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LIBERALIZATION AND ECONOMIC SOVEREIGNTY

Author: Agustín Arribas



The International Law On Foreign Investment 2d Ed

Oscar Schachter



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The History of ICSID Antonio R. Parra, 2012-08-09 The first book to detail the history of the International Centre for Settlement of Investment Disputes ICSID and its Convention covering the years from 1955 to 2010 It includes accounts of the formulation of the Convention the development of ICSID's Regulations and Rules and analysis of the cases submitted to it over this time

Multinational Corporations and International Law: Accountability and Compliance Issues in the Petroleum Industry Emeka Duruigbo, 2021-10-01 The author proposes that international law can be strengthened by incorporating and integrating multinational corporations more fully into the international legal system The establishment of international norms of corporate responsibility and accountability under accepted international law could thereby lead to mutual benefits Multinational corporations would enjoy de jure protections enhancing their global business activities and countries where these corporations have considerable social economic and environmental effect on their communities will have recourse to hold corporations accountable for harmful actions Published under the Transnational Publishers imprint

International Investment, Political Risk, and Dispute Resolution Partner Noah Rubins Qc, Thomas Nektarios Papanastasiou, Partner N Stephan Kinsella, 2019-09-18 The second edition of International Investment Political Risk and Dispute Resolution explores the multi layered legal framework for the protection of foreign investment against political risk The authors expertly analyse some of the key issues surrounding this subject such as structuring transactions to minimize political risk political risk insurance state responsibility treaties protecting foreign investment and human rights and international arbitration between states and investors Since the previous edition was released in 2005 far more attention has been paid to these issues in particular investor state arbitration as well as other current topics such as the interaction between international investment law and human rights All chapters have been revised to take into account the number of new arbitration awards that have come to light and the massive volume of commentary on the subject of international investment arbitration since the first edition The authors have carefully considered the latest theoretical approaches to foreign investment protection and the most intellectually challenging awards issued in the intervening decade as well as the most recent practical guidance on the procedural recourse available to investors who face political risks Additionally this book contains a new chapter exploring the interaction between international investment law and the international human rights regime and considers whether there is a complementary or divergent result between competing fora This book is addressed to a wide audience and is suitable as a primer for non specialist practitioners seeking to familiarize themselves with international law pertaining to political risk While appropriate for practitioner use this book is also suitable for undergraduate students or for graduates who intend to specialize in international investment law

The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes Zena Prodromou, 2020-08-12 In the process of resolving disputes it is not uncommon for parties to justify actions otherwise in breach of their obligations by invoking the need to protect some aspect of the elusive

concept of public order Until this thoroughly researched book the criteria and factors against which international dispute bodies assess such claims have remained unclear Now by providing an in depth comparative analysis of relevant jurisprudence under four distinct international dispute resolution systems trade investment human rights and international commercial arbitration the author of this invaluable book identifies common core benchmarks for the application of the public order exception To achieve the broadest possible scope for her analysis the author examines the public order exception s function role and application within the following international dispute resolution systems relevant World Trade Organization WTO agreements as enforced by the organization s Dispute Settlement Body and Appellate Body international investment agreements as enforced by competent Arbitral Tribunals and Annulment Committees under the International Center for Settlement of Investment Disputes provisions under the Inter American Convention of Human Rights and the European Convention of Human Rights as enforced by the Inter American Court of Human Rights and the European Court of Human Rights respectively and the New York Convention as enforced by national tribunals across the world Controversies tensions and pitfalls inherent in invoking the public order exception are elucidated along with clear guidelines on how arguments may be crafted in order to enhance prospects of success Throughout tables and graphs systematize key aspects of the relevant jurisprudence under each of the dispute resolution systems analysed As an immediate practical resource for lawyers on any side of a dispute who wish to invoke or strengthen a public order exception claim the book s systematic analysis will be welcomed by lawyers active in WTO disputes international investment arbitration human rights law or enforcement of foreign arbitral awards Academics and policymakers will find a signal contribution to the ongoing debate on the existence legal basis content and functions of the transnational public order

