Richmond Journal of Global Law & Business

Volume 13 | Issue 2 Article 1

2014

Richmond Journal of Global Law and Business Volume 13, Issue 2 - Prefatory Matter

Follow this and additional works at: http://scholarship.richmond.edu/global

Recommended Citation

Richmond Journal of Global Law and Business Volume 13, Issue 2 - Prefatory Matter, 13 Rich. J. Global L. & Bus. (2014). Available at: http://scholarship.richmond.edu/global/vol13/iss2/1

This Prefatory Matter is brought to you for free and open access by UR Scholarship Repository. It has been accepted for inclusion in Richmond Journal of Global Law & Business by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 13 Spring 2014 Number 2 ARTICLES TRANSPLANTING AND CUSTOMIZING LEGAL SYSTEMS: LESSONS FROM ENDANGERED ELEMENT OF ICSID ARBITRAL PRACTICE: INVESTMENT TREATY ARBITRATION, FOREIGN DIRECT INVESTMENT, AND THE PROMISE OF ECONOMIC DEVELOPMENT IN HOST STATES Felix O. Okpe 217 ASSESSING EFFECTIVENESS OF INTERNATIONAL PRIVATE REGULATION IN THE CSR ARENA Martijn W. Scheltema 263 THE SURPRISING ACQUITTALS IN THE GOTOVINA AND PERIŠIĆ CASES: IS THE ICTY APPEALS CHAMBER A TRIAL CHAMBER IN SHEEP'S CLOTHING?Mark A. Summers 377 COMMENT PRIVATE ENFORCEMENT OF TRIPS BY APPLYING THE EU LAW PRINCIPLES OF

DIRECT EFFECT AND STATE LIABILITYSaud Aldawsari 409

Information About the Richmond Journal of Global Law and Business

The Richmond Journal of Global Law and Business is published annually by the University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173. Comments and suggestions regarding the content of this publication are invited at the above address or at (804) 287-6639.

Subscriptions: The cost per issue for a subscription to the Journal is \$12.00. Detailed subscription information is available on the Journal website at http://rjglb.richmond.edu/. Regular mail or phone calls should be directed to the attention of the Executive Editor who can be reached at the *Journal* address or phone number listed above.

Copyright: Copyright © 2013 by the *Richmond Journal of Global Law and Business*, unless noted otherwise. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost; (2) the *Journal* is notified of such use; (3) proper notice of copyright is affixed to each copy; and (4) the author and the *Journal* are identified on each copy.

Manuscripts: The Journal invites the submission of unsolicited articles, comments and essays. Manuscripts should include the author's biographical information under separate cover. Manuscripts will not be returned unless specifically requested and accompanied with proper return postage. Editorial operations of the Journal are conducted with Microsoft Word software. Send manuscripts to Richmond Journal of Global Law and Business at University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173.

Citations: The text and citations of the Journal conform to The Bluebook: A Uniform System of Citation (19th ed. 2010) copyright by the Columbia Law Review, the Harvard Law Review, the University of Pennsylvania Law Review, and The Yale Law Journal.

CITE AS RICH. J. GLOBAL L. & BUS.

