

INDEX

- Aboriginal rights, in Canada, 385
 accountability
 in governance, risk management,
 and compliance systems, 101
 quantification of, 104–5
 ACHPR. *See* African Charter on
 Human and People’s Rights
 actors, role in legal entanglement,
 12–15. *See also* pathways
 governmental actors, 13–14
 non-governmental actors, 14–15
 in social credit initiatives, data-
 driven management systems as
 influence on, 88
 ad hoc entanglement, with corporate
 social responsibility, 318–19
 ad hoc legal entanglement, for NCPs,
 326–33
Adam v. Knesset, 143–4
 Affolter, Laura, 407
 African Charter on Human and
 People’s Rights (ACHPR),
 329–30
 Agenda 21, 194
 Agreement on Sanitary and
 Phytosanitary Measures (SPS
 Agreement), 206–10, 223
 Agreement on Technical Barriers to
 Trade (TBT Agreement), 206–7,
 215–18, 223
 Agreement on the International
 Dolphin Conservation Program
 (AIDCP), 215–16
 Agreement on Trade-Related Aspects
 of Intellectual Property Rights
 (TRIPS Agreement), 21–6
 AI. *See* artificial intelligence
 AIDCP. *See* Agreement on the
 International Dolphin
 Conservation Program
 Alter, Karen, 354
 American National Standards Institute
 (ANSI), 460
 Amnesty International, 320
 Anderson, Michael, 44–5
Angela González Carreño v. Spain,
 157–8
 Angola, 235–6
 Anishinaabe peoples, under Indigenous
 treaties, 68–70
 Anker, Kirsten, 410
 ANSI. *See* American National
 Standards Institute
 Anthropocene, ecological entanglement
 and, 75–7
 anti-money laundering mechanisms,
 238–9
 Argentina, investor–state dispute
 settlement mechanisms in,
 176–8
 artificial intelligence (AI)
 in China, 92
 in data-driven management systems,
 82–3
 Asian Infrastructure Investment Bank,
 115
 Austin, John, 428
 Australia
 Mabo v. Queensland, 466
 Modern Slavery Law, 103
 transnational legal pluralism in, 466
 UN human rights treaties
 monitoring bodies in, 144,
 146–8

- Awami League
 in Bangladesh, 51, 54
 in Pakistan, 44
- Babusiaux, Ulrike, 358, 360
- Baer, Susanne, 412
- Bangladesh, colonial entanglements in, 43–58
 Awami League in, 51, 54
 BNP Party in, 51
 Civil Codes and, 43–5, 55–6
 Convention on the Elimination of All Forms of Discrimination against Women and, 46–7, 53
 Convention on the Rights of the Child and, 46–7
 Covenant on Economic, Social, and Cultural Rights and, 46–7
 Criminal Codes and, 43–5, 55–6
 historical development of, 43–4
 after second partition of Indian subcontinent, 43–4
 International Covenant on Civil and Political Rights and, 46–7
 Jamaat-e-Islami and, 45–6, 54
 Kissinger on, 43
 Village Court Act, 55–6
- Bangladesh Bank, 250
- Bank for International Settlements (BIS), 291, 299–300
- banking reforms, 243
- Basel Committee on Banking Supervision, 293–4
- Belt and Road Initiative (BRI), China, 18
 Asian Infrastructure Investment Bank and, 115
 centralized goals of, 110–17
 Chinese Communist Party role in, 119
 Court of Justice of the European Union and, 109
 entangled legalities of, 110–24
 ethnographic methodology in, 118
 interdependence within, 124–7
 under international law, 120–1
 sociological methodology in, 118
 under transnational finance law, 121–2
- European Court of Human Rights and, 109
- European Economic Community, 116–17
 goals and objectives of, 112–17
 as governance project, 114–15
 Greece and, 120
 Hungary and, 124–7
 under International Investment Agreements, 119–20
 legal pluralism and, 111
 localized effects of, 110–17
 Ministry of Commerce and, 109
 One Belt, One Road initiative, 107–8
 Pakistan and, 122–3
 separateness of legal norms and, 108–9, 117–24
 theoretical approach to, 107–10
 Trans-Pacific Partnership and, 112–13
 under Treaty of Rome, 116–17
 World Bank Group and, 115
- Benda-Beckmann, Kebbet von, 411
- Benjamin, Walter, 41–2
- Benton, Lauren, 37–8
- Berman, Paul, 449–50, 454–6
- Beyond Constitutionalism* (Krisch), 355
- Bhandar, Brenna, 38
- bilateral investment treaties (BITs)
 international investment governance sites and, 165
 investor–state dispute settlement mechanisms and, 174–80, 184
- Biosafety Protocol, CBD, 210–11
- BIS. *See* Bank for International Settlements
- BITs. *See* bilateral investment treaties
- blacklists, in social credit initiatives, 97
- Blatter, Sepp, 261–2
- BNP Party, in Bangladesh, 51
- Borrows, John, 380–1, 386–7, 389
- Bouman, Marlies, 40
- Bower, Adam, 373–4
- BRI. *See* Belt and Road Initiative
- British Empire, legal entanglement in, 8–9

- British North America Act of 1867, *See* Constitution Act, 1867
- buen vivir* principle, in Ecuador, 409–11
- CAC. *See* Codex Alimentarius Commission
- Camdessus, Michel, 296
- Campo, José Antonio, 299
- Canada. *See also* Indigenous legalities
 Aboriginal rights in, 385
 Columbia Center on Sustainable Investment in, 178
 Comprehensive Economic Trade Agreement, 185
 Constitution Act 1867, 1982, 66–7, 73–4, 377, 380, 388–9, 397
 inclusion of Indigenous rights, 381
 EU–Canada Comprehensive Economic and Trade Agreement, 214
 First Nations Land Management Act, 391–5
 K’omoks First Nation land codes under, 392–5
 private prosecutions under, 393–4
 Framework Agreement on First Land Management, 391–5
 K’omoks First Nation land codes under, 392–5
 private prosecutions under, 393–4
 Free Trade Agreement, with Peru, 178–9
 Indian Act 1876, 377
 investor–state dispute settlement mechanisms in, 178–9
 legal entanglements in, conceptual development of, 376–8
 North American Free Trade Agreement, 173–4
 reconciliation project, 73
 Royal Proclamation of 1763, 386, 388–9, 397
 supremacy claims in, Indigenous legal systems and, 388–95
 Supreme Court of Canada, 381–4
 UN human rights treaties monitoring bodies in, 144–6
 Canada/US Continued Suspension dispute, 220
 Canadian Constitution Act (1982), 66–7
 Carrai, Maria Adele, 115
 CAS. *See* Court of Arbitration for Sport
Case for an International Banking Standard, The (Goldstein), 295–6
 CAT. *See* Convention against Torture
 CBD. *See* Convention on Biodiversity
 CCSI. *See* Columbia Center on Sustainable Investment
 CED. *See* Convention on Enforced Disappearances
 CEDAW. *See* Convention on the Elimination of All Forms of Discrimination against Women
 Centre for International Environmental Law (CIEL), 213
 CERD. *See* Convention on the Elimination of Racial Discrimination
 ‘cession’ treaties, 66
 CETA. *See* Comprehensive Economic Trade Agreement; EU–Canada Comprehensive Economic and Trade Agreement
 CFT. *See* counter-financing of terrorism
 Chanock, Martin, 37
 China. *See also* Belt and Road Initiative; social credit initiatives
 artificial intelligence in, 92
 Chinese Communist Party, 91–2
 Belt and Road Initiative and, 119
 investor–state dispute settlement mechanisms in, 168
 Ministry of Commerce in, 109
 Twelve Core Socialist Values in, 94–5
 UK economic relations with, 113
 choice of law, tertiary rules and, 431–2
 Christie, Gordon, 75
 Chunnu, Saiful, 47–8
 CIEL. *See* Centre for International Environmental Law

