

Corporate Social Responsibility in Comparative Perspective

edited by

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Chapter One
Corporate Social Responsibility - Quo Vadis?

Frank Emmert*

"Corporate Social Responsibility (CSR) is one of the most important issues and developments of the 21st century [...] alongside other shared governance and regulatory challenges such as climate change, sustainable development, human rights universalization, poverty eradication and socio-economic prosperity."¹

"For a subject that has been studied so long, it is unusual to discover that researchers still do not share a common definition or set of core principles, that they still argue about what it means to be socially responsible, or even whether firms should have social responsibilities in the first place. Empirical researchers have been similarly unable to agree [...] whether CSR is good for business or not."²

Corporate Social Responsibility has been called many things: "a passing social fad, an idea whose time has come, a threat to market capitalism, an intrinsic element of corporate responsibility, or even a key to humanity's long-term survival [...]."³ The only certainty seems indeed to be that nothing is certain. Given the high degree of ambiguity about our subject, the reader may wonder why we

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1 Horrigan, *Corporate Social Responsibility in the 21st Century - Debates, Models and Practices Across Government, Law and Business*, at p. 3.

2 Crane et al., *The Corporate Social Responsibility Agenda - Introduction*, in Crane, McWilliams, Matten, Moon & Siegel (eds), *The Oxford Handbook of Corporate Social Responsibility*, Oxford 2008, pp. 3-15, at p. 4.

3 Horrigan, above, note 1. Mullerat uses the analogy of seven blind mice discovering an elephant: "CSR is a polyhedral figure. Each one of us looks at or prioritizes different planes or faces of it according to our particular background and optics: an economic theory, a legal rule, an ethical aspiration, a [marketing] tool, a management strategy, a risk management instrument, and so on and so forth. CSR is probably all of these at the same time." Mullerat, *International Corporate Social Responsibility: The Role of Corporations in the Economic Order of the 21st Century*, at p. 1, footnote omitted.

had to write (another) book about it and why anyone would want to spend the time to read it. However, there must be something relevant about a subject if over 90% of the largest companies in the Western world are regularly updating their websites and corporate profiles to ensure that they will be seen as socially and environmentally responsible, if over half of all larger companies around the world have produced specific reports about their performance with regard to CSR, if one single news organization – Ethical Performance – can list on their website “more than 590 service providers [in] 57 categories [... as] consultants, academic institutions, rating agencies, ethical auditors, training providers or research organizations” offering to “help writing and designing your latest corporate responsibility report [...] to manage an ethical supply chain programme [...] or to provide expertise] on reputation management”,⁴ and if a simple entry of “CSR” into the search function of the website of the European Union turns up more than 275,000 documents.

The editors of The Oxford Handbook have characterized CSR as a “still developing field of research.”⁵ In spite of over 1,000 articles and hundreds of books already analyzing its various dimensions, it remains “a field without a paradigm.”⁶ While CSR has been largely located in management literature, before becoming genuinely interdisciplinary,⁷ we will be limiting our analysis to a decidedly more legal and normative perspective where a common denominator is somewhat easier to find. A second self-limitation – at least for this introductory chapter – will be a heavy focus on the current state of the debate in *English* language literature.⁸

4 See <http://www.ethicalperformance.com/csrdirectory/index.php>, with order information for their 2012 CSR Professional Services Directory.

5 Above, note 1, at p. 6.

6 Lockett, Moon & Visser, *Corporate Social Responsibility in Management Research: Focus, Nature, Salience and Sources of Influence*, p. 133.

7 Management literature has to be given a broad interpretation here, including publications on corporate governance, public management, environmental management, investment, and even accounting and financial management. In particular since the late 1990s, a growing number of books and articles are discussing CSR from perspectives and disciplines such as law, economics, sociology, and international relations, contributing many new and valuable aspects to the discussion.

8 This is at least somewhat regrettable because there are important discussions going on in particular in continental European fora such as the REVUE DE L'ORGANISATION RESPONSABLE and RESPONSABILITÉ ET ENVIRONNEMENT in France, and the ZEITSCHRIFT FÜR WIRTSCHAFTS- UND UNTERNEHMENSETHIK in Germany. However, the literature in English has already grown to such a volume that a serious evaluation of non-English publications would have been beyond the scope of the present chapter. Some important non-English references can be found in subsequent

Chapter Two

Civil Society for Good Governance

Dr. Yilmaz Argüden*

"Meaning in life is making meaningful contributions to others."
Dr. Yilmaz Argüden

"Real generosity to the future lies in giving all to the present."
Albert Camus

Under changing global conditions, the relationship between citizens and their public administrations are undergoing a transformation, as are definitions of concepts such as democracy and human rights. Individuals' participation in local or global decision making processes to shape their own future is emerging as the primary concern. Such participation forms the basis for redefining the concepts of democracy and human rights.

