

International Investment Instruments: A Compendium

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International Investment Instruments A Compendium V13

August Reinisch, Christoph Schreuer



International Investment Instruments A Compendium V13:

International Investment Instruments United Nations Conference on Trade and Development. Division on Transnational Corporations and Investment, United Nations Conference on Trade and Development. Division on Investment, Technology, and Enterprise Development, 1996 This is the 11th volume in the collection of international instruments relating to foreign direct investment FDI and transnational corporations TNCs It is divided into three parts and covers multilateral instruments including the UN General Assembly resolution 58/4 regarding the convention against corruption regional and inter regional instruments and a number of bilateral instruments *Basic Documents on International Investment Protection* Martins Paparinskis, 2012-07-09 The increase in the number and complexity of investor State treaty arbitrations in the last decade has attracted considerable attention from practitioners and academics of international investment protection law Rules aimed at regulating the protection of foreign investment have been expressed in a decentralised manner making a clear and comprehensive overview of the topic important This volume focuses on the relevant documents and aims to provide an exhaustive treatment of relevant procedural and substantive issues It includes documents explaining the historical development of investment law substantive investment rules multilateral and bilateral treaties and model documents and general rules on the law of treaties and responsibility and procedural investment rules relating to the arbitral process in different fora immunity recognition and enforcement The book is aimed at teachers students and practitioners in the area It can be used both as a practitioners handbook and as a classroom companion for courses on international dispute settlement and investment protection law This title is included in Bloomsbury Professional's International Arbitration online service

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 *Principles of International Investment Law* Rudolf Dolzer, Ursula Kriebaum, Christoph Schreuer, 2022-01-13 This book outlines the principles behind the international law of foreign investment The main focus is on the law governed by bilateral and multilateral investment treaties It traces the purpose context and evolution of the clauses and provisions characteristic of contemporary investment

treaties and analyses the case law interpreting the issues raised by standard clauses Particular consideration is given to broad treaty rules whose understanding in practice has mainly been shaped by their interpretation and application by international tribunals In addition the book introduces the dispute settlement mechanisms for enforcing investment law outlining the operation of Investor State arbitration Combining a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals this book offers an ideal introduction to the principles of international investment law and arbitration for students scholars and practitioners alike

International Investment Law and Comparative Public Law Stephan W. Schill, 2010-10-14 International investment law is one of fastest growing areas of international law but it is plagued by the vagueness of many investors rights and unpredictable investment tribunal decisions This books analyses international investment law through the lens of comparative public law to clarify investment treaty obligations and arbitral procedure

Investment Promotion Provisions in International Investment Agreements United Nations Conference on Trade and Development, 2008 Investment promotion covers all activities and measures aimed at creating favourable determinants for foreign investment in the host country This publication focuses on the international agreements on the promotion and protection of foreign investment The study provides an overview as to what extent current international investment agreements IIA practice explicitly deals with investment promotion and to explore ways on how investment promotions aspect of IIA could be enhanced It also seeks to fill a gap in research and policy analysis

'Fair and Equitable Treatment' in International Investment Law Roland Kläger, 2011-06-23 A breach of fair and equitable treatment is alleged in almost every investor state dispute It has therefore become a controversial norm which touches many questions at the heart of general international law In this book Roland Kläger sheds light on these controversies by exploring the deeper doctrinal foundations of fair and equitable treatment and reviewing its contentious relationship with the international minimum standard The norm is also discussed in light of the fragmentation of international law theories of international justice and rational balancing and the idea of constitutionalism in international law In this vein a shift in the way of addressing fair and equitable treatment is proposed by focusing on the process of justificatory reasoning

Performance Requirement Prohibitions in International Investment Law Alexandre Genest, 2019-09-16 In Performance Requirement Prohibitions in International Investment Law Alexandre Genest explores the prohibition of performance requirements in investment treaties The author focuses on answering two questions first how do States prohibit performance requirements in investment treaties And second how should such prohibitions of performance requirements be interpreted and applied In providing answers to these questions Alexandre Genest breaks new ground by proposing the first empirical typology of performance requirement prohibitions in investment treaties and the first in depth analysis of arbitral awards on the subject Alexandre Genest formulates insightful remarks for a more deliberate and informed interpretation and application of existing performance requirement prohibitions These remarks will help improve

the drafting of performance requirement prohibitions in future investment treaties

The EU-China Comprehensive Agreement on Investment Alexandr Svetlicinii, I-Ju Chen, 2024-12-11 This book discusses the major features of the EU China Comprehensive Agreement on Investment CAI and its likely impact on investment liberalisation in China Europe's largest trading partner The principal aim of the book is to evaluate the progress of the investment liberalisation efforts pursued by the negotiators of the CAI Part I Geopolitical Origins and Negotiations of the EU China Comprehensive Agreement on Investment examines the interests motivations and expectations of the parties during the negotiation process and following the agreement in principle on the CAI Part II Substantive Issues of the EU China Comprehensive Agreement on Investment considers specific focus areas that are critical for the mutual opening of the European and Chinese markets for foreign investors Part III Dispute Resolution Mechanisms of the EU China Comprehensive Agreement on Investment reviews the applicability and effectiveness of the available dispute settlement and treaty enforcement mechanisms provided for in the CAI including investor state dispute settlement state to state dispute settlement and non adversarial methods The book offers a combination of theoretical perspectives that will be of interest to international economic law scholars and provides practical insights on how the CAI is likely to shape the investment landscape for European businesses in China