- CITES. *See* Convention on International Trade in Endangered Species
- citizenship
 ecological, 75–6
 under Roman law, 366–7
- Civil Procedure Act, Norway, 137–8
- civil society, corporate social responsibility and, 320–1
- CJEU. *See* Court of Justice of the European Union
- CMW. *See* Convention on Migrant Workers
- Codex Alimentarius Commission (CAC), 206–8, 459–60
- coercion
 colonial entanglements through, 37
 as pathway to legal entanglement, 17–19
- Cohen, Morris, 457
- Colombia, investor–state dispute settlement mechanisms in, 179
- colonial capital, 230
- colonial entanglements. *See also* Bangladesh
 through coercion, 37
 colonial laws and, constitutive effects of, 38–9
 private property laws, 38–9
 deferral of, 39–43, 51–3
 through appellate court decisions, 51–3
 denial of, 39–43, 47–50
 in media reports, 47–8
 through Supreme Court verdict, 48–53
 for fatwa practices, 48–50
 human rights issues, 52–3
 historical trajectory for, 37–9
 legal interpretation of, 44–5
 legal pluralism and, 37–8
 under non-state law, 40–1
 in North America, legal pluralism and, 64–7
 conciliatory approaches to, 65
 for Indigenous peoples, 64–5
 under Royal Proclamation of 1763, 65–6
 Treaty of Albany, 65
 religious laws and, 43–6
 Hefazaat-e-Islamni movement, 45
 Muslim Family Laws Ordinance, 45, 49–50, 55–6
 under state law, 40–1
 theoretical approach to, overview of, 57–8
 translation of, 39–43, 54–6
 by NGOs, 54–5
 by non-state justice institutions, 55–6
 for secular women’s rights, 54–5
 under transnational law, 39–40
- colonial laws, colonial entanglements and, constitutive effects of, 38–9
 private property laws, 38–9
- Columbia Center on Sustainable Investment (CCSI), in Canada, 178
- Comaroff, John, 38
- Commission on International Trade Law (UNCITRAL). *See* United Nations
 common law judges, 14
- Communist Party of China (CPC), 91–2
 Belt and Road Initiative and, 119
- community law, transnational legal pluralism and, 472–5
- compliance mechanisms, for social credit initiatives, 103
- Comprehensive Economic Trade Agreement (CETA), 185
- Comprehensive Iran Sanctions, Accountability, and Divestment Act, US (2011), 253–4
- Comprehensive Peace Agreement (2005), 41–2
- Concept of Law* (Hart), 378–9, 428–30
- Conference on Environment and Development (UNCED). *See* United Nations
- conflict-of-law norms, for international law, 5
- consent. *See* free, prior and informed consent
- Constable, Marianne, 75

- Constitution Act
 1867 (British North America Act of 1867) (Canada), 377, 380, 388–9, 397
 1982 (Canada), 66–7, 73–4, 380, 397
 inclusion of Indigenous rights, 381
 constitutional capture, 73
 constitutional pluralism, European Court of Justice and, 10
 constitutionalism
 global, 356
 rooted, 69–70
 sustainable, 61–2
 Convention against Torture (CAT), Subcommittee on Prevention of Torture, 135, 137
 Convention on Biodiversity (CBD), 194
 Biosafety Protocol, 210–11
 Convention on Enforced Disappearances (CED), monitoring committee of, 135
 Convention on International Trade in Endangered Species (CITES), 199–200, 202–4
 Convention on Migrant Workers (CMW), monitoring committee of, 135
 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 46–7, 53
 monitoring committee of, 134–6
 in Spain, 155–8
 Convention on the Elimination of Racial Discrimination (CERD), monitoring committee of, 135
 Convention on the Rights of Persons with Disabilities (CRPD), monitoring committee of, 135
 in Germany, 149–50
 Convention on the Rights of the Child (CRC), 46–7
 monitoring committee of, 135
 corporate social responsibility (CSR). *See also* National Contact Points; Organisation for Economic Co-operation and Development guidelines
 ad hoc entanglement with, 318–19
 African Charter on Human and People’s Rights and, 329–30
 Amnesty International and, 320
 definitions of, 319–21
 for civil society actors, 320–1
 in EU, 319–20
 for non-governmental organizations, 320–1
 norms for, 321
 under Paris Agreement, 338
 pluralism within, 348
 regulatory impact of, 320
 scope of, 320–1
 systems interactions in, 321–6
 Environmental Impact Assessments, 326
 Environmental Management Systems, 323–4
 International Finance Corporation, 325
 International Organization for Standardization, 323–4
 Social Impact Assessments, 326
 UN Guiding Principles, 324–6
 theoretical approach to, 318–19
 cosmopolitics, 76–7
 Cotterrell, Roger, 461–2
 counter-entanglements, in Ecuador, 413–15
 countering-financing of terrorism (CFT), 236–41
 anti-money laundering mechanisms, 238–9
 through banking reforms, 243
 cooperation with other states, 238–9
 counter-proliferation finance mechanisms, 238–9
 design of, 237
 Financial Action Task Force, 238–40, 246
 targetedness of, 239–41
 under US International Emergency Economic Powers Act, 250
 counter-proliferation finance mechanisms, 238–9

- counter-terrorist sanctions regime, by
 UN Security Council, 234–58.
See also countering-financing of
 terrorism
- 9/11 terrorist attacks and, 236–7
- Angola and, 235–6
- Democratic People’s Republic of
 Korea and, 233, 239–41,
 245–6
- banking sanctions against, 248–9
- SWIFT role in, 249–50
- UN Security Council Resolutions
 against, 240, 248–9
- under US International
 Emergency Economic Powers
 Act, 250
- domestic sanctions, 252–6
- by US, 253–6
- external dynamics for, 252–6
- historical development of, 234–7
- Iran and
- Joint Comprehensive Plan of
 Action against, 255–6
- UN Security Council Resolutions
 against, 238–9, 252–3
- Iraq and, 235–6, 239–41
- Kuwait and, 235
- Liberia and, 235–6
- multilateral sanctions, 252–6
- overview of, 256–9
- panels of experts for,
 comprehensivation through,
 241–51
- evaluation and monitoring of
 sanctions, 246–7
- implementation of sanctions, 244,
 251
- institutional support for, 245–6
- political nature of, 244–5
- UN Security Council Resolutions
 and, 251
- Rhodesia and, 235
- Sierra Leone and, 235–6
- South Africa and, 235
- state jurisdictions for, 242–3
- through trading restrictions, 235
- transnational policy network for,
 235–6
- UN Security Council Resolutions,
 233, 244–5
- against Democratic People’s
 Republic of Korea, 240, 248–9
- Financial Action Task Force and,
 246
- against Iran, 238–9, 252–3
- panel of experts and, 251
- requirements of, 247–8
- War on Terror and, 236–7
- Court of Arbitration for Sport (CAS),
 14, 260, 459
- EU law and, 268–74
- as constitutional check, 270–2
- Court of Justice of the European
 Union, 268–70
- FIFA and, 272–4
- European Convention on Human
 Rights and, 260–1, 274–85
- under Article 6(1), procedural
 guarantees of, 280–5
- due process and, 280–2, 284–5
- jurisdictional issues, 275–7
- sports governing bodies’
 regulations and, compatibility
 with, 277–80
- World Anti-Doping Code and,
 277–9
- European Court of Human Rights
 and, 274–5
- evidence requirements, 282–4
- French law and, 262
- German law and, 262
- goals and objectives of, 260–2
- Italian law and, 262
- lex sportiva*, 260–2, 285–8
- overview of, 285–8
- sports governing bodies and
 administrative practices of, 260–1
- due process inside, 280–2
- European Convention on Human
 Rights and, compatibility with,
 277–80
- under Swiss law, 262–3
- World Anti-Doping Code and,
 277–9
- Swiss law and, 262–8
- exclusive applicability of, 265–8

- Court of Arbitration for Sport (CAS) (cont.)
 FIFA cases, 263–8
 Haas doctrine and, 265
 sports governing bodies under, 262–3
 Swiss Federal Tribunal, 262–3
 Court of Justice of the European Union (CJEU), 109
 Court of Arbitration for Sport and, 268–70
 investor–state dispute settlement mechanisms in, 190
 Covenant Chain of friendship, 66, 68, 71
 Covid-19 pandemic, social credit initiatives during, in China, 91
 CPC. *See* Communist Party of China
 Craft, Aimée, 69
 CRC. *See* Convention on the Rights of the Child
 Criminal Procedure Act, Norway, 137–8
 Crockett, Andrew, 300
 cross-border normativity, for tertiary rules, 428–34
 authority sharing strategies, 433–4
 challenges from, 429–30
 denial strategies, 431–2
 internalization strategies, 432–3
 in Syrian law, 430
 cross-polity law, transnational legal pluralism and, 472–5
 CRPD. *See* Convention on the Rights of Persons with Disabilities
 CSR. *See* corporate social responsibility
 cultural capital, 230
 culture projects, social credit initiatives for, 96–7