A. From Ruling to Governance

As the relationship between individuals and their public administrations is being restructured in today's world, the concept of "ruling" is also going through a transformation, to be replaced by the concept of "governance."

Success in public policy making would be increasingly difficult if this transformation remains unnoticed. It is important to note the change because civil society organizations are instrumental in shaping the standards, in the gathering and dissemination of the information that feeds decision making, and problem solving, and more importantly in realizing participatory democracy. Nevertheless, it should not be overlooked that the role of civil society organizations is not to take the place of the elected or public organizations, but to challenge them in order to support and improve their functioning in a participatory manner.

Institutions in pursuit of constantly improving management quality have been instrumental in creating the concept of good governance. Civil society organizations are the most effective instruments of change in the transition from ruling to governance.

* Taken from Yilmaz Argüden, 'Keys to Governance: Strategic Leadership for Quality of Life', Palgrave MacMillan, 2011.

Chapter Three

European Union and Danish Perspectives on CSR

Peter Gjørtler*

Corporate Social Responsibility (CSR) is a concept that has developed over the last twenty years, with rapid and accelerating growth in public awareness and application during the last ten years.¹ Currently, it is a major concern for many companies and has become increasingly visible as front-page news in professional newsletters.² However, it remains a field that is to a large extent unregulated, or regulated only by soft law. The purpose of this paper is to examine the latest developments in European Union (EU) policy on CSR and to present the experience of Denmark in supporting soft law targets with hard law measures.

A. The Development of Policy Goals in the European Union

The EU rests upon a principle of delegated competencies. The adoption of the Lisbon Treaty on December 1, 2009, clarified this principle. This treaty modified the existing EU treaties and clarified the distribution of competencies between the EU and its Member States, including areas with shared competence.³ These provisions do not address CSR, directly or indirectly. Accordingly, a competence falling outside the scope of EU competence remains with the each Member State.⁴

However, the interpretation of whether an area is within EU competence has some flexibility, even with a reserve provision setting the legislative procedure

* ©Peter Gjørtler. An earlier version of this contribution was printed in *INDIANA INTERNATIONAL & COMPARATIVE LAW REVIEW*, 2011, Vol. 21, No. 3, pp. 435-446.

1 See *Communication from the Commission Concerning Corporate Social Responsibility: A Business Contribution to Sustainable Development*, COM (2002) 347 final (2 July 2002), at p. 6.

2 See, e.g., Trine Beckett, *Madame CSR*, *DJØFBLADET, THE MAGAZINE FOR MEMBERS OF THE LAWYERS & ECONOMISTS TRADE UNION IN DENMARK*, Djøf Sheet No. 12, 23 June 2010, available at <http://www.djoef.dk/djoefbladet/Arkiv/DJOeFBladet2010/DJ-OE-F-Bladet-nr-12-2010/Madame-CSR.aspx>.

3 Consolidated Version of the *Treaty on the Functioning of the European Union*, Article 4, 5 September 2008, OJ C 115, at p. 47 [hereinafter TFEU]; see also *ibid.*, Articles 2-6 (specifying the areas and competencies in more detail).

4 *Ibid.*, Article 2.

Chapter Four

Corporate Social Responsibility in France

Angélique Devaux*

Introduction

In a time of an increasing frequency of natural disasters reinforced by global warming,¹ financial scandals in a context of economic crisis,² and economic scandals mingling a large number of controversies related to doubtful ethical conduct,³ can the company, as a key member of globalization be free from any obligations other than legal and economic vis-à-vis its social, human, politic and economic environment? The concept of Corporate Social Responsibility (CSR) answers this issue. Emerged in the 1950s in the literature study on corporates,⁴ the notion really took its place in the 1990s.⁵

In the year 2000, the European Council highlighted its strategic goal to turn the European Union into "the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion, by 2010."⁶ This strategy, known as "Lisbon Strategy", was followed in 2001 by a publication from the European

* ©Angélique Devaux.

1 As an example, in 2013, the natural disaster caused by typhoon Haiyan in the Philippines killed nearly 6,000 people (web release <http://www.worldvision.org/news-stories-videos/2013-top-natural-disasters>).

2 See, *10 Biggest Banking Scandals of 2012*, Forbes article available at <http://www.forbes.com/sites/halahtouryalai/2012/12/27/10-biggest-banking-scandals-of-2012/>.

