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KEY=INTERNATIONAL - TIANA CUNNINGHAM

Corruption in International Trade and Commercial Arbitration *Kluwer Law International B.V.* **Descreve como a corrupção é julgada na arbitragem comercial internacional. Procura explicar porque não há uma uniformidade na política arbitral em relação à corrupção. Analisa casos relativos à corrupção e arbitragem. Examina a legislação sobre corrupção, assim como convenções internacionais relevantes. The Harmonisation of the International Sale of Goods through Principles of Law and Uniform Rules** *Cambridge Scholars Publishing* **This book describes how the international sales of goods have generally been ruled by either English Law or Civil Law, which has often posed problems due to different approaches regarding certain principles and institutions. It clarifies how the Vienna Convention on Contracts for the International Sale of Goods of 11th April, 1980, tried to harmonise these differences with a codification technique, typical of civil law, giving privilege to rules of civil law most of the time, but also introducing institutions from common law, that are not incompatible with civil law. It explains why the general principles of civil law and of UNIDROIT help with this goal of harmonisation, integrating the loopholes of the UN Convention on Contracts for the International Sale of Goods (CISG) during its interpretation. The work demonstrates why codification prevails over common law in the CISG most of the time, giving certitude and sophistication to this matter, which is vital for global commerce. Rethinking International Commercial Arbitration Towards Default Arbitration** *Edward Elgar Publishing* **Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes. The International Legal System in Quest of Equity and Universality Liber amicorum Georges Abi-Saab** *BRILL* **Georges Abi-Saab began his writing and teaching at a time when the process of decolonization, and thereafter the quest for emancipation, began to make its far-reaching impact on the international scene, producing significant changes in the international environment, both quantitatively in increasing the number of nation-States and qualitatively in changing patterns of interests and claims. This was bound to result in new pressures on the international legal system itself and in a questioning of the traditional Eurocentric content of international law. In his work and teaching Professor Abi-Saab viewed the dynamics of international law as a function of two driving forces: the emergence of the third world and the sense of injustice. In his view, the first driving force - the emergence of the third world - raised the problem of exclusion: exclusion from participation in the elaboration of international law and the decision-making process, and exclusion as beneficiaries of the resulting rules of international law. At the same time, this new force introduced diversity into the international scene, reflecting the richness of the international community in its different facets. This process remains relevant today, reflecting the contemporary problem of exclusion of new actors as well as their quest for participation. The second driving force - the sense of injustice - posed a teleological problem for him, that of defining community values in order that they capture the different facets of justice, whether formal or distributive. So long as there is no effective organic structure, international law in his view will continue to remain effectiveness-oriented, reflecting rather than impacting on the structures of power. Nevertheless, it is undeniable that there is an on-going process of development of community values and interests; as Georges Abi-Saab wrote with reference to international crimes: `law, like all social phenomena, is a continuous unfolding, a continuous process of elaboration'. He has also considered that the dynamics of the international legal process itself can be captured from the perspective of international organizations as vehicles for change in the international system. From his early writings, Georges Abi-Saab approached the United Nations Charter as a blueprint - both normative and institutional - for a certain type of international society. International institutions with all their imperfections, continue for him to be the means of realization of the law of cooperation which lies at the heart of his concept of the international system. The themes selected for this volume in honour of Professor Georges Abi-Saab are intended to reflect his unique and pioneering contribution to the field of international law. The contributors are drawn from what he has always considered to be his large `family' of former students: in his forty years of teaching, Georges Abi-Saab has acted as mentor to generations of students from all over the world who have benefited from his vision, insights, originality and creative and stimulating use of language. The contributors also include colleagues and friends who share a similar vision of the international legal system. Transnational Legality Stateless Law and International Arbitration** *Oxford