

Index

- Aarhus Convention 50, 68, 70, 72
acceptance 91, 247, 264, 276, 287
access to information 30, 49, 232, 277
access to justice 10, 23, 24, 25, 37, 50, 76,
87, 97, 101, 112–14, 129, 172, 185,
187, 205, 226, 298
accountability 30, 34, 36, 38, 44, 71, 87,
92, 118, 122, 133, 135, 189, 193,
195, 196, 205, 206, 226, 242, 243,
269, 286, 290, 302, 345, 366, 371
accounting 1, 30, 86, 158, 271, 333, 340,
341, 344, 345, 371
acquiescence 91, 143
action popularis 139
adjudication 7, 9, 24, 51, 81, 87, 99, 101,
117, 139, 170, 176, 197, 211, 212,
215, 216, 225, 226, 233, 305, 311,
313, 314, 315, 320, 321, 322
administrative agencies 4, 7, 32, 135,
136, 275, 356
advertising 1, 18, 20, 23, 31, 34, 94, 109,
124, 128, 223, 302, 303, 304, 307,
308, 309, 310, 311, 312, 313, 314,
315, 316, 317, 318, 319, 320, 322,
339, 359, 360
codes 303, 304, 306, 310, 317, 359
comparative 317
digital media 306, 311, 312, 317
misleading 308
online behavioral 306, 311
practices 302, 303, 304, 305, 307, 309,
310, 311, 312, 319, 321, 322, 323
alternative dispute resolution 19, 81,
143, 287, 290, 337, 359
relationship with courts 79, 290
amicus curiae 69, 139
antitrust 51, 64, 140
appeal 73, 101, 125, 271, 289, 296, 298,
314, 321
arbitration 12, 19, 30, 32, 69, 81, 92, 99,
100, 109, 110, 112, 117, 119, 125,
127, 143, 144, 154, 155, 182, 183,
184, 185, 186, 187, 197, 202, 216,
217, 218, 219, 220, 221, 222, 224,
229, 231, 251, 257, 258, 259, 260,
261, 262, 266, 272, 282, 294, 296,
297, 298, 310, 335, 337, 339, 341,
353, 357, 358, 359, 364
binding 187, 259, 260, 262, 266
commercial 81, 87, 103, 184, 217, 220
mandatory 77, 98, 122, 129
association 1, 3, 16, 17, 19, 33, 55, 57,
69, 79, 82, 86, 96, 98, 104, 113, 128,
132, 134, 137, 138, 142, 143, 147,
152, 160, 218, 221, 232, 272, 305,
306, 317, 321, 323, 334, 335, 336,
348, 356
bylaws of *see* bylaws
associational codes 147
auditing 14, 20, 267, 271, 272
- Basel Convention on the Control of
Transboundary Movements of
Hazardous Wastes and their
Disposal 46, 49
best practices 31, 49, 244, 248, 252, 268,
305
biodiversity 46
business judgment rule 18, 118
bylaws 6, 9, 96, 103, 117, 119, 357
- capture 35, 110, 115, 171, 227, 248, 267,
271, 315
cease and desist order 103, 316, 318,
319, 320
certification 5, 20, 56, 110, 116, 152, 154,
155, 333, 337, 338, 341, 342, 343,
349, 350, 351, 352, 363, 365, 367
charter 1, 9, 37, 67, 79, 103, 117, 121,
136, 173, 184, 194, 202, 264, 286
civil law 200
civil rights 138, 320