3 For example, the Rana Plaza disaster in Bangladesh in 2013 killed 400 people and injured many more. See, *Disaster at Rana Plaza*, THE ECONOMIST, article available at <http://www.economist.com/news/leaders/21577067-gruesome-accident-should-make-all-bosses-think-harder-about-what-behaving-responsibly>.

4 According to several authors Howard Bowen first talked about the modern concept of CSR in his book entitled "Social Responsibility of the Businessman" in 1953.

5 Dedicated at the Earth Summit in Rio de Janeiro in 1992. The text adopted at the conclusion of the summit confirms the willingness of States to commit towards a "green economy" which must "contribute to poverty eradication and sustainable economic growth, improve social inclusion and well-being of mankind, and create opportunities for employment and decent work for all, while maintaining the proper functioning of ecosystems on the planet."

6 Presidency Conclusions, Lisbon European Council, 23 and 24 March 2000, Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00100-r1.en0.htm.

Chapter Five

Corporate Social Responsibility from the Chinese Perspective

Ying Chen*

A. Corporate Social Responsibility (CSR) and Social Problems in China

In recent years, several serious incidents causing numerous deaths have garnered special attention from the Chinese Central Government. Coal mines are dangerous in China, and accidents frequently occur throughout the provinces. These accidents, which have resulted in thousands of deaths, have been due to the neglect of safety standards by coal mine owners in favor of economic profit.¹ Moreover, in September 2008, several large milk and formula companies in China were involved in a notorious product quality scandal known as the "Milk Powder Scandal" or "Infant Formula Scandal." Over 1,200 children were sickened, hospitalized, and some even died, after being fed formula contaminated with melamine, an industrial chemical that can cause kidney stones and other complications in infants.² Major newspapers in China have also frequently reported social problems such as physical abuse of workers, dangerous working conditions, unfair wages, product quality scandals, and industrial pollution. All of these problems involve a fairly new issue in China: Corporate Social Responsibility (CSR).

It would be inaccurate to say that CSR is a completely new issue in China because the Chinese government has been committed to the improvement of CSR for decades.³ The Chinese government seeks to substantially increase social wealth to satisfy social needs; it takes measures to foster job growth; it strives to promote social welfare; and it tries to control pollution to guarantee a better environment.⁴ All such efforts are carried out for the sake of corporate develop-

* ©Ying Chen. This contribution was previously published in *INDIANA INTERNATIONAL & COMPARATIVE LAW REVIEW*, 2011, Vol. 21, No. 3, pp. 419-433.

1 *China Coal Mine Blast Death Toll Reaches 92*, BBC NEWS (22 November 2009), available at <http://news.bbc.co.uk/2/hi/8372760.stm>.

2 Jane Macartney & Sophie Yu, *Chinese Milk Powder Contaminated with Melamine Sickens 1,253 Babies*, THE TIMES, 16 September 2008, available at <http://www.timesonline.co.uk/tol/news/world/asia/article4758549.ece>.

3 Xiaodong Han, *Corporate Social Responsibility, An Interview with Liu, Peng, Director of Department of Employers, China Enterprise Confederation* (translated by Meifang Xia), BEIJING FORUM (10 October 2007), <http://www.beijingforum.org/en/ShowArticle.asp?ArticleID=657>.

4 *Ibid.*

Chapter Six

The Concept of Corporate Social Responsibility in Islamic Law

Salma Taman*

Introduction

This chapter analyzes whether the concept of Corporate Social Responsibility (CSR) is consistent with Islamic law (Sharia). The goal is to survey the primary sources of Sharia in an attempt to find any Islamic notions, Quranic verses, or Prophetic Hadiths that are related to CSR and that show that it is supported by and consistent with Islamic law.

Part A discusses the concept of CSR and what it represents in the West by comparing the most widely accepted definitions of CSR. After determining what constitutes CSR, the next step is to explore whether CSR exists in Islamic law, which we do in the subsequent section. The analysis of whether CSR is consistent with Islamic law is done via a discussion of two jurisprudential tools. Eminent Muslim jurists who were confronted with questions relating to Sharia that had no direct answers in the primary sources created these tools. They came up with jurisprudential solutions to make Islamic law more flexible and capable of accommodating the rapidly changing world and to provide answers to any new notions that were not existent during the legislation process of Sharia.