OFFICERS OF INSTRUCTION AND ADMINISTRATION UNIVERSITY OF RICHMOND SCHOOL OF LAW

Administration

Administration		
Edward L. Ayers, B.A., M.A., Ph.D		
Faculty		
Stephen Allred, B.A., M.P.A., J.D., Ed.D		
Ronald J. Bacigal, B.S., LL.B. W. Wade Berryhill, B.S., J.D., LL.M. Carol N. Brown, A.B., LL.M., J.D. Professor of Law, Emeritus Carol N. Brown, A.B., LL.M., J.D. Professor of Law W. Hamilton Bryson, B.A., LL.B., LL.M., Ph.D. Blackstone Professor of Law Tara L. Casey, B.A., J.D. Director of Pro Bono Services Dale Margolin Cecka, B.A., J.D. Associate Clinical Professor of Law and Director of the Family Law Clinic		
Henry L. Chambers, B.A., J.D. Professor of Law Christopher A. Cotropia, B.S., J.D. Professor of Law Carle E. Davis, C.P.A. Professor of Law, Emeritus John G. Douglass, B.A., J.D. Professor of Law Joel B. Eisen, B.S., J.D. Professor of Law Tamar R. S. Eisen, B.A., J.D. Assistant Professor of Lawyering Skills and Director, Lawyering Skills I & II		
David G. Epstein, B.A., LL.M., LL.B. Jessica M. Erickson, B.A., J.D. William O. Fisher, A.B., J.D., M.P.P. David Frisch, B.S., J.D., LL.M. James Gibson, B.A., J.D. Professor of Law Associate Professor of Law Professor of Law David Frisch, B.S., J.D., LL.M. Professor of Law Associate Professor of Law David Frisch, B.S., J.D., LL.M. Professor of Law and Director of the Intellectual Property Institute		
Chiara Giorgetti, Laurea in Giurisprudenza, M.Sc, LL.M., J.S.D. Assistant Professor of Law Meredith J. Harbach, B.A., J.D. Assistant Professor of Law Mary L. Heen, B.A., M.A.T., J.D., LL.M. Professor of Law Azizah Y. al-Hibri, B.A., M.A., Ph.D., J.D. Professor of Law, Emeritus Ann C. Hodges, B.S., M.A., J.D. Professor of Law Melanie C. Holloway, B.A., J.D. Visiting Assistant Professor of Law J. Rodney Johnson, B.A., J.D., LL.M., C.L.U. Professor of Law, Emeritus John P. Jones, B.A., J.D., LL.M. Professor of Law Timothy M. Kaine, B.A., J.D. Senior Distinguished Lecturer on Law and Leadership		
Corinna B. Lain, B.A., J.D		
Daniel T. Murphy, B.A., J.D., LL.M		

John R. Pagan, A.B., M.Litt., J.D., D.Phil. University Professor of Law John F. Preis, B.S., J.D. Associate Professor of Law Emmeline Paulette Reeves, B.A., J.D. Associate Professor of Law for Academic Success Kimberly J. Robinson, B.A., J.D. Professor of Law Noah M. Sachs, B.A., J.D., M.P.A. Professor of Law and Faculty Director, Merhige Center in Environmental Law Andrew B. Spalding, B.A., J.D., Ph.D. Assistant Professor of Law Jonathan K. Stubbs, B.A., B.A., J.D., LL.M., M.T.S. Professor of Law Peter N. Swisher, B.A., M.A., J.D. Professor of Law Mary Tate, B.A., J.D. Director of the Richmond Institute for Actual Innocence Carl W. Tobias, B.A., LL.B. Williams Professor of Law Adrienne E. Volenik, B.A., J.D. Clinical Professor of Law Director, Education Rights Clinic Margaret A. Walker, B.A., J.D. Visiting Assistant Professor for Academic Success Kevin C. Walsh, A.B., M.A., J.D. Associate Professor of Law		
Library Faculty		
Paul M. Birch, B.A., M.A.L.S., J.D		
Adjunct Faculty		
Hugh E. Aaron, B.S., M.H.A., J.D. John Adams, B.A., J.D. Farhad Aghdami, B.A., J.D., LL.M. The Hon. Michael Allen, B.A., M.A., J.D. Katherine B. Bain, B.A., J.D. Adjunct Assistant Professor of Law Adjunct Professor of Law Edward D. Barnes, B.A., J.D. Adjunct Assistant Professor of Law Edward D. Barnes, B.A., J.D. Adjunct Assistant Professor of Law Kevin Bennardo, B.A., J.D. Kevin Bennardo, B.A., J.D. Adjunct Assistant Professor of Law Robert Best, B.A., J.D. Adjunct Assistant Professor of Law Robert Best, B.A., J.D. Adjunct Assistant Professor of Law Robert Best, B.A., J.D. Adjunct Assistant Professor of Law Robert Best, B.A., J.D. Adjunct Assistant Professor of Law Robert Best, B.A., J.D. Adjunct Assistant Professor of Law Robert Best, B.A., J.D. Adjunct Assistant Professor of Law Claudia Brand, First Legal State Examination (Germany), Second Legal State Examination (Germany), J.D. Adjunct Assistant Professor of Law Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law Claudia		
Claire Cardwell, B.A., J.D. Claire Cardwell, B.A., J.D. Michael P. Chiffolo, B.A., J.D. Christopher Collins, B.A., J.D. Nancy D. Cook, B.S., J.D. James C. Cosby, B.A., J.D. Eden Darrell, B.S., J.D. Adjunct Associate Professor of Law Adjunct Professor of Law Ashley Davis, B.A., J.D. Adjunct Assistant Professor of Law Ashley Davis, B.A., J.D. Marla G. Decker, B.A., J.D. Marla G. Decker, B.A., J.D. Adjunct Assistant Professor of Law Marla G. Decker, B.A., J.D. Adjunct Associate Professor of Law William J. Dinkin, B.A., J.D. Adjunct Associate Professor of Law Morna P. Ellis, M.Ed., J.D. Adjunct Associate Professor of Law Andrea S. Erard, B.A., J.D. Adjunct Associate Professor of Law Andrea S. Erard, B.A., J.D.		