The Evolving International

Investment Regime Jose E. Alvarez,Karl P. Sauvant,2011-06-09 Papers from the second Columbia International Investment Conference held Oct 30 31 2007 at Columbia University Acknowledgements

The Reasons Requirement in

International Investment Arbitration Guillermo Alvarez,W.M. Reisman,2008-08-31 This collection of essays emerged from a seminar on international investment law taught jointly by the editors at the Yale Law School The participants brought a rich experience and as important for a subject like this a rich national diversity A considerable part of the seminar involved close reading of recent international investment arbitral awards These decisions have emerged as the most important engines of legal development in this field Interestingly in almost all instances it was felt that the right decision had been reached But without the building blocks that reasons reflect one could not reconstruct or reverse engineer the reasoning of the tribunal From this experience it was concluded that it would be a useful exercise to examine the adequacy of reasons in some of the most important recent international investment law awards in order to see if there were significant trends with policy implications The studies in this collection represent the best of the seminar

International Protection of Investments

August Reinisch,Christoph Schreuer,2020-07-16 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.

International Investment Protection of Global Banking and Finance Arif H. Ali, David L. Attanasio, 2021-09-14. Global banking and finance is a complex and specialized field with sector-specific investment forms subject to distinctive legal and regulatory frameworks and unique types of political risk. This comprehensive guide to international investment protection in the finance and banking sector, written by acknowledged experts in the field of investor-State arbitration, provides the first in-depth discussion of how international investment law applies to investors and investments in the sector. Featuring expert guidance on the key legal protections for cross-border banking and finance investments with complete and up-to-date coverage of investor-State cases, the analysis crystallizes a set of field-specific legal principles for the sector. In particular, the authors address the following practical aspects of investment protection in the banking and finance sector: how sector-specific forms of investment such as loans and derivatives impact the dispute resolution process; types of political risk that cross-border investments in the sector are likely to encounter; distinctive adverse sovereign measures that underlie disputes in the sector, including those from sovereign debt defaults and banking sector bailouts; specific treaty provisions such as jurisdictional carve-outs and targeted exclusions; remedies available for violations of international investment protections; how monetary damages may be assessed for injury to banking and finance sector investments; the scope of financial services chapters included in certain free trade agreements; the protections available under domestic foreign investment laws and alternative sources of protection such as political risk insurance and investment contracts. International disputes practitioners and academics in-house counsel in the finance and banking industries and arbitrators addressing banking and finance disputes will welcome this book for its practical guidance. With strategies for investors as well as for sovereign States to navigate the intricacies of the investment protection system, the authors' comprehensive analysis will help ensure appropriate international protection for banking and finance sector investments both when establishing investments and when resolving disputes. The book lays the groundwork for the future consolidation of international investment protection as a critical tool to manage the political risk confronting global banking and finance.

Foreign Direct Investment and the Multinational Enterprise: A Bibliography Cynthia Day

Wallace,2024-08-19 , **International and Foreign Legal Research** Marci Hoffman,Mary Rumsey,2012-04-19

