

# Awakening Monster: The Alien Tort Statute of 1789

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INTERNATIONAL  
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# Awakening Monster The Alien Tort Statute Of 1789

**David Kinley**



## **Awakening Monster The Alien Tort Statute Of 1789:**

**Awakening Monster** Gary Clyde Hufbauer, Nicholas K. Mitrokostas, 2003 Within the next decade 100 000 class action Chinese plaintiffs organized by New York trial lawyers could sue General Motors Toyota General Electric Mitsubishi and a host of other blue chip corporations in a US federal court for abetting China's denial of political rights for observing China's restrictions on trade unions and for impairing the Chinese environment These plaintiffs might claim actual damages of 6 billion and punitive damages of 20 billion Similar blockbuster cases are already working their way through federal and state court systems This nightmare scenario could become a reality because of a little known one sentence law enacted in 1789 the Alien Tort Statute ATS The district courts shall have original jurisdiction of any civil action by an alien for a tort only committed in violation of the law of nations or a treaty of the United States In this policy analysis Gary Clyde Hufbauer and Nicholas K Mitrokostas examine the chilling impact the ATS could have on trade and foreign direct investment They trace its history from the original intent to recent court interpretations including a look at class action suits over asbestos and apartheid They provide an economic picture of the potential scope of ATS litigation cite the possible collateral damage and review the impact that ATS rulings could have on global relations The authors recommend measures Congress should take to limit expansive court interpretations The study is a must read for policymakers international lawyers and students

**Corporate Responsibility Under the Alien Tort Statute** Michael Koebele, 2009 The Alien Tort Statute also referred to as the Alien Tort Claims Act is a US statute that provides a cause of action for violations of international law While originally used against former dictators and military officials who fled to the U S after the respective governments in their home countries have been removed human rights activists are now targeting transnational corporations or multinational enterprises for human rights violations in connection with their investments made outside the United States This book examines and analyzes corporate liability under the Alien Tort Statute United States Foreign Policy and National Identity in the 21st Century Kenneth Christie, 2009 Examines the complex relationship between United States foreign policy and American national identity as it has changed from the post cold war period through the defining moment of 9 11 and into the 21st century Starting with a discussion of notions of American identity in an historical sense the contributors go on to examine the most central issues in US foreign policy and their impact on national identity including the end of the Cold War the rise of neo conservatism ideas of US Empire and the influence of the War on Terror The book sheds significant new light on the continuities and discontinuities in the relationship of US identity to foreign policy *Globalization and the Future of Labour Law* John D. R. Craig, S. Michael Lynk, 2006-04-03 How are national and international labour laws responding to the challenge of globalization as it re shapes the workplaces of the world This collection of essays by leading legal scholars and lawyers from Europe and the Americas was first published in 2006 It addresses the implications of globalization for the legal regulation of the workplace It examines the role of international labour standards and the contribution of the International

Labour Organization and assesses the success of the European experiment with continental employment standards It explores the prospects for hemispheric co operation on labour standards in the Americas and deals with the impact of international labour standards on the rights of women and migrant workers As the nature and organization of work around the world is being decisively transformed new regional and international institutions are emerging that may provide the platform for new labour standards and for protecting existing ones *Economic Sanctions Reconsidered: Third Edition* ,

*Der Alien Tort Claims Act* Inga Meyer,2018-12-03 Long description Unter Berufung auf den Alien Tort Claims Act ATCA wurden seit den 1980er Jahren weltweit ver bte Menschenrechtsverletzungen vor amerikanischen Bundesgerichten eingeklagt Der ATCA ist als zivilrechtliches Instrument zur Durchsetzung internationaler Menschenrechte jedoch umstritten Inga Meyer untersucht dieses Gesetz aus unterschiedlichen Perspektiven Minnesota Journal of Global Trade ,2004