 Daniels, Detlef von, 435
 data-driven management systems
 artificial intelligence in, 82–3, 88–9
 construction of, 84–91
 in European Union, 89
 Facebook and, 86–7
 governance of, 84–5, 88–9, 105–6
 machine learning and, 88–9
 for population data, 86–7
 social credit initiatives and, 84–6
 governance actor relationships influenced by, 88
 as substitute for legal norms, 87
 theoretical approach to, 105–6
 Declaration on the Rights of Indigenous Peoples (UNDRIP). *See* United Nations
 deferral, of colonial entanglements, 39–43
 in Bangladesh, 51–3
 Democratic People’s Republic of Korea (DPRK), 239–41, 245–6
 banking sanctions against, 248–9
 SWIFT role in, 249–50
 UN Security Council Resolutions against, 240, 248–9
 UN Security Council sanctions against, 233
 under US International Emergency Economic Powers Act, 250
 denial, of colonial entanglements, 39–43
 in Bangladesh, 47–53
 dispute settlement agreements, during Late Antique period, for Roman law, 371–2
 Dispute Settlement Body (DSB), for WTO, 196–8
 claims process for, 197
 jurisdiction of, 197
 dispute settlement mechanisms, for World Trade Organization, 196–8
 distancing strategies as part of, 221–2
 international law as influence on, 197–8
 for legal entanglements, 220–2
 Dispute Settlement Understanding (DSU), 196–8
 distancing, through National Contact Points, 329–30
 distancing strategies, in dispute settlement mechanisms, 221–2
 Doha Declaration, on TRIPS Agreement, 21
 Doha Round, GATT, 195–6

- domestic law
 norms for, 1
 UN human rights treaties
 monitoring bodies and, 148–50
 acceptance and engagement of
 domestic law, 155–60
 case-specific pathways, 151–5
 judicial engagement in, 143–6,
 155–60
 judicial non-engagement in,
 138–41
 normative pathways for, 150–5
 in Spain, 155–60
 Domingo, Rafael, 356
 DPRK. *See* Democratic People's
 Republic of Korea
 Draghi, Mario, 294
 DSU. *See* Dispute Settlement
 Understanding
 dual perspective approach, to
 Indigenous legalities, 386–7
 Dworkin, Ronald, 28
 dynamics, of legal entanglement, 11–20
 actors' role in, 12–15
 governmental, 13–14
 non-governmental, 14–15
 horizontal context in, 19–29
 pathways as factor in, 15–18
 coercion as, 17–19
 ideational context, 15–16
 rational choices in, 16
 resonance in, 16
 temporal elements, 20
 vertical context in, 18–29
 Earth jurisprudence project, 63
 Eatwell, John, 301
 EC *Hormones* dispute, 206–12, 220
 Agreement on Sanitary and
 Phytosanitary Measures and,
 206–10
 appeals process for, 209–10
 legal aftermath of, 210–12
 legal entanglements in, 207–8
 EC-Biotech dispute, 212–14, 220
 EU–Canada Comprehensive
 Economic and Trade
 Agreement and, 214
 genetically-modified organisms in,
 212–14
 legal aftermath of, 213–14
 legal entanglements in, 213
 ECHR. *See* European Convention on
 Human Rights
 ECJ. *See* European Court of Justice
 ecological citizenship, 75–6
 ecological entanglement. *See also* Earth
 jurisprudence project;
 Indigenous legalities
 Anthropocene and, 75–7
 cosmopolitics and, 76–7
 ecological jurisprudence and, 76–7
 new materialisms and, 76–7
 physical interdependence, 60–1
 definite states, 60
 recognition processes, 61
 theoretical approach to, 59–61
 uncertainty principle, 60
 ecological law
 ecological entanglement and, 76–7
 Indigenous legalities and, 75–6
 economic capital, 230
 ECtHR. *See* European Court of Human
 Rights
 Ecuador, 407–9
buen vivir principle in, 409–11
 counter-entanglements in, 413–15
 investment law in, 414–15
 legal norms in, importation of,
 409–11
Ley de Fomento Productivo, 414–15
 oil dumping cases in, Texaco and,
 413–14
 US–Ecuador Bilateral Investment
 Treaty, 413–14
 education projects, social credit
 initiatives for, 96–7
 EEC. *See* European Economic
 Community
 Ehrlich, Eugen, 450, 457
 EIAs. *See* Environmental Impact
 Assessments
 Eichengreen, Barry, 301
 entanglement. *See* ecological
 entanglement; legal
 entanglement

- Environmental Impact Assessments (EIAs), 326
 environmental law. *See* international environmental law
 Environmental Management Systems, 323–4
 Equator Principles, 122
 Ershad, Husain Md., 45–6
 EU. *See* European Union
 EU law, Court of Arbitration for Sport and, 268–74
 as constitutional check, 270–2
 Court of Justice of the European Union, 268–70
 FIFA and, 272–4
 EU–Canada Comprehensive Economic and Trade Agreement (CETA), 214
 Europe. *See* medieval Europe
 European Convention for the Protection of Human Rights and Fundamental Freedoms, 123–4
 European Convention on Human Rights (ECHR), Court of Arbitration for Sport and, 260–1, 274–85
 under Article 6(1), procedural guarantees of, 280–5
 due process and, 280–2, 284–5
 jurisdictional issues, 275–7
 sports governing bodies’ regulations and, compatibility with, 277–80
 World Anti-Doping Code and, 277–9
 European Court of Human Rights (ECtHR), 109, 123–4
 Court of Arbitration for Sport and, 274–5
 evidence requirements, 282–4
 European Court of Justice (ECJ), constitutional pluralism and, 10
 European Economic Community (EEC), 116–17
 European Union (EU). *See also* European Economic Community; *specific nations*
 Comprehensive Economic Trade Agreement, 185
 corporate social responsibility in, 319–20
 Court of Justice of the European Union, 109
 data-driven management systems in, 89
 EU–Canada Comprehensive Economic and Trade Agreement, 214
 European Court of Human Rights, 109, 123–4
 investor–state dispute settlement mechanisms in, 168
 legal entanglement in (*See also* social credit initiatives)
 with EU laws, 11–12
 with national laws, 11–12
 Executive Order 12938, US, 253
 Export-Import Bank Act, US (1996), 253–4
 extraspatial zones, for social credit initiatives, 98–9
 extraterritoriality issues, in General Agreement on Tariffs and Trade, 203

 Facebook, 86–7
 fact doctrines, 431
 fair and equitable treatment (FET)
 claims, in ISDS mechanisms, 172
 Fajardo, Pablo, 414
 FATF. *See* Financial Action Task Force
 fatwa practices, in Bangladesh, 48–50
 as human rights issue, 52–3
 Feng Xiang, 90
 FET claims. *See* fair and equitable treatment claims
 FIFA (Fédération Internationale de Football Association), 263–8, 272–4
 Financial Action Task Force (FATF)
 counter-financing of terrorism and, 238–40, 246
 global financial governance and, 314–15

