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Under Observation: The Interplay Between eHealth and Surveillance

The essays in this book clarify the technical, legal, ethical, and social aspects of the interaction between eHealth technologies and surveillance practices. The book starts out by presenting a theoretical framework on eHealth and surveillance, followed by an introduction to the various ideas on eHealth and surveillance explored in the subsequent chapters. Issues addressed in the chapters include privacy and data protection, social acceptance of eHealth, cost-effective and innovative healthcare, as well as the privacy aspects of employee wellness programs using eHealth, the use of mobile health app data by insurance companies, advertising industry and law enforcement, and the ethics...

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This book aims to advance the understanding of pre-commercial procurement (PCP) as innovation policy instrument and as means to fulfil public needs. To this end, it places PCP within its political and legal context and elucidates its origins and its economic rationale. Based on this analysis, it suggests a clear conceptualization of PCP and a clear delineation from other innovation policy instruments. Subsequently, the book assesses the value and achievements of the more established type of PCP policy programmes, and draws lessons for improvement. In this context, it raises awareness of the remaining obstacles to its wide and effective implementation and suggests appropriate solutions...


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Frontiers of Equality in the Development of EU and US Citizenship

This book provides a framework for comparing EU citizenship and US citizenship as standards of equality. If we wish to understand the legal development of the citizenship of the European Union and its relationship to the nationalities of the member states, it is helpful to examine the history of United States citizenship and, in particular, to elaborate a theory of citizenship and, in particular, to elaborate a theory of citizenship 'layered' with the citizenship or nationality of a person 'duplex' citizenships found in federal orders. In such a citizenship, each person's citizenship is necessarily `layered' with the citizenship or nationality of a citizen to equality, affect the relationship between the (member) state and its [...] More on www.springer.com/978-94-6265-164-7

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Small States in a Legal World

This book is a unique collection of high quality articles analysing legal issues with particular regard to small states. The small states of the world differ considerably in their geography, history, political structures, legal systems and wealth. Nevertheless, because of their size, small states face a set of common challenges including vulnerability to external economic impacts such as changing trade regimes and limited ability to diversify economic activity; limited public and private sector capacity, including the legal and judicial infrastructure; a need for regional co-operation; a vulnerability to environmental changes as well as a limited ability to engage with supranational [...] More on www.springer.com/978-3-319-39365-0

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Measuring Police Subcultural Perceptions

A Study of Frontline Police Officers in China

Using survey data collected from 382 Chinese police officers training in a Chinese police university, this research is the first empirical study to describe Chinese police perceptions of subcultural topics, including the role of crime fighting and community service, cynicism, isolation, solidarity, receptivity to change and traditionalism. This book describes the research method adopted in this study and the findings together with comparisons with Western police cultural studies. In addition, it covers an extensive review of Chinese policing history and evolution of policing strategies, and a review of police subcultural
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This book addresses concerns with the international trade and investment dispute settlement systems from a statist perspective, at a time when multilateralism is deeply questioned by the forces of mega-regionalism and political and economic contestation. In covering recent case law and theoretical discussions, the book’s contributors analyze the particularities of statehood and the limitations of the dispute settlement systems to judge sovereign actors as autonomous regulators. From a democratic deficit coupled with a deficit of legitimacy in relation to the questionable professionalism, independence and impartiality of adjudicators to the lack of consistency of decisions challenging[...]

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The Future of Drone Use
Opportunities and Threats from Ethical and Legal Perspectives

Given the popularity of drones and the fact that they are easy and cheap to buy, it is generally expected that the ubiquity of drones will significantly increase within the next few years. This raises questions as to what is technologically feasible (now and in the future), what is acceptable from an ethical point of view and what is allowed from a legal point of view. Drone technology is to some extent already available and to some extent still in development. The aim and scope of this book is to map the opportunities and threats associated with the use of drones and to discuss the ethical and legal issues of the use of drones. This book provides an overview of current drone[...]


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The Transformation of Property Regimes and Transitional Justice in Central Eastern Europe
In Search of a Theory

This volume examines the property transformations in post-communist Central Eastern Europe (CEE) and focuses on the role of restitution and privatisation in such transformations. It argues that the theorisation of ‘restitution’ in post-communist CEE is incomplete in the transitional justice scholarship and in the literature on correction of historical wrongs.

