

**Out now: Buxbaum,
“Extraterritoriality in Comparative
Perspective” (Ius Comparatum)**

EXTRATERRITORIALITY IN COMPARATIVE PERSPECTIVE

Edited by
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THE INTERNATIONAL ACADEMY OF COMPARATIVE LAW
L'ACADÉMIE INTERNATIONALE DE DROIT COMPARÉ



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In an increasingly interconnected world, the application of laws by States beyond their territorial borders is an everyday reality. Yet, almost a century after the (still) leading findings by the PCIJ in the *Case of the S.S. "Lotus"*, the details of the concept of "extraterritoriality" remain elusive, and one can easily get lost in the multitude of national practices, ranging from "presumptions against extraterritoriality" to be found mostly in federal systems (mostly for sub-units) to "effects doctrines" and the like in certain areas of law such as e.g. (early) in Germany, (later) in the EU's competition law and today many other jurisdictions, in particular in Asia.

Given this complexity, this latest publication of the *Ius Comparatum Series* on "**Extraterritoriality in Comparative Perspective**" edited by Hannah L. Buxbaum offers a great deal of valuable guidance and insights. Featuring the reports from the most recent IACL/AIDC General Congress in Asunción, the volume provides the reader with unique insights by renowned legal scholars into the practices of 14 national jurisdictions (*inter alia* China, Germany, Japan, Korea, UK, U.S.) and the the European Union (EU). As is explained in the preface to the book:

Much of the vast scholarly literature on extraterritoriality approaches the topic from the outside in, assessing the extraterritorial projection of state law from the perspective of international law and the constraints it places on state authority. The goal of this project is to approach the topic from the inside out. Considering a range of legal systems, the authors investigate the geographic scope that states claim for their own laws, and the mechanisms by which states translate and locally implement principles of international jurisdictional law.

A particularly valuable contribution is Buxbaum's General Report. It identifies, *inter alia*, the following important trends: First, international law turns out as increasingly irrelevant as a direct constraint on the territorial reach of state law. Second, extraterritoriality to protect local interests is no longer a practice of dominant states alone, as it is more and more widespread. Thus, extraterritoriality can no longer be taken as a synonym for illegitimacy. Third, extraterritoriality more and more occurs to protect international interests or global goods, in particular in criminal law. Each of these findings is further explained and substantiated. The issue of private enforcement, an even more

complex and fragmented area of “managing extraterritoriality” is dealt with (“involves the application of local procedural law which injects additional conflict into cases involving foreign elements on matters including the extent of discovery, the availability of non-compensatory damages, and the use of representative actions, amongst others”) as well as topic of economic sanctions (“one of the most contentious forms of extraterritoriality”). Highly recommended!

Further information as well as a free **sample of Part I: General Report** will soon be available on the publisher’s website.

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