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Standards of Investment Protection - August Reisch 2008

This volume examines the standards of treatment, demanded from host states, that form the basis of contemporary international investment protection. Practitioners and academics analyse the interpretation of core standards in arbitration proceedings, and present the emerging judicial consensus shaping their practical application.

Treaty Shopping in International Investment Law - Jorun Baumgartner 2016

Revision of the author's thesis (doctoral)--University of Lausanne, 2015 -- Acknowledgements.

International Law Theories - Andrea Bianchi 2016-11-10

Two fish are swimming in a pond. 'Do you know what?' the fish asks his friend. 'No, tell me.' 'I was talking to a frog the other day. And he told me that we are surrounded by water!' His friend looks at him with great scepticism: 'Water? Whats that? Show me some water!' International lawyers often find themselves focused on the practice of the law rather than the underlying theories. This book is an attempt to stir up 'the water' that international lawyers swim in. It analyses a range of theoretical approaches to international law and invites readers to engage

with different ways of legal thinking in order to familiarize themselves with the water all around us, of which we hardly have any perception. The main aim of this book is to provide interested scholars, practitioners, and students of international law and other disciplines with an introduction to various international legal theories, their genealogies, and possible critiques. By providing an analytical approach to international legal theory, the book encourages readers to enhance their sensitivity to these different approaches and to consider how the presuppositions behind each theory affect analysis, research, and practice in international law. International Law Theories is intended to assist students, scholars, and practitioners in reflecting more generally about how knowledge is formed in the field.

Elgar Encyclopedia of International Economic Law - Thomas Cottier 2017 "Organized thematically rather than alphabetically, the subject is split into four principal sections: the foundations and architecture of international economic law, its principles, its main regulatory areas, and the future challenges that it faces. Comprising over 250 entries..., traditional international economic law subject matter is supplemented by coverage of newly developing areas. Thus, the concepts and rules of

trade, investment, finance and international tax law are found alongside entries discussing the relationship of international economic law with environmental protection, social standards, development, and human rights."--

Small and Medium-sized Enterprises in International Economic Law - Thilo Rensmann 2017

Examining the effect widening access to the global marketplace has had on the international legal landscape, this book presents the first comprehensive analysis of the interaction between small and medium-sized enterprises (SMEs) and international economic law.--

The Investment Treaty Arbitration Review - Barton Legum 2019

International Investment Law - Surya P Subedi QC 2020-06-11

'...This book [...] goes beyond stating what the law is and focuses on controversies occurring within this area of the law... an excellent introduction to this complex area of international law for newcomers to the subject' Kate Miles, Australian International Law Journal The updated edition of this acclaimed book offers a critical overview of the law of foreign investment, incorporating a thorough analysis of the principles and standards of treatment available to foreign investors in international law. It is authoritative and multi-layered, offering an analysis of the key issues and an insightful assessment of recent trends in the case law, from both developed and developing country perspectives. A major feature of the book is that it deals with the tension between the law of foreign investment and other competing principles of international law. In doing so, it proposes ways of achieving a balance between these principles and the need to protect the legitimate rights and expectations of foreign investors on the one hand, and the need not to restrict unduly the right of host governments to implement their public policy on the other, including the protection of the environment and human rights, and the promotion of social and economic justice within the host country. Many of the pioneering ideas that were advanced in the first edition of this book in 2008 have been taken up by governments and international organisations in their attempts to reform

the investor-State dispute settlement mechanism and strike a balance between different competing principles in developing international investment law. Accordingly, this fourth edition captures the essence of the ongoing multiple reform processes -either planned or envisaged - currently underway.

Principles of International Economic Law - Matthias Herdegen 2013-01-10

A comprehensive insight into the legal framework of international economic relations, comprising the law of the World Trade Organization, investment law, and international monetary law, this book highlights the context of human rights, good governance, environmental protection, development, and the role of the G20 and multinationals.

