the security of humanity. It calls for the Security Council to perform its role as the guardian of the security of humankind and sees a leadership role for the UN Secretary-General in analysing and presenting challenges of international security and protection to the Security Council for its attention.

Law and Practice of International Finance - Philip R. Wood 2008

Provides comprehensive guidance on how a landlord or licensor can obtain possession of business premises and how a tenant can oppose such an action or renew the lease. This work provides an explanation of the law, procedure to adopt, evidence required and orders the court may make to help practitioners advise with confidence.

The Human Rights of Aliens Under International and Comparative Law - Carmen Tiburcio 2001-01-01

This volume deals with the basic human rights of aliens from the perspective of international and comparative law. It examines the rules regarding treatment of aliens and the extent to which these rules have been adopted in the domestic legislation of more than 40 different states. It aims to achieve two basic goals: 1) to define the status of aliens under international law, that is, which rights are granted to every person by international instruments; and 2) to establish whether this set of rules has been adopted by the domestic legislation of the states under review. The author classifies the basic human rights of aliens into seven different categories, namely: 1) fundamental rights; 2) private rights; 3) social and cultural rights; 4) economic rights; 5) political rights; 6) public rights; and 7) procedural rights. For each of these categories she reviews opinions of international legal commentators, decisions of international and regional tribunals, as well as national legislation, domestic court decisions, and opinions of local authorities.

The Allied Travel Office (ATO) in West Berlin - 1970

Global Trade Law - Ulrich Magnus 2004

This collection contains 26 UNCITRAL- and UNIDROIT-Conventions, Model Acts, Guides and Principles. These rules and regulations appear for the first time in a single volume. They are of essential importance for all practitioners and scholars working in the field of international trade law. Contract law in general: UNCITRAL Model Law on Electronic Commerce (1996) Guide to Enactment of the UNCITRAL Model Law on Electronic Commerce (1996) UNCITRAL Model Law on Electronic Signatures (2001) UNIDROIT Principles of International Commercial Contracts (2004) Sales: United Nations Convention on Contracts for the International Sale of Goods (1980) United Nations Convention on the Limitation Period in the International Sale of Goods as amended by the protocol amending the Convention on the Limitation Period in the International Sale of Goods (1974-1980) Services: UNCITRAL Model Law on Procurement of Goods and Construction (1993) UNCITRAL Model Law on Procurement of Goods, Construction and Services (1994) Guide to Enactment of UNCITRAL Model Law on Procurement of Goods, Construction and Services Transport: United Nations Convention on the Carriage of Goods by Sea (1978) United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (1991) CMI/UNCITRAL Draft instrument on the carriage of goods [wholly or partly] [by sea] (2003) Payment and Security: United Nations Convention on International Bills of Exchange and International Promissory Notes (1988) United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (1995) United Nations Convention on the Assignment of Receivables in International Trade (2001) UNCITRAL Model Law on International Credit Transfers (1992) UNIDROIT Draft Convention on substantive rules regarding securities held with an intermediary (2004) Other Commercial Contracts: UNIDROIT Convention on International Financial Leasing (1988) UNIDROIT Convention on International Factoring (1988) Property rights: UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) UNIDROIT Convention on International Interests in Mobile Equipment Arbitration: United Nations Convention on the Recognition

and Enforcement of Foreign Arbitral Awards (1958) UNCITRAL Model Law on International Commercial Arbitration (1985) UNCITRAL Arbitration Rules UNCITRAL Conciliation Rules Insolvency: UNCITRAL Model Law on Cross-Border Insolvency (1997).

The Practical Guide to Humanitarian Law - Françoise Bouchet-Saulnier 2013-12-12

Now in a comprehensively updated edition, this indispensable handbook analyzes how international humanitarian law has evolved in the face of these many new challenges. Central concerns include the war on terror, new forms of armed conflict and humanitarian action, the emergence of international criminal justice, and the reshaping of fundamental rules and consensus in a multipolar world. The Practical Guide to Humanitarian Law provides the precise meaning and content for over 200 terms such as terrorism, refugee, genocide, armed conflict, protection, peacekeeping, torture, and private military companies—words that the media has introduced into everyday conversation, yet whose legal and political meanings are often obscure. The Guide definitively explains the terms, concepts, and rules of humanitarian law in accessible and reader-friendly alphabetical entries. Written from the perspective of victims and those who provide assistance to them, the Guide outlines the dangers, spells out the law, and points the way toward dealing with violations of the law. Entries are complemented by analysis of the decisions of relevant courts; detailed bibliographic references; addresses, phone numbers, and Internet links to the organizations presented; a thematic index; and an up-to-date list of the status of ratification of more than thirty international conventions and treaties concerning humanitarian law, human rights, refugee law, and international criminal law. This unprecedented work is an invaluable reference for policy makers and opinion leaders, students, relief workers, and members of humanitarian organizations. Published in cooperation with Doctors Without Borders/Médecins Sans Frontières.

