

Legal Aspects of Foreign Direct Investment

Daniel D. Bradlow and
Alfred Escher (Eds.)

Kluwer Law International

Legal Aspects Of Foreign Direct Investment

Dusko Lukac



Legal Aspects Of Foreign Direct Investment:

Legal Aspects of Foreign Direct Investment Alfred Escher, 1999-10-14 Two of the distinguishing features of the law on foreign direct investment FDI are its complexity and its creativity The law on FDI embraces the domestic rules and regulations dealing with foreign controlled businesses as well as the numerous bilateral and multilateral legal instruments It is influenced by awards of international arbitration tribunals as well as numerous other sources Consequently it is always changing The various actors involved including transnational corporations local companies investment promotion agencies and multilateral donors as well as lawyers advising foreign investors or their local counterparts and financial intermediaries each follow their own interests By its nature FDI involves the interaction and sometimes the clash between different legal concepts of the participants and regulators Counsels to local governments and domestic partners in a joint venture with foreign companies may not always be accustomed to legal documentation in an Anglo American or continental European style As a result dealing with FDI requires an ongoing learning process for all who wish to understand and successfully manage foreign investment transactions All this elucidates the need for a multi author book which covers various areas of the law on FDI from different perspectives The authors of this book are all concerned with FDI as either academics or practitioners and come from a variety of legal academic and geographical backgrounds The book consists of three parts first a general introduction on FDI by Dr Escher next an analysis on the emerging international law on FDI and related areas and finally an overview of FDI law in a variety of countries in Asia Africa Latin America and Europe Foreign Direct Investment in the United States Rémi J. Turcon, 1993 *Legal Protection of Foreign Direct Investment. A Critical Assessment with Focus on South Africa and Zimbabwe* Talkmore Chidede, 2016-09 This study undertakes a critical assessment of the legal protection of foreign direct investments FDI in South Africa and Zimbabwe by determining their compliance with the international minimum standards norms and or best practices on the legal protection of FDI by host states Firstly the study argues that foreign investment is much needed in South Africa and Zimbabwe to improve economic growth and development to create jobs and to increase their competitiveness However these benefits are not accrued automatically but rather host states need to create an enabling environment to receive such benefits Thus host states need to put an investment scheme into operation to guarantee the legal protection of foreign investments South Africa and Zimbabwe have at large crafted and implemented investment laws and related policies which tend to be hostile towards foreign investments Therefore similar investment laws and related policies in both jurisdictions are analysed This study will also offer recommendations for a legal investment which is not only flexible friendly and favourable to foreign investment in South Africa and Zimbabwe but also advances their local economic policies **Research Handbook on Foreign Direct Investment** Markus Krajewski , Rhea Tamara Hoffmann, Increasing international investment the proliferation of international investment agreements domestic legislation and investor State contracts have contributed to the development of a new field of international law that defines obligations

between host states and foreign investors with investor State dispute settlement This involves not only vast sums but also a panoply of rights duties and shifting objectives at the juncture of national and international law and policy This engaging Research Handbook provides an authoritative account of these diverse investment law issues **Virtual Institute**

Teaching Material on Economic and Legal Aspects of Foreign Direct Investment Conference on Trade and Development,2010 **The Law of Investment Treaties** Jeswald W. Salacuse,2010 Investment treaties grant protection to foreign investors and are increasingly important in planning executing and managing international investments This book explains the nature history and significance of investment treaties and their impact on international investors and investments and governments that are parties to them **Regulating Foreign Direct Investment for Development**

Nakib Mohammad Nasrullah,Mia Mahmudur Rahim,2024-11-06 This book offers a comprehensive overview of the relationship between Foreign Direct Investment FDI regulation and sustainable development in Bangladesh It is widely accepted that FDI induced development is essential for the growth of undeveloped economies but it can create a conflict between the investors goal of profit maximisation and the host state s pursuit of economic gains FDI induced development is especially important for the economy of Bangladesh the focus of this book which argues that a balanced regulatory approach is necessary to ensure that FDI benefits all stakeholders In examining Bangladesh s FDI regulatory regime the authors reveal that it is investor centric and lacks a development oriented approach They discuss the relevant laws practices mechanisms and institutions that govern the entrance regulations and incentives for foreign investment as well as the protection of the environment and human rights with special attention to labour rights involuntary displacement and the protection of both the investors and the state in which they invest From this analysis the book recommends reforms to introduce development as a primary goal while maintaining Bangladesh s appeal as an FDI destination The book will be of interest to researchers students and academics in the fields of economics politics sustainable development and economic growth It will also be of great interest to FDI strategists policymakers negotiators administrators and legislators in creating a balanced regulatory regime to attract FDIs for development **Foreign Direct Investment and Regional Development in East Central Europe and the Former Soviet Union** David Turnock,2017-11-28 With the achievement of further EU and NATO