Shareholders' Claims for Reflective Loss in International Investment Law

- Lukas Vanhonnaeker 2020-04-30

In recent years, investor-state tribunals have often permitted shareholders' claims for reflective loss despite the well-established principle of no reflective loss applied consistently in domestic regimes and in other fields of international law. Investment tribunals have justified their decisions by relying on definitions of 'investment' in investment agreements that often include 'shares', while the no-reflective-loss principle is generally justified on the basis of policy considerations pertaining to the preservation of the efficiency of the adjudicatory process and to the protection of other stakeholders, such as creditors. Although these policy considerations militating for the prohibition of shareholders' claims for reflective loss also apply in investor-state arbitration, they are curable in that context and must be balanced with policy considerations specific to the field of international investment law that weigh in favor of such claims: the protection of foreign investors in order to promote trade and investment liberalization. *International Investment Law and Arbitration* - Todd Weiler 2005 Essays on leading cases of international investment law.

International Investment Law for the 21st Century - Christina Binder 2009

International investment law has become increasingly prominent in the

international legal order, spurred on by the explosion of Bilateral Investment Treaties between States and a sharp rise in international investment disputes. This rise to prominence has however not always been matched by academic reflection on the content of procedure of international investment law and its role within general international law. This volume seeks to remedy this situation by providing careful analysis of every area of international investment law and its relationship with other legal fields. It is written in honor of one of the leading experts in the field of investment arbitration, Christoph Schreuer. The book explores specific and topical problems of international investment law and practice in a focused way. It also provides a forum for broader theoretical reflections on international investment law and its relation to general international law. The book includes chapters on jurisdictional questions, issues of procedure in investment proceedings, the relationship between investment arbitration and other forms of investment protection, problems of substantive investment law, regional aspects, interfaces between investment law and other areas of law as well as the future of the law of investment protection. Featuring contributions by many of the most prominent scholars and practitioners of investment arbitration, this work should become an indispensable tool for practitioners and academics working in the field.

The Effect of Treaties on Foreign Direct Investment - Karl P Sauvant
2009-03-27

Over the past twenty years, foreign direct investments have spurred widespread liberalization of the foreign direct investment (FDI) regulatory framework. By opening up to foreign investors and encouraging FDI, which could result in increased capital and market access, many countries have improved the operational conditions for foreign affiliates and strengthened standards of treatment and protection. By assuring investors that their investment will be legally protected with closed bilateral investment treaties (BITs) and double taxation treaties (DTTs), this in turn creates greater interest in FDI.

Compensation and Restitution in Investor-State Arbitration - Borzu Sabahi
2011-06-30

This book examines the history, principles, and practice of awarding compensation and restitution in investor-State arbitration disputes, which are initiated under investment treaties. The principles discussed may be applied to all international law cases where damage to property is an issue. The book starts by tracing the roots of the applicable international legal principles to Roman law, and from there follows their evolution through the European law of extra-contractual liability and eventually through the Chorzów Factory case to principles of compensation and restitution in the modern law of international investment. The greater part of the book is then dedicated to examination of the modern application of these principles, focusing on the jurisprudence of international tribunals under various arbitral rules such as ICSID and UNCITRAL Rules. Monetary compensation as the prevalent form of remedy sought and awarded in investor-State disputes is discussed in more detail, including topics such as the amount of compensation for damage resulting from breach of investment treaties or for lawful expropriation of foreign investor's property, a brief overview of valuation methods, supplementary compensation for moral damages, interest, costs, and currency fluctuations as well as various principles that may limit the amount of recoverable compensation, such as causation. A full chapter is dedicated to the discussion of the theory and practice of awarding restitution in investor-State disputes. The book also covers the general principle of reparation in international law as applied in investor-State arbitrations. The topics discussed cover all the theoretical as well as practical issues which may be raised in awarding compensation and restitution in investment treaty disputes between States and foreign investors.

The Law of Investment Treaties - Jeswald W. Salacuse
2015-06-04
The rapid growth in investment treaties has led to a burgeoning number of international arbitration decisions that have applied and interpreted treaty provisions in disputes between investors and states concerning their respective rights. This flurry of treaties and arbitral decisions has seen the creation of a new branch of international law- the law of investment claims. In this revised edition, Jeswald Salacuse examines the

law of international investment treaties, specifically in relation to its origins, structure, content, and effect, as well as their impact on international investors and investments, and the governments that are parties to them. Investment treaty law is a rapidly evolving field and since publication of the first edition, the law of international investment treaties has both experienced considerable growth and generated extensive controversy. 2011 saw the highest number of new treaty-based arbitration filed under international investment agreements to date, and in July 2014, the Yukos Universal Limited (Isle of Man) v The Russian Federation culminated with awards of over US\$50 billion; a historic record for any arbitration. Controversy in this field has primarily revolved around the investor-state dispute settlement process, which as thus far involved at least 98 states as respondents. Salacuse captures these developments in this updated edition, examining not only the significant growth in treaties, but the trends that have followed, and their effect on the content and evolution of the law of investment treaties. Specific topics include conditions for the entry of foreign investment and general standards of treatment of foreign investments; monetary transfers; operational conditions; protection against expropriation; dispossession and compensation for losses; dispute settlement, including negotiation, arbitration, and conciliation; and judicial proceedings.