Alternative Visions of the International Law on Foreign Investment C. L. Lim, 2016-03-03 These essays pay tribute to Muthucumaraswamy Sornarajah's illustrious career and explore alternative visions of international investment law and arbitration

The Oxford Handbook of International Business Alan M. Rugman, 2003 This handbook synthesises some literature of the last 40 years in 28 chapters The coverage is split into the following areas the history and theory of the multinational enterprise the political and policy environment of international business

The Rise of Investor-State Arbitration Taylor St John, 2018-03-01 Today investor state arbitration embodies the worst fears of those concerned about runaway globalization a far cry from its framers intentions Why did governments create a special legal system in which foreign investors can bring cases directly against states This book takes readers through the key decisions that created investor state arbitration drawing on internal documents from several governments and extensive interviews to illustrate the politics behind this new legal system The corporations and law firms that dominate investor state arbitration today were not present at its creation In fact there was almost no lobbying from investors Nor did powerful states have a strong preference for it Nor was it created because there was evidence that it facilitates investment there was no such evidence International officials with peacebuilding and development aims drove the rise of investor state arbitration This book puts forward a new historical institutionalist explanation to illuminate how the actions of these officials kicked off a process of gradual institutional development While these officials anticipated many developments including an enormous caseload from investment treaties over time this institutional framework they created has been put to new purposes by different actors Institutions do not determine the purposes to which they may be put and this book's analysis illustrates how unintended

consequences emerge and why institutions persist regardless

The Cambridge Companion to International

Arbitration C. L. Lim, 2021-10-21 This Cambridge Companion explores the main senses of the term international arbitration including the arbitration of private commercial disputes disputes between a State and a foreign investor disputes between States and also between a State and its parts It treats these various forms as being inter related if not always conceptually then as a matter of history rather than as collective victims of imprecise language The book touches not only on current debates but also more foundational aspects such as the tension between party autonomy and State authority and the pacifist roots of modern international arbitration Thus it aims to offer a concise survey of the history the main issues as well as the latest developments in a single handy volume It will be an invaluable introduction to the subject for students studying international arbitration commercial law and international law and also lawyers and the general reader *Shaping the*

Single European Market in the Field of Foreign Direct Investment Philip Strik, 2014-12-01 The Treaty of Lisbon 2009 has brought foreign direct investment FDI within the scope of the European Union's common commercial policy CCP In light of this development this book analyses the internal and external dimension of EU law and policy in the field of FDI It takes four perspectives i the operation of the internal market mechanism to direct investment ii the implications of the Lisbon amendments to the CCP under Article 207 TFEU for the Union's competence and practice in the field of FDI iii the interaction between EU law and Member States bilateral investment treaties BITs with third countries iv the interplay between EU law and BITs that are currently in force between two Member States intra EU BITs The book focuses on the extent to which the European Union operates as a Single Market for EU and non EU investors In doing so it analyses the EU and international regulatory framework on the admission treatment and protection of FDI within to and from the Single European Market It uses close jurisprudential analysis and examines the context purpose and evolution of EU legal integration in the field of FDI It thereby traces the principles underlying the European international economic order in the field of FDI **Investment Treaties and the Legal Imagination** Nicolás M. Perrone, 2021-01-14 Foreign investors have a

privileged position under investment treaties They enjoy strong rights have no obligations and can rely on a highly efficient enforcement mechanism investor state dispute settlement ISDS Unsurprisingly this extraordinary status has made international investment law one of the most controversial areas of the global economic order This book sheds new light on the topic by showing that foreign investor rights are not the result of unpredicted arbitral interpretations but rather the outcome of a world making project realized by a coalition of business leaders bankers and their lawyers in the 1950s and 1960s Some initiatives that these figures planned for did not emerge such as a multilateral investment convention but they were successful in developing a legal imagination that gradually occupied the space of international investment law They sought not only to set up a dispute settlement mechanism but also to create a platform to ground their vision of foreign investment relations Tracing their normative project from the post World War II period this book shows that the legal

imagination of these business leaders bankers and lawyers is remarkably similar to present ISDS practice Common to both is what they protect such as foreign investors legitimate expectations as well as what they silence or make invisible Ultimate this book argues that our canon of imagination of adjustment and potential reform remains closely associated with this world making project of the 1950s and 1960s