Stephen Faraci, B.A., J.D	
Bennett J. Fidlow, B.F.A., J.D., M.F.A.	Adjunct Assistant Professor of Law
D. Hayden Fisher, B.A., J.D.	Adjunct Assistant Professor of Law
Jacqueline Ford, B.A., J.D	Adjunct Assistant Professor of Law
Norman J. Geller, B.S., M.S., Ph.D.	Adjunct Educational Specialist
Frederick R. Gerson, B.A., J.D.	
Michael Gill, B.A., J.D.	
Paul G. Gill, B.A., J.D.	
Michael L. Goodman, B.A., J.D.	Adjunct Desferses of Law
Carolyn V. Grady, B.A., J.D.	
Timothy H. Guare, B.A., J.D.	Adjunct Professor of Law
Steven M. Haas, B.A., J.D	Adjunct Assistant Professor of Law
Sarah J. Hallock, B.A., J.D	
Patrick R. Hanes, B.A., J.D.	Adjunct Assistant Professor of Law
Michael N. Herring, B.A., J.D	Adjunct Associate Professor of Law
Robert L. Hodges, B.A., J.D	
Carlos L. Hopkins, B.A., J.D.	Adjunct Assistant Professor of Law
Melissa Hoy, B.A., J.D.	Adjunct Assistant Professor of Law
The Hon. Henry E. Hudson, B.A., J.D.	Adjunat Professor of Law
Carlos Hopkins, B.A., J.D	Adjunct Aggistant Professor of Law
Carlos Hopkins, B.A., J.D.	Adjunct Assistant Professor of Law
Vernon E. Inge, B.A., J.D	. Adjunct Associate Professor of Law
John C. Ivins, Jr., B.A., J.D.	Adjunct Associate Professor of Law
Herndon Jeffreys III, B.A., J.D	Adjunct Professor of Law
Caroline Jennings, B.A., J.D	Adjunct Assistant Professor of Law
David J. Johnson, B.A., J.D	Adjunct Associate Professor of Law
Randall Johnson, Jr., B.A., J.D.	Adjunct Assistant Professor of Law
Jessica Sanders Jones, B.A., M.L.S., J.D	Adjunct Associate Professor of Law
Phyllis C. Katz, B.A., MURP, J.D.	Adjunct Assistant Professor of Law
Laura W. Khatcheressian, B.A., J.D.	Adjunct Assistant Professor of Law
Anna M. King, B.A., J.D.	Adjunct Assistant Professor of Law
Mary E. Langer, B.A., J.D.	
Mary E. Maguire, B.A., J.D.	
Courtney M. Malveaux, B.A., M.A., J.D	
Bruce Matson, B.A., J.D.	. Adjunct Associate Professor of Law
Steven C. McCallum, B.A., J.D	Adjunct Assistant Professor of Law
James M. McCauley, B.A., J.D	Adjunct Associate Professor of Law
Kathleen M. McCauley, B.A., J.D.	Adjunct Associate Professor of Law
Patricia C. McCullough, B.S., J.D	Adjunct Assistant Professor of Law
James V. Meath, B.A., M.U.A., J.D	Adjunct Assistant Professor of Law
Stephen Miller, B.A., J.D.	Adjunct Associate Professor of Law
Dale G. Mullen, B.A., B.S., J.D.	. Adjunct Assistant Professor of Law
Nancy V. Oglesby, B.A., J.D.	Adjunct Assistant Professor of Law
Hillary A. Peet, B.A., J.D.	Adjunct Assistant Professor of Law
Jayne A. Pemberton, B.A., M.A., J.D.	Adjunct Assistant Professor of Law
Jayne A. Pemberton, D.A., M.A., J.D.	Adjust Defease of Law
James Phillips, B.A., J.D., Ph.D.	Adjunct Professor of Law
Cortland Putbrese, B.A., J.D.	Adjunct Associate Professor of Law
Geetha Ravindra, B.A., J.D	
James Rigler, B.S., J.D	
Elizabeth Riopelle, B.A., J.D	
Elizabeth G. Robertson, B.A., J.D.	Adjunct Assistant Professor of Law
John V. Robinson, B.A., B.L., J.D.	Adjunct Professor of Law
The Hon. Frederick G. Rockwell III, B.A., J.D	Adjunct Professor of Law
Thomas P. Rohman, B.B.A., J.D	Adjunct Professor of Law
Randy B. Rowlett, B.A., J.D.	Adjunct Associate Professor of Law
Mark Rubin, B.A., J.D.	
Doron Samuel-Siegel, B.A., J.D.	Adjunct Assistant Professor of Law
Cornelia Savage, B.S., J.D.	Adjunct Assistant Professor of I
Cullen Seltzer, B.A., J.D.	Aujunct Assistant Professor of Law
The Hon. Beverly W. Snukals, B.A., J.D	
James M. Snyder, B.A., J.D	Adjunct Associate Professor of Law