enlargement a critical political and economic lens is now focused on East Central Europe and to a lesser extent the other former communist states Economic growth in each transition state and more broadly the region pivots around the prospects for foreign direct investment FDI with decisions on where foreign investors will locate their projects now vitally important This book the first one devoted to a geographical survey concentrating specifically on FDI in the region brings together a wide range of prominent authors from the US and Europe including the late Frank Carter to provide a timely and critical examination of the importance of foreign investment It presents a detailed analysis of location patterns and their significance for regional development with particular emphasis given to the important socioeconomic and political consequences of

uneven distribution of FDI across the region and its constituent countries Divided into two parts the book first deals with general overarching themes and issues before applying these to more specific country case studies The second part deals with regional studies focusing broadly on the Western Balkans and Bulgaria before looking at specific economic sectors in individual countries *Legal Aspects of International Joint Ventures in Agriculture* Karl F. Kreuzer,1990-01-01

Yearbook on International Investment Law & Policy 2009-2010 Karl Sauvant,2010-12-23 Today international investment law consists of a network of multifaceted multilayered international treaties that in one way or another involve virtually every country of the world The evolution of this network continues raising a host of issues regarding international investment law and policy especially in the area of international investment disputes With contributions by leading experts in the field the Yearbook on International Investment Law Policy 2009 2010 provides timely authoritative information on foreign direct investment that can be used by a wide audience including practitioners academics researchers and policy makers

The Oxford Handbook of European Union Law Anthony Arnall,Damian Chalmers,2015-07-23 Since its formation the European Union has expanded beyond all expectations and this expansion seems set to continue as more countries seek accession and the scope of EU law expands touching more and more aspects of its citizens lives The EU has never been stronger and yet it now appears to be reaching a crisis point beset on all sides by conflict and challenges to its legitimacy Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact EU law always controversial continues to perplex not least because it remains difficult to analyse What is the EU An international organization or a federation Should its legal concepts be measured against national standards or another norm The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU Comprising eight sections it examines how we are to conceptualize EU law the architecture of EU law making and administering EU law the economic constitution and the citizen regulation of the market place economic monetary and fiscal union the Area of Freedom Security and Justice and what lies beyond the regulatory state Each chapter summarizes analyses and reflects on the state of play in a given area and suggests how it is likely to develop in the foreseeable future Written by an international team of leading commentators this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union *Liber Amicorum Ibrahim F.I. Shihata* Sabine Schlemmer-Schulte,Ko-Yung Tung,2021-10-25 This Liber Amicorum is dedicated to an exceptional lawyer who laid many foundations of international finance and development law Ibrahim F I Shihata in commemoration of his retirement from the World Bank after 15 years of service as Vice President later Senior Vice President and General Counsel and Secretary General of the International Centre for Settlement of Investment Disputes Ibrahim F I Shihata s groundbreaking contributions to the theory and practice of international law arose out of his service in major international finance and development institutions Among the positions he held prior to his service at the World Bank and ICSID were Legal Adviser Kuwait Fund for Arab Economic Development

Executive Director International Fund for Agricultural Development Director General OPEC Fund for International Development and Chairman International Development Law Institute He shaped these institutions legal architecture and advanced these institutions contribution to development This Liber Amicorum brings together essays of incumbent or former general counsels or heads of the World Bank the International Finance Corporation the Multilateral Investment Guarantee Agency the Inter American Development Bank the Inter American Investment Corporation the Asian Development Bank the African Development Bank the European Bank for Reconstruction and Development the Islamic Development Bank the Nordic Investment Bank the International Fund for Agricultural Development the OPEC Fund the Arab Fund for Economic and Social Development and other international finance and development institutions Collectively with distinguished academics jurists and arbitrators in international tribunals such as the International Court of Justice World Trade Organization s Appellate Body and the International Centre for Settlement of Investment Disputes well known practitioners and colleagues of Dr Shihata at the World Bank s Legal Department they write about current and emerging issues in international finance and development law These include issues such as the various institutions special development assistance profile the settlement of international investment disputes foreign investment law legal and judicial reform the environment the rule of law corruption accountability of international financial institutions etc reflecting the broad spectrum of the part of law to the development of which Ibrahim Shihata contributed tremendously