After showing that CSR is *consistent* with Sharia, the chapter looks more closely at Islamic law in Parts B, C and D, to extract any ideas, notions, or concepts that indicate CSR is actually *required* by the Sharia. The chapter then briefly explains these notions and shows the Quranic Verses and Prophetic Hadiths that embody them. Part C discusses prohibited commercial activities in Islamic law, including usury, gambling, gharar, and others. This section provides definitions for each activity as well as the reasons for its prohibition. Part D introduces Islamic financial institutions (IFIs), the reasons for their existence, and the services they offer as alternatives to the prohibited activities in Islamic law. Part E discusses

* ©Salma Taman. An earlier version of this contribution was published in *INDIANA INTERNATIONAL & COMPARATIVE LAW REVIEW*, Vol. 21, No. 3, 2011, pp. 481-508. The author is fluent in both Arabic and English. She is also a devout Muslim. Except where otherwise stated, the Quranic verses cited in this article are from Rashad Khalifa (transl), *Quran - The Final Testament - Authorized English Translation*.

Chapter Seven

Arab Perspectives on Corporate Social Responsibility and Human Rights

Elie Abouaoun*

Introductory Note

The prevailing public perception in the Arab region is that the government is responsible for the protection and promotion of respecting human rights. Various segments of society, including the private sector, must actively engage with the government in order to ensure the rights of citizens are upheld.

In the last decade, there has been a growing interest internationally in the relationship between corporations and human rights. This is partly due to the impact and implications of a more globalized world. This interest materialized with the emergence of voluntary principles and standards to better establish the role of corporations in the promotion and respect of human rights.

Companies have begun planning on integrating human rights within their organizational culture with the emergence of initiatives like the Global Reporting Initiative (GRI), the UN Guiding Principles for Business and Human Rights as well as the ISO 26000. Successfully adapting an organization's culture is dependent on every person within the company having a good understanding of human rights and their individual responsibilities in upholding the principles.

The first principle of the UN Global Compact (UNGC) states, *"Businesses should support and respect the protection of internationally proclaimed human rights."* With a growing demand for greater accountability, the private sector can no longer appear to remain complicit in violating human rights and must make the promotion and protection of human rights as an essential part of their social responsibility.

* ©Dr. Elie Abouaoun.

Chapter Eight

The Evolution of Corporate Social Responsibility During the Arab Spring and Beyond

Jeffrey Avina*

A. Introduction

The Arab Spring has presented great challenges and opportunities throughout the region. New models of political participation, power-sharing, and evolving forms of social consensus dominate the landscape region-wide. The Arab Spring has also affected popular culture in significant ways which portend even greater social and relational evolution. As noted by a recent World Economic Forum (WEF) report, "Although not all the region's countries have experienced political or economic transition, recent events have accelerated changes in public sentiment, raised levels of engagement and heightened expectations region wide."¹

Few doubt that two of the principle causes of the Arab Spring were non-inclusive economic growth and a longing for freedom. According to the then Tunisian Minister of Foreign Affairs Rafik Ben Abdessalem:

What happened in the region is a real wave of political change and you cannot escape it. That does not mean there will be revolutions everywhere, but, it shows a political change that reflects the aspirations of people for freedom. It reflects also their socioeconomic marginalization. As such, it is not just a Tunisian or Egyptian phenomenon. It is a regional phenomenon.²

Gallup research, even before the Arab Spring, indicated that the thing most admired in the region about the West was freedom and democracy. According to Dahlia Mogahed, executive director and senior analyst from Gallup, "When people were asked what they would include in a new constitution pre-Arab

* ©Jeffrey Avina.

1 "The Role of Large Employers in Driving Job Creation in the Arab World by WEF, Saudi Basic Industries Corporation (SABIC) and Booz and Company," *World Economic Forum*, 2012, <http://www.weforum.org/reports/role-large-employers-driving-job-creation-arab-world>.

2 Rafik Ben Abdessalem, minister of foreign affairs of Tunisia, speech at the World Economic Forum on the Middle East, North Africa, and Eurasia, June 4-6, 2012, Istanbul, Turkey.

Chapter Nine

Corporate Social Responsibility and the Fight Against Corruption – The Concept of CSR in Egypt After the 2011 Revolution –

Mohamed A. 'Arafa*

*"If anyone travels on a road in search of knowledge,
Allah will cause him to travel on one of the roads of Paradise"¹
The Prophet Mohammad (PBUH)*

*"Knowledge is a treasure, but practice is the key to it"²
Ibn Khaldoun, Al-Muqaddima*

A. Introduction and Overview

Among the fundamental factors that led to Egypt's 25 January Revolution ("The White Peaceful Revolution")³ was the failure of the Mubarak administration's economic strategies, which resulted in augmented costs of living and a rising

* ©Mohamed A. 'Arafa.