University Press* **International law can be created by other means than treaties between states. This book investigates the philosophical questions posed by the treatment of international arbitration as law, such as those relating to sovereignty and territoriality, and sets out conditions which international arbitration must meet in order to form legitimate law. Arbitration of International Business Disputes Studies in Law and Practice** *OUP Oxford* **Arbitration of International Business Disputes 2nd edition is a fully revised and updated anthology of essays by Rusty Park, a leading scholar in international arbitration and a sought-after arbitrator for both commercial and investment treaty cases. This collection focuses on controversial questions in arbitration of trade, financial, and investment disputes. The essays address some of the most interesting topics in cross-border business dispute resolution, many of which have endured over several decades and remain subject to radically different views. Examples include the proper role of judicial review, the allocation of jurisdictional tasks, evolution of arbitration's statutory and treaty framework, free trade and bilateral investment agreements, and the balance between fixed rules and arbitral discretion. The book is structured around three themes: arbitration's legal framework; the conduct of arbitral proceedings; and a comparison of arbitration in specific fields such as finance, intellectual property, and taxation. In each of these areas, analysis includes the tensions between fairness and efficiency, and the accurate application of substantive law as well as the implications of mandatory procedural norms. Augmented by more than a dozen new contributions and a revised introduction, this 2nd edition retains all of its earlier practical and scholarly relevance, and includes a Foreword by V. V. (Johnny) Veeder QC. International Arbitration: Law and Practice in Switzerland** *Oxford University Press* **This third edition, and the first in English, of the globally-cited Arbitrage International-Droit et Pratique à la Lumière de la LDIP, provides complete guidance on arbitration law and practice relating to Switzerland from two of the leading authorities on Swiss practice. Research Handbook on UN Sanctions and International Law** *Edward Elgar Publishing* **The 1990s have been labeled the 'Sanctions Decade', since they witnessed an unprecedented intensification of the use of collective non-military enforcement measures, and in particular sanctions, by the post-Cold War reactivated Security Council. This Research Handbook studies the current practice of UN sanctions in international law, their interrelationship with other regimes and substantive areas of law, as well as issues arising from their implementation and application at the domestic level. Droit du commerce international** *Dalloz-Sirey* **Autonomous Versus Domestic Concepts under the New York Convention** *Kluwer Law International B.V.* **International Arbitration Law Library # 61 The 1958 New York Convention is universally acclaimed as one of the most important instruments on international commercial arbitration. Although the Convention ensures that contracting States cannot justify failure to comply with their treaty obligations by reference to domestic law, the courts of different contracting States apply the Convention differently. This diverging case law arises from uncertainty as to whether certain concepts employed in the Convention must be construed autonomously or in light of domestic law. This incomparable analysis of the New York Convention as an instrument of uniform law presents insightful contributions by some of the world's most distinguished academics and practitioners in the field of arbitration and is sure to significantly contribute to arbitral practice and jurisprudence in the Convention's more than 160 contracting States. With extensive reference to case law from major arbitration hubs, the contributors examine the Convention with the aim of identifying the boundaries between autonomous and domestic concepts. Key elements covered include the following: the role of private international law under the Convention; notions of arbitrability and arbitral award; procedures for the enforcement of awards; nullity, invalidity, and conflict of laws under Articles II(3) and V(1)(a); the incapacity defence under Article V(1)(a); deviations from procedure; autonomous boundaries as to what falls under the issue of scope; and public policy under the Convention. The first and only resource of its kind, this book provides an invaluable clarification of the extent to which the Convention leaves room for the application of domestic law and, if so, how to determine which particular domestic law may be applicable. It will be welcomed by counsel, judges, arbitrators, and academics throughout the States that have signed the New York Convention. Arbitrators as Lawmakers** *Kluwer Law International B.V.