- civil society 184, 191, 283, 369
- class action suits 140, 146, 242, 274
- Clean Air Act* 63
- Clean Development Mechanism (CDM) 53, 56, 72, 73
- code of conduct 6, 88, 93, 116, 250, 254, 255, 257, 261, 296, 303, 308, 317
- collective action 27, 137, 141, 155, 195, 204
- collective interest 14, 82, 101, 103, 107, 115, 128, 317
- comity 82, 129, 182, 185, 195, 367
- common law 139, 172, 173, 200, 254
- compensation 42, 114, 116, 128, 195, 214, 223, 230, 264, 318
- competition law 27, 137, 156, 184, 190, 193
- complaint 69, 99, 100, 114, 128, 148, 243, 252, 255, 269, 293, 309, 310, 311, 313, 314, 315, 316
 - handling 309, 310, 312, 313
 - procedure 30, 243, 249, 255
- complementarity 19, 26, 77, 81, 88, 120, 122, 123, 126, 128, 129, 130, 185
 - functional 128, 129
 - institutional 6, 9, 123
 - structural 123, 127, 128
 - vertical 89
- compliance 4, 5, 6, 7, 8, 13, 14, 15, 22, 23, 25, 27, 28, 33, 34, 35, 43, 47, 48, 49, 52, 55, 56, 57, 62, 66, 68, 69, 70, 71, 76, 83, 90, 93, 95, 98, 102, 104, 106, 109, 110, 116, 118, 127, 128, 130, 143, 147, 148, 149, 150, 153, 156, 157, 158, 159, 160, 161, 189, 195, 196, 201, 223, 239, 242, 250, 251, 255, 262, 265, 266, 267, 268, 272, 275, 276, 281, 310, 311, 312, 316, 318, 319, 320, 334, 336, 338, 340, 341, 342, 345, 352, 354, 357, 363, 364, 365
 - incentives 45, 119
 - internal 30, 267, 271, 275
 - mechanism 5, 27, 50, 53, 55
 - regulatory 4, 15, 43, 72, 81
 - suppliers' 14, 20, 29, 228, 242, 256
- conciliation 112, 175
- conflict 1, 2, 7, 11, 24, 37, 46, 75, 82, 83, 98, 130, 169, 170, 176, 197, 243, 248, 281, 293, 296, 297, 298, 367
 - avoidance 21
 - of interest 11, 34, 83, 110, 197, 222, 223, 248, 276, 338
 - jurisdictional 9
 - among regimes 77, 82, 299
 - rules 195
 - values of 185
 - conflict of law 2, 4
 - Conseil d'Etat* 60, 315
 - constitution 66, 67, 73, 113, 121, 129, 135, 137, 138, 168, 170, 177, 197, 201, 252, 336, 356
 - constitutional principles 2, 79, 96, 113, 120, 129, 182, 195, 197, 198
 - consumer organization 16, 23, 64, 114
 - consumer protection 15, 41, 64, 158, 159, 204, 252, 315, 317, 320, 360
 - contract 30, 86, 88, 89, 91, 93, 96, 98, 103, 104, 107, 116, 117, 119, 120, 123, 127, 130, 137, 147, 152, 154, 155, 157, 217, 218, 223, 226, 232, 246, 247, 250, 251, 254, 261, 265, 266, 267, 272, 275, 284, 287, 292, 312, 317, 321, 336, 337, 341, 359, 362, 363, 365
 - adhesion 100
 - bilateral 13, 14, 153, 254
 - chain of 30, 295, 298
 - commercial 13, 14, 15, 16, 136
 - constitutional 1, 36
 - freedom of *see* freedom of contract
 - incomplete 4
 - investment 187
 - linked 31
 - network 14
 - privity of 14
 - regulatory 1, 3, 10, 16, 19, 35, 76, 88, 105
 - relational 154, 156
 - self-enforcing 3, 17, 19, 35, 105, 250
 - termination 15, 16, 18, 23, 35, 105, 250
 - transnational 10
- Convention on Biological Diversity 46
- Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) 62, 68