1 Quote of The Prophet Mohammad Ibn 'Abdullah (570-632). Sahih Al-Bukhari, *Knowledge*, No. 356, 311, Vol. 1, Bk. 3, translated in Univ. of Southern California, Center for Muslim-Jewish Engagement, <http://cmje.org/>.

2 Quote of Ibn Khaldoun, Al-Muqaddima, scholar and statesman (1332-1406). Al-Muqaddimah Ibn Khaldoun, [The Introduction or Prolegomenon] 21 (Dar AlShaab: 1959, Arabic Source). Ibn Khaldoun was a lawyer, sociologist, economist, and Muslim jurist. He wrote his masterpiece, "Muqaddimah or Prolegomenon," in 1377 A.D. It is the first volume of seven volumes of "Kitab Al-'Ibar." See Ibn Khaldoun, *The Muqaddimah: An Introduction to History* (N. J. Dawood ed., Franz Rosenthal trans., Princeton Univ. Press 1958) (English translation).

3 In Egypt and the wider Arab world, the protests and subsequent changes in the government have generally been referred to as the Revolution 25 January ("*Thawrat 25 Yanāyir*"), Freedom Revolution ("*Thawrat Al-Horeya*"), or Rage Revolution ("*Thawrat Al-Ghadb*"), and less frequently, the Revolution of the Youth ("*Thawrat Al-Shabāb*"), Lotus Revolution, or White Revolution ("*Al-Thawrah Al-Bay ā*"). [Hereinafter referred to as the "Revolution 25 January"]. See *Egyptian Panel Lifts Death Toll in Protests*, WALL ST. J., 20 April 2011. http://www.on-line.wsj.com/article/SB10001424052748704740204576273071880564288.html?mod=fox_australian; See also CNN Wire Staff, *Egyptian-American Leaders Call for U.S. Support of 'Lotus Revolution'*, CNN WORLD, Jan. 28, 2011, http://www.articles.cnn.com/2011-01-28/world/egypt.press.club_1_saad-eddin-ibrahim-egyptian-american-egyptian-people?_s=PM:WORLD; *Investors See White Revolution in Egypt*, GULF DAILY NEWS (13 February 2011), <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=299386>.

Author Biographies

Dr. Elie Abouaoun is the director of Middle East Programs as well as acting director for North Africa with the Center for Middle East and Africa at the U.S. Institute of Peace. Elie served until recently as a senior program officer for the Middle East and North Africa programs. Previously, he held the position of Executive Director at the Arab Human Rights Fund after an assignment as a Senior Program Officer at the U.S. Institute of Peace – Iraq program.

Prior to 2011, Dr. Abouaoun managed the Iraq program of the Danish Refugee Council (DRC) and worked as the program coordinator for Ockenden International-Iraq. He is a senior trainer and consultant with several local, regional and international organizations on topics such as human rights, program development/management, displacement and relief, capacity development, Euro Mediterranean cooperation; and is a member of the pool of trainers of the Council of Europe since 2000. Dr. Abouaoun regularly contributes to publications related to the above mentioned topics. In 2001, he was appointed a member of the Reference Group established by the Directorate of Education-Council of Europe to supervise the drafting of COMPASS, a manual for human rights education. He further supervised the adaptation and the translation of COMPASS into Arabic and its subsequent diffusion in the Arab region in 2003. He regularly writes articles for the French speaking Lebanese daily newspaper L'Orient du Jour as well other publications in the Arab region. He is a visiting lecturer at Notre Dame University-Lebanon on the subjects of human rights, civil society, advocacy and at Saint Joseph University-Lebanon on the subjects of human rights and citizenship. Dr. Abouaoun serves as a member of the Board of Directors of several organizations in the Arab region.

Dr. Mohamed A. 'Arafa is an Assistant Professor of Criminal Law and Criminal Justice at Alexandria University Faculty of Law (Egypt) and an Adjunct Professor teaching Islamic Law at Indiana University Robert H. McKinney School of Law. Professor 'Arafa earned his Bachelor of Laws (LL.B.) degree from Alexandria University Faculty of Law (English Department) in 2006, his Master of Laws (LL.M.) degree in American Criminal Law and Criminal Justice from the University of Connecticut School of Law in 2008, and his Doctor of Juridical Science (SJD) from Indiana University Robert H. McKinney School of Law in 2013.