International and Foreign Legal Research A Coursebook second edition by Hoffman and Rumsey now in a second edition is designed for classes in foreign and international legal research Topics covered in the book range from treaty research to chapters on particular subjects of international law Coverage also includes chapters on researching foreign and comparative law as well as major international organizations including the UN and the EU ICSID Convention after 50 Years: Unsettled Issues Crina Baltag,2017-02-15 The International Centre for Settlement of Investment Disputes ICSID has played a leading role in establishing the field of foreign investment law It is primarily due to the ICSID that it is no longer peculiar for individuals and corporations to have legal standing in claims against governments probably the most notable development of international law of the last half century Now in its fiftieth year and ratified by more than 150 states the ICSID received in 2015 its 500th case This book celebrates this anniversary with an overview and analysis of ICSID case law to date and focusing particularly on unsettled issues assesses possible developments in the institution s next phase This volume collects twenty two essays by prominent practitioners with substantial experience in investment arbitration law The topics they cover encompass such issues as the following the political and economic reasons behind the creation of the ICSID admissibility and jurisdiction ICSID vis vis bilateral investment treaties States concerns about the partiality of arbitrators in favour of investors applicable laws under the ICSID Convention fact finding rules conflicting interpretations of ICSID Convention provisions interaction of foreign investment and economic development value of ICSID awards in the light of EU law annulment of ICSID awards effects of denunciation Bolivia Ecuador Venezuela and non contracting States Russia Brazil India attribution of conduct of State owned enterprises SOEs counterclaims guarantees against political risk and allocation of costs As a detailed response to the question whether ICSID has contributed as promised to an improvement in the investment climate and promoted the flow of private foreign capital and as an assessment of the present and future feasibility of the ICSID system for the resolution of investment disputes by arbitration and conciliation this book has no peers Considering the current crisis of investment law the book s immediate value not only to investors and their counsel but also to practitioners and academics in the field of investment law and arbitration and public international law cannot be overstated Dr Crina Baltag is the author of Kluwer s 2012 book The Energy Charter Treaty The Notion of Investor and the Associate Editor of Kluwer Arbitration Blog The Future of Investment Arbitration Catherine A. Rogers,Roger P. Alford,2009-04-16 Investment arbitration is at the cutting edge of international law and dispute resolution and is predicted to be a major factor in the development of the global economic system in years to come This one volume monograph contains contributions from leading experts on a wide range of topics of both theoretical importance and practical implication that will affect the future of investment arbitration The highly innovative chapters combine to form a constructive and valuable discussion for all in the arbitration field The contributors chosen to represent the full spectrum of perspectives are leading arbitration experts from all over the world

including ICSID insiders US government officials UNCTAD research personnel seasoned investment arbitrators and counsel and renowned legal scholars The book is divided into three themes with the first centering on the adequacy of UNCITRAL and ICSID arbitration rules with particular attention to recent and proposed changes The second theme focuses on the future of bilateral investment treaties discussing trends in the interpretation of treaty provisions and the debate concerning the efficacy of the treaties in benefiting developing countries The third theme revolves around the public function of investment arbitration decisions including the use of arbitration to resolve disputes between sovereigns and the arbitrators role as a guardian of international public policy The Future of Investment Arbitration is unique in its outstanding range of topics and the expertise of the contributors It previews and guides future directions in the field as well as discussing the larger policy implications of specific rules It includes cutting edge analysis of empirical research regarding BITS that is essential to evaluating many assumptions about investment law and arbitration Finally the book takes a broad perspective examining the rules discussed within the larger structural context of investment arbitration and drawing investment arbitration into the wider setting of international law and corporate governance

Investor-State Arbitration Christopher F. Dugan, Don Wallace, Noah Rubins, Borzu Sabahi, 2011-11-25 Investor State Arbitration describes the increasing importance of international investment and the necessary development of a new field of international law that defines the obligations of host states and creates procedures for resolving disputes The authors examine the international treaties that allow investors to proceed with the arbitration of their claims describe the most commonly employed arbitration rules and set forth the most important elements of investor State arbitration procedure including tribunal composition jurisdiction evidence award and challenge of annulment The authors trace the evolution and rapid development of the field of international investment including the formation of the International Center for the Settlement of Investment Disputes ICSID and the more than 2 000 bilateral investment treaties most of which were entered into in the last twenty years The authors explain how this development has led to far greater certainty for foreign investors in dealing with their host countries as well as how it has incentivized growth in international trade and commerce

International Law in Theory and Practice Oscar Schachter, 2024-12-09 Recueil Des Cours, Collected Courses 1982 Academie de Droit International, 1985-09-01 The Academy is an institution for the study and teaching of public and private international law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law