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 49
- cooperation 7, 8, 37, 46, 54, 58, 68, 82, 106, 112, 115, 140, 142, 143, 145, 180, 182, 184, 185, 186, 188, 189, 192, 194, 195, 200, 295, 356, 357, 368
- economic 194, 195, 204
- coordination 7, 26, 33, 36, 46, 55, 87, 122, 123, 124, 127, 129, 130, 133, 142, 143, 145, 216, 273, 283, 297, 306, 336, 356, 367
- spatial 123
- temporal 123
- copy advice 31, 309, 310, 312, 313, 319
- corporate law 13, 23, 137, 213, 239
- Corporate Social Responsibility (CSR) 5, 6, 9, 15, 16, 20, 23, 29, 30, 34, 76, 89, 102, 108, 124, 128, 147, 150, 152, 157, 237–40, 245–9, 251–6, 261, 262
- court
- administrative 136, 140
- constitutional 136, 140
- domestic 4, 7, 8, 11, 19, 20, 22, 25, 26, 28, 32, 36, 37, 38, 65, 72, 77, 78, 81, 82, 83, 86, 87, 88, 89, 90, 91, 92, 93, 95, 111, 119, 120, 124, 125, 126, 127, 129, 130, 140, 167, 169, 170, 173, 174, 177, 179, 180, 183, 185, 187, 189, 192, 195, 196, 204, 205, 206, 256
- international 28, 37, 84, 86, 120, 124, 167, 168, 172, 173, 176, 182, 185, 188, 201
- Court of Arbitration for Sport/Tribunal Arbitral du Sport (CAS/TAS) 69, 92, 144
- credit rating agencies 20, 86, 141
- customary law 25, 28, 171, 173, 196
- decentralization 5, 31, 45, 46, 47, 110, 130, 183, 302
- democracy 2, 9, 26, 37, 133, 134, 184, 191, 199, 200, 201, 260
- deterrence 18, 64, 105, 108, 114, 128
- specific 18
- developed countries/nations 4, 51, 52, 53, 56, 61, 133, 203, 205
- developing countries/nations 4, 46, 47, 49, 52, 53, 56, 57, 70, 71, 133, 134, 249, 256, 258, 336, 356
- dispute settlement body 6, 7, 78, 205
- arbitration *see* arbitration
- mediation *see* mediation
- Dispute Settlement Understanding (DSU) 185, 205
- doctrine 4, 46, 47, 49, 52, 53, 56, 57, 70, 71, 133, 134, 249, 256, 258, 336, 356
- effects 140
- stare decisis* 289
- unfairness 100
- Drittwirkung* 27, 137
- dualism 167, 168, 169, 173
- due process 26, 31, 33, 79, 92, 97, 101, 102, 103, 104, 105, 107, 114, 115, 117, 118, 120, 121, 129, 130, 142, 143, 144, 168, 182, 195, 199, 260, 364, 366, 371
- duty of care 10, 89, 268, 274
- eBay internal dispute resolution 293, 294, 296, 297
- e-commerce 8, 9, 18, 23, 34, 86, 106, 107, 108, 109, 289
- effectiveness 2, 3, 4, 7, 9, 10, 11, 16, 17, 27, 29, 32, 34, 35, 36, 38, 77, 93, 97, 98, 105, 111, 114, 115, 120, 122, 128, 130, 138, 161, 182, 184, 186, 190, 191, 269, 276, 278, 296, 297, 315, 354, 355, 357, 360, 368, 369, 372
- efficiency 26, 29, 78, 134, 161, 194, 221, 232, 245, 267, 281
- enforcement
- adversarial 8, 26, 114
- centralized 48, 87, 97, 108, 109, 110, 111, 123, 124, 130, 150
- cooperative compliance 8
- decentralized 21, 31, 32, 36, 48, 86, 87, 95, 97, 108, 110, 122, 123, 124, 128, 187, 189, 190, 193, 195, 303, 309, 311, 323, 360
- ex ante v. ex post* 5, 31, 76, 312, 338
- first-party 12, 26
- hierarchical 8, 16
- inquisitorial 26, 100, 114
- judicial 3, 4, 6, 11, 12, 13