Scott Stovall, B.S., J.D.	Adjunct Assistant Professor of Law
Lindsey Stravitz, B.A., M.L.A., J.D.	
John Thomas, B.A., J.D.	Adjunct Associate Professor of Law
Tracey Thorne-Begland, B.A., J.D.	Adjunct Assistant Professor of Law
Brent M. Timberlake, B.A., J.D	Adjunct Assistant Professor of Law
Ian D. Titley, B.S., J.D.	Adjunct Assistant Professor of Law
Stephen J. van Stempvoort, B.A., M.A., J.D	Adjunct Assistant Professor of Law
Robert J. Wagner, B.A., J.D.	Adjunct Associate Professor of Law
Kristin P. Walinski, B.A., J.D.	Adjunct Assistant Professor of Law
Michelle Welch, B.A., J.D	Adjunct Assistant Professor of Law
Thomas Wolfe, B.A., J.D.	Adjunct Associate Professor of Law

LAW REVIEW ADVISORY BOARD

FAITH A. ALEJANDRO
PAMELA B. BECKNER
STEVEN D. BENJAMIN
J. EDWARD BETTS
M. DENISE MELTON CARL
JAMES B. COMEY
RICHARD CULLEN
JOHN P. CUNNINGHAM
ELIZABETH F. EDWARDS
JOHN D. EPPS
DEBORAH LOVE FIELD
LAURA G. FOX
SCOTT J. GOLIGHTLY
J. RODNEY JOHNSON
THOMAS S. WORD, JR.

Patrick M. McSweeney Barry T. Meek Peter M. Mellette Louis A. Mezzullo Willard J. Moody, Sr. Jon A. Mueller Carl E. Omohundro, Jr. Laurence V. Parker, Jr. J. Waverly Pulley, III Marguerite R. Ruby C. Randolph Sullivan William A. Walsh, Jr. Preston D. Wigner W. Clark Williams, Jr.

RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 13

Spring 2014

Number 2

EDITORIAL BOARD

Editor-in-Chief Shane Frick

Executive Editor
MICHAEL PETERSON

Senior Manuscripts Editor REBECCA FAVRET

> Manuscripts Editors Meghan Heisterman Roger Whitus

Business & Development Editor
Jared Mangum

Notes & Comments Editors
ANEES AHMAD
JENNY TARASOVA

Annual Survey Editor
CHARLOTTE BREEN

Managing Editors
AMANDA COTTINGHAM
ANNE T.T. JENSEN

Senior Articles Editor LINDSEY HILLS

Articles Editors BERTRAND TAMALET XIAOYU DING

Associate Manuscripts Editors Stephanie Rich Owen Alberti

> Senior Associates Christian Kramar

Associates

Brad Kent
Chris Jacob
Chris Rohde
Dingchao Zhang
Dustin Carter
Eugene Efimov
Kevin Cottingham
Brooke Taylor-Street

John Ralston Michael Connolly Nathan Greyard Saud Aldawsari Shaun K. Freiman Teddy Mitchell Sabrina Rackow