- financial law. *See* soft financial law
- Financial Stability Board (FSB), 17, 290–1, 302–4, 310–15
- Financial Stability Forum (FSF), 291, 299–304, 312–15
- First Nations Land Management Act (FNLMA) (1999), Canada, 391–5
- K'omoks First Nation land codes under, 392–5
- private prosecutions under, 393–4
- First Nations peoples. *See* Indigenous legalities
- FNLMA. *See* First Nations Land Management Act
- FPIC. *See* free, prior and informed consent
- Framework Agreement on First Land Management, Canada, 391–5
- K'omoks First Nation land codes under, 392–5
- private prosecutions under, 393–4
- Framework Convention on Climate Change (UNFCCC). *See* United Nations
- France
- Court of Arbitration for Sport in, 262
- jurisdictional initiatives in, 407
- Supply Chain Due Diligence Law, 103
- Franklin, Benjamin, 68
- free, prior and informed consent (FPIC), 331–2
- free trade agreements (FTAs)
- Canada–Peru, 178–9
- North American Free Trade Agreement, 173–4
- FSB. *See* Financial Stability Board
- FSF. *See* Financial Stability Board
- FTAs. *See* free trade agreements
- Fuller, Lon, 364
- Gadinis, Stavros, 310–11
- Galanter, Marc, 457–8
- General Agreement on Tariffs and Trade (GATT), 194–6
- Doha Round, 195–6
- extraterritoriality issues, 203
- during The Great Acceleration, 194
- legal entanglement mechanisms, 220–2
- distancing strategies, 221–2
- multilateral environmental agreements, 195
- norm conflicts over time, in cases and disputes, 219–20
- sustainable development issues under, 221
- Tuna Dolphin I* case, 199–201, 219
- Convention on International Trade in Endangered Species, 199–200
- legal aftermath of, 201
- legal entanglements in, 199–201
- regional factors, 199
- Tuna Dolphin II* case, 199–201, 219
- Uruguay Round, 195–6
- US-Tuna II* case, 214–18
- Agreement on Technical Barriers to Trade and, 215–18
- appeals process for, 216–18
- legal aftermath of, 218
- legal entanglements in, 216–18
- genetically modified organisms (GMOs), 212–14
- George III (King), 68
- George IV (King), 68
- Germany
- Convention on the Rights of Persons with Disabilities in, 149–50
- Court of Arbitration for Sport in, 262
- ius commune* in, 8
- jurisdictional initiatives in, 407
- legal pluralism in, 8
- local laws in, 8
- National Contact Points in, for OECD guidelines, 339
- tertiary rules in, 436–7
- UN human rights monitoring bodies in, 149–50
- Giovanoli, Mario, 301
- Global Compact, 122
- global constitutionalism, 356
- global financial governance
- Basel Committee on Banking Supervision, 293–4

- global financial governance (cont.)
 bodies of norms, 291–304
 competition between ordering projects, 300–4
 international banking standards, 295–6
 ordering of, after financial crises, 294–304
 overarching norms, 304–7
 by private actors, 300
 reception norms, 304–12
 scope of, 296
 straddling practices for, 307–12
 Financial Action Task Force and, 314–15
 Financial Stability Board and, 290–1, 302–4, 310–15
 Financial Stability Forum, 291, 299–304, 312–15
 historical development of, 289–91
 institutional pluralism and, 299
 International Accounting Standards Board and, 300
 International Federation of Accountants and, 309
 international financial standards for, 312–15
 International Monetary Fund and, 290–1, 295–9
 International Swaps and Derivatives Association, 304
 multiplicity in, 304–15
 harmonization as result of, 304–7
 overview of, 315–17
 soft financial law, 292
 Tripartite Group of Banks working group, 292–3
 World Bank and, 296–7
 GMOs. *See* genetically modified organisms
 Goldstein, Morris, 295–6
 governance, risk management, and compliance systems, 99
 accountability in, 101
 Bank for International Settlements, 291
 controlling behaviours, 100
 law enforcement regimes, 100
 shaping cultures, 100–1
 transparency regimes, 100
 governmental actors, legal entanglement and, 13–14
 Great Acceleration, The 194
 Great Peace of Montreal, 68
 Greco-Roman international law, 356–7
 peace treaties under, 357
 Greece, 120
 Griffiths, John, 449–51, 456–8
 Guidice, Michael, 361–2
 Haas, Ulrich, 265
 Haas doctrine, 265
 Haraway, Donna, 77
 Hart, H. L. A., 28, 361, 378–9, 428–30, 457–8
 rule of recognition, 428
 Hefazaat-e-Islamni movement, 45
 Helms–Burton Act, US, 253–4
 Henderson, Sákéj, 69–70, 75
 Heng Wang, 115
 High Commissioner for Human Rights (OHCHR). *See* United Nations
 Hoffmann, Stanley, 27
 horizontal context, for legal entanglement, 19–29
 HRC. *See* United Nations
 human rights. *See also* women’s rights; *specific conventions; specific covenants; specific treaties*
 African Charter on Human and People’s Rights, 329–30
 European Convention for the Protection of Human Rights and Fundamental Freedoms, 123–4
 European Court of Human Rights, 109
 fatwa practices and, 52–3
 Inter-American Court of Human Rights, 186–7
 international investment law and, 185
 investor–state dispute settlement mechanisms and, 186–9
 Organisation for Economic Co-operation and Development guidelines and, 336

- privacy rights, 102–3
 right to be forgotten, 102–3
 UN High Commissioner for Human Rights, 187
 Human Rights Committee (HRC). *See* United Nations
 human rights law, 133
 human–animal relationships, in
 Indigenous treaties, 69
 Hungary, Belt and Road Initiative and, 124–7
 Hussein, Saddam, 235

 IACHR. *See* Inter-American Court of Human Rights
 ICCPR. *See* International Covenant on Civil and Political Rights
 ICJ. *See* International Court of Justice
 IFC. *See* International Finance Corporation
 IIAs. *See* International Investment Agreements
 ILA. *See* International Law Association
 ILC. *See* International Law Commission
Iliafi v. The Church of Jesus Christ and the Latter-Day Saints Australia, 144
 IMF. *See* International Monetary Fund
 India
 creation of, as nation-state, 43–4
 after second partition of Indian subcontinent, 43–4
 Indian Act 1876, 377
 Indigenous legalities, in Canada
 Aboriginal rights, 385
 Canadian state and, relation with, 386–7
 conceptual alternatives to, 395–8
 inter-institutional view, 396–8
 system-centred law, 398
 under Constitution Act 1867, 1982, 380, 388–9, 397
 under Constitution Act 1982, 381
 Covenant Chain of friendship and, 66, 68, 71
 dual perspective approach to, 386–7
 ecological citizenship and, 75–6
 Ecological law and, 75–6
 First Nations Land Management Act, 391–5
 K'omoks First Nation land codes under, 392–5
 private prosecutions under, 393–4
 floating rules in, 75
 Framework Agreement on First Land Management, 391–5
 K'omoks First Nation land codes under, 392–5
 private prosecutions under, 393–4
 Great Peace of Montreal, 68
 independence of First Nations, 385–6
 logics of contract, 70–6
 logics of kinship, 70–6
 Mitchell v. M.N.R., 384
 recognition of, 61–2
 reconciliation of, 62
 under Royal Proclamation of 1763, 386, 388–9, 397
 'social contract', 71–2
 supremacy claims, 378–95
 acceptance of, 385
 Canadian law and, relations between, 388–95
 supremacy of force, 384–7
 supremacy of institutions, 381–4
 supremacy of norms, 380–1
 Supreme Court of Canada decisions, 381–4
 transnational legal pluralism and, 466, 469
 Truth and Reconciliation Commission and, 383
 Two-Row Wampum as symbolism, 73, 389–90
 as treaty feature, 385–6, 389–90
 Indigenous treaties, with colonial authorities, 63–4, 66–70
 Anishinaabe peoples and, 68–70
 under Canadian Constitution Act (1982), 66–7, 73–4
 'cession' treaties, 66
 human–animal relationships in, 69
 implicate order, 69–70
 kinship terms in, 68–9