The History of ICSID - Antonio R. Parra 2012-08-09

Based on the author's dissertation (doctoral)--University of Geneva.

International Investment Law and Arbitration - Borzu Sabahi 2018-07-17
International Investment Law and Arbitration: History, Modern Practice, and Future Prospects explores international law on foreign investment: its creation, functioning and evolution.

The Political Economy of the Investment Treaty Regime - Jonathan Bonnitcha 2017

Investment treaties are some of the most controversial instruments of global economic governance. This book integrates legal, economic, and political perspectives to offer the first comprehensive analysis of the political economy of the investment treaty regime, and contextualises the

investment treaty regime in its broader socio-economic context.

Arbitration Costs - Susan D. Franck 2019-03-26

Investment treaty arbitration (sometimes called investor-state dispute settlement or ISDS) has become a flashpoint in the backlash against globalization, with costs becoming an area of core scrutiny. Yet "conventional wisdom" about costs is not necessarily wise. To separate fact from fiction, this book tests claims about investment arbitration and fiscal costs against data so that policy reforms can be informed by scientific evidence. The exercise is critical, as investment treaties grant international arbitrators the power to order states-both rich and poor-to pay potentially millions of dollars to foreign investors when states violate the international law commitments made in the treaties. Meanwhile, the cost to access and defend the arbitration can also climb to millions of dollars. This book uses insights drawn from cognitive psychology and hard data to explore the reality of investment treaty arbitration, identify core demographics and basic information on outcomes, and drill down on the costs of parties' counsel and arbitral tribunals. It offers a nuanced analysis of how and when cost-shifting occurs, parses tribunals' rationalization (or lack thereof) of cost assessments, and models the variables most likely to predict costs, using data to point the way towards evidence-based normative reform. With an intelligent interdisciplinary approach that speaks to ongoing reform at entities like the World Bank's ICSID and UNCITRAL, this book provides the most up-to-date study of investment treaty dispute settlement, offering new insights that will shape the direction of investment treaty and arbitration reform more broadly.

The Principles and Practice of International Commercial Arbitration - Margaret L. Moses 2008-03-17

This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but

comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

Cassese's International Law - Paola Gaeta 2020-08

Cassese's International Law is a new edition of an established classic. Authors Gaeta, Vitiello, and Zappalà have built on the legacy of international law luminary Antonio Cassese to offer a thought-provoking and lucid account for today's undergraduates and postgraduates. The authors have refreshed Cassese's original approach, ensuring the book continues to compare the traditional legal position with the developing and evolving law. Advancing areas such as the law of the sea, territorial matters, and international environmental law have been expanded to give proper place to their evolving development, while brand new chapters on international trade and foreign investment have been written to reflect the advancements of these areas. In maintaining the broad structure and approach but providing new material, the authors bring fresh context to Cassese's thinking and provide students with an up-to-date, compelling account of the landscape of international legal thinking.

The ICSID Convention - Christoph H. Schreuer 2009-07-23

This Commentary gives a detailed description of the meaning and application of the ICSID Convention.

International Investment Arbitration - Campbell McLachlan 2017-09-07

"[This book reviews] the substantive principles of international law applied by investment arbitration tribunals, and a clear and comprehensive description of the present state of the law...The second edition is fully updated to take account of the arbitration awards rendered in the period since 2007...Key areas of coverage include: the instruments under which investment disputes arise; the legal basis of

treaty arbitration; dispute resolution and parallel proceedings; who is a foreign investor, including nationality issues and foreign control; what is an investment; investors' substantive rights, including fair and equitable treatment; expropriation; compensation and remedies. Arbitration of overseas investment disputes is one of the fastest growing areas of international dispute resolution. The exponential growth of international investment in recent years has led to the signature of over two thousand Bilateral Investment Treaties (BITs) between foreign states, in addition to a wealth of multilateral treaties and other forms of concession agreements. The legal principles that have developed in this area are subject to intense debate, and are still in a state of flux. While tribunals routinely state that they are applying principles of public international law to determine disputes, many of the principles applied have only been developed recently in the context of investment treaty arbitrations, and tribunals are often guided more by the approaches taken by other tribunals, than by pre-existing doctrines of public international law."--