He authored numerous law review articles in US and international journals on corruption and anti-bribery law; anti-money laundering law; economic, white-collar, and international crime; Islamic law; Islamic criminal law; comparative

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criminal law; as well as Middle Eastern and Egyptian politics. His most recent book entitled *Towards a New Anti-Corruption Law in Egypt After Mubarak: A Comparative Study Between the United States Foreign Corrupt Practices Act, Egyptian Anti-Bribery Law, and Islamic Law* was published in Germany by Lambert Academic Publishing (<http://www.amazon.com/Towards-Anti-Corruption-Egypt-After-Mubarak/dp/3659396141>, <https://www.lap-publishing.com/catalog/details/store/gb/book/978-3-659-39614-4/towards-a-new-anti-corruption-law-in-egypt-after-mubarak?search=Towards%20a%20new%20anti-corruption%20law%20in%20Egypt>).

Professor 'Arafa focuses his teaching and scholarship in the areas of criminal law; advanced criminal procedures; corporate crimes; white collar crimes; criminal evidence, authentication, and forensic science; criminology and penology; Therapeutic Jurisprudence ("TJ"); Islamic law; Islamic criminal law; international criminal law; international human rights law, and humanitarian law. Professor 'Arafa is also a visiting professor of business law at the Arab Academy for Science, Technology, and Maritime Transport (College of Business Management). Moreover, Professor 'Arafa is a permanent member of The Arab Society for Commercial and Maritime Law (ASCML); the Council on International Law and Politics; the American Bar Association (ABA); the American Bar Association (ABA) Dispute Resolution, Business Law, and Educational Committees Program; and the Egyptian American Rule of Law Association (EARLA). Recently, he qualified and was certified as a civil and domestic mediator under Indiana Alternative Dispute Resolution (A.D.R.) Rule 25. In addition, he has been named to the editorial board of the United States-China Law Review as an "Honored Reviewer." The review is published by David Publishing Company.

His full CV, including a complete list of publications, is available at <http://mckinneylaw.iu.edu/~marafa>. His research and scholarship can be accessed online at <http://ssrn.com/author=1601014>.

Dr. Yilmaz Argüden is the Founder and Chairman of ARGE Consulting, a management consulting firm known for value creating strategies and institution building. He is also the Chairman of Rothschild investment bank in Turkey. His career spans the private sector, public sector, multinational institutions, NGOs, and academia.

Dr. Argüden has a B.S. degree in Industrial Engineering from the Bosphorus University, where he received both the Top Graduating Engineer Award and the President's Prize for Student Leadership. He was a member of the High School

and University basketball teams that won National Championships. He received his PhD in policy analysis from the RAND Graduate Institute with General Distinction. Throughout his education, he received scholarships from Fulbright, TÜBİTAK, and NATO.

Dr. Argüden started his career at the R&D Center of the Koç Group (1978-80). He worked at the RAND Corporation as a Policy Analyst focusing on energy policy and human resources policies (1980-85). Later he joined the World Bank where, as a Senior Officer, he participated in more than 100 loan negotiations with more than 20 countries (1985-88). Upon his Government's invitation, he returned to Turkey where he led the Privatization Program, when initial foreign investments were attracted to the program, the public offering of Government's shares in industrial enterprises was initiated, flourishing the Istanbul Stock Exchange, and the Turkish investment banking industry was established (1988-90). He also served as the Chief Economic Advisor to the Prime Minister (1991).

Later he founded ARGE Consulting, a leading management consulting firm based in Istanbul. ARGE is the first Turkish signatory of the UN Global Compact and has been recognized at the European Parliament as one of the best three companies "Shaping the Future" with its commitment to corporate social responsibility.

Dr. Argüden served on the boards of more than 50 national and international corporations and served as the Chairman of the largest Turkish steel company, Erdemir (1997-99). He is an adjunct Professor of Business Strategy; and an author of numerous books and a columnist focusing on business and strategy issues. He is a renowned governance expert and has been selected as a member of the Private Sector Advisory Group of the Global Corporate Governance Forum, established by the OECD and the World Bank, as well as being the Vice-Chairman of the Governance Committee of the Business and Industry Advisory Committee (BIAC) to the OECD.

Dr. Argüden is also a social entrepreneur, seeking to improve the quality of life in the community. As the Chairman of the Turkish Quality Association, he initiated the National Quality Movement to improve the management effectiveness of private, public, and civil society institutions throughout Turkey by promoting TQM philosophy. As the Chairman of Turkish-American Business Council and the Turkish-Canadian Business Council he has been a leader in developing bilateral business relations. As a Founding Board Member of the independent Turkish think-tank, Turkish Economic and Social Studies Foundation (TESEV) he has been a staunch promoter of public policy analysis. As a Founding Board Member of

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The Turkish Education Volunteers Foundation (TEGV), he has been active in improving the quality of education by improving delivery systems and content development. As the Founding Vice-Chairman of Corporate Volunteers Association (CVA) he has been a leader in actively promoting corporate social responsibility and volunteerism. As the Chair of Local Networks Advisory Group he represents the National Networks at the Board of the UN Global Compact, the world's largest sustainability platform.

