

INTERNATIONAL INVESTMENT, POLITICAL RISK AND DISPUTE RESOLUTION

A Practitioner's Guide

NOAH RUBINS
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International Investment Political Risk And Dispute Resolution A Practitioners Guide

Andreas Kulick, Michael Waibel



International Investment Political Risk And Dispute Resolution A Practitioners Guide:

International Investment, Political Risk and Dispute Resolution Noah Rubins, N. Stephan Kinsella, 2005 An ideal practitioner's tool this book clearly examines international law and provides practical steps that can be taken to minimize political risk and to deal with expropriation when it occurs A systematic format covers relevant international law defines political risk in general and in its most common forms discusses available investment treaties and related mechanisms and institutions that might make a given developing country more attractive than another considers pre investment decisions that can reduce political risk from ways to structure transactions to procuring investment insurance and details the options open to an investor after an investment is affected International Investment Political Risk and Dispute Resolution provides a practical sophisticated and comprehensive discussion of all the relevant issues related to political risk The political risk of expropriation both direct and indirect Subtle yet nefarious forms of indirect and creeping expropriation that can be more difficult to prove identify quantify and protect against Protections available under international law to minimize such political risks The role of bilateral investment treaties government sponsored and private investment insurance and various provisions that may be utilized in investment agreements between the investor and the host state Measures and steps that can be taken to reduce or respond to political risk including the proper application of international arbitration

The Three Laws of International Investment Jeswald W. Salacuse, 2013-02-14 International investments are governed by three different legal frameworks 1 national laws of both the host country and the investor's home country 2 contracts whether between the investor and the host country or among investors and their associates and 3 international law consisting of applicable treaties customs and general principles of law Together these three frameworks profoundly influence the organization operation and protection of foreign investments Investors government officials and their legal counsel must therefore understand the complex interaction among these frameworks and how best to employ them to advance their interests This book examines the content of each of these three legal frameworks for international investment and explores how they influence the foreign investment process and the nature of investment transactions projects and enterprises The book is divided into five parts Part I after explaining the contemporary nature and significance of international investment examines the theoretical and practical links between law and the investment process Part II explores the nature of national laws regulating foreign investment Part III considers of the various contractual frameworks for international investments looking at their negotiation content and stability Part IV sets out the international legal framework governing foreign investment focusing on the content and nature of investment treaties and on general principles Finally Part V discusses how the three legal frameworks interact with each other By comprehensively examining each of the applicable legal frameworks this book provides a vital overview of the laws rules and regulations governing foreign investment for lawyers scholars students and government officials

The Law of Political Risk Insurance Özge Tosun, 2025-03-29 This book explores the scope of host

states sovereign powers and the rights of foreign investors Investors from developed countries engage in business with developing countries for various purposes including political reasons expanding and diversifying their operations accessing essential natural resources and skilled labor forces lowering their production costs and in some cases even mitigating global warming Correspondingly in order to attract foreign investment host countries can provide incentives or make concessions However once the investment has been made these ventures are vulnerable to the actions of the host state Political risk insurance as the name suggests serves to protect investments made in foreign countries where the sovereigns are more likely to interfere in the business activities of foreign investors This book offers a comprehensive understanding of the general mechanics of each main type of political risk the entities responsible for these risks insurers their unions and the subrogation process Bridging the fields of investment law insurance law and international law it offers valuable insights from both practical and academic perspectives

International Arbitration John Norton Moore, 2013-03-15 Arbitration is a staple of international dispute resolution Though the international community now has a plethora of courts and tribunals at its disposal for numerous reasons international arbitration remains a central mechanism perhaps even the central mechanism in third party resolution of international commercial disputes *International Arbitration Contemporary Issues and Innovations* brings together some of the world's most distinguished experts to examine important contemporary issues and trends in international arbitration The volume offers a broad range of analysis beginning with current key procedural issues Both Private and Public International Law are examined including such topics as investor state relations arbitration in the law of the sea and human rights and investment arbitration

General International Law in International Investment Law Andreas Kulick, Michael Waibel, 2024 This Commentary systematically and comprehensively examines the various sources of general international law relevant to international investment law and arbitration

Treaty Interpretation in Investment Arbitration J Romesh Weeramantry, 2012-03-08 The rise of investment arbitration in the last decade has generated an unprecedented body of arbitral case law The work of these arbitral tribunals has provided scholars and practitioners with public international law jurisprudence including materials on treaty interpretation which has not yet been thoroughly analysed This book evaluates the contribution of investment arbitration treaty interpretation jurisprudence to international law covering all key aspects of treaty interpretation Included in the book's coverage are awards which feature in prominent discussions or in applications of treaty interpretation rules Among the significant portion of arbitral awards analysed which deal with investment treaties are ICSID awards ad hoc investment arbitration awards NAFTA awards and Energy Charter Treaty awards The extensive analysis of investment arbitration awards and decisions has also been used to create a table highlighting both the references to principles of treaty interpretation and instances in which they were rejected This invaluable insight into the practice of investment tribunals will be of interest to both practitioners and academics alike Foreword by Professor Michael Reisman Yale Law School