The book also argues that, for a more complete theorisation of (post-communist) restitution, the transformations of property in post-communist societies ought to be studied in a more holistic way. The main legal vehicles used for such transformations, privatisation and restitution, should not be studied separately and in[...]

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Justice for Victims of Crime
Human Dignity as the Foundation of Criminal Justice in Europe

This book analyses the rights of crime victims within a human rights paradigm, and describes the inconsistencies resulting from attempts to introduce the procedural rights of victims within a criminal justice system that views crime as a matter between the state and the offender, and not as one involving the victim. To remedy this problem, the book calls for abandoning the concept of crime as an infringement of a state’s criminal laws and instead reinterpreting it as a violation of human rights. The state’s right to punish the offender would then be replaced by the rights of victims to see those responsible for violating their human rights convicted and punished and by the rights of[...]

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This book investigates the tensions between EU law and international commercial arbitration, i.e. tensions between two phenomena at opposite ends of the public to private ordering continuum. It focuses on the Commercial Agents Directive’s regime for indemnity and compensation as one of the most frequent source of these tensions. To mitigate the consequential problems, the book proposes and describes a comprehensive framework for a preferable system of reviewing arbitration agreements and arbitral awards. To this end, it explores the prerequisites of this system through comparative legal analysis of the German, Belgian, French and English systems of review, an assessment of the...
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Free Movement of Civil Judgments in the European Union and the Right to a Fair Trial

This book examines the attainment of complete free movement of civil judgments across EU member states from the perspective of its conformity with the fundamental right to a fair trial. In the integrated legal order of the European Union, it is essential that litigants can rely on a judgment no matter where in the EU it was delivered. Effective mechanisms for cross-border recognition and the enforcement of judgments provide both debtors and creditors with the security that their rights, including their right to a fair trial, will be protected. In recent years the attainment of complete free movement of civil judgments, through simplification or abolition of these mechanisms, has [...] More on www.springer.com/978-94-6265-161-6

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Experiencing and Protecting Sacred Natural Sites of Sámi and other Indigenous Peoples

The Sacred Arctic

This book focuses specifically on the experience and protection of indigenous, and particularly Sámi sacred sites in the Arctic. Sacred sites are being increasingly recognized as important reservoirs of Arctic cultural and biological diversity, as a means for the transmission of culture and identity, and a tool for the preservation of fragile northern social-ecological systems. Yet, legal protection of Arctic sacred sites and related policies are often still lacking or absent. It becomes increasingly difficult for site custodians in the Arctic to protect these ancient sites, due to disruptive changes, such as climate change, economic developments and infrastructural development. With [...] More on www.springer.com/978-3-319-48068-8

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The Complementarity Regime of the International Criminal Court

National Implementation in Africa

This book analyses how the complementarity regime of the ICC’s Rome Statute can be implemented in member states, specifically focusing on African states and Nigeria. Complementarity is the principle that outlines the primacy of national courts to prosecute a defendant unless a state is ‘unwilling’ or ‘genuinely unable to act’, assuming the crime is of a ‘sufficient gravity’ for the International Criminal Court (ICC). It is stipulated in the Rome Statute without a clear and comprehensive framework for how states can implement it. The book proposes such a framework and argues that a mutually inclusive interpretation and application of complementarity would increase domestic prosecutions [...] More on www.springer.com/978-3-319-46779-5

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The Future of Law and eTechnologies

This book presents groundbreaking discussions on e-residency, cryptocurrencies, scams, smart contracts, 3D printing, software agents, digital evidence and e-governance at the intersection of law, legal policies and modern technologies. The reader benefits from cutting-edge analyses that offer ideas and solutions to some of the most pressing issues caused by e-technologies. This collection is a useful tool for law and IT practitioners and an inspiring source for interdisciplinary research. Besides serving as a practical guideline, this book also reflects theoretical dimensions of future perspectives, as new technologies are not meant to change common values but to accommodate them.

