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History of the Global Corporation, (2)

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Legal Status of Multinational Companies Compared with Uni-nationality in the Light of the Rules of Conflicts and the Companies Law

*George Hazboun and Radwan Obaidat**

ABSTRACT

During the twentieth century, the economic cooperation between the states reached new horizons with the creativity of the efforts leading to the extension and creation of various forms of companies, to cover such cooperation in the private sector.

The economic development pushed many companies to extend their activities outside the borders of their homeland, either outside the country of incorporation or outside the country of principle administration location. Such expansion took the form, inter alia, of having sister companies or branches or acquisition of the majority of shares in foreign companies. New forms of companies with powerful economic situation started to dictate the states economic policies. International economic conferences were held aiming to facilitate the tasks and functions of such companies. The WTO, although formed from states, draws policies which reflect the transnational or multinational companies lines. In this research we tried to follow the reaction of the domestic legislators, doctrine and practice to this new phenomenon taking into consideration the position of the traditional domestic trend of uni-nationality of every company notwithstanding the criteria of the link between the state and the company. We concluded that the major domestic legal systems did not give sufficient attention to organize the entity of such companies, with them focusing only on the regulation of their function. This necessitates a formal review of the companies law to introduce a special form of companies organized under the title (The Transnational Companies).

* Faculty of Law, University of Jordan. Received on 30/3/2004 and Accepted for Publication on 5/1/2005.

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