**NAFTA and Climate Change** Meera Fickling,Jeffrey J. Schott,2011 NAFTA remains a centerpiece of US trade policy debate but its provisions have sacrificed environmental concerns for the sake of trade liberalization This timely volume analyzes the national policies of the United States Canada and Mexico The authors explain how the competing priorities of province state or government agendas can slow coordination measures to curtail emissions throughout North America But North American cooperation could serve as a model for how developed and developing countries can mutually benefit from an international climate change agreement Emission reduction is now inextricably linked with trade and finance measures in this post Kyoto era The authors argue that the three NAFTA partners can work together to reduce greenhouse gas emissions while mitigating concerns about trade competitiveness NAFTA and Climate Change provides a critical assessment of how NAFTA initiatives will contribute to the achievement of important climate change goals at both regional and global levels This thorough investigation advances potential solutions and ideas to develop practical channels for transferring technical and financial assistance from developed to developing countries to reduce greenhouse gas emissions and further economic development **Financial Globalization, Economic Growth, and the Crisis of 2007-2009** , **Trademark and**

**Unfair Competition Conflicts** Tim W. Dornis,2017-02-23 With the rise of internet marketing and e commerce around the world international and cross border conflicts in trademark and unfair competition law have become increasingly important In this groundbreaking work Tim Dornis who in addition to his scholarly pursuits has worked as an attorney a public prosecutor and a judge giving him experience in both civil and common law jurisdictions presents the historical comparative doctrinal and economic aspects of trademark and unfair competition conflicts law The book should be read by any scholar or practitioner interested in the international aspects of intellectual property generally and trademark and unfair competition law specifically This title is available as Open Access **Corporations and Transnational Human Rights Litigation**

Sarah Joseph,2004-08 Since the mid 1980s beginning with the unsuccessful Union Carbide litigation in the USA litigants have been exploring ways of holding multinational corporations MNCs liable for offshore human rights abuses in the courts

of the companies home States The highest profile cases have been the human rights claims brought against MNCs such as Unocal Shell Rio Tinto Coca Cola and Talisman under the Alien Tort Claims Act in the United States Such claims also raise issues under customary international law which may be directly applicable in US federal law and the Racketeer Influenced and Corrupt Organizations RICO statute Another legal front is found in the USA England and Australia where courts have become more willing to exercise jurisdiction over transnational common law tort claims against home corporations Furthermore a corporation s human rights practices were indirectly targeted under trade practices law in groundbreaking litigation in California against sportsgoods manufacturer Nike This new study examines these developments and the procedural arguments eg regarding personal jurisdiction and especially forum non conveniens which have been used to block litigation as well as the principles which can be gleaned from cases which have settled The analysis is important for human rights victims in order to know the boundaries of possible available legal redress It is also important for MNCs which must now take human rights into account in managing the legal risks as well as moral and reputation risks associated with offshore projects

**West Virginia Law Review** ,2006      *The Role of the Highest Courts of the United States of America and South Africa, and the European Court of Justice in Foreign Affairs* Riaan Eksteen,2019-06-22 This book deals with what the author considers a sorely neglected question namely the role of the judiciary in states foreign policy processes Eksteen argues that the impact of the judiciary on foreign affairs is understudied and that recognition of its role in foreign affairs is now due This makes it a ground breaking scholarly contribution that should first of all prove of value to students scholars researchers and practitioners in the two broad fields of politics and law for the wide scope of issues it covers and the very comprehensive reference lists it contains Secondly professionals working within politics including members of the legislatures of the United States the European Union and South Africa as well as members of the judiciaries there should find this book of benefit A detailed examination has been undertaken of the role of the United States Supreme Court the two high courts in South Africa namely the Constitutional Court and the Supreme Court of Appeal and the European Court of Justice of the European Union in foreign affairs The author substantiates the unmistakable fact that these Courts have become involved in and influence foreign affairs Furthermore that they have not shied away from using their judicial authority when dealing with cases touching on foreign affairs and especially presidential overreach The lack of recognition of the judiciary s role in foreign affairs is still noticeable in Foreign Policy Analysis FPA literature This book concludes that FPA has to accept and give proper recognition to the judiciary and its increasing relevance in foreign affairs Dr Riaan Eksteen is a Former South African Ambassador residing in Namibia from 1968 1973 he served at the South African Embassy in Washington D C between 1976 1994 he subsequently served as Ambassador and Head of Mission at the U N in New York 1976 81 in Namibia 1990 91 at the U N in Geneva 1992 94 and in Turkey with accreditation also to Azerbaijan Kyrgyzstan Turkmenistan and Uzbekistan 1995 97 He obtained his Ph D from the University of Johannesburg in October 2018