- non-judicial 3, 4, 6, 11, 17, 18, 19
- pyramid 27, 148, 149, 150, 153, 154, 156–8, 319
- sequential 124, 125, 126, 130, 141
- simultaneous 124, 125, 126, 130, 141
- third-party 3, 12, 14, 19, 20, 32, 33, 35, 55, 130, 151, 197, 217, 243, 248, 296, 310, 338, 341, 365, 370
- timing 31, 311, 312, 316
- environmental health and safety (EHS) 41
- environmental protection 15, 16, 17, 142, 315
- Environmental Protection Agency (EPA) 62, 65
- environmental standards 35, 144
- equality 26, 134, 136, 160, 192, 199, 201
- estoppel 91
- European Advertising Standards Alliance 31, 304, 305, 306, 309, 310, 313, 314, 323
- European Committee for Standardization (CEN) 159
- European Convention of Human Rights 168, 193, 320
- European Court of Justice 91, 94, 138, 145, 184, 185, 186, 187, 188, 189, 190, 195, 202
- European Economic Area (EEA) 188, 197
- expertise 27, 30, 87, 132, 157, 158, 181, 207, 214, 232, 240, 277, 359
- expertise-driven 133
- fair trial 79, 80, 101, 118
- Financial Action Task Force (FATF) 49, 51, 55
- financial crisis 188, 190, 193
- financial markets 20, 86, 147, 193, 276
- food safety 1, 15, 76, 119, 128, 131, 133, 315, 335, 336, 348, 349, 369
- Forest Stewardship Council (FSC) 155, 156, 333, 338, 342, 352, 361, 364
- forum non conveniens* 143, 179, 258
- foundation 16, 86, 98, 244, 270, 313
- fragmentation 89, 195
- free ride 48, 270
- free trade 1, 46, 188
- freedom of association 1, 79, 96, 103, 128, 241, 243, 252
- freedom of contract 1, 96, 100, 101, 114, 120
- freedom of movement 90, 91, 128
- functional integration 34, 95
- fundamental rights 2, 10, 20, 28, 91, 128, 168, 205, 363
- gatekeeper 20, 21, 151, 260, 316
- General Agreement on Trade and Tariffs (GATT) 174, 184–6, 192, 196, 203
- Global Administrative Law (GAL) 33, 38, 41, 44, 45, 56, 57, 59, 60, 62, 66, 67, 68, 71, 72, 73, 183, 188, 197, 203, 204
- global public good 28, 179, 184, 190, 198, 203, 205, 207
- governance 2, 9, 12, 15, 16, 19, 24, 28, 30, 33, 34, 35, 36, 43, 44, 50, 74, 75, 78, 84, 108, 121, 129, 131, 133, 154, 160, 181, 182, 183, 184, 191, 192, 193, 194, 195, 196, 199, 203, 215, 216, 217, 219, 275, 276, 282, 303, 309, 343
- failure 28, 191, 192, 197, 204, 213
- member-driven 204
- human rights
 - British Human Rights Act 201
 - European Convention of 168, 320
 - European Court of 79, 184, 188
 - litigation 87
 - organization 76, 128
 - treaty 80
 - universal declaration 66, 192
- hybrid regime/organization 9, 25, 27, 32, 46, 54, 85, 94, 131, 148, 157, 211, 221, 222, 224, 232, 332, 335, 337, 346, 365, 366, 370
- IMF (International Monetary Fund) 51, 56, 203, 340, 341, 352
- impartiality 33, 34, 92, 95, 99, 101, 102, 113, 118, 120, 121, 232, 289, 314, 320
- independence 17, 18, 33, 76, 86, 95, 97, 98, 99, 101, 102, 108, 130, 151, 271, 314, 315, 370
- independent tribunal 101
- infringement