* **This book analyses how arbitrators make rules that guide, constrain, and define the process and substance of international arbitration. Providing a thorough and multidisciplinary analysis of the actors, process, and outcome of arbitral lawmaking, the study shows how arbitrators create principles of law through consistent arbitral decision-making and through interacting with other members of the arbitral community. This book investigates and responds to the following questions: - What is the relationship between international arbitration and the law and courts of the seat? - What is the role of international tribunals in assisting and controlling investment arbitration? - What is the scope of arbitrators' freedom in decision-making? - What constraints limit arbitrators' decision-making and contribute to consistency? - Is international arbitration capable of paying deference to past arbitral decisions? - Which rules have arbitrators created in procedural and substantive matters? - What is the role and status of consistent arbitral decisions? - Is there an arbitral legal system? The answers to these questions are drawn from actual arbitral decisions made available to the public, clarifying important issues about jurisdiction, procedure, applicable law, interpretation of substantive rules and instruments, and remedies. This is the first overarching study of whether and to what extent international commercial, and investment arbitrators create norms and even generate a legal system. As such, it will be of immeasurable and lasting value to arbitrators, practitioners, scholars, arbitral institutions, and international organizations worldwide, for all of whom it will not only clarify our understanding of arbitral decision-making and arbitrator-made rules, but also foster transparency and accountability in arbitral decision-making Globalization of contractual law a brazilian perspective** *Frederico Glitz Consultoria Jurídica* **This book adopts the proposition that it is possible to the customs to be sources of contractual obligations. To support that premise, it was necessary to seek jurisprudential (arbitration and litigation) and comparative basis. Even more, due to contract law internationalization, customary international sources should be subject of domestic treatment, as they provide contractual obligations as well as they work as contractual interpretation tool. However, one can´t neglect the need to control the customary content. In detailed terms, then, we can say that the role reserved for the custom as contractual law rules source has always been residual in Brazilian law. Accompanying the modern European experience, doctrine and Brazilian legislation emphasize the**

secondary, when not merely interpretive, role of the contractual custom. In turn, Brazilian case law wasn´t able to give general treatment to contractual custom. Moreover, the process of reducing distances and cultural, social and economic approximation, usually called globalization, influenced the contracts through the incorporation of a number of solutions brought from the international trade practice. Although they might be justified by the age-old principle of freedom, somehow these international "uses" insinuate themselves into Brazil to the point of requiring that the Brazilian Courts themselves to give them treatment and shelter. On one side, if you deny the existence of a creative normative role in contractual custom by another, albeit indirect, is recognized not only their existence but the possibility of foreign origin. This paradoxical treatment reflects, to some extent, another consequence: the Brazilian contract law is in the process of internationalization. Here, then, a new confrontation is announced: a broad creative freedom (a tributary of the so-called Lex mercatoria) and the foreign act incorporation control (public policy). Unlike before, however, no simplistic answer would be feasible, particularly because of the complexity of contemporary and regulatory Brazilian contract law. Shareholders' Claims for Reflective Loss in International Investment Law *Cambridge University Press* **This book studies shareholders' claims for reflective loss and explains why they are justified in international investment law. Recueil Des Cours, Collected Courses** *Collected Courses of the Hague* **Droit international privé et arbitrage commercial international, Jean-Michel Jacquet, professeur honoraire à l'Institut des hautes études internationales et du développement; Establishing Norms in a Kaleidoscopic World. General Course on Public International Law, by Edith Brown Weiss, professor at Georgetown University. The Notion of Award in International Commercial Arbitration A Comparative Analysis of French Law, English Law, and the UNCITRAL Model Law** *Kluwer Law International B.V.