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Public International Law of Cyberspace

This compact, highly engaging book examines the international legal regulation of both the conduct of States among themselves and conduct towards individuals, in relation to the use of cyberspace. Chapters introduce the perspectives of various stakeholders and the challenges for international law. The author discusses State responsibility and key cyberspace rights issues, and takes a detailed look at cyber warfare, espionage, crime and terrorism. The work also covers the situation of non-State actors and quasi-State actors (such as IS, or ISIS, or ISIL) and concludes with a consideration of future prospects for the international law of cyberspace. Readers may explore international[...]

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Implementing the Cape Town Convention and the Domestic Laws on Secured Transactions

This book offers the analysis of the relationship between the Cape Town Convention and national laws on secured transactions. The first part of the book considers why national implementation is so important in the case of the Cape Town Convention and identifies how innovative the Convention is as a uniform law instrument. The second part includes chapters on those states that are Parties to the Cape Town Convention, which analyse how the Convention is implemented under the domestic law. The third part includes chapters on those states that are not Parties to the Convention, which compare their national laws and the Convention to find unique features of the Cape Town Convention’s[...]

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Kelsenian Legal Science and the Nature of Law

This book critically examines the conception of legal science and the nature of law developed by Hans Kelsen. It provides a single, dedicated space for a range of established European scholars to engage with the influential work of this Austrian jurist, legal philosopher, and political philosopher. The introduction provides a thematicization of the Kelsenian notion of law as a legal science. Divided into six parts, the chapter contributions feature distinct levels of analysis. Overall, the structure of the book provides a sustained reflection upon central aspects of Kelsenian legal science and the nature of law. Parts one and two examine the validity of the project of Kelsenian legal[...]

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Brussels Ibis Regulation Changes and Challenges of the Renewed Procedural Scheme

This book focuses on major amendments introduced in the Brussels I regulatory framework. The contributions scrutinise the changes introduced in the Brussels I bis Regulation, a legal instrument that presents a core of the unification of private international law rules on the European Union level. It is one of the first publications addressing all the changes in the Brussels I regulatory scheme, which takes into consider-
Strategies to Achieve a Binding International Agreement on Regulating Cartels
Overcoming Doha Standstill

This book addresses the lack of binding multi-lateral international agreement on cartels, through analysis of trials and failures. It also suggests strategic approaches to overcome current standstills. In addition, the book contrasts international agreement on cartels with inter-governmental commodity agreement which has been developed separately through international law. Through this project, the author puts forth that successful international law on cartels needs to reflect the interests and arguments of developing countries.

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Data Protection and Privacy:
(In)visibilities and Infrastructures

This book features peer reviewed contributions from across the disciplines on themes relating to protection of data and to privacy protection. The authors explore fundamental and legal questions, investigate case studies and consider concepts and tools such as privacy by design, the risks of surveillance and fostering trust. Readers may trace both technological and legal evolution as chapters examine current developments in ICT such as cloud computing and the Internet of Things. Written during the process of the fundamental revision of revision of EU data protection law (the 1995 Data Protection Directive), this volume is highly topical. Since the European Parliament has adopted [...] More on www.springer.com/978-3-319-50795-8

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Remuneration of Copyright Owners
Regulatory Challenges of New Business Models

This book evaluates existing and explores new mechanisms for the adequate payment of copyright owners for the use of their works. The underlying assumption is that adequate rewards to creators and subsequent right holders will continue to be a goal of copyright law (particularly to incentivize further creation and investment). In the search for viable methods it first focuses on the reduction of transaction costs and the role of new technologies. It also discusses the further development and broader application of new mechanisms that might be necessary to enhance the adequacy and efficiency of payment systems, since the more onerous payment systems are, the more irrelevant copyright [...] More on www.springer.com/978-3-662-53808-1

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African Data Privacy Laws

This volume presents analyses of data protection systems and of 26 jurisdictions with data protection legislation in Africa, as well as additional selected countries without comprehensive data protection laws. In addition, it covers all sub-regional and regional data privacy policies in Africa. Apart from analysing data protection law, the book focuses on the socio-economic contexts, political settings and legal culture in which such laws developed and operate. It bases its analyses on the African legal culture and comparative international data privacy law. In Africa protection of personal data, the central preoccupation of data privacy laws, is on the policy agenda. The recently [...] More on www.springer.com/978-3-319-47315-4

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Judgments of Love in Criminal Justice

This volume is a new chapter in the future history of law. Its general perspective could not be more original and its critical ethical edge on the state of international law could not be timelier. It explores a compassionate philosophical approach to the genuine substance of law, criminal procedure, international criminal law and international criminal justice. It divides law into three interrelated disciplines, i.e. legality, morality and love. The norm love is derived from human reason for man’s advancement and the securing of natural law. It is more than a mere mandatory norm. Its goal is to generate a normative and positive, powerful result, therefore avoiding any impurity that[...]