Key Success Factors for Foreign Direct Investment (FDI) Dusko Lukac, 2008-05 To define key success factors means to understand the business In every business certain issues or activities are key and critical to performance and to creation of competitive advantage To develop corporate level strategy an analysis of key success factors is not usually necessary because business level plans define the success factors But to summarize success factors is important in order to confirm their importance with the business level managers and to prove if circumstances in the business have changed This book explains step by step which issues one non for profit organisation need to take into consideration in order to gain competitive advantage on foreign market Specific focus will be given to determination of organizational structure If there is a fit between parent and its business the parent is likely to create the value This book assess the fit between one non for profit organisation corporate parent and its business Western Balkan This can help to identify opportunities of parenting particularly if e g business unit managers in subsidiary abroad lack the time and skills to become expert in engineering and technical issues parent company an expert can create values by helping the business unit raise technical standards Analysed is furthermore all aspects they have impact on choice of business location because determination of business location and choice of new location supports not only the company s survival but also its ability to continue to grow

The Interpretation of International Investment Law Todd Weiler, 2013-05-02 In The Interpretation of International Investment Law Equality Discrimination and Minimum Standards of Treatment in Historical Context author Todd Weiler demonstrates how historical analysis should be adopted in

the interpretation of international investment law obligations Weiler subjects some of the most commonly held beliefs about the nature and development of international investment law to a critical re appraisal based upon meticulously assembled historical record In the process the book provides readers with a fresh perspective on some of the oldest obligations in international law This stimulating contribution to the discourse on interpretation of international investment law standards sheds new light on the formation of such primary obligations as fair and equitable treatment protection and security and the customary international law minimum standard of treatment for aliens Additionally a thought provoking historical analysis explains why a one size fits all approach to obligations found in both trade and investment treaties such as MFN treatment and national treatment must be rejected With a keen attention to detail *The Interpretation of International Investment Law Equality Discrimination and Minimum Standards of Treatment in Historical Context* reveals the dynamic relationship between historical analysis critical theory and the construction of both customary and treaty norms in international investment law

Nationalization, Natural Resources and International Investment Law Junji Nakagawa, 2017-07-06 Nationalization disputes in natural resources development are among the most disputed issues of international investment law This book offers a fresh insight into the nature of nationalization disputes in natural resources development and the rules of international investment law governing them by systematically analyzing 1 the content of investment contracts in natural resources development and 2 the results of nationalization disputes in natural resources development from the perspective of dynamic bargaining theory Based on the comprehensive and systematic empirical analyses the book sheds new light on contractual renegotiation and renewal as a hardly known but practically normal solution of nationalization disputes and presents a set of soft law rules governing contractual renegotiation and renewal *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 *Indonesia Real Estate Export-Import and Business Opportunities Handbook Volume 1 Land Ownership and Regulations* IBP, Inc., 2014-10-26 2011

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Foreign Direct Investment in Kazakhstan E.K. Dosmukhamedov, 2002-11-25 The collapse of the centrally planned systems of the former Soviet Union undoubtedly stands out as one of the most important global events of the twentieth century The transformation from a centralized economic system to a market system created major opportunities for Western corporations to enter markets that had formerly been closed to them In this book E K Dosmukhamedov employs a distinctive approach to the study of post communist transition by analyzing Foreign Direct Investment FDI from a political legal and economic standpoint Kazakhstan the second largest country of the former USSR is used as a case study to illustrate the role of FDI in restructuring the economy of the former Soviet Union countries in the Post Communist era *Legal Aspects of Doing Business in Asia and the Pacific* Christian, Editor Campbell, 2009 2009 Edition Legal Aspects of Doing Business in Asia and the Pacific with more than 650 pages provides a survey of the requirements for doing business and investing in Asia and the Pacific The reports are prepared by local business practitioners and offer practical insights into issues relating to selection of form for doing business incentives taxation labor and employment liabilities and dispute resolution The publication is replaced by an updated volume annually Purchase of print version includes 24 7 online access A 10% discount applies to a subscription for next year s update A 25% discount applies to a subscription for three years of updates Discounts are applied after purchase by rebate from publisher *Research Handbook on International Law and Natural Resources* Elisa Morgera, Kati Kulovesi, 2016-11-25 Research Handbook on International Law and Natural Resources provides a systematic and comprehensive analysis of the role of international law in regulating the exploration and exploitation of natural resources It illuminates interactions and tensions between international environmental law human rights law and international economic law It also discusses the relevance of soft law international dispute settlement as well as of various unilateral bilateral regional and transnational initiatives in the governance of natural resources While the Handbook is accessible to those approaching the subject for the first time it identifies pressing areas for further investigation that will be of interest to advanced researchers

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