General Reports of the XVIIIth Congress
of the International Academy
of Comparative Law/Rapports Généraux
du XVIIIème Congrès de l'Académie
Internationale de Droit Comparé

Karen B. Brown • David V. Snyder
Editors

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de Droit Comparé

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Preface

In the international and comparative law worlds, the quadrennial congress of the International Academy of Comparative Law (IACL) presents the opportunity to tackle the captivating legal issues of our times. The 18th World Congress of the IACL was held in Washington, DC in July 2010, featuring sessions and plenary meetings that considered more than 30 issues of extraordinary import to legal thinkers. These included topics covering a spectrum of modern themes, such as Religion and the Secular State, the Role of Practice in Legal Education, Complexity of Transnational Sources, Catastrophic Damages, Class Actions, Climate Change and the Law, Corporate Governance, Surrogate Motherhood, Same Sex Marriage, Jurisdiction in Intellectual Property Matters, Age Discrimination, Protection of Foreign Investment, Public-Private Partnerships, The Exclusionary Rule in Evidence, Corporate Criminal Responsibility, Regulation of Corporate Tax Avoidance, and the Regulation of Private Equity, Hedge Funds, and State Funds. The congress was co-sponsored by the IACL and the American Society for Comparative Law (ASCL) and was hosted by American University Washington College of Law, Georgetown University Law Center, and George Washington University Law School.

The IACL chose the topics for the congress in conjunction with the organizing committee, which consisted of faculty from the law schools listed above and members of the ASCL. General reporters and national reporters were selected by the IACL and the national committees. All of the reports were made available on the congress website in advance of the congress. Many of the topics have been published in a volume containing all of the topic reports relating to one nation. A vertical volume containing the general report and all of the national reports will be also be published for many of the topics. The publication of all of the general reports in this single volume is an invaluable resource for academics, researchers, practitioners, students, and all others wishing to be informed about the current trends and future developments in pivotal areas of the law.

We would like to thank the host law schools, the IACL, and the ACSL for financial and moral support for the congress. We would also like to express our gratitude for the devoted efforts of all members of the organizing committee, particularly Ms. Jennifer Dabson, Director of Continuing Legal Education at American University Washington College of Law. Professor Dr. J. H. M. van Erp, a member of the organizing committee of the 17th Congress and President of the Netherlands Comparative Law Association, provided much-needed advice and assistance, for which we are especially grateful. Finally, we want to express our deep appreciation

to the IACL leadership, especially the secretary-general, Prof. Dr. h.c. Jürgen Basedow; the president, Professor George Bermann; and the deputy secretary-general, Dr. Katrin Deckert.

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Steering Committee, 18th International Congress of Comparative Law, Washington, DC, July 2010

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Préface

Tous les quatre ans le Congrès de l'Académie Internationale du Droit Comparé (AIDC) rassemble des participants du monde entier pour discuter de thèmes modernes relatifs à toutes les disciplines du droit. Le XVIIIème Congrès a eu lieu à Washington, D.C. en juillet 2010 où les membres ont traité de plus de 30 séances qui s'occupaient des sujets très importants. L'éventail de ces thèmes était très grand: la religion et l'état laïque, le rôle de la pratique dans la formation des juristes, la complexité des sources transnationales, les dommages catastrophiques, les actions collectives, changement climatique et la loi, le gouvernement d'entreprises, la gestation pour autrui, la compétence et la loi applicable en matière de la propriété intellectuelle, l'interdiction de la discrimination à cause de l'âge dans les relations du travail, la protection des investissements étrangers, les partenariats publiques privés, l'exclusion de certains moyens de preuve, la responsabilité pénale des personnes morales, la réglementation des fonds spéculatifs, et l'évasion fiscale. Le Congrès s'est tenu sous les auspices de l'AIDC et la Société Américaine de Droit Comparé (SADC) et était subventionné par les facultés de droit American University Washington College of Law, Georgetown University Law Center, and George Washington University Law School.