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Injury and Causation in Trade Remedy Law
A Study of WTO Law and Country Practices

This book addresses injury and causation issues in the context of antidumping, countervailing duty (CVD) and safeguard investigations that are covered under the WTO. The book traces the origin and the negotiating history of injury and causation in trade remedy instruments and examines how this requirement evolved in the United States and more specifically in the GATT as part of the Kennedy Code, the Tokyo Codes and later the Uruguay Round negotiating texts. The book demonstrates that terms such as “principal cause,” “substantial cause” and “a cause in and of itself” are not necessarily warranted in such instruments. In the light of the experiences of key users of trade remedy[...]

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The Dynamics of Judicial Independence
A Comparative Study of Courts in Malaysia and Pakistan

This book examines the legal principle of judicial independence in comparative perspective with the goal of advancing a better understanding of the idea of an independent judiciary more generally. From an initial survey of judicial systems in different countries, it is clear that the understanding and practice of judicial independence take a variety of forms. Scholarly literature likewise provides a range of views on what judicial independence means, with scholars often advocating a preferred conception of a model court for achieving ‘true judicial independence’ as part of a rule of law system. This book seeks to reorient the prevailing approach to the study of judicial independence[...]

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Employment and Labour Relations Law in the Premier League, NBA and International Rugby Union

This book examines the employment arrangements of professional athletes in the Premier League football competition, the National Basketball Association competition and rugby union played at an international level. It describes the organisation and regulatory frameworks of these three professional team sports and highlights the legal, economic and regulatory factors that influence the final form of an
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**The Constitutional Dimension of Contract Law**

A Comparative Perspective

One of the hallmarks of the present era is the discourse surrounding Human Rights and the need for the law to recognise them. Various national and supranational human rights instruments have been developed and implemented in order to transition society away from atrocity and callousness toward a more just and inclusive future. In some countries this is done by means of an overarching constitution, while in others international conventions or ordinary legislation hold sway. Contract law plays a pivotal role in this context. According to many, this is done through the much-debated ‘civilising mission’ of the contract, a notion which itself constitutes the canon of the Western liberal [...] More on www.springer.com/978-3-319-49842-3

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**Copyright Law in the Digital World**

Challenges and Opportunities

This book addresses the key issues, challenges and implications arising out of changes in the copyright law and corresponding judicial responses. Using concrete examples, the book does not assume any prior knowledge of copyright law, but brings together leading intellectual property researchers to consider the significant role of copyright law in shaping the needs of the modern digital world. It provides an insight into two distinct arenas: copyright and digital media. The exponential increase in the ability to multiply and disseminate information by digital means has sparked
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C. Steer

Translating Guilt
Identifying Leadership Liability for Mass Atrocity Crimes

This book seeks to understand how and why we should hold leaders responsible for the collective mass atrocities that are committed in times of conflict. It attempts to untangle the debates on modes of liability in international criminal law (ICL) that have become truly complex over the last twenty years, and to provide a way to identify the most appropriate model for leadership liability. A unique comparative theory of ICL is offered, which clarifies the way in which ICL develops as a patchwork of different domestic criminal law notions. This theory forms the basis for the comparison of some influential domestic criminal law systems, with a view to understanding the policy and [...] More on www.springer.com/978-94-6265-170-8

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This volume focuses on the responsibilities of online service providers (OSPs) in contemporary societies. It examines the complexity and global dimensions of the rapidly evolving and serious challenges posed by the exponential development of Internet services and resources. It looks at the major actors – such as Facebook, Google, Twitter, and Yahoo! – and their significant influence on the informational environment and users’ interactions within it, as well as the responsibilities and liabilities such influence entails. It discusses the position of OSPs as information gatekeepers and how they have gone from offering connecting and information-sharing services to paying members to [...] More on www.springer.com/978-3-319-47851-7

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Victim Participation in International Criminal Justice
Practitioners’ Guide

This book is a guide to the law and practice of victims’ roles before the International Criminal Court, the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon. The various chapters focus on the provisions relevant to victim participation at these courts and the case law interpreting and applying those provisions. The book thus informs the reader on the principal ways in which the relevant practice is developing, the distinct avenues taken in the application of similar provisions as well as the ensuing advantages and challenges. Unlike other volumes focusing on relevant academic literature, this volume is written mainly by practitioners and is [...] More on www.springer.com/978-94-6265-176-0

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G. Werle, M. Vormbaum (Eds.)