International Investment Law and Arbitration - C. L. Lim 2021-03-11

A new edition connecting extracts from arbitral decisions, treaties and scholarly works with concise, up-to-date and reliable commentary. *Schreuer's Commentary on the ICSID Convention 2 Volume Hardback Set* - 2021-08-31

Arbitration: A Very Short Introduction - Thomas Schultz 2021-04-22

Very Short Introductions: Brilliant, Sharp, Inspiring Arbitration is a legal dispute resolution mechanism, alternative to courts. It provides binding decisions, enforceable around the world. It is where parties take their disputes when they have agreed that courts, for one reason or another, do not suit them - which happens more often than one might think. Some of the most politically sensitive disputes on the largest scale go to arbitration. Countries which need to settle their boundaries in areas of the oceans rich in oil, gas and other resources sometimes arbitrate, and much of the war in Sudan was eventually tied up with an arbitration. Investors who have staked billions of dollars in unstable developing countries rely on arbitration clauses to protect their investments. But

also much smaller, everyday cases are routinely dealt with by arbitration - millions of consumers, whether they know it or not, enter into arbitration contracts when they conclude routine transactions. Even athletes get involved in arbitration cases of great notoriety, for instance when these relate to doping offences during the Olympic Games. This Very Short Introduction explains what arbitration is, how it works, what parties who have agreed to go to arbitration should expect, the relationship between arbitration and the law, and the politics of arbitration. It also considers where the global system of arbitration is headed. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

Contract Interpretation in Investment Treaty Arbitration - Yuliya Chernykh 2022

Overview of contract interpretation in investment treaty arbitration -- National laws and contract interpretation -- International law and contract interpretation -- The power of treaty-based tribunals to interpret contracts -- Contract interpretation as the incidental issue.

Fair and Equitable Treatment - 2012

The concept of fair and equitable treatment, which has assumed prominence in investment relations between States, provides a yardstick by which relations between foreign direct investors and Governments of capital-importing countries may be assessed. In addition to discussing this issue, the publication also takes stock and analysis of: trends in the use of the standards; and models based on State practice. The publication also gives insight into the interaction of fair and equitable treatment standard with other issues and concepts that arise in investment practice.

The International Law on Foreign Investment - M. Sornarajah 2010-05-06

This book is a thought-provoking and authoritative text on this fast moving field of international law.

Comparative International Law - Anthea Roberts 2018

"The chapters of this volume were presented at the twenty-seventh and twenty-eighth Sokol Colloquia on Private International Law, held at the University of Virginia School of Law in September 2014 and September 2015." -- Acknowledgments, p. [xi].

International Development Law - Rumu Sarkar 2020-03-26

This book describes how international development works, its shortcomings, its theoretical and practical foundations, along with prescriptions for the future. International Development Law provides the reader with new perspectives on the origins of global poverty, identifies legal impediments to sustainable economic growth, and provides a better understanding of the challenges faced by the international community in resolving global poverty issues. The text is structured into two basic parts: the first part deals with the theoretical and philosophic foundations of the subject, and the second part sets forth issues relating to the international financial architecture, namely, international borrowing practices, privatization, and emerging economies. In particular, the book provides new, innovative analysis on corruption as an impediment to sustainable development. The three interlocking facets of corruption are examined: transnational organized crime, Islamic-based international terrorism, and corruption within emerging economies and the international banking system. Thus fresh new analysis adds depth and clarity to a field that heretofore has been scattered and superficial. Finally, the "right to development" within the international human rights discourse is critically reviewed, particularly in light of new jurisprudence emerging from the African context. This book offers a fresh, new and balanced legal perspective on the development process. The text has been rigorously researched and has many practical facets based on the author's professional experience within the international development field. It is an invaluable research and teaching tool since it takes a multidisciplinary approach to putting complex issues, legal trends and political questions into a clear, new perspective that is highly analytical as well as accessible to the reader. The author's elegant legal prose is both powerful and persuasive.