Les thèmes du congrès sont choisis par l'AIDC, en collaboration avec les organisateurs dont les facultés de droit ci-dessus et les membres de SADC faisaient partis. Les rapporteurs généraux et nationaux étaient sélectionnés. Tous les rapports étaient accessibles sur le site internet du congrès. La plupart des rapports sont publiés en volumes dits volumes verticaux de rapports – le rapport général et les rapports nationaux sur un thème particulier. La publication de tous les rapports généraux dans un seul volume donne une ressource inestimable.

Nous remercions les facultés de droit accueillants, l'AIDC et le SADC qui sont nos principaux soutiens financiers. Nous remercions aussi de tous leurs efforts les membres du comité d'accueil, surtout Madame Jennifer Dabson, le chef du Continuing Legal Education à l'American University Washington College of Law. Prof. Dr. J.H.M. van Erp, membre du comité accueillant du XVIIème Congrès et le Président de l'Association néerlandaise de droit comparé nous a beaucoup aidé et nous le remercions infiniment. Finalement, remerciements profonds aux dirigeants de l'AIDC, surtout le Secrétaire-Général, Prof. Dr. Dr. h.c. Jürgen Basedow, le Président, Prof. George Bermann, et le Député Secrétaire-Général, Dr. Katrin Deckert.

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Contents

1 Religion and the Secular State	1
Javier Martínez-Torrón and W. Cole Durham	
2 Complexity of Transnational Sources	29
Silvia Ferreri	
3 The Role of Practice in Legal Education	57
Richard J. Wilson	
4 Catastrophic Damages: Liability and Insurance	85
Pablo Salvador Coderch, Sonia Ramos González, and Rosa Milá Rafel	
5 La gestation pour autrui.....	105
Françoise Monéger	
6 Same Sex Marriage	115
Macarena Sáez	
7 Consumer Protection in Private International Relationships.....	143
Diego P. Fernández Arroyo	
8 Codification and Flexibility in Private International Law	167
Symeon C. Symeonides	
9 Class Actions.....	191
Diego Corapi	
10 Cost and Fee Allocation in Civil Procedure.....	197
Mathias Reimann	
11 Climate Change and the Law.....	229
Erkki J. Hollo	
12 The Regulation of Private Equity, Hedge Funds and State Funds.....	273
Eddy Wymeersch	
13 Corporate Governance	295
Klaus J. Hopt	
14 Financial Leasing and Its Unification by UNIDROIT.....	321
Herbert Kronke	

15 Insurance Contract Law Between Business Law and Consumer Protection.....	335
Helmut Heiss	
16 The Balance of Copyright	355
Reto M. Hilty and Sylvie Nérissou	
17 Jurisdiction and Applicable Law in Matters of Intellectual Property.....	393
Toshiyuki Kono	
18 The Prohibition of Age Discrimination in Labor Relations.....	423
Monika Schlachter	
19 The Law Applicable on the Continental Shelf and in the Exclusive Economic Zone.....	453
Moiria L. McConnell	
20 The Protection of Foreign Investment.....	467
Wenhua Shan	
21 International Law in Domestic Systems	509
Dinah Shelton	
22 Les Électeurs Étrangers	541
Jacques Robert	
23 Constitutional Courts as Positive Legislators.....	549
Allan R. Brewer-Carías	
24 Plurality of Political Opinion and the Concentration of the Media	571
Allen P. Grunes and Maurice E. Stucke	
25 Are Human Rights Universal and Binding?.....	581
Rainer Arnold	
26 Les Partenariats Publics Privés	589
François Lichère	
27 Regulation of Corporate Tax Avoidance	609
Karen B. Brown	
28 Corporate Criminal Liability.....	625
Mark Pieth and Radha Ivory	
29 The Exclusionary Rule	657
Stephen C. Thaman	