The African Criminal Court
A Commentary on the Malabo Protocol

This book offers the first comprehensive and in-depth analysis of the provisions of the ‘Malabo Protocol’—the amendment protocol to the Statute of the African Court of Justice and Human and Peoples’ Rights—adopted by the African Union at its 2014 Summit in Malabo, Equatorial Guinea. The Annex to the protocol, once it has received the required number of ratifications, will create a new Section in the African Court of Justice and Human and Peoples’ Rights with jurisdiction over international and transnational crimes, hence an ‘African Criminal Court’. In this book, leading experts in the field of international criminal law analyze the main provisions of the Annex to the Malabo [...] More on www.springer.com/978-94-6265-149-4

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Parental Care and the Best Interests of the Child in Muslim Countries

This book is the first analysis of parental care regimes in Muslim jurisdictions, both in a comparative and country-specific sense. It contains the proceedings of
a workshop on Parental Care and the Best Interests of the Child in Muslim Countries that the Max Planck Research Group "Changes in God’s Law: An Inner-Islamic Comparison of Family and Succession Law" hosted in Rabat, Morocco in April 2015. This workshop saw a total of 15 country reports presented on questions of custody, guardianship and their development within different Muslim jurisdictions (ranging from Indonesia to Morocco), a number of which are included in full in the book. Each of these country reports contains [...]


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Governance and Security Issues of the European Union Challenges Ahead

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Corporate Governance Codes for the 21st Century International Perspectives and Critical Analyses

The book is the first comprehensive consideration, since the UK Cadbury Report recommended a voluntary Corporate Governance Code, of the question whether Corporate Governance Codes are the most effective way of ensuring adherence to good corporate governance principles. There is no doubt that the idea of voluntary compliance with good corporate governance practices, based on the principle of ‘comply or explain’, has captured the imagination of the world. It is probably one of the best and most comprehensive examples of ‘self-regulation’ ever seen in any area where the society could be affected significantly, for current purposes by corporations. However, is this the most effective way[...]

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The Importance of Place: Geographical Indications as a Tool for Local and Regional Development

This book explores the potential benefits and disadvantages of geographical indication (GIs) registration schemes, analyzing the utility of GI registrations for the development and promotion of regional economies, both in national and international markets. The book draws on the van Caenegem, Cleary & Drahos Australian Provenance Report, along with the valuable empirical data collected in connection with it. The book situates the rural development question in an international context, presenting several case studies from Italy, France and Morocco, New Zealand and Australia. The book contains various chapters focused on comparing regulatory structures in various relevant jurisdictions[...]

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Adjudication at the Service of Public Goals

This edited volume looks at supreme courts in China and the West. It examines the differences and similarities between the Supreme People’s Court of Mainland China and those that follow Western models. It also offers a comparative study of a selection of supreme courts in Europe and Latin America. The contributors argue that the Supreme Courts should give guidance to the development of the law and provide legal unity. For China, the Chinese author argues, that therefore there should be more emphasis on the procedure for reopening cases. The chapters on Western-style supreme courts argue that there should be adequate access filters; the procedure of reopening cases is considered to be [...] More on www.springer.com/978-3-319-52343-9

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Safe Zone
A Response to Large-Scale Refugee Outflows and Human Suffering

Using legal arguments consistent with international law, this book explores whether and under which circumstances a State (or States) may establish and militarily enforce safe zones in countries that produce large-scale refugee outflows so as to protect its (or their) own interests by averting said outflows, as well as to alleviate human suffering in today’s world of civil and internal warfare. Though large-scale refugee outflows have become an increasingly frequent problem in inter-state relations, international law offers no clear remedy. Accordingly, interpretation and adap-

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