


Volumes 358 and 365 of Courses of the Hague Academy

Volumes 358 and 365 of the Collected Courses of the Hague Academy of International Law were just published. 

Volume 358:

1) Transaction Planning Using Rules on Jurisdiction and the Recognition and Enforcement of Judgments by *Ronald A. Brand*, Professor at the University of Pittsburgh

Private international law is normally discussed in terms of rules applied in litigation involving parties from more than one State. Those same rules are fundamentally important, however, to those who plan crossborder commercial transactions with a desire to avoid having a dispute arise — or at least to place a party in the best position possible if a dispute does arise. This makes rules regarding jurisdiction, applicable law, and the recognition and enforcement of judgments vitally important contract negotiations. It also makes the consideration of transactional interests important when developing new rules of private international law. These lectures examine rules of jurisdiction and rules of recognition and enforcement of judgments in the United States and the European Union, considering their similarities, their differences, and how they affect the transaction planning process.

Excerpt of table of contents:

Chapter I. Transaction planning and private international law

Chapter II. Understanding rules of adjudicatory jurisdiction across legal systems

Chapter III. Understanding legal system differences in rules on the recognition and enforcement of foreign judgments

Chapter IV. Party autonomy and transaction planning

Chapter V. consumer protection and private international law

Chapter VI. revisiting jurisdictional issues: tort jurisdiction and transaction planning

Chapter VII. drafting effective choice of forum agreements.

2) The Emancipation of the Individual from the State under International Law by *G. Hafner*, Professor at the University of Vienna

Present international law is marked by two different tendencies: a State oriented and an individual oriented one. Due to these two orientations, the international legal status of the individual is not unequivocally defined. The legal status of individuals widely differs depending on the particular legal order, regional, sub-regional or universal. Hence, the assertion that present international law has already endowed individuals with the status as subjects of international law must be replaced by the acknowledgement that the personality of individuals as a reflection of their emancipation from the States under international law is a relative one, depending on the particular applicable legal regime.

Volume 365: Chance, Order, Change: The Course of International Law, General Course on Public International Law by J. Crawford

The course of international law over time needs to be understood if international law is to be understood. This work aims to provide such an understanding. It is directed not at topics or subject headings — sources, treaties, states, human rights and so on — but at some of the key unresolved problems of the discipline. Unresolved, they call into question its status as a discipline. Is international law “law” properly so-called ? In what respects is it systematic ? Does it — can it — respect the rule of law ? These problems can be resolved, or at least reduced, by an imaginative reading of our shared practices and our increasingly shared history, with an emphasis on process. In this sense the practice of the institutions of international law is to be understood as the law itself. They are in a dialectical relationship with the law, shaping it and being shaped by it. This is explained by reference to actual cases and examples, providing a course of international law in some standard sense as well.