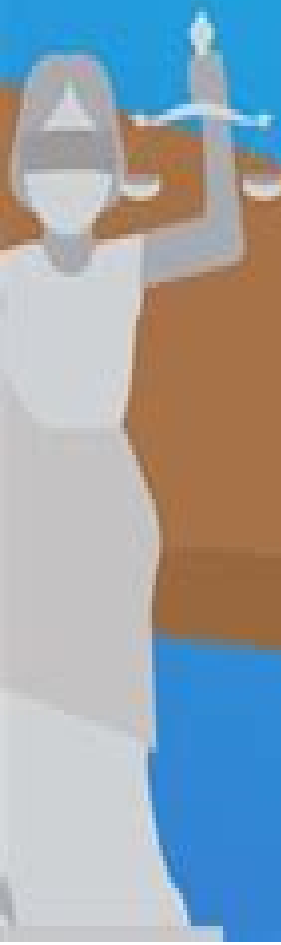


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GOOD FAITH

Explained



Good Faith In International Law

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economy increasingly acquires the features of a single organism beyond which no state of the world can function properly

Good Faith and International Economic Law Andrew D. Mitchell, 2018 Good faith is a doctrine that is readily accepted in legal systems Yet its distinct meaning has always been elusive Ideas such as justice and equity are omnipresent in the law Good faith is counted among such ideas Their function has been to provide a corrective approach in situations where the strict application of the law has unacceptable results They are also used to support a decision maker's conclusions on difficult issues where other solutions are equally possible In these situations good faith and similar ideas become rationalizations for the results arrived at Defined or explained in this way their existence in the law may be desirable But put differently these nebulous doctrines exist in the law to aid in finding subjective solutions to difficult issues which may come to be justified through the use of such lofty notions The latter conclusion immediately invites the criticism that the doctrine of good faith is capable of manipulation in order to justify a variety of inconsistent results Critics argue that the subjectivity inherent in these concepts makes their use of doubtful significance They have such a variable meaning that they could be used to support a variety of conclusions and befuddle the law in its search for certainty Having in itself no power to lead to conclusions the purpose of a concept such as good faith may be misguided that of justifying conflicting solutions to difficult problems This book demonstrates the range of scholarly views applicable to good faith in international investment law and the questions that remain to be answered

Good Faith and International Economic Law Andrew D. Mitchell, M Sornarajah, Tania Voon, 2015-05-21 The past two decades have seen a significant proliferation of trade and investment treaties around the world States are increasingly negotiating agreements that regulate both trade and investment such as the Trans Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership The number of investor state dispute settlement cases is rapidly accumulating each year yet states enthusiasm for investor state arbitration has become more qualified as concern has intensified that the system can be abused by foreign investors Good faith is therefore becoming increasingly important as a principle particularly in the investment context due to disputes about investor conduct such as corporate restructuring in order to gain the protection of a particular investment treaty regarding an existing or foreseeable dispute and States responses to public policy concerns through attempts to modify or terminate investment treaties in the face of ongoing or expected claims Tribunals adjudicating investment disputes have used the principle of good faith in a haphazard and uncoordinated manner causing serious problems of uncertainty and inconsistency In response to these developments this book contains the first comprehensive and integrated analysis of the treatment of good faith in international investment law noting the broader implications of good faith in public international law and international trade law

Good Faith in International Commercial Arbitration Georgios Martsekis, 2025-05-06 This book demystifies the effectiveness of good faith in international commercial arbitration law In the growing universe of international commercial arbitration it is more pressing than ever to discuss the role of good faith and challenge residual conservative skepticism

regarding its usefulness The book employs principles standards and concepts which are normatively ingrained in good faith These include the principle of pacta sunt servanda the estoppel doctrine the transnational standard of cooperation and fair dealing among merchants It also discusses the pertinence of good faith to corrective justice proportionality prohibition of discrimination and unconscionability international public policy and due process among other concepts This granular approach demonstrates how good faith is integrated into the practice of international commercial arbitration The book sheds light on the technical functions of the principle in parties substantive protection contractual interpretation and arbitral procedure with an ultimate view to reinforcing the soundness and persuasive value of arbitral decision making Throughout the book establishes a uniform and enforceable conceptualization of good faith in transnational disputes The book will be of interest to practitioners and researchers in the fields of commercial law arbitration transnational disputes and international law