He is an Eisenhower Fellow, a recipient of numerous leadership, distinguished citizenship and career awards, and was selected by the World Economic Forum, as a "Global Leader for Tomorrow" for his commitment to improving the state of the world (1999).

Jeffrey Avina is the Citizenship and Community Affairs Director for Microsoft Middle East and Africa, a region covering 79 countries. Jeffrey and his team promote Microsoft in its keen desire to spread the benefit of IT throughout all communities. His principal counterparts are Government Ministries, International Development agencies (including the World Bank, European Community, African Development Bank, USAID, the UN etc.), as well as international and national NGO's. His current work focuses on helping these organizations use IT effectively to meet the development needs and challenges of the diverse populations in this region, particularly, youth, women, and the poor and disenfranchised.

Jeffrey Avina holds a JD from Harvard Law School, an MPA from the Harvard Kennedy School of Government, a Master in International Development Education from the SIDEC program at Stanford University School of Education and two Bachelor degrees from Stanford University in International Relations and Latin American Studies.

He has worked both in the public and private sector. His work has focused on cross-cutting issues affecting economic growth, effective public administration, good governance, addressing crime, particularly corruption, cybercrime and drug-, weapons- and human trafficking. He has received various awards for his work throughout the world and has published on developmental and political topics in English and Spanish. He has been licensed as a lawyer to the New York and Connecticut Bars.

At the United Nations, he served a Director of Operations for the United Nations Office on Drugs and Crime in Vienna. In this capacity, he oversaw global network of 30 field offices and 4 regional desks promoting knowledge-based expertise in

the context of sustainable development and human security, anti-corruption and facilitating the development by Governments of effective counter-measures against drug abuse, illicit drug production and trafficking, human trafficking and other forms of transnational organized crime. Also at the UN, Jeffrey carried out assignments in Africa, Asia and Latin America at the level of Deputy Director, Representative and Deputy Representative level.

He also worked for the Inter-American Foundation and for the Wall Street law firm of Clearly Gottlieb Steen and Hamilton, and specialized in the representation of highly indebted nations and the tailoring of debt conversion and debt swap vehicles.

Dr. Ying Chen holds a Doctor of Juridical Science (S.J.D.) degree and a Master of Laws (LL.M.) degree from Indiana University Robert H. McKinney School of Law, and a Bachelor of Laws (LL.B.) degree from Yantai University School of Law in China. Her research interests are primarily in the areas of International Trade and Investment, International and Comparative Law (US, EU, and China), Human Rights, Agricultural and Food Law, as well as Energy Law.

Dr. Chen has significant experience in legal research and writing. Her research articles have been published in leading US and European law journals, such as the *Columbia University Journal of International Affairs*, *New York International Law Review*, *European Journal of Law Reform*, and the *Indiana International and Comparative Law Review*. Her most recent book entitled *Trade, Food Security, and Human Rights—The Rules for International Trade in Agricultural Products and the Evolving World Food Crisis* has been published by Ashgate in the UK in 2014. Dr. Chen is regularly speaking at national and international symposia and has been invited to present her research at conferences in the US, UK, Spain, France, China, and Turkey.

Angélique Devaux is a French Qualified Attorney (*Notaire Diplômée*) from the *Centre de Formation Professionnelle Notariale* of Rennes. She worked as a French Lawyer in the United Kingdom where she assisted British citizens in their acquisitions of property in France and in estate planning. Then, she worked as an associate in a large firm of Notaires in Paris, France, for 6 years, where she specialized in Family Law and Private International Law. A few years ago, she moved to the United States where she obtained an LL.M in American Law from Indiana University Robert H. Mc Kinney School of Law.

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She is a monthly contributor of the ICONnect Blog of the International Journal of Constitutional Law and Constitution Making.org. She is also the author of several articles in Comparative Law and focuses on International Family Law issues. Her list of publications is available at <http://ssrn.com/author=2013253>. The author can be contacted at adevaux@uimail.iu.edu.

Dr. Frank Emmert was originally qualified as a judge and attorney under German law in 1992. He also holds an LL.M. degree from the University of Michigan at Ann Arbor, USA (1989), a diploma in European Union law and international human rights from the Academy of European Law in Florence, Italy (1990), and a Ph.D. from the University of Maastricht in the Netherlands (1998).