Application of Most-Favoured-Nation Clauses by Investor-State Arbitral Tribunals Tanjina Sharmin, 2020-04-01 This book comprehensively examines various issues regarding the scope of Most Favoured Nation MFN Clauses in International Investment Agreements IIAs and addresses the reform interpretation and enforcement of IIAs with a specific focus on the MFN clause The book begins with a study of the history and evolution of the MFN It then presents a substantive analysis focusing on the drafting style and how it affects the scope of the MFN rules of interpretation and arbitral case law on the scope of the MFN procedural prerequisites to arbitration and jurisdiction of arbitral tribunals and the implications of adopting an expansive approach to the MFN clause The book s argument centres on the need for arbitral tribunals to interpret the MFN in a manner that reflects the expressed intent of the parties This requires taking into consideration the text of the MFN its purpose and the overall context of the IIA rather than relying on values and assumptions that have nothing to do with the original intent of the parties In making this argument the book draws on Articles 31 and 32 of the Vienna Convention on the Law of Treaties and other interpretative rules What sets the book apart is its comprehensive coverage of issues concerning the interpretation and application of the MFN in IIAs At the same time it addresses issues in connection with an expansive interpretation of MFN clauses as well as concerns regarding the legitimacy crisis in investor state arbitration Accordingly it contributes to future Investor State Dispute Settlement ISDS reform while also offering a wealth of theoretical and practical insights for future treaty drafters arbitrators and policymakers

The Law of Investment Treaties Jeswald W. Salacuse, 2021 In this new edition of an authoritative work in the field Jeswald W Salacuse thoroughly examines the law of international investment treaties particularly with respect to its origins structure content and effects He takes into account all major developments in the law to provide an up to date guide for students scholars and practitioners

Multi-Sourced Equivalent Norms in International Law Tomer Broude, Yuval Shany, 2011-03-21 Recent decades have witnessed an impressive process of normative development in international law Numerous new treaties have been concluded at global and regional levels establishing far reaching international legal and regulatory regimes in important areas such as human rights international trade environmental protection criminal law intellectual property and more New political and judicial institutions have been established to develop apply and adjudicate these rules This trend has been accompanied by the growing consolidation of treaty norms into international custom and increased references to international law in domestic settings As a result of these developments international relations have now reached an unprecedented level of normative density and intensity but they have also given rise to the phenomenon of fragmentation The debate over the fragmentation of international law has largely focused on conflicts of norms and

conflicts of authority However the same developments that have given rise to greater conflict and contradiction in international law have also produced a growing amount of normative equivalence between rules in different fields of international law New treaty rules often echo existing international customary norms Regional arrangements reinforce undertakings that already exist at the global level and common concerns and solutions appear in many international legal fields This book focuses on such instances of normative parallelism developing the concept of multisourced equivalent norms in international law with contributions by leading international law experts exploring the legal and political implications of the concept in a variety of contexts that span the full spectrum of international legal norms and institutions By concentrating on situations governed by a multitude of similar norms the book emphasizes the importance of legal contexts and institutional settings to international law interpretation and application The Multilateralization of International Investment Law

Stephan W. Schill, 2009-08-20 The book argues that international investment law is a structured body of law based on uniform principles of investment protection **Regulating Multinationals in Developing Countries** Edwin

Mujih, 2016-04-08 Edwin Mujih explores the difficulties associated with regulating multinational companies operating in developing countries with a particular focus on extractive industries The author highlights the need to establish an international legally binding framework to ensure that multinationals operate in a socially responsible manner to protect local communities and the environment Edwin Mujih's analysis reveals that the existing mechanisms for controlling the behaviour of huge multinational entities are of normative force only that these are particularly inadequate and that the notion of corporate social responsibility is only meaningful where behaviour can be legally regulated **Regulating Multinationals in Developing Countries** features a study of the Chad and Cameroon Oil and pipeline project which highlights the problems arising in countries that have neither the capacity nor the will to effectively regulate those operating within their borders The author has evaluated compliance by the parties with their social and environmental obligations He has found that despite controversy surrounding inadequate regulation of this project in its incipient stages the system that was put in place following huge opposition from the affected communities and from NGOs is worthy of attention and could stand as a model for similar projects elsewhere This first title in Gower's Corporate Social Responsibility Series to approach CSR from a legal perspective provides insight not just into the complexity surrounding efforts to regulate multinationals operating in countries with weak regulatory regimes but also into the fundamental nature of multinational corporations and the debate about different notions of CSR itself

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apr 25 2016 it varies from kid to kid meal to meal yes it must be banned because junk food are fried by unhealthy oil that give the sandwich a long life and most of our society are fat and overweight because of these junk food no schools should not ban junk food i say no because think about the kids who love junk food

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junk food should be banned many children in america eat large amounts of junk food and this can cause health problems in

fact junk food is even sold in the vending machines of many schools this debate is about the good and bad points for how junk food should be banned

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junk food addiction is a worldwide issue that concerns every society some agree that junk food should be banned because of its

disadvantages such as obesity heartache diabetes and further damages in the future on the other hand others disagree that junk food should be banned due to its advantages which are that junk food are easy to make and

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