Recueil Des Cours, 1989-IV Académie de droit international de La Haye, 1990-11-01 The Academy is an institution for the study teaching of public private international law related subjects Its purpose is to encourage a thorough impartial examination of the problems arising from international relations in the field of law The

courses deal with the theoretical practical aspects of the subject including legislation case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law This volume contains Reform but not Revolution General Course on Private International Law by Peter M NORTH Questions de droit international prive et dommages catastrophiques par Tito BALLARINO Balancing the Protection of Foreign Investors and States Responses in the Post-Pandemic World Yulia Levashova,Pascale Accaoui Lorfing,2022-05-11 The COVID 19 pandemic has brought the debate on reform of the international investment agreement regime to the fore with renewed force In this important and timely book top professionals in the field collectively offer an in depth investigation of the measures that States have taken or failed to take to deal with the pandemic s consequences and whether these actions or inactions can be construed as investment arbitration risks In an extensive overview of the impact of COVID 19 on States and investors including perspectives from UNCTAD the European Union the United States Russia India South Korea and the African Union this comprehensive guide on State defences and investor protection mechanisms tackles such aspects of the debate as the following as affected by the pandemic treatment of investors in times of pandemic and in the post pandemic world sufficient contribution to the economic development of the host State disparities in bargaining power and use of pandemic power to accord preferential treatment The final part of the book is dedicated to analysing case studies from around the world in the context of the pandemic and investor State disputes Understanding the way public health emergencies can shape international investment law is key to building a sustainable stable investment environment As the first detailed study of the post pandemic development of investment law this matchless collection takes a giant step toward reconciling the interests of foreign investors and sovereign States at various stages of economic development With practical recommendations for both States and investors it will be of immeasurable assistance to practitioners policymakers and academics in anticipating and dealing not only with COVID related measures but also with similar future contingencies

Chinese Law Constance A. Johnson,1995-10 Covers the period from the middle of 1985 through the middle of 1989 Materials included are journal articles and monographs not newspaper items Covers banking civil law contracts criminal law customs elections family law Hong Kong and Macao human rights import and export labor law maritime law military law private international law state security taxation technology transfer texts of laws and more Africa's International Investment Law Regimes Won L. Kidane,2023 Africa s International Investments Law Regimes examines the relationship between African states and the International Centre for the Settlement of Investment Disputes ICSID through a qualitative review of ICSID cases from the 1970s to today In his examination Won L Kidane looks at how African states have both shaped the jurisprudence of the institution and debunked claims of systemic bias

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Table of Contents The International Law On Foreign Investment 2d Ed

1. Understanding the eBook The International Law On Foreign Investment 2d Ed
 - The Rise of Digital Reading The International Law On Foreign Investment 2d Ed
 - Advantages of eBooks Over Traditional Books
2. Identifying The International Law On Foreign Investment 2d Ed
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The International Law On Foreign Investment 2d Ed
 - User-Friendly Interface
4. Exploring eBook Recommendations from The International Law On Foreign Investment 2d Ed
 - Personalized Recommendations
 - The International Law On Foreign Investment 2d Ed User Reviews and Ratings
 - The International Law On Foreign Investment 2d Ed and Bestseller Lists
5. Accessing The International Law On Foreign Investment 2d Ed Free and Paid eBooks
 - The International Law On Foreign Investment 2d Ed Public Domain eBooks

- The International Law On Foreign Investment 2d Ed eBook Subscription Services
- The International Law On Foreign Investment 2d Ed Budget-Friendly Options
- 6. Navigating The International Law On Foreign Investment 2d Ed eBook Formats
 - ePub, PDF, MOBI, and More
 - The International Law On Foreign Investment 2d Ed Compatibility with Devices
 - The International Law On Foreign Investment 2d Ed Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The International Law On Foreign Investment 2d Ed
 - Highlighting and Note-Taking The International Law On Foreign Investment 2d Ed
 - Interactive Elements The International Law On Foreign Investment 2d Ed
- 8. Staying Engaged with The International Law On Foreign Investment 2d Ed
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The International Law On Foreign Investment 2d Ed
- 9. Balancing eBooks and Physical Books The International Law On Foreign Investment 2d Ed
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The International Law On Foreign Investment 2d Ed
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine The International Law On Foreign Investment 2d Ed
 - Setting Reading Goals The International Law On Foreign Investment 2d Ed
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The International Law On Foreign Investment 2d Ed
 - Fact-Checking eBook Content of The International Law On Foreign Investment 2d Ed
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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