Elgar Encyclopedia of Comparative Law - J. M. Smits 2006

This is a very important and immense book. . . Single-handedly, Smits has reviewed and checked this immense work to bring it to its final high

standard in quality and accuracy and selection of laws. The Criminal Lawyer This is a very important and immense book. . . The Elgar Encyclopedia of Comparative Law is a treasure-trove of honed knowledge of the laws of many countries. It is a reference book for dipping into, time and time again. It is worth every penny and there is not another as comprehensive in its coverage as Elgar s. I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers. This is a very important book that should be sitting in every university law school library. Sally Ramage, The Criminal Lawyer The entries are written in a lucid and accessible style, with appropriate references being given for further research. All in all, a substantial work which will delight enthusiasts of comparative law. The Commonwealth Lawyer The breadth of topics plus the bibliographies allows a reader to use the Elgar Encyclopedia as an initial entry into a field of law, a specific topic, or a legal system. . . Any law library, business library, large public library, or academic library supporting the study of international law or international business will want to have [it] in its collection. . . This work is highly recommended. Ladyjane Hickey, American Reference Books Annual Comparative law is the comparison of law and legal systems from around the world. At one time it was a field of limited interest and academic participation. However, increasing globalization, whether of commerce or culture, makes it imperative that citizens learn more about the law of other countries. That is the premise of this comprehensive new research tool designed for general readers. Some 70 articles address topics as diverse as accident compensation, legal culture, the European Civil Code, and the law and legal systems of a selected set of nations. . . This single-volume work provides an excellent comprehensive overview of the current state of affairs in comparative law. Highly recommended. Lower-level undergraduates and above; general readers. J.E. Stephens, Choice The timely publication of this encyclopedia reflects what is happening [in international law] and, in a field where works (even student textbooks) are often expensive, it comes at an attractive price. Stuart Hannabuss, Reference Reviews The Elgar Encyclopedia of Comparative Law looks set to become an indispensable source for the

ever increasing body of lawyers needing accurate information on the structure and working of foreign systems as well as on points of a substantive law. Edited by Professor Jan Smits of Maastricht University the Encyclopedia is the work of an extremely strong international team of noted specialists. Comprising articles on the nature, methodology and focus of comparative law, on the legal systems of particular jurisdictions and on matters of substantive law, the work should be a very significant contribution to the literature. It seems likely that the contributions on the comparative state of affairs in particular fields of substantive law will be an especially valuable aspect of the work. There will be 37 such articles from accident compensation to unjustified enrichment with mistake , personality rights , product liability and transfer of moveable property only a sample of what the work will offer. Casting over this list one is again struck by the wealth of established expertise brought together in the Encyclopedia. I have little doubt that I can speak for the worldwide community of comparative lawyers in saying that the Elgar Encyclopedia of Comparative Law is eagerly awaited. David L. Carey Miller, University of Aberdeen, UK Comparative law is moving swiftly from a long infancy to teenage maturity, and Jan Smits provides the essential tonic. In this outstanding work he has gathered together leading scholars, each his/her o

The Law of Security and Title-Based Financing - Hugh Beale
2012-03-22

Personal property security is an important subject in commercial practice, as it is the key to much of the law of banking and sale. This second edition has been fully updated and expanded to cover all important issues and changes within this highly complex area of law. It explains traditional methods of securing debts (such as mortgages, charges, and pledges) on property other than land, describing how these are created, how they must be registered (or otherwise 'perfected') if they are to be valid, the rights and duties of the parties, and how the security is enforced if the debt is not paid. The new edition includes an expanded section on priorities in which it explains how 'priority' disputes between competing interests over the same property are resolved. In