* **International commercial arbitration relies extensively on the possibility of enforcing arbitral decisions against recalcitrant parties. Because courts and arbitration laws across the world take contrasting approaches to the definition of awards, such enforcement can be problematic, especially in the context of awards by consent, and the recent development known as 'emergency arbitration'. In this timely and ground-breaking book, a young arbitration scholar takes us through the difficulties of defining the notion of arbitral award with a rare combination of theoretical awareness and attention to the procedural requirements of arbitral practice. In a framework using a comparative analysis of common law and civil law jurisdictions (specifically, England and France) and how each has regulated in different ways the equilibria between state justice and arbitral justice – and comparing each with the UNCITRAL Model Law – the book addresses such issues as the following: - the 'judicialization' of arbitration; - different models of arbitral adjudication and their impact on the notion of award; - what an award needs to contain to be enforceable; - awards on competence; - awards by consent; and - awards ante causam. The author employs a methodology that views arbitration as providing an institution for administering justice rather than as a purely contractual creature. To this end, rules of arbitral institutions (particularly the International Chamber of Commerce) are examined closely for their implications on what an award means. As a fresh look at the arbitral award by placing it in a broader context than is usually found, this book allows for a greater understanding of the functioning of international commercial arbitration. It is sure to become an international reference, and as such will be welcomed by arbitrators, practitioners at global law firms, companies doing transnational business, interested academics, and international arbitration centres in emerging markets. Governing Law and Dispute Resolution in the Oil and Gas Industry** *Edward Elgar Publishing* **The oil and gas industry's wide international exposure and constantly changing landscape leave it particularly vulnerable to disputes. As this practical book demonstrates, the risks associated with disputes can be mitigated by parties utilising governing law and dispute resolution clauses in contractual agreements within the sector. Examining a global range of jurisdictions, the book offers clear guidance on the most appropriate choice of law and choice of dispute resolution forum for oil and gas contracts, analysing the key issues and defining the legal contours involved. The International Law of Sovereign Debt Dispute Settlement** *Cambridge University Press* **This book fills the normative gap arising from the absence of a multilateral mechanism for sovereign debt restructuring. United Nations Commission on International Trade Law (UNCITRAL) Yearbook 2014** *United Nations* **This Yearbook is a compilation of all substantive documents related to the work of the Commission and its Working Groups. It also reproduces the annual Report of the Commission which is published as Supplement No. 17 of the "Official Records of the General Assembly". UNCITRAL is the core legal body of the United Nations system in the field of international trade law. It specializes in the modernization and harmonization of rules on international business. Transnational Corporations A Selective Bibliography, 1988-1990** *United Nations Publications* **Electronic Signatures in International Contracts** *Peter Lang* **Originally presented as the author's thesis (doctoral)--Freiburg (Breisgau), Universiteat, 2008. Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea Limitations on Party Autonomy** *Taylor & Francis* **Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea focuses on party autonomy and its limitations in relation to jurisdiction and arbitration clauses included in contracts for the carriage of goods by sea in case of any cargo dispute. The author takes the perspective of the shipping companies and the shipowners, as these are the driving forces of the shipping industry due to their strategic importance. The book provides an analysis of the existing law on the recognition and validity of jurisdiction and arbitration clauses in the contracts for the carriage of goods by sea. The author also seeks to provide conclusions and to learn lessons for the future of the non-recognition and the non-enforcement of the clauses in the existing fragmented legal framework at an international, European Union, and national level (England & Wales and Spain). The interface between the different legal regimes reveals the lack of international harmonisation and the existence of 'forum shopping' when a cargo interest sues the shipowner or the party to whom the shipowner charters the vessel. This concise book provides a useful overview of existing research, for students, scholars and shipping lawyers The CISG and its Impact on National Legal Systems** *Walter de Gruyter* **In force in 70 countries around the world and covering more than two thirds of world trade, the 1980 United Nations Convention on Contracts for the International Sale of Goods (CISG) is considered to be the most successful convention promoting international trade. According to many commentators, this success is due, among others, to the fact that the Convention does not directly impact on the domestic law of the various legal systems, as it applies only to international - as opposed to purely domestic - contracts. The Convention, in other words, does not impose changes in the domestic law, which makes it easier for