**Human Rights and**

**Corporations** David Kinley, 2009 High profile corporate infringements of human rights the rise and rise of corporate social responsibility CSR and on going efforts to regulate corporate behaviour through legal regimes at both domestic and international levels have spawned a mountain of academic literature and commentary This volume assembles the leading essays from this body of work

**Corporate Human Rights Violations** Stefanie Khoury, David Whyte, 2016-12-08 This book develops an analysis of the historical political and legal contexts behind current demands by NGOs and the United Nations Human Rights Council to hold corporations accountable for their human rights violations Based on an analysis of the range of mechanisms of accountability that currently exist it argues that those demands are a response to the failure of neo liberal policies that have dominated the practice of politics and law since the emergence of this debate in its current form in the 1970s Offering a new approach to understanding how struggles for hegemony are refracted through a range of legal challenges to corporate human rights violations the book offers a fresh perspective for understanding how those struggles are played out in the global sphere In order to analyse the prospects for using human rights law to challenge the right of corporations to author human rights violations the book explores the development of a range of political initiatives in the UN the uses of tort law in domestic courts and the uses of human rights law at the European Court of Human Rights and at the Inter American Court of Human Rights This book will be essential reading for all those interested in how international institutions and NGOs are both shaping and being shaped by global struggles against corporate power

**Der US "Alien Tort Claims Act" im System völkerrechtlicher Rechtsdurchsetzung** Paul Gragl, 2009-10-25 Diplomarbeit aus dem Jahr 2009 im Fachbereich Politik Region USA Note Sehr Gut Karl Franzens Universität Graz Institut für Völkerrecht und Internationale Beziehungen Sprache Deutsch Abstract Twenty first century America is one of the most litigious societies the world has ever known Dieser Einleitungssatz steht wohl symptomatisch für die öffentliche Meinung die auf der ganzen Welt hinsichtlich des US amerikanischen Rechts und Gerichtssystems vorherrscht Sammelklagen zur Durchsetzung von Schadenersatzbeträgen in Millionenhöhe beherrschen die Medien oftmals im Zusammenhang mit Entschädigungszahlungen für Opfer des Nationalsozialismus So stellt man sich zuweilen die polemische Frage was für einen Bezug die Vereinigten Staaten denn überhaupt zu einem gewissen Fall haben wenn weder Kläger noch Beklagter die US Staatsbürgerschaft besitzen und die zu klappende Tat im Ausland gesetzt worden ist Kritik an einem möglichen Justizimperialismus der USA ist die logische Folge Ein Gesetz das solche Klagen ohne jeglichen Konnex zu den Vereinigten Staaten zulässt ist der Alien Tort Claims Act von 1789 Es handelt sich dabei um eine kryptisch formulierte Bestimmung die lediglich zwei Zeilen umfasst und in den Anfangstagen des jungen Staates nach dem Revolutionskrieg gegen das britische Mutterland erlassen wurde Die Relevanz dieser Norm in einem völkerrechtlichen Kontext ergibt sich aus der Tatsache dass sie Ausländern also Nicht US Bürgern eine Klagemöglichkeit vor den Bundesgerichten gibt wenn diese in einem Recht verletzt wurden das sich entweder aus dem Völkervertrags oder Völkergewohnheitsrecht ergibt Da das Gesetz keine weiteren materiell rechtlichen Bestimmungen enthält