- Indigenous treaties, with colonial authorities (cont.)
 logics of contract, 70–6
 logics of kinship, 70–6
 rooted constitutionalism and, 69–70
 Treaty of Niagara, 66
 Two-Row Wampum symbolism and, 73
- institutional pluralism, global financial governance and, 299
- Inter-American Convention on Human Rights, 186–7
- Inter-American Court of Human Rights (IACHR), 186–7
- interface norms, 222–4, 435
 substantive dimensions for, 223–4
- inter-institutional view, of Indigenous legalities, 396–8
- International Accounting Standards Board, 300
- international banking standards, 295–6
- International Court of Justice (ICJ), 14, 162–3
 UN human rights treaties monitoring bodies and, 134–6
- international courts. *See also specific courts*
 expansion of, 354–5
- International Covenant on Civil and Political Rights (ICCPR), 46–7, 135–6
 in domestic courts
 in Ireland, 138–9
 in Philippines, 139
 investor–state dispute settlement mechanisms and, 175–6
- International Covenant on Economic, Social, and Cultural Rights, 46–7
 monitoring committee of, 135
- International Emergency Economic Powers Act, US, 250
- international environmental law
 Agreement on the International Dolphin Conservation Program, 215–16
 Centre for International Environmental Law, 213
 international trade law influenced by, 194–6
 multilateral environmental agreements, 195
 Rio Declaration and, 194–5
Shrimp-Turtle case, 204
 sustainable development mechanisms, 203
- International Federation of Accountants, 309
- International Finance Corporation (IFC), 325
- International Investment Agreements (IIAs), 119–20
- international investment governance sites, 165–70
 bilateral investment treaties and, 165
 competing interests in, 165–8
 for non-governmental organizations, 166
 ideational contexts for, 168–70
- international law. *See also international trade law*
 Belt and Road Initiative under, 120–1
 fragmentation of, 110
 Greco-Roman, 356–7
 peace treaties under, 357
 legal entanglement in, 10
 norms for, 1
 conflict-of-law, 5
 private
 philosophical foundations for, 354–5
 tertiary rules and, 446–7
 Westphalian state governance and, 354–5
 World Trade Organization dispute settlement mechanisms influenced by, 197–8
- International Law Association (ILA), 140–1, 153–4
- International Law Commission (ILC), 142–3, 153–4
- International Monetary Fund (IMF), 18, 256–7
 global financial governance and, 290–1, 295–9

- International Organization for Standardization (ISO), 323–4
- International Swaps and Derivatives Association, 304
- international trade law. *See also* specific trade agreements
- environmental law as influence on, 194–6
 - historical development of, 194–8
 - legal entanglement and, emerging forms of, 194–6
 - multilateral environmental agreements and, 195
 - regulatory regimes for, 193–4
 - theoretical approach to, 193–4
- investment governance and law. *See also* international investment governance sites; investor–state dispute settlement mechanisms
- in Ecuador, 414–15
 - investor–state dispute settlement mechanisms under, 185
- investment tribunals, 169–70
- investor–state dispute settlement (ISDS) mechanisms, 164
- analysis of, 191–2
 - arbitrators in, 169
 - in Argentina, 176–8
 - bilateral investment treaties and, 174–80, 184
 - in Canada, 178–9
 - in China, 168
 - in Colombia, 179
 - under Comprehensive Economic Trade Agreement, 185
 - in Court of Justice of the European Union, 190
 - in EU, 168
 - fair and equitable treatment claims, 172
 - International Covenant on Civil and Political Rights and, 175–6
 - under international investment law, 185
 - investment tribunals, 169–70
 - legal entanglements and, 180–91
 - for human rights claims, 186–9
 - through investment adjudication reform, 189–91
 - through investment agreement reform, 184–6
 - for multilateral investment treaties, 175–6
 - multiplicity in, 170–83
 - distance issues, 173–5
 - hierarchies, 171–3
 - integrationist perspectives, 175–80
 - proximities, 173–5
 - relational forms, 170–1
 - separations, 171–3
 - networks for, 167–8
 - non-governmental organizations and, 173–5
 - North American Free Trade Agreement and, 173–4
 - Permanent Court of Arbitration, 171
 - Transatlantic Trade and Investment Partnership and, 189–90
 - under Trans-Pacific Partnership, 185
 - in United Kingdom, 179–80
 - in US, 168
 - Vienna Convention on the Law of Treaties and, 173–4, 179–80
 - World Trade Organization and, 169
- Iran
- Comprehensive Iran Sanctions, Accountability, and Divestment Act and, 253–4
 - Iran Freedom and Counter-Proliferation Act and, 253–4
 - Joint Comprehensive Plan of Action against, 255–6
 - Nuclear Iran Prevention Act and, 253–4
 - UN Security Council Resolutions against, 238–9, 252–3
 - Iran Freedom and Counter-Proliferation Act, US, 253–4
- Iraq, 235–6, 239–41
- Ireland, UN human rights treaties monitoring bodies in, 138–9
- ISDS mechanisms. *See* investor–state dispute settlement mechanisms
- ISO. *See* International Organization for Standardization

- Israel, UN human rights treaties
 monitoring bodies in, 143–4
- Italy, Court of Arbitration for Sport in, 262
- ius civile* (law of Roman citizen-body), 360
- ius commune*, in Germany, 8
- ius gentium* (natural law), 360
- ius honorarium* (law of urban praetor), 360
- ius praetorium* (law of urban praetor), 360
- Jamaat-e-Islami, in Bangladesh, 45–6, 54
- JCPOA. *See* Joint Comprehensive Plan of Action
- Jewish law, transnational legal pluralism and, 467
- Johnson, Harold, 68–9
- Joint Comprehensive Plan of Action (JCPOA), 255–6
- Jones v. Saudi Arabia*, 145
- judges, common law, 14
- jurisdiction
 of counter-terrorist sanctions regimes, 242–3
 of Court of Arbitration for Sport, 275–7
 of Dispute Settlement Body, for WTO, 197
 for European Convention on Human Rights, 275–7
 in French law, 407
 in German law, 407
 postnational law and, 363
 in Roman law, 359, 365–6
 user theory for, 374–5
 in Swiss law, 407
- Kaimio, Maarit, 368, 371
- Kav Laoved v. Interior Ministry*, 143–4
- Kazemi (Estate) v. Iran*, 145–6
- Kelsen, Hans, 361, 429–30
- Kennan, George, 114
- kinship terms, in Indigenous treaties, 68–9
- Kirsch, Stuart, 403, 412–13, 422
- Kissinger, Henry, 43
- Kohn, Eduardo, 76
- K'omoks First Nation, land codes for, 392–5
- Krisch, Nico, 64–5, 355, 362, 374–5, 399
 on closed legal systems, 401
 on interface norms, 435
 on postnational law, 361–6
- Kumm, Mattias, 186
- Kuwait, 235
- Late Antique period, for Roman law, 366–74
 dispute settlement agreements in, 371–2
 legal norms during, 372–4
 P. Petra IV. 9 document, 367–75
 strategic legal argumentation in, 373–4
- Latour, Bruno, 403
- law. *See also* legal norms; *specific topics*
 coherence of, as expectation, 1
 expanded definitions of, through legal norms, 361–6
 mobilization of, 405–9
 through transnational lawsuits, 406
 norms of, 1
 conflict-of-law, 5
 origins of, 1
 postnational, 361–6
 governance structures, 363
 jurisdictional aspect of, 363
 law in action approaches, 364
 law in practice approaches, 364
 Transnational Legal Process model, 364
 law in action approaches, to postnational law, 364
 law in practice approaches, to postnational law, 364
 law of Roman citizen-body. *See ius civile*
 law of urban praetor. *See ius honorarium; ius praetorium*
 legal entanglement. *See also specific topics*
 ad hoc, with corporate social responsibility, 318–19

- of Belt and Road Initiative, 110–24
 ethnographic methodology in, 118
 interdependence within, 124–7
 under international law, 120–1
 sociological methodology in, 118
 under transnational finance law, 121–2
- in British Empire, 8–9
 definition of, 412–13
 dynamics of, 11–20
 actors' role in, 12–15
 horizontal context in, 19–29
 pathways as factor in, 15–19
 temporal elements, 20
 vertical context in, 18–29
- forms of, 21–6
 overarching norms, 24
 reception norms, 23–4, 29
 straddling practices, 24–6
 typologies, 23–6
- history of, 2–3
 cultural studies, 3
 legal orders and, 5
 legal pluralism in, 3–5
- in international law, 10
 through legal orders, 26–31
 conflict as result of, 27–8
 consolidation as result of, 27–8
 future challenges for, 28–31
 reception norms and, 29
- in medieval Europe, 7–9
 in modern states, 7–11, 127–9
- norms in
 bodies of, 5–6
 tertiary, 5–6, 21
- protesting of, from below
 coherence in approaches to, 420–3
 through importation of other legal norms, 409–11
 through mobilization of law, 405–9
 through settlement negotiations, 416
 singularization of, 415–20, 422–3
 vernacularization and, 422
- reverse translation of, 412–13, 422
- in Roman Empire, 7–9
 theoretical approach to, 1–6
 in transnational law, 10
- legal norms
 Belt and Road Initiative and, separateness of norms and, 108–9, 117–24
 conflict-of-law, 5
 data-driven management systems as substitute for, 87
 for domestic law, 1
 in Ecuador, importation of, 409–11
 during Late Antique period, 372–4
 for religious law, 1
 for state law, 1
 for transnational law, 1
- legal orders, 1. *See also* tertiary rules
 legal entanglements through, 26–31
 conflict as result of, 27–8
 consolidation as result of, 27–8
 future challenges for, 28–31
 reception norms and, 29
- legal pluralism and, 424–5
 post-law
 pan-legalist objections, 80–1
 theoretical approach to, 79–84
 primary rules for, 428–9
 rule of recognition and, 428
 secondary rules for, 428–9
- legal pluralism. *See also* transnational legal pluralism
 Belt and Road Initiative and, 111
 colonial entanglements and, 37–8
 in Germany, 8
 global, 10–11
 legal entanglement and, in history of, 3–5
 legal orders and, 424–5
- legal positivism, 365
 tertiary rules and, 427–8
- Lévi-Strauss, Claude, 353–4
lex sportiva, 260–2, 285–8
Ley de Fomento Productivo, Ecuador (2018), 414–15
- Liberia, 235–6
 Lindt, Angela, 416
 logics of contract, 70–6
 logics of kinship, 70–6
 Luhmann, Niklas, 30
 Luther, Martin, 79–80