addition the book covers the law governing other transactions that perform a similar economic function (such as finance leases, retention of title clauses, and sales of a company's book debts). These are not currently treated by the law as security and are therefore subject to different rules on perfection, priority, and enforcement. There is much expansion of the discussion relating to enforcement including the issue of 'right of use' following Lehman, more analysis on administration and all forms of non-possessory security and quasi-security, and a new chapter on enforcement of security addressing the right of appropriation under FC/FCAR and the Cukurova case. The conflict of laws section includes developments under the Rome I Regulation affecting assignment issues, the UNIDROIT Convention 2009 in relation to tiered holdings and the Cape Town Convention's extensions made to coverage of asset-backed security over equipment. It also addresses the changes brought about by the abolition of Slavenburg registration. This edition contains relevant points from the Banking Act 2009 concerning its impact on security, such as the power to protect certain interests on a transfer of property, and also considers amendments regarding liquidators' expenses under the Insolvency Rules. The authors additionally deal with the role of step-in rights and why they are part of the statutory definition of project finance in the Enterprise Act. Previously published as *The Law of Personal Property Security*, this new edition brings together all of the law on this complex area, providing guidance in the context of commercial practice, especially with increased coverage of conflict of laws, priority, insolvency, and enforcement.

Typical Personal Security Rights in the EU - Almudena de la Mata Muñoz 2010

This volume offers an in-depth analysis of the current status of the law and legal practice of personal security rights in the EU. The impact of the financial crisis is specifically considered and the treatment of personal security rights in the Basel II Accord is critically addressed. While focusing on Italian and Spanish legal systems, this comparative study includes extensive references to other EU Member States. The influence of EU private law on this area is also explored. The implications

of a harmonised regime for personal security rights in the EU are analysed both from an economic and a legal perspective. In this context, specific reference is made to the latest academic works and policy proposals for EU legal unification (Principles of European Contract Law / Draft Common Frame of Reference).

Comparative Law of Security and Guarantees - Philip R. Wood 1995
Comparative Law of Security and Guarantees contains an international and comparative study of the law of security. Coverage includes floating and universal business charges, security over contracts and receivables, charge-backs, security over investment securities including those held by custodians such as Euroclear, a comparative study of ship and aircraft finance, and a review of guarantees, standby letters of credit, comfort letters and so on. The book also contains check-lists, summaries and precedents.

International Law and Reparations - Claudio Grossman 2018-02-24
This book presents the most thorough analysis to date on the jurisprudence of the Inter-American Court of Human Rights (IACtHR) concerning full reparations. This jurisprudence interprets Article 63 of the American Convention on Human Rights. In its interpretation of the Convention, the IACtHR is guided by the important notion that human rights instruments should be interpreted in light of its object and purpose, in accordance with the State members of the Organization of the American States. The Court's jurisprudence ensures that victims of human rights violations are awarded not only monetary compensation in cases, but also a full array of reparations designed to restore their dignity and reaffirm the value of the rule of law. Accordingly, reparation also includes moral compensation, guarantees of non repetition, and truth as a measure of satisfaction. More specifically, the book explores the notions of "fair remedy," "injured party," and the possibility of achieving "restitutio in integrum" for human rights violations through an analysis of decisions issued by the Inter-American Court. The book urges its reader to consider not only the current status of the law, but also the role played by victims, lawyers, Commissioners, and Judges in its jurisprudential development. As a living instrument, the value of the

American Convention depends in great part on their actions and decisions. This book, by presenting the role of the different actors through concrete cases that shaped the system, encourages everyone to think how the System should continue to satisfy the aspirations of justice in cases of human rights violations.

The Public International Law Regime Governing International Investment

- José E. Alvarez 2011-07-20

This monograph considers the ramifications of the legal regime that governs transborder capital flows. This regime consists principally of a network of some 3,000 investment treaties, as well as a growing body of arbitral decisions. Professor Alvarez contends that the contemporary international investment regime should no longer be described as a species of territorial "empire" imposed by rich capital exporters on capital importers. He examines the evolution of investment treaties and investor-State jurisprudence constante and identifies the connections between these and general trends within public international law, including the increased resort to treaties ("treatification"), growing risks to the law's consistency ("fragmentation"), and the proliferation of forms of international adjudication ("judicialization"). Professor Alvarez also considers whether the regime's efforts to "balance" the needs of non-State investors and sovereigns ought to be characterized as "global administrative law", as a form of "constitutionalization", or as an increasingly human-rights-centred enterprise.

Law and Practice of International Finance - Philip R. Wood 1981

International Law and the Protection of Humanity - Pia Acconci 2016-12-15

This challenging volume contains articles by a wide variety of well-known scholars and practitioners, and deals with human rights, international humanitarian law, international criminal law and humanitarian assistance, as well as other areas of international law relating to the protection of humanity. These are topics to which Flavia Lattanzi, in whose honour the volume is being published, has made an outstanding contribution and to which she has given her determined and unrelenting

professional and personal commitment. As a former Professor at the Universities of Pisa, Sassari, Teramo and Roma Tre and as Judge ad litem at the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, she has adhered constantly to a number of important principles, as reflected in the research contained in this volume. They include the firm conviction that respect for human rights is an indispensable precondition for durable peace; the notion that grave breaches of human rights, including the refusal to provide assistance to populations in distress, can imply a threat to international peace and security; and that guarantees against human rights violations include the question of the punishment of core crimes under International Law.