States to adopt the Convention. This does not mean, however, that the Convention does not have any impact on the domestic law at all. This book analyzes - through 24 country reports as well as a general report submitted to the 1st Intermediate Congress of the International Academy of Comparative Law held in November 2008 in Mexico City - to what extent the Convention de facto influences domestic legal systems. In particular, the book examines the Convention's impact on the practice of law, the style of court decisions as well as the domestic legislation in the area of contract law. Customary Law Today** *Springer* **This book addresses current practices in customary law. It includes contributions by scholars from various legal systems (the USA, France, Israel, Canada etc.), who examine the current impacts of customary law on various aspects of private law, constitutional law, business law, international law and criminal law. In addition, the book expands the traditional concept of the rule of law, and argues that lawyers should not narrowly focus on statutory law, but should instead pay more attention to the impact of practices on "real legal life." It states that the observation of practices calls for a stronger focus on usage, customs and traditions in our legal systems – the idea being not to replace statutory law, but to complement it with customary observations. Cursos de Derecho Internacional y relaciones internacionales Vitoria Gasteiz 2011** *Tecnos* **Presentamos una nueva edición impresa, la correspondiente al año 2011, de los Cursos de Derecho Internacional y Relaciones Internacionales de Vitoria-Gasteiz, celebrados durante la semana del 11 al 15 del mes de julio. Si la transferencia del conocimiento es una de las funciones y objetivos fundamentales de nuestro quehacer universitario, la Obra que ahora presentamos se convierte en un perfecto exponente de este desideratum, que se inserta a su vez en una magnífica colección con casi treinta volúmenes anuales que se ha convertido ya en el principal compendio científico en el ámbito internacionalista en lengua española. Economic Sanctions in EU Private International Law** *Bloomsbury Publishing* **Economic sanctions are instruments of foreign policy. However, they can also affect legal relations between private parties – principally in contract. In such cases, the court or arbitration tribunal seized must decide whether to give effect to the economic sanction in question. Private international law functions as a 'filter', transmitting economic sanctions that originate in public law to the realm of private law. The aim of this book is to examine how private international law rules can influence the enforcement of economic sanctions and their related foreign policy objectives. A coherent EU foreign policy position – in addition to promoting legal certainty and predictability – would presuppose a uniform approach not only concerning the economic sanctions of the EU, but also with regard to the restrictive measures imposed by third countries. However, if we examine in detail the application of economic sanctions by Member States' courts and arbitral tribunals, we find a somewhat different picture. This book argues that this can be explained in part by the divergence of private international law approaches in the Member States. Une possible histoire de la norme les normativités émergentes de la mondialisation** *Virginie Mesguich* **La Promotion de la Justice, Des Droits de L'homme Et Du Règlement Des Conflits Par Le Droit International** *Martinus Nijhoff Publishers* **This "Liber Amicorum" is published at the occasion of Judge Lucius Caflisch's retirement from a distinguished teaching career at the Graduate Institute of International Studies of Geneva, where he served as Professor of International Law for more than three decades, and where he has also held the position of Director. It was written by his colleagues and friends, from the European Court of Human Rights, from universities all around the world, from the Swiss Foreign Affairs Ministry and many other national and international institutions. The "Liber Amicorum Lucius Caflisch" covers different fields in which Judge Caflisch has excelled in his various capacities, as scholar, representative of Switzerland in international conferences, legal adviser of the Swiss Foreign Affairs Ministry, counsel, registrar, arbitrator and judge. This collective work is divided into three main sections. The first section examines questions concerning human rights and international humanitarian law. The second section is devoted to the international law of spaces, including matters regarding the law of the sea, international waterways, Antarctica, and boundary and territorial issues. The third section addresses issues related to the peaceful settlement of disputes, both generally and with regard to any particular means of settlement. The contributions are in both English and French. E Pluribus Unum:Liber Amicorum Georges A.L. Droz - on the Progressive Unification of Private International Law** *Kluwer Law International B.V.