- MacCormick, Neil, 364, 396
 machine learning, 88–9
 Mallard, Grégoire, 229
 Mar, Maksymilian del, 405
 Marmor, Andrei, 438
 Marrakesh Agreement, WTO and, 195
 Marry, Sally Engle, 37
 Mawani, Renisa, 35–6
 MEAs. *See* multilateral environmental agreements
 medieval Europe, legal entanglement
 in, 7–9
 Merry, Sally Engle, 422, 451, 454–6
 Mészáros, Lórinç, 126–7
 MFLO. *See* Muslim Family Laws Ordinance
 Michaels, Ralf, 449–50, 462–9. *See also*
 transnational legal pluralism
 Migdal, Joel, 43
 Mills, Aaron, 63, 69–73, 382
 on constitutional capture, 73
 Ministry of Commerce (MOFCOM), in
 China, 109
Mitchell v. M.N.R., 384
 Modern Slavery Law, Australia, 103
 modern states. *See also* specific states
 legal entanglement in, 7–11, 127–9
 MOFCOM. *See* Ministry of Commerce
 Monture-Angus, Patricia, 382
 Moore, Sally Falk, 450, 453–5
 Morocco, tertiary rules in, 439–41,
 444–5
 multilateral environmental agreements
 (MEAs), 195
 multilateral investment treaties,
 investor–state dispute
 settlement mechanisms for,
 175–6
 multilateral sanctions, by UN Security
 Council, 252–6
 Muslim Family Laws Ordinance
 (MFLO), Bangladesh, 45,
 49–50, 55–6
 Mutu, Adrian, 273–4

 Nadasdy, Paul, 69
 NAFTA. *See* North American Free
 Trade Agreement

 National Contact Points (NCPs), for
 OECD, 318–19
 ad hoc legal entanglement, 326–33
 ambiguous cases for, 330–3
 analysis of, 344–7
 distancing through, 329–30
 free, prior and informed consent,
 331–2
 in Germany, 339
 implementation mechanisms for,
 348–9
 integrated normative systems, 333–6
 long-term implications for, 344–7
 in Netherlands, 339–40
 in Norway, 338
 proximity between, 333–44
 in Switzerland, 340–1
 in United Kingdom, 341–4
 national reputation systems, in China,
 92–3
 natural law. *See ius gentium*
 NCPs. *See* National Contact Points
 Netherlands, National Contact Points
 in, for OECD guidelines,
 339–40
 new materialisms, 76–7
 New Silk Road. *See* Belt and Road
 Initiative
 New Zealand, Treaty of Waitangi, 389,
 466–7
 NGOs. *See* non-governmental
 organizations
 9/11 terrorist attacks, 236–7
 non-governmental actors, legal
 entanglement and, 14–15
 in Bangladesh, 54–5
 non-governmental organizations
 (NGOs)
 corporate social responsibility for,
 320–1
 deferral of norms by, 36
 denial of norms by, 36
 international investment governance
 sites and, competing interests
 within, 166
 investor–state dispute settlement
 mechanisms and, 173–5
 translation of norms by, 36

- non-state justice institutions. *See also*
 non-governmental actors
 in Bangladesh, 55–6
- non-state law, colonial entanglements
 under, 40–1
- norms
 for domestic law, 1
 interface, 222–4, 435
 substantive dimensions for, 223–4
 for international law, 1
 conflict-of-law norms, 5
 for legal entanglement
 bodies of, 5–6
 overarching norms, 24
 reception norms, 23–4, 29
 tertiary norms, 5–6, 21
 non-governmental organizations
 and, 36
 overarching, 304–7
 reception, 304–12
 for religious law, 1
 for state law, 1
 for transnational law, 1
- North American Free Trade Agreement
 (NAFTA), 173–4
- Norway
 Civil Procedure Act, 137–8
 Criminal Procedure Act, 137–8
 National Contact Points in, for
 OECD guidelines, 338
- Nuclear Iran Prevention Act, US
 (2013), 253–4
- Nuclear Proliferation Prevention Act,
 US (1994), 253
- OBOR initiative. *See* One Belt, One
 Road initiative
- OECD guidelines. *See* Organisation for
 Economic Co-operation and
 Development guidelines
- OHCHR. *See* United Nations
 oil dumping cases, in Ecuador, 413–14
- One Belt, One Road (OBOR) initiative,
 107–8
- Orbán, Viktor, 126–7
- Organisation for Economic Co-
 operation and Development
 (OECD) guidelines, for
 corporate social responsibility,
 318–19. *See also* National
 Contact Points
 analysis of, 344–7
 external bodies of norms, 336–44
 historical development of, 322–6
 human rights norms under, 336
 implementation framework for,
 326–8
 long-term implications for, 344–7
 revisions of, 322–6
 overarching norms, 24, 304–7
*Oxford Handbook on Global Legal
 Pluralism*, 455–6
- P. Petra* IV. 9 document, Roman law
 and, 367–75
- Pakistan
 Awami League, 44
 Belt and Road Initiative and, 122–3
 creation of, as nation-state, 43–4
 Muslims in, 43–4
 after second partition of Indian
 subcontinent, 43–4
 on sustainable development
 mechanisms, 203
- panel of experts (PoE), for UN Security
 Council, 241–51
 evaluation and monitoring of
 sanctions, 246–7
 implementation of sanctions, 244,
 251
 institutional support for, 245–6
 political nature of, 244–5
 UN Security Council Resolutions
 and, 251
- Paris Agreement, corporate social
 responsibility under, 338
- pathways, to legal entanglement,
 15–18
 coercion as, 17–19
 ideational context, 15–16
 rational choices in, 16
 resonance in, 16
- PCA. *See* Permanent Court of
 Arbitration
- Peat, David, 69–70
- Pechstein, Claudia, 287–8