Common Principles of Tort Law - Gert Brüggemeier 2004

Article 288 (2) EC, on liability of the European Community and its organs, refers to the common principles of tort law in the Member States. There are at least two good reasons for looking into these general principles: in nearly all developed Western legal orders, tort law is determined through judge-made law, which now requires a comparative orientation by means of principles and systemized casuistry; and the various attempts to "Europeanize" private law - from mere restatements to a comprehensive European Civil Code - are all grounded in these common principles of contract law, tort law, property law and so on. This book's somewhat unconventional contribution takes its cue not so much from the politically defined "EC Europeanization", but rather from the transnationality of law. By comparing tort law in the EC member state, Germany, and the non-EC member, the US (two of the most developed western industrial nations), this publication endeavors to develop principles which serve as a basis for generalization. These principles claim validity for the civil-law and common-law legal orders of Western civilizations, which includes the EC with its respective Member States. This title is aimed at a learned European audience interested in legal harmonization, but also addresses comparatists in the civil-law and common-law legal world and mixed jurisdictions outside of Europe. Its main focus is to contribute to the further development of tort law. The idea of a tort law system based on general principles and specific rules

grows out of the continental natural-law tradition of civil law, but increasingly principle-oriented works are also found in common law. This book develops a common level of international work on structures and concepts of modern tort law.

Bank Security and Other Credit Enhancement Methods - Winnibald E. Moojen 1995-01-01

The book contains a large number of chapters, each of which describes the law of a particular country in respect of the security devices available to banks to secure repayment of loans. Each national contribution discusses a broad range of issues, such as different types of security devices that may be used (e.g. pledge, mortgage, personal guarantee, and quasi-security devices such as letters of comfort), the way in which such devices are created, any further legal requirements that must be met in connection therewith, and the costs involved. Other topics of a more general nature include the recognition of security devices created under foreign law and other aspects of private international law, as well as the existence of uniform banking conditions applicable to the relationship between the banks in a particular country and their customers. The countries discussed include nearly all West European nations, a number of important East European countries, the countries of North America, certain South American and Far Eastern countries, and South Africa. As far as possible, the structure of all the chapters is identical, facilitating comparisons.

Freedom of Conscience A Comparative Law Perspective - Grzegorz Blicharz 2019

Freedom of Conscience. A Comparative Law Perspective addresses the timeliest of topics. Across the European continent as well as in the Anglophone world (including the United States), “freedom of conscience” is at the forefront of issues addressed by judges and legislators. It is also a perennial matter of great importance. Public authorities throughout the

ages have struggled to understand, and properly to meld, the necessities of political order and the freedom of competent adults to author their own actions and to constitute themselves by making, and acting upon, their conscientious decisions about what moral truth requires of them. The urgency and gravity of the issues presented by “freedom of conscience” is also matched by their intrinsic complexity. For all these reasons, only a multi-disciplinary, full-orbed approach to these questions will do them justice. This volume rises to the occasion. The comparative perspective supplied by the editor’s recruitment of an international group of scholars, and also by his assignment to some of them the task of investigating additional countries, is utterly invaluable. The papers deftly blend what I might call “lawyer’s law” – that is, a careful presentation of the facts and holdings of courts or the precise details of a particular statutory scheme – with genuine philosophical depth. I should like to emphasize this virtue of the collection by observing that collections of this general sort tend to be either all sail or all anchor, either drowned in the minutiae of law without a care for the big picture, or all philosophy untethered to the reality of the positive law. Blicharz’s book has broken this mold. It promises to appeal to working lawyers, students, judges, and scholars. Gerard V. Bradley, Professor of Law, University of Notre Dame, USA This edited volume will be a useful resource to scholars in this area. It has a rich national variety, covering Poland (extensively), Italy, the United States, the United Kingdom, and three Scandinavian countries (Sweden, Norway, and Finland). Anyone interested in the state of the freedom of conscience in notable Western democracies will benefit from this work. Those particularly interested in Poland, a country not always focused on in the literature, will find this book of great value. And that is the hallmark of scholarship – a conversation in the search for truth. James C. Phillips, PhD, Stanford University’s Constitutional Law Center, USA