- repetition 18, 106, 115
- seriousness 104
- injunctive relief 59, 63, 103, 115, 128
- institutional design 4, 6, 77, 95, 130, 252
- intellectual property 41, 67, 183, 197, 214, 217, 287, 294, 298, 337, 353
- Intergovernmental Organization 145, 333, 339, 340, 341
- interim remedies 117
- International Accounting Standards Board (IASB) 156, 333, 340, 344, 345, 352, 355, 357, 359, 361, 364, 368, 371
- International Center for the Settlement of Investment Disputes (ICSID) 69, 187, 220, 221, 232
 - ICSID annulment procedures 187
- International Chamber of Commerce 31, 186, 221, 303, 304, 305, 306, 309, 311, 333, 334, 337, 339, 355, 356, 358, 359, 360, 362, 363, 364, 365, 368, 369, 376
 - Code Revision Taskforce 306
 - Consolidated ICC Code 109, 303, 304, 305, 306, 307, 309, 310, 315
 - ICC Commercial Crime Service 337
- International Court of Arbitration Interpretation Panel 94, 218, 310, 358
- International Court of Justice (ICJ) 84, 94, 168, 172, 173, 176, 190, 306
- international economic law (IEL) 28, 183–5, 188–98, 202–7
- International Finance Corporation 56, 134
- International Food and Beverage Alliance (IFBA) 92, 94
- International Labor Organization (ILO) 69, 243
- international law
 - primary rules 5, 191
 - secondary rules 5, 191
- International Olympic Committee 92, 94
- International Organisation of Securities Commissions (IOSCO) 158, 345, 352, 366
- International Organization 29, 33, 35, 41, 44, 47, 78, 92, 154, 195, 204, 211, 212, 218, 220, 221, 222, 224, 228, 341, 346, 366
- Internet Corporation for Assigned Names and Numbers (ICANN) 16, 30, 31, 95, 281–8, 295–8, 333, 336, 346, 352, 352, 355, 358, 360, 362–70
- interpretation
 - conforming 9, 82
- ISDA 16, 86, 272, 276
 - Master Agreement 272
- judgment 101, 118, 119, 122, 125, 126, 140, 168, 178, 195
- judicial models 167–81, 183
- judicial review 26, 28, 51, 59–62, 64, 72, 81, 89–93, 105, 123, 135, 136, 138, 143, 178, 183, 185, 193, 201, 202, 322, 323
- jurisdiction
 - compulsory 84, 204, 205
 - conclusive 7
 - conflicts of 7
 - exclusive 7, 169, 205
 - functional 5, 33, 124
 - territorial 5, 32, 33, 124
- Kyoto Protocol 53, 56
- labor rights 142, 184, 191, 241, 244–7, 251, 254, 259
- labor standard 20, 29, 30, 112, 128, 237, 238, 241–4, 246–51, 255
- law
 - constitutional 1, 51, 60, 61, 135, 143
 - contract 10, 14, 16, 27, 37, 64, 88, 127, 137
 - Tort 37, 64, 89, 127, 137, 255
- law of associations 18, 99, 104, 137
- lawyers 42, 64, 154, 196–8, 205, 254, 314
- legitimacy
 - constitutional 192, 198
 - democratic 168, 182
 - external 23, 24, 36, 81
 - internal 23, 24, 36, 81
 - procedural 77
 - substantive 77, 161
- lex fori* 16, 24, 86, 126, 130
- lex mercatoria* 2, 362
- lex sportiva* 93

- liability
 - contractual 259
 - extra-contractual 10, 323
- litigation
 - aggregate 3
 - individual 3
- loyal cooperation 82
- margin of appreciation 169, 202
- market access 5, 98, 106, 186
- market surveillance and inspections 148
- master agreement 3, 272
- measures
 - administrative 43, 186, 200
 - legislative 43, 186, 200, 305, 308
- media 20, 31, 55, 158, 160, 224, 280, 303, 305, 306, 307, 309, 311, 316–18, 321, 322, 339
- mediation 19, 77, 112, 218, 248, 249, 255, 262, 266, 293, 294, 296, 297, 299, 337, 339, 341, 353, 358
- Mercosur 188, 189
- migrant workers 142
- Monism 167, 168, 169
- monitoring
 - hierarchical 111
 - peer 14, 36, 108, 111
- Montreal Protocol 51, 56
- Multilateral Investment Guarantee Agency (MIGA) 56
- multilevel protection 182, 185, 191
- multinational corporation (MNC) 12–16, 35, 98
- naming-and-shaming 108, 120, 156, 159, 316
- negotiating power 83
- New York Convention 184, 187
- NGO (non-governmental organization) 58, 65, 69, 74, 97, 151, 156, 161
- non-discrimination 90, 128, 192, 195, 203, 319
- North American Free Trade Agreement (NAFTA) 68, 69, 189
- OECD (Organisation for Economic Co-operation and Development) 51, 54, 155
- opinio juris* 171, 178
- participation 22, 27, 31, 44, 49, 50, 58, 59, 61, 68, 72, 77, 83, 90, 98–100, 114, 121, 139, 145, 147, 150, 153, 155, 157, 243, 244, 286, 292, 297, 311, 313, 315, 316, 352, 360, 368
- path dependency 30, 278
- peer review 43, 49
- precedent 226, 289, 322
- pre-clearance 31, 309, 310, 312, 313, 319
- private autonomy 1, 9, 79, 96, 101, 102, 103, 107, 117, 123, 129
- procedural fairness 31, 101, 102, 104, 105, 121, 289, 302, 303, 320, 321, 323
- production and process measures (PPMs) 46
- professional associations 18, 132
- proportionality 27, 104, 107, 115, 138, 201
- public good(s) 19, 28, 105, 179, 184, 189–98, 203, 204, 207, 211
- public law principles 137, 139
- public policy 112, 122, 127, 227
- public–private partnerships 190
- quality of regulation 15, 36, 229, 233, 242, 245, 271, 277, 278, 327, 345, 349, 364
- reasoned decision 101, 178
- regime
 - market based 53, 76
 - responsive 5, 76, 172
- regulation
 - command and control 5, 34, 50–52, 54, 76
 - information based 52, 54
 - market based 5, 34, 52, 53
 - responsive 5, 34, 43, 76
 - risk management 270, 272, 276, 348
- regulatory
 - agreements 4, 33, 89
 - capacity 27, 115, 156, 249
 - pluralism 32
 - power 4, 8, 9, 10, 82, 83, 87, 369
 - relationship 21, 24, 54, 128
 - welfare state 42
- remedy
 - cease-and-desist order 103, 316, 318
 - complementary 126