* **The unification of Private International Law is a goal to which all the contributors to this impressive volume have committed themselves, and one which seems increasingly to attract the attention of legal practitioners, researchers, writers and legislators. The essays give a unique overview of the current state of the law with respect to those areas which have been unified, or which are susceptible to unification. Insights are given into national as well as international practice, and theoretical aspects have not been neglected. Bibliographie Mensuelle Articles sélectionnés. Partie II Fouchard, Gaillard, Goldman on International Commercial Arbitration** *Kluwer Law International B.V.* **Based on and includes revisions to : Traité de l'arbitrage commercial international / Ph. Fouchard, E. Gaillard, B. Goldman. 1996--Cf. foreword. Graduate Institute of International Studies Geneva, 1927-2002 75 Years of Service Towards Peace Through Learning and Research in the Field of International Relations Current Bibliographical Information Droit du commerce international** *Dalloz* **Matière composite et complexe, le droit du commerce international est une branche du droit en pleine expansion. Il a pour objectif de fournir les règles juridiques applicables aux relations entre opérateurs économiques lorsque sont impliqués des mouvements de personnes, de biens, de services ou de valeurs intéressant l'économie de plusieurs États. Il lui est donc indispensable de déterminer ses méthodes et ses sources. Si les règles de conflit de lois ne sont pas délaissées, les règles matérielles d'origines diverses ont acquis progressivement une importance déterminante. Droit des sociétés, contrats, investissements, commerce électronique, ainsi que risques et garanties sont au coeur de la matière. Il est indispensable que le droit du commerce international indique aussi dans quelles conditions s'opère le règlement des litiges, par recours aux juridictions étatiques ou à l'arbitrage international. Conçu dans une perspective résolument internationaliste, l'ouvrage envisage néanmoins le droit du commerce international du point de vue français. Il s'adresse aux étudiants, aux chercheurs et aux praticiens désireux d'acquérir une vision globale et de bénéficier d'une étude systématique de la matière. Contrato, Globalização e Lex Mercatoria CONVENÇÃO DE VIENA 1980 (CISG), PRINCÍPIOS CONTRATUAIS UNIDROIT (2010) E INCOTERMS (2010).** *Clássica* **O presente texto parte da proposição de que é possível que os costumes sejam fontes de obrigações**

contratuais. Para tanto, se buscou demonstrar esta premissa a partir de pesquisa jurisprudencial (arbitral e judicial) e do método comparado. Concluiu-se que, dada à internacionalização do Direito contratual, as fontes consuetudinárias internacionais devem ser objeto de tratamento doméstico, pois criam obrigações contratuais e não se limitam à interpretação do negócio jurídico. Não se pode, no entanto, negligenciar a necessidade de controle de seu conteúdo. Em termos detalhados, então, se pode afirmar que o papel reservado ao costume como fonte normativa do Direito contratual sempre foi residual no Direito brasileiro. Acompanhando a experiência moderna europeia, a doutrina e a legislação brasileiras enfatizam o papel secundário, quando não meramente interpretativo, do costume contratual. A jurisprudência brasileira, ao seu turno, em poucos casos dá tratamento geral para a figura. Por outro lado, o processo de redução de distâncias e aproximação cultural, social e econômica usualmente conceituada como globalização, fez sentir seu peso sobre os contratos por meio da incorporação de uma série de soluções saídas da prática comercial internacional. Embora pudessem ser justificados pelo vetusto princípio da liberdade, de alguma forma esses "usos" internacionais se insinuam para dentro do Ordenamento brasileiro ao ponto de exigirem que os próprios Tribunais lhe deem tratamento e guarida. De um lado, portanto, se nega a existência de papel normativo criativo ao costume contratual, por outro, ainda que de forma indireta, se reconhece não só sua existência, mas a possibilidade de que sua origem seja externa. Este tratamento paradoxal reflete, em alguma medida, outra consequência: o Direito contratual brasileiro está em processo de internacionalização. Eis, então, que um novo embate se anuncia: a ampla liberdade criativa (tributária da chamada Lex mercatoria) e o controle da incorporação do ato estrangeiro (ordem pública). Ao contrário de outrora, contudo, nenhuma resposta simplista será viável especialmente em razão da complexidade da contemporaneidade contratual e das características regulatórias do Direito contratual brasileiro. The Oxford Handbook of International Organizations *Oxford University Press* **Virtually every important question of public policy today involves an international organization. From trade to intellectual property to health policy and beyond, governments interact with international organizations in almost everything they do. Increasingly, individual citizens are directly affected by the work of international organizations. Aimed at academics, students, practitioners, and lawyers, this book gives a comprehensive overview of the world of