The Role of the State in Investor-State Arbitration

Shaheeza Lalani,Rodrigo Polanco Lazo,2015-01-08 Edited by Shaheeza Lalani and Rodrigo Polanco Lazo The Role of the State in Investor State Arbitration is a collection of contributions from lawyers arbitrators and political scientists on the development of the concept of the State in a field that currently presents an increasing number of controversial disputes Investor State Arbitration The book analyzes the limits of the host State as a regulator studying issues such as attribution and the role of State Owned Enterprises and sub State entities the changing role of the home State in Investor State disputes including its direct participation in Investor State arbitration and State to State dispute settlement and the overall role that both home and host States can play in the improvement of Investor State Dispute Settlement **Full Protection and**

Security in International Investment Law Sebastián Mantilla Blanco,2019-10-24 This book provides a comprehensive study of the standard of full protection and security FPS in international investment law Ever since the Germany Pakistan BIT of 1959 almost every investment agreement has included an FPS clause FPS claims refer to the most diverse factual settings from terrorist attacks to measures concerning concession contracts Still the FPS standard has received far less scholarly attention than other obligations under international investment law Filling that gap this study examines the evolution of FPS from its medieval roots to the modern age delimits the scope of FPS in customary international law and analyzes the relationship between FPS and the concept of due diligence in the law of state responsibility It additionally explores the interpretation and application of FPS clauses drawing particular attention to the diverse wording used in investment treaties the role ascribed to custom and the interplay between FPS and other treaty based standards Besides delivering a detailed analysis of the FPS standard this book also serves as a guide to the relevant sources providing an overview of numerous legal instruments examples of state practice arbitral decisions and related academic publications about the standard

Standards of Investment Protection August Reinisch,2008 This book provides a guide to the application of substantive standards of treatment routinely included in investment treaties Leading practitioners and academics analyze the interpretation of core standards in arbitration proceedings presenting the emerging consensus shaping how they should be applied in practice **The Interpretation of Investment Treaties** Trinh Hai Yen,2014-06-05 Within the context of an

exponential proliferation of investment treaties with virtually uniform language and structure The Interpretation of Investment Treaties by Trinh Hai Yen reveals the neglect or misapplication of international rules on treaty interpretation by tribunals in arbitral cases Such practice has raised the question of the legitimacy of the interpretative process and the engendered inconsistent interpretations of investment treaties The book proposes three interpretative approaches aimed at ensuring that adjudicators find legitimate meaning in the challenging generality and vagueness of investment treaty language It also provides a comprehensive analysis of legislative solutions for states through a case study of the ASEAN Comprehensive Investment Agreement as well as a comparative analysis of modern and traditional investment treaties

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

The ICSID Convention Christoph Schreuer (juriste),2009 This is a practice oriented guide including text commentary tables and index for anyone dealing with the International Centre for Settlement of Investment Disputes ICSID

The ICSID Convention Christoph H. Schreuer,2009-07-23 This unique compendium offers an article by article commentary to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor host State disputes it incorporates the preparatory work the Convention s text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first edition of this work has been relied upon by numerous arbitral tribunals This second edition follows the same system and approach but extensive updates reflect the vast increase in arbitral practice since the publication of the first edition A number of novel issues that have emerged through this practice are now addressed making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention

Public Actors in International Investment Law Catharine Titi,2021-03-03 This open access book focuses on public actors with a role in the settlement of investment disputes Traditional studies on actors in international investment law have tended to concentrate on arbitrators claimant investors and respondent states Yet this focus on the principal players in investment dispute settlement has allowed a number of other seminal actors to be neglected This book seeks to redress this imbalance by turning the spotlight on the latter From the investor s home state to domestic courts from sub national governments to international organisations and from political risk insurance agencies to legal defence teams in national ministries the book critically reviews these overlooked public actors in international investment law

The Rule of Law at the National and International Levels Machiko Kanetake,André Nollkaemper,2016-04-21 This book aims to enhance understanding of the interactions between the international and national rule of law It demonstrates that the international rule of law is not merely about ensuring national compliance with

international law International law and institutions eg international human rights treaty monitoring bodies and human rights courts respond to national contestations and show deference to the national rule of law While this might come at the expense of the certainty of international law it suggests that the international rule of law can allow for flexibility national diversity and pluralism The essays in this volume are set against the background of increasing conflict between international and national legal norms Moreover the book shows that international law and institutions do not always command blind national obedience to international law but incorporate a process of adjustment and deference to national law and policies that are protected by the rule of law at the national level

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

State Immunity and International Investment Law Zixin Meng, 2022-07-09 The book provides a sophisticated analysis of state immunity from an enforcement perspective It covers all relevant legal techniques of enforcing an arbitral award against a sovereign state Besides tackling the plea of state immunity through the courts this book also covers notable non judicial remedial measures which may aid the aggrieved investors in satisfying their claims against state parties to a dispute These measures may be used either to enhance the effectiveness of judicial remedies or as stand alone remedies when legal measures seem or prove to be ineffective After having identified problems arising from a lack of universal agreement on state immunity and the diversity and more dishearteningly the inadequacy of forms of enforcement available to an aggrieved claimant this book proposes a new approach to solve state immunity issues The international community must work towards the setting up of a central enforcement agency a functional model of enforcement

Damages in International Investment Law Sergey Ripinsky, Kevin Williams, 2008 The past two decades have seen a rising wave of investor State arbitrations which pose important questions in international law This book addresses one of the least understood and most unpredictable areas in that field the assessment of damages The