- pecuniary 116
- res judicata* 66, 125
- review *see* judicial review
- reward 115, 116, 243, 256
- right to appeal 101
- Rule of Law (RoL) 2, 5, 28, 87, 93, 141, 160, 170, 181, 182–207, 359
- rule-making 2, 3, 5, 9, 21, 27, 34, 75, 76, 83, 85–7, 90–92, 109, 110, 121, 122, 128, 158, 194, 198, 202, 216, 311, 323

- sanction 43, 104–7, 116, 153, 157–9, 168, 178, 312, 316, 318, 319, 334, 335, 341, 347
- Sanitary and Phytosanitary Agreement (SPS) 186, 339, 350
- self-executing treaties (non) 173, 181
- self-regulatory organization 32, 93, 148, 150, 152–4, 157, 159, 272, 276, 283, 290, 305, 339
- self-regulatory regimes 32, 150, 153, 154, 157, 159
- social justice 192, 194
- soft law 10, 16, 117
- stakeholder
 - multi- 16, 18, 33, 36, 97, 102, 243, 244, 246, 248, 249, 252, 254, 255, 257
 - single 16, 97
- standing 27, 61–3, 90, 99, 101, 113, 114, 128, 139
- stare decisis* 289
- structural separation 19, 33, 34
- supply chain 1, 5, 12–20, 27, 29, 35, 43, 55, 83, 98, 112, 153, 154, 237, 240, 243, 246, 251, 253, 256

- Technical Barriers to Trade Agreement (TBT) 186, 339, 341, 345, 350, 353, 364, 366, 371

- technical standards 24, 46, 55, 109, 147, 157, 158, 197, 333, 339
- tort litigation 143, 248
- Trade-Related Aspects of Intellectual Property Agreement (TRIPS) 67, 339, 354
- transactions costs 30, 230
- transparency 44, 58, 59, 83, 90, 92, 101, 103, 118, 120, 121, 147, 156, 160, 224, 227, 228, 245, 251, 255, 273, 291, 302, 307
- Treaty on the Functioning of the European Union (TFEU) 184, 187

- UN Charter 173, 184, 202
- UN Security Council 51, 61, 142, 168
- unfair commercial practices 159, 308
- Unfair Commercial Practices Directive 159, 308
- United Nations Framework Convention on Climate Change 53
- US Congress 203

- validity control 91

- WADA (World Anti-Doping Agency) 107
 - Code 94
- warranty 223, 224
- WIPO (World Intellectual Property Organization) 218, 221, 298, 333, 336, 337, 339, 341, 346, 352–6, 358, 360, 364, 365–8, 370
- World Bank 23, 51, 54, 56, 57, 70, 71, 203, 220, 340, 341, 352
- WTO (World Trade Organization) 50, 67–70, 133, 174, 184–6, 189, 192, 195–7, 202–7, 339, 345, 350, 353, 354, 364, 366–8
- WTO Appellate Body 69, 145, 174, 186, 339