international organizations today. It emphasizes both the practical aspects of their organization and operation, and the conceptual issues that arise at the junctures between nation-states and international authority, and between law and politics. While the focus is on inter-governmental organizations, the book also encompasses non-governmental organizations and public policy networks. With essays by the leading scholars and practitioners, the book first considers the main international organizations and the kinds of problems they address. This includes chapters on the organizations that relate to trade, humanitarian aid, peace operations, and more, as well as chapters on the history of international organizations. The book then looks at the constituent parts and internal functioning of international organizations. This addresses the internal management of the organization, and includes chapters on the distribution of decision-making power within the organizations, the structure of their assemblies, the role of Secretaries-General and other heads, budgets and finance, and other elements of complex bureaucracies at the international level. This book is essential reading for scholars, practitioners, and students alike. DERECHO DE LA ENERGÍA EN AMÉRICA LATINA. TOMO I** *U. Externado de Colombia* **Esta nueva publicación del Departamento de Derecho Minero Energético tiene lugar en el marco de la conmemoración de los 130 años de fundación de la Universidad Externado de Colombia, que celebramos con la presentación de la obra colectiva Derecho de la Energía en América Latina; trabajo en el que se recogen los artículos de los más destacados académicos y profesionales de la región, estudiosos del sector energético. El presente libro constituye un nuevo espacio de encuentro, intercambio y reflexiones, orientado a promover la mejora de la regulación, difundir el conocimiento del sector energético en cada uno de los países representados por los distintos autores y una apuesta por exponer y comprender de manera directa el estado actual de los subsectores de los hidrocarburos, la energía eléctrica y las energías renovables. Académie de Droit International de La Haye index : tomes/volumes 291-300** *Collected Courses of the Hague* **The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects. The work of the Hague Academy receives the support and recognition of the UN. Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law. The courses deal with the theoretical and practical aspects of the subject, including legislation and case law. All courses at the Academy are, in principle, published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law . LA GLOBALIZACIÓN DEL DERECHO CONTRACTUAL** *Clássica* **Este estudio adopta la tesis de que es posible que las costumbres sean fuentes de las obligaciones contractuales. Por lo tanto, trató de demostrar esta premisa a través de una investigación jurisprudencial (arbitraje y judicial) y por el método comparativo. Se concluyó que, dada la internacionalización del Derecho contractual, las fuentes costumeras internacionales deben ser objeto de tratamiento doméstico, ya que proporcionan una obligación contractual y no solamente la interpretación del negocio jurídico. No se puede, sin embargo, descuidar la necesidad de controlar su contenido. En términos detallados, entonces podemos decir que el papel reservado a la costumbre como fuente de las normas del Derecho contractual siempre ha sido residual en la legislación brasileña. Siguiendo la experiencia europea moderna, la doctrina y la legislación brasileña reservan a la costumbre un papel secundario, cuando no meramente interpretativo. La jurisprudencia brasileña, a su vez en algunos casos da un tratamiento general para la figura. Por otra parte, el proceso de reducción de distancias y de aproximación cultural, como normalmente se define la globalización económica y social, influencia los contratos a través de la incorporación de una serie de soluciones consagradas por la práctica del comercio internacional. A pesar de que podría estar justificada por el principio secular de la libertad, de alguna manera estos "usos" internacionales se insinúan en Brasil hasta el punto de exigir que los propios tribunales les den el tratamiento y el reconocimiento. Por un lado, así que si uno niega la existencia de la función normativa de la costumbre contractual por otro, aunque sea indirecta, es reconocida no sólo su existencia sino la posibilidad de que su origen es extranjera. Este tratamiento paradójico refleja, en cierta medida, otra consecuencia: la ley brasileña de contratos está en el proceso de internacionalización. Aquí, entonces, que un nuevo enfrentamiento que se anuncia: una amplia libertad creativa (un afluente de la llamada lex mercatoria) y la orden pública. Diferentemente de antes, sin embargo, una respuesta simplista no sería factible en particular debido a la complejidad de las actuales características contractuales y reglamentarias de la ley brasileña de contratos. Le contrat de vente international pour les exportateurs non-juristes** *Edipro* **Droit international privé et arbitrage commercial international**