- Permanent Court of Arbitration (PCA), 171
- Peru, Free Trade Agreement, with Canada, 178–9
- Philippines
 UN human rights treaties
 monitoring bodies in, 139
Wilson v. Ermita, 139
- Pistorius, Oscar, 261–2
- Platini, Michel, 261–2
- pluralism. *See also* legal pluralism;
 transnational legal pluralism
 constitutional, 10
 within corporate social
 responsibility, 348
 institutional, 299
 regulatory, 475–7
- PoE. *See* panel of experts
- political capital, 230
- population data
 data-driven management systems
 for, 86–7
 social credit initiatives for, in
 Western nations, 101
- positivism. *See* legal positivism
- post-law legal orders. *See also* data-
 driven management systems
 pan-legalist objections, 80–1
 theoretical approach to, 79–84
- postnational law, 361–6
 governance structures, 363
 jurisdictional aspect of, 363
 law in action approaches, 364
 law in practice approaches, 364
 Transnational Legal Process model,
 364
- PPMs. *See* processing and production
 methods
- primary rules, for legal orders, 428–9
- privacy rights, 102–3
- private international law
 philosophical foundations for, 354–5
 tertiary rules and, 446–7
 Westphalian state governance and,
 354–5
- private property laws, colonial
 entanglements and, 38–9
- private Roman law, 367
- private rule systems, transnational legal
 pluralism and, 459–61
- processing and production methods
 (PPMs), 195
- Rahman, Ziaur, 45
- Randeria, Shalini, 408
- rational choices, in pathways to legal
 entanglement, 16
- Raw and the Cooked, The* (Lévi-
 Strauss), 353–4
- Raz, Joseph, 361, 379, 458–9
- reception norms, 23–4, 29, 304–12
- regime law, transnational legal
 pluralism and, 472–5
- regulatory pluralism, 475–7
- relabeling, in transnational legal
 pluralism, 459
- religious law
 in Bangladesh, colonial
 entanglements in, 43–6
 Hefazaat-e-Islamni movement,
 45
 Muslim Family Laws Ordinance,
 45, 49–50, 55–6
 norms for, 1
- Rhaman, Mujibur (Sheikh), 44
- Rhodesia, 235
- right to be forgotten, 102–3
- Riles, Annelise, 302
- Rio Declaration, 194–5
- Rodriguez, José Luis Alonso, 365
- Roman Empire. *See also* Roman law
 legal entanglement in, 7–9
- Roman law
 citizenship under, 366–7
 Greco-Roman international law,
 356–7
 peace treaties under, 357
 historical development of, 356–61
 imperial expansion as influence on,
 358–9
ius civile, 360
ius gentium, 360
ius honorarium, 360
ius praetorium, 360
 jurisdictional aspect of, 359, 365–6
 user theory in, 374–5

- Late Antique period, 366–74
 dispute settlement agreements in, 371–2
 legal norms during, 372–4
P. Petra IV. 9 document, 367–75
 strategic legal argumentation in, 373–4
 layers of, 360
 legal entanglements in, 366–74
 legal positivism and, 365
 private, 367
 provincial system under, 358–9
 Romano, Santi, 458
 rooted constitutionalism, Indigenous treaties and, 69–70
 Roughan, Nicole, 433–4
 Royal Proclamation of 1763 (Canada), 386, 388–9, 397
 Ruggie, John, 324–6
 rule of recognition, 428
 ‘The Ruse Law’, Sudan, 41
- Sachenspiegel*, 7
 Salomon, Noah, 41
 sanction regimes. *See also* UN Security Council
 colonial legal entanglements and, 230
 Western law and, historical development of, 229–30
 Santos, Boaventura de Sousa, 30
 SASF. *See* semi-autonomous social field
 secondary rules, for legal orders, 428–9
 Semenya, Caster, 261–2
 semi-autonomous social field (SASF), 457
 SGBs. *See* sports governing bodies
 Sharapova, Maria, 261–2
 Sharia law and, 467–8
 Shehabuddin, Elora, 54–5
Shrimp-Turtle case, 201–6, 219
 appeals process for, 204–5
 Convention on International Trade in Endangered Species and, 202–4
 under environmental law, 204
 legal aftermath of, 206
 legal entanglements in, 202–4
- Siddiqui, Dina, 48–9
 Sieder, Rachel, 420
 Sierra Leone, 235–6
 singularization, 415–20, 422–3
 ‘social contract’, Indigenous legalities and, 71–2
 social credit initiatives
 in China, 91–8
 application mechanisms for, 95–7
 baseline systems, 97
 blacklists, 97
 Chinese Communist Party influences on, 91–2
 in commercial activities, 95–6
 during Covid-19 pandemic, 91
 for culture projects, 96–7
 for education projects, 96–7
 goals and objectives of, 92–5
 national reputation systems and, 92–3
 as new type of law, 93–4
 social ordering and, 93
 Twelve Core Socialist Values and, 94–5
 data-driven management systems and, 84–6
 governance actor relationships influenced by, 88
 in Western nations, 98–104
 for census data, 101
 compliance mechanisms, 103
 extraspatial zones for, 98–9
 governance, risk management, and compliance systems, 99–101
 governance mechanisms, 103–4
 for privacy rights, 102–3
 for right to be forgotten, 102–3
 Social Impact Assessments, 326
 social ordering, in social credit initiatives, 93
 sociological positivism, tertiary rules and, 427
 soft financial law, 292
 Sousa Santos, Boaventura de, 453–4
 South Africa, counter-terrorist sanctions against, 235

- Spain
 Convention on the Elimination of
 All Forms of Discrimination
 against Women in, 155–8
 UN human rights monitoring bodies
 in, 155–8
Usatges de Barcelona, 7
 sports governing bodies (SGBs)
 administrative practices of, 260–1
 due process inside, 280–2
 European Convention on Human
 Rights and, compatibility with,
 277–80
 under Swiss law, 262–3
 World Anti-Doping Code and,
 277–9
 SPS Agreement. *See* Agreement on
 Sanitary and Phytosanitary
 Measures
 Stark, Heidi, 69
 state law
 colonial entanglements under, 40–1
 norms for, 1
Staying with the Trouble (Haraway), 77
 Strathern, Marilyn, 402–3
 Sudan, ‘The Ruse Law’, 41
 Supply Chain Due Diligence Law,
 France, 103
 supremacy claims, for Indigenous
 legalities, in Canada, 378–95
 acceptance of, 385
 Canadian law and, relations between,
 388–95
 supremacy of force, 384–7
 supremacy of institutions, 381–4
 supremacy of norms, 380–1
 Supreme Court of Canada, 381–4
 sustainable constitutionalism, 61–2
 sustainable development mechanisms,
 203
 under General Agreement on Tariffs
 and Trade, 221
 World Trade Organization, 221
 SWIFT, in counter-terrorist sanctions,
 249–50
 Switzerland
 Court of Arbitration for Sport and,
 Swiss law as influence on, 262–8
 exclusive applicability of, 265–8
 FIFA cases, 263–8
 Haas doctrine and, 265
 sports governing bodies under,
 262–3
 Swiss Federal Tribunal, 262–3
 jurisdictional initiatives in, 407
 National Contact Points in, for
 OECD guidelines, 340–1
 Syria, tertiary rules in, 436
 cross-border normativity and, 430
 system-centred law approach, to
 Indigenous legalities, 398
 systems theory, 30
 Taylor, Lance, 301
 TBT Agreement. *See* Agreement on
 Technical Barriers to Trade
 tertiary norms, 5–6, 21
 tertiary rules, for legal orders
 application of foreign laws, 446–7
 arguments for, 425–6
 characteristics of, 434–42
 designation of normative spaces,
 435–7
 horizontal nature, 438–40
 legal nature, 437–8
 relationality, 440–2
 choice of law, 431–2
 cross-border normativity and,
 428–34
 authority sharing strategies,
 433–4
 challenges from, 429–30
 denial strategies, 431–2
 internalization strategies, 432–3
 in Syrian law, 430
 definition of, 435
 in English law, 439–41, 444–5
 external recognition, of national
 laws, 442–5
 fact doctrines, 431
 in German law, 436–7
 hierarchy in, 439
 legal positivism and, 427–8
 in Moroccan law, 439–41, 444–5
 private international laws and, 446–7
 recognition of, 447–8