bietet es einen enormen Interpretationsspielraum. Seit seiner Wiederentdeckung im Jahre 1980 versuchen die US Gerichte nun zu klären, welche Normen des Völkerrechts Anwendung finden können und welche nicht. Welche völkerrechtlichen Verträge direkte Wirkung entfalten, was man unter Völkergewohnheitsrecht versteht und schließlich welche Vor- und Nachteile sich für die USA auf wirtschaftlicher und außenpolitischer Ebene aus dem Alien Tort Claims Act ergeben können. Die besondere Bedeutung dieses Gesetzes resultiert zudem aus der Schaffung einer Klagemöglichkeit für Individuen. Während der klassische Begriff des Völkerrechts ein Normensystem bezeichnet, das die Beziehungen zwischen Staaten regelt, hat es sich seit dem Ende des Zweiten Weltkriegs zu einer Rechtskategorie entwickelt, die ebenso Individuen als Rechtssubjekte anerkennt.

AAA Handbook on International Arbitration and ADR - Second Edition American Arbitration Association, 2010-10-01. Assembled from *Dispute Resolution Journal*, the flagship publication of the American Arbitration Association, the chapters in the Handbook have all where necessary been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook contains valuable guidance on international commercial arbitration, including the management of arbitration disputes, how to select an international arbitral institution, an explanation of the effect of international public policy, the duties of arbitrators, the presentation and evaluation of evidence in international arbitration and how to arbitrate against a state sovereign. The enforcement of international arbitral awards is explored, including interim relief and problems with enforcement. The New York Convention, parallel proceedings and pivotal decisions such as *Chromalloy* and *TermoRio*. International mediation is also examined, including guidelines for selecting the best mediator for an international dispute, the power of mediation to resolve international commercial disputes and the differences in US and European approaches. Lastly, the section on investment and trade arbitration and mediation explores bilateral investment treaties, examines WTO arbitration procedures, offers advice on saving time and money in cross border commercial disputes and provides guidance for US investors to follow in dealing with sovereign states. The chapters in the Handbook were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations and an indication of future developments. They not only acquaint but also ground the reader in the field.

Corporations and Human Rights Niels Beisinghoff, 2009. Can human rights be enforced against corporations? This work analyses different enforcement mechanisms. It examines one of the most powerful instruments, the Alien Tort Claims Act (ATCA) litigation in the United States. The ATCA has been used as one of the chief weapons in a 21st century battle over corporate responsibility in the age of globalization. For instance, the ATCA has been invoked to seek compensation from German companies in respect of forced labor during the Holocaust. Further examples include claims relating to genocide against a Canadian company, forced labor claims against a US company and numerous others. The ATCA litigation often refers to the law of nations, but do the US courts interpret this term consistently?

with other accepted interpretations of international law The short answer to that question is no However in the absence of enforceable international law mechanisms this lacuna needs to be filled Domestic litigation of matters that are inherently transnational in character as occurs in ATCA human rights litigation represents a viable mechanism to enforce human rights

**International Human Rights Litigation in U.S. Courts** Beth Stephens, Michael Ratner, Judith Chomsky, Jennifer Green, Paul Hoffman, 2008-01-01 Written by leading human rights litigators and theorists this treatise offers a comprehensive analysis of human rights litigation in U S courts under the Alien Tort Statute and related provisions **International Law** Sanford Silverburg, 2018-04-19 This book offers diverse multinational perspectives on traditional and emergent issues in the practice and study of international law It deals with the evolving foundations of international law and covers a wide range of issues that link international politics to international law



## Decoding **Awakening Monster The Alien Tort Statute Of 1789**: Revealing the Captivating Potential of Verbal Expression

In an era characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its capability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Awakening Monster The Alien Tort Statute Of 1789**," a mesmerizing literary creation penned by way of a celebrated wordsmith, readers attempt an enlightening odyssey, unraveling the intricate significance of language and its enduring affect our lives. In this appraisal, we shall explore the book is central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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