The Territorial Status of the Falkland Islands (Malvinas) - Rudolf Dolzer 1993

Guide to Damages in International Arbitration - John A Trenor
2018-01-18

Have you ever been frustrated that arbitration folk aren't more numerate? The Guide to Damages in International Arbitration is a desktop reference work for those who'd like greater confidence when dealing with the numbers. This second edition builds upon last year's by updating and adding several new chapters on the function and role of damages experts, the applicable valuation approach, country risk premium, and damages in gas and electricity arbitrations. This edition covers all aspects of damages - from the legal principles applicable, to the main valuation techniques and their mechanics, to industry-specific questions, and topics such as tax and currency. It is designed to help all participants in the international arbitration community to discuss damages issues more effectively and communicate them better to tribunals, with the aim of producing better awards. The book is split into four parts: Part I - Legal Principles Applicable to the Award of Damages; Part II - Procedural Issues and the Use of Damages Experts; Part III - Approaches and Methods for the Assessment and Quantification of Damages; Part IV - Industry-Specific Damages Issues

Introduction to International Business Transactions - Aaron X. Fellmeth 2020-06-26

This innovative textbook introduces the legal concepts, regimes and actors that regulate international business transactions. The book guides readers through the major aspects of international business law using state-of-the-art teaching techniques and offers comprehensive coverage on key treaties, legal aspects of international commerce and the regulation of global trade and investment.

General Principles of Law and International Investment Arbitration - Andrea Gattini 2018-06-01

In General Principles of Law in Investment Arbitration, the authors address selected general principles of law, assessing their functions in

investment arbitration. The resulting picture is that of a lively source that escapes doctrinal straitjackets and maintains its relevance.

The International Law of Investment Claims - Zachary Douglas
2009-06-11

This book is a codification of the principles and rules relating to the prosecution of investment claims.

Principles of International Investment Law - Rudolf Dolzer (jurist)
2012-11-15

This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students or practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

Principles of International Investment Law - Ursula Kriebaum
2022-01-13

This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students, scholars, and practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

Practising Virtue - David D. Caron 2015

International arbitration has developed into a global system of adjudication, dealing with disputes arising from a variety of legal relationships: between states, between private commercial actors, and between private and public entities. It operates to a large extent according to its own rules and dynamics - a transnational justice system rather independent of domestic and international law. In response to its growing importance and use by disputing parties, international arbitration has become increasingly institutionalized, professionalized, and judicialized. At the same time, it has gained significance beyond specific disputes and indeed contributes to the shaping of law. Arbitrators have therefore become not only adjudicators, but transnational lawmakers. This has raised concerns over the legitimacy of international arbitration. Practising Virtue looks at international

arbitration from the 'inside', with an emphasis on its transnational character. Instead of concentrating on the national and international law governing international arbitration, it focuses on those who practice international arbitration, in order to understand how it actually works, what its sources of authority are, and what demands of legitimacy it must meet. Putting those who practice arbitration into the centre of the system of international arbitration allows us to appreciate the way in which they contribute to the development of the law they apply. This book invites eminent arbitrators to reflect on the actual practice of international arbitration, and its contribution to the transnational justice system.

International Protection of Investments - August Reinisch 2020-06-30

This book outlines the protection standards typically contained in international investment agreements as they are actually applied and interpreted by investment tribunals. It thus provides a basis for analysis, criticism, and stocktaking of the existing system of investment arbitration. It covers all main protection standards, such as

expropriation, fair and equitable treatment, full protection and security, the non-discrimination standards of national treatment and MFN, the prohibition of unreasonable and discriminatory measures, umbrella clauses and transfer guarantees. These standards are covered in separate chapters providing an overview of textual variations, explaining the origin of the standards and analysing the main conceptual issues as developed by investment tribunals. Relevant cases with quotations that illustrate how tribunals have relied upon the standards are presented in depth. An extensive bibliography guides the reader to more specific aspects of each investment standard permitting the book's use as a commentary of the main investment protection standards.

The Sources of International Law - Hugh Thirlway 2014-02

Because of its unique nature, the sources of international law are not always easy to identify and interpret. This book provides an ideal introduction to these sources for anyone needing to better understand where international law comes from. As well as looking at treaties and custom, the book will look at more modern and controversial sources.