From 1991-1993 he served as the Executive Director of the Academy of European Law in Florence, and from 1993 to 1998, he taught at the Europainstitut of Basle University (Switzerland). In 1998, Frank was appointed as professor of international, comparative and European law and Dean of the Law School at Concordia International University Estonia, now part of Tallinn University of Technology, in Tallinn (Estonia). In this position he organized, inter alia, the first legal clinic in Estonia. As of 2001, he held the title of Jean Monnet Professor of European Union Law. During the academic year 2002/03 he was a visiting professor in New York City at Benjamin N. Cardozo School of Law and also taught at Rutgers School of Law in Newark.

Since June 2003, Prof. Emmert is a tenured professor of law and Director of the Center for International & Comparative Law at Indiana University School of Law in Indianapolis. In 2004, he was appointed to the John S. Grimes Chair of Law. From 2003 to 2007 he directed the School's summer study abroad programs in Strasbourg and Dubrovnik. From 2006 to 2012, he was an International Scholar in the Open Society Institute Higher Education Support Program and from 2007 to 2013, he directed the Robert H. McKinney School of Law LL.M. Program in Egypt. As of spring 2014, he serves as a Consultant to the Worldbank for a capacity development project in Vietnam. This brings to about a dozen the number of governments Frank has advised directly or indirectly in matters of constitutional and legislative reform, administrative and court reform, and/or reform of legal education.

Professor Emmert has taught or co-taught courses for credit also at American University Central Asia, Amsterdam Law School, Charles University Prague, College of Europe Natolin, Guadalajara University, International Graduate Business School Zagreb, Stanford University, St Gall University, Strasbourg University,

and Yerevan State University, and speaks regularly at national and international conferences. He is the author, co-author, or editor of over 100 publications on European Union law, international business and trade law, international protection of human rights, promotion of rule of law and development in transition countries, and related subjects. From 1989 to 2012, he served as Editor-in-Chief of the *European Journal of Law Reform*. Since 2011, he is a founding member and co-president of the Council on International Law and Politics in Chicago.

For a full CV and List of Publications please visit www.epsilen.com/femmert. Various publications are available for download at <http://ssrn.com/author=622007> and/or https://www.researchgate.net/profile/Frank_Emmert2/publications/. For more personal information go to www.cilpnet.org, as well as www.TheIMAC.co.

Peter Gjortler is a Danish qualified lawyer who has practiced EU law for more than 25 years in private practice, public administration, judicial service and universities. He previously worked as a public prosecutor for the Danish state, as a High Court Judge, and as advisor for the President of the European Court of Justice. His project experience includes reform of the judicial and prosecutorial systems of Lithuania, Macedonia and Romania, amongst others. Peter's practice areas include project management as well as European Union law, public international law and private international law, with a focus on competition law, criminal law, environmental protection, human rights, intellectual property, judicial procedure, public procurement and state aid law. He advises private clients as well as the public sector, including extensive assistance for government agencies in a number of central and eastern European countries, and also teaches at several European universities. Peter's current positions include being associate professor and programme director at Riga Graduate School of Law, director of Lexnet European Information, advokat at Grayston & Company, and consultant at Kyed & Jybæk. His outside interests include military history and classical music.

Salma Taman is a doctoral candidate at Indiana University Robert H. McKinney School of Law, currently writing a dissertation on *Interpreting Islamic Sharia According to the Concept of 'Maquasid Al Sharia' (the Purposes of the Divine Law/ the Intention of the Legislator)*. This approach aims at interpreting the legal texts not only through the letter of the law but most importantly through to its spirit and the intention of its creator. Her research interests generally center on Islamic Law, its evolution and influence on Islamic societies in the past and in the present day. Salma is an advocate of correctly understood and applied Islamic

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Law that is capable of meeting the needs of modern day Muslims and their private and public lives, including the business world.

After receiving her LL.B. in 2006 from Alexandria University's School of Law, Salma trained at a law office in Alexandria until 2007, when she was appointed as a Teaching Assistant at Pharos University of Alexandria (PUA). In 2007, Salma taught Constitutional Law, Economics, Public International Law as well as English and French Legal Terminology at PUA for first and second year students in the LL.B. program. Prior to joining IU's doctoral program, Salma received an LL.M. in international and comparative Law also from Indiana University Robert H. McKinney School of Law in 2009. Her LL.M. thesis was on *Developing Countries in the WTO after the Failure of the Doha Round*. Simultaneously she worked as a faculty assistant for IU's LL.M. Program in Egypt.

Salma has published a number of articles on Islamic law and related subjects and has presented her research at conferences in the US, Europe, and the Middle East. In spring 2014, she taught Islamic Law at Universidad de Guadalajara in Mexico.

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