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Good Faith in the Jurisprudence of the WTO Marion Panizzon, 2006-10-19 What does the concept of good faith express This book is the first to discuss what good faith means in international trade law As a reference guide for scholars and practitioners it analyses the case law of WTO dispute settlement practice The book describes how why and when the concept of good faith links the WTO Agreements with other public international norms The concept of good faith appears frequently in treaties and customary rules but is most often considered a general principle of law WTO law uses the corollaries of pacta sunt servanda the prohibition of abus de droit and the protection of legitimate expectation alongside the principle of good faith An analysis of GATT 1947 and WTO case law reveals that the function of good faith varies The Panel reports and the Appellate Body decisions make different use of it The Appellate Body is prepared to apply the principle to WTO provisions only while Panels use it more freely and substantively that is they apply good faith to fill lacunae in any of the

WTO covered agreements Also adjudicators use the principle differently depending on whether it relates to the agreements covered by the WTO or the procedural law of WTO dispute settlement As it applies to the former good faith is used to strike a balance between on the one hand the obligation to liberalise trade and on the other hand the right to invoke an exception to trade liberalisation for the protection of the environment culture public morals human life or health In this way good faith safeguards the gains of multilateral trade liberalisation against unlawful interests such as disguised protectionism The book also introduces the novel field of WTO procedural law governing trade dispute litigation In the Dispute Settlement Understanding DSU good faith appears in the standard of review rules of evidence and fact finding standing duty of prior consultation right of establishment of a panel ex officio investigations withdrawal of notices of appeal and the raising of objections In all these areas it ensures that the rules of dispute resolution are not abused The Appellate Body has even gone so far as to derive a new standard from the principle of good faith that demands that disputes are settled fairly promptly and effectively Insights into good faith in WTO law are not only important for trade law professionals Current applications and future operations of the principle are likely to be of strategic value for answering the increasingly pressing question of how WTO law and other international agreements ought to be reconciled *Issues of State Responsibility Before International Judicial Institutions* M. Fitzmaurice, Malgosia Fitzmaurice, Dan Sarooshi, 2004-06 The book contains papers presented at a conference which cover issues of State Responsibility before various international judicial institutions

Contemporary International Law and China's Peaceful Development Lingliang Zeng, 2020-10-30 This book discusses selected frontier and hot theoretical and practical issues of international law in the 21st century and in the process of China's peaceful development strategy such as interactions between harmonious world international law and China's peaceful development close connections of China rule of law with international rule of law issues of international law resulted from the war of Former Yugoslavia establishment of ICC DPRK nuclear test Iraq War Independence of Crimea features of WTO rule of law and its challenges as well as legal and practical disputes between China and other members in the WTO recent tendency of regional trade agreements and characteristics of Chinese practices in this aspect legal issues in relations between China and the European Union with a view of the framework of China EU Comprehensive Strategic Partnership

Journal of Comparative Legislation and International Law, 1899 Includes annual Review of legislation covering the years 1859 1949

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Library of Congress Subject Headings Library of Congress, Library of Congress. Subject Cataloging Division, Library of Congress. Office for Subject Cataloging Policy, 2013

The Collected Papers of John Westlake on Public International Law John Westlake, 1914

Library of Congress Subject Headings Library of Congress. Subject Cataloging Division, 1980

Proceedings of the American Society of International Law at Its ... Annual Meeting American Society of International Law. Annual Meeting, 1926 List of members in each vol *Conclusion* Andrew D. Mitchell, 2018 This volume weaves its way through a number of intersecting fields chief among them public international law international investment law and international trade law The focus of the analysis is on international investment law and in particular the significance of the principle of good faith in identifying a protected investment or protected investor the nationality of a given entity the jurisdiction of an investment tribunal in resolving a given dispute and compliance with the fair and equitable treatment standard Yet the role of good faith in the context of international investment law can be fully understood only having regard to other legal issues including the sources of international law the interpretation of treaties the law of treaties in terms of their creation modification and termination and the relationship between overlapping disputes in different national regional and international fora Accordingly the volume brings together authors with varied and complementary expertise to tackle good faith from these various angles *Library of Congress Subject Headings: F-O* Library of Congress. Subject Cataloging Division, 1989 **Library of Congress Subject Headings** Library of Congress. Cataloging Policy and Support Office, 2009

Whispering the Secrets of Language: An Psychological Quest through **Good Faith In International Law**

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