- recognition of foreign acts, records,
 and judicial proceedings, 444–6
 sociological positivism and, 427
 in Syrian law, 436
 cross-border normativity in, 430
 in US law, 444–5
 vested rights theory and, 432
 Teubner, Gunther, 453–4
 Texaco, 413–14
This Is Not a Peace Pipe (Turner), 385
 Thomas, Flavius, 370
 Tietmeyer, Hans, 299
 Todd, Zoe, 77
 TPP. *See* Trans-Pacific Partnership
 Trachtman, Joel, 435
 trade law. *See* international trade law
 Transatlantic Trade and Investment
 Partnership (TTIP), 189–90
 transnational finance law, Belt and
 Road Initiative under, 121–2
 transnational law
 colonial entanglements under, 39–40
 for finance, Belt and Road Initiative
 under, 121–2
 legal entanglement in, 10
 norms for, 1
 transnational legal pluralism
 in Australia, 466
 bodies of law within, multiplicity of,
 451–2
 collective recognition and, 471
 community law and, 472–5
 conventional recognition and, 472
 cross-polity law and, 472–5
 foundations of, 470–5
 global approaches to, 453
 Indigenous legalities and, 466, 469
 Jewish law and, 467
 jurisprudential legal concepts and,
 456–9
 over-inclusiveness flaw in, 454–6
 paradigms of, 450–4
 postcolonial approaches to, 453
 private rule systems and, 459–61
 regime law and, 472–5
 regulatory forms in, 459–61
 regulatory pluralism and, 475–7
 relabeling and, 459
 as relational legal concept, flaws of,
 462–9
 separation of theory and practice
 under, 461–2
 Sharia law and, 467–8
 sociological approaches to, 453,
 456–9
 theoretical approach to, 449–50
 Transnational Legal Process model, for
 postnational law, 364
 Trans-Pacific Partnership (TPP),
 112–13
 investor–state dispute settlement
 mechanisms under, 185
 transparency regimes, 100
 Treaty of Niagara, 66
 Treaty of Rome, 116–17
 Treaty of Waitangi, New Zealand, 389,
 466–7
 tribunals. *See* investment tribunals
 Trindade, Cançado, 186–7
 Tripartite Group of Banks working
 group, 292–3
 TRIPS Agreement. *See* Agreement on
 Trade-Related Aspects of
 Intellectual Property Rights
 Trump, Donald, 460–1
 Truth and Reconciliation Commission,
 383
 TTIP. *See* Transatlantic Trade and
 Investment Partnership
 Tully, James, 61–2, 114.10. *See also*
 Indigenous legalities;
 sustainable constitutionalism
Tuna Dolphin I case, 199–201, 219
 Convention on International Trade
 in Endangered Species, 199–200
 legal aftermath of, 201
 legal entanglements in, 199–201
 regional factors, 199
Tuna Dolphin II case, 199–201, 219
 Turner, Dale, 385
 Twelve Core Socialist Values, in China,
 94–5
 Twining, William, 449, 454
 Two-Row Wampum
 as symbolism, 73, 389–90
 as treaty feature, 385–6, 389–90

- UK. *See* United Kingdom
- UN. *See* United Nations
- UN human rights treaties monitoring bodies. *See also specific conventions; specific treaties*
- in domestic courts, 148–50
 - acceptance and engagement of, 155–60
 - case-specific pathways, 151–5
 - judicial engagement in, 143–6, 155–60
 - judicial non-engagement in, 138–41
 - normative pathways for, 150–5
 - in Spain, 155–60
- goals and objectives of, 133
- International Court of Justice engagement with, 134–6
- judicial engagement with, 143–8, 155–60
- acceptance of, 155–60
 - in Australia, 144, 146–8
 - in Canada, 144–6
 - in domestic courts, 143–6, 155–60
 - in Israel, 143–4
 - normative pathways for, 146–8
 - as substantive, 144–6
 - in UK, 144–6
- judicial non-engagement with, 138–43
- in domestic courts, 138–41
 - in international courts, 141–3
 - in Ireland, 138–9
 - in Philippines, 139
- jurisprudence of, domestic relevance of, 135–8
- normative pathways for, 133–4
- theoretical approach to, 133–4, 160–1
- Vienna Convention on the Law of Treaties, 146–7
- UN Security Council (UNSC), 231–4
- Democratic People's Republic of Korea and, sanctions against, 233
- UN Security Council Resolutions (UNSCRs), 233, 244–5
- against Democratic People's Republic of Korea, 240, 248–9
 - Financial Action Task Force and, 246
 - against Iran, 238–9, 252–3
 - panel of experts and, 251
 - requirements of, 247–8
- UNCED. *See* United Nations
- uncertainty principle, 60
- UNCITRAL. *See* United Nations
- UNDRIP. *See* United Nations
- UNFCC. *See* United Nations
- United Kingdom
- economic relations with China, 113
 - investor–state dispute settlement mechanisms in, 179–80
 - National Contact Points in, for OECD guidelines, 341–4
 - tertiary rules in, 439–41, 444–5
 - UN human rights treaties monitoring bodies in, 144–6
- United Nations (UN). *See also* UN human rights treaties monitoring bodies; UN Security Council
- Commission on International Trade Law, 171, 190–1
 - Conference on Environment and Development, 194
 - Declaration on the Rights of Indigenous Peoples, 332
 - Framework Convention on Climate Change, 194
 - Guiding Principles, 324–6
 - High Commissioner for Human Rights, 187
 - Human Rights Committee, 21, 135
 - judicial decisions for, 140
 - obligations to cooperate, 158–60
- United States (US). *See also* counter-terrorist sanctions regime
- 9/11 terrorist attacks against, 236–7
 - Comprehensive Iran Sanctions, Accountability, and Divestment Act, 253–4
 - Executive Order 12938, US, 253
 - Export-Import Bank Act, 253–4
 - Helms–Burton Act, 253–4
 - International Emergency Economic Powers Act, 250
 - investor–state dispute settlement mechanisms in, 168

- Iran Freedom and Counter-Proliferation Act, 253–4
- North American Free Trade Agreement, 173–4
- Nuclear Iran Prevention Act, 253–4
- Nuclear Proliferation Prevention Act, 253
- tertiary rules in, 444–5
- US–Ecuador Bilateral Investment Treaty, 413–14
- War on Terror and, 236–7
- UNSC. *See* UN Security Council
- UNSCRs. *See* UN Security Council Resolutions
- Uruguay Round, GATT, 195–6
- US. *See* United States
- Usatges de Barcelona*, 7
- US–Ecuador Bilateral Investment Treaty, 413–14
- user theory for jurisdiction, 374–5
- US-Tuna II* case, 214–18
- Agreement on Technical Barriers to Trade and, 215–18
- appeals process for, 216–18
- legal aftermath of, 218
- legal entanglements in, 216–18
- Valverde, Alejandro, 261–2
- VCLT. *See* Vienna Convention on the Law of Treaties
- vernacularization, 422
- vertical context, for legal entanglement, 18–29
- vested rights theory, 432
- Victoria (Queen), 68
- Vienna Convention on the Law of Treaties (VCLT), 146–7
- investor–state dispute settlement mechanisms and, 173–4, 179–80
- Village Court Act, Bangladesh (2006), 55–6
- WADC. *See* World Anti-Doping Code
- Walker, Neil, 355, 357–8
- Walters, Mark, 382–3
- War on Terror, 236–7
- White, Sarah, 43, 54
- Whyte, Kyle Powys, 77
- Williams, Robert, Jr., 63–4
- Wojtczak, Marzena, 373
- women’s rights, in Bangladesh, 54–5
- World Anti-Doping Code (WADC), 277–9
- World Bank Group, 115, 256–7
- global financial governance and, 296–7
- World Health Assembly, 21
- World Trade Organization (WTO)
- Agreement on Technical Barriers to Trade, 206–7
- Canada/US Continued Suspension* dispute, 220
- Codex Alimentarius Commission and, 206–8
- Dispute Settlement Body, 196–8
- claims process for, 197
- jurisdiction of, 197
- dispute settlement mechanisms, 196–8
- distancing strategies as part of, 221–2
- international law as influence on, 197–8
- for legal entanglements, 220–2
- Dispute Settlement Understanding, 196–8
- EC Hormones* dispute, 206–12, 220
- Agreement on Sanitary and Phytosanitary Measures and, 206–10
- appeals process for, 209–10
- legal aftermath of, 210–12
- legal entanglements in, 207–8
- EC-Biotech* dispute, 212–14, 220
- EU–Canada Comprehensive Economic and Trade Agreement and, 214
- genetically-modified organisms in, 212–14
- legal aftermath of, 213–14
- legal entanglements in, 213
- establishment of, 194
- Marrakesh Agreement and, 195
- interface norms, 222–4
- substantive dimensions for, 223–4

- World Trade Organization (WTO)
(cont.)
 investor–state dispute settlement
 mechanisms and, 169
 norm conflicts and, 198–224
 in cases and disputes, over time,
 219–20
 processing and production methods
 and, 195
 Shrimp-Turtle case, 201–6, 219
 appeals process for, 204–5
- Convention on International Trade
 in Endangered Species and, 202–4
 under environmental law, 204
 legal aftermath of, 206
 legal entanglements in, 202–4
 sustainable development issues
 under, 221
 theoretical approach to, 193–4
World Wildlife Fund (WWF), 331–2
WTO. *See* World Trade Organization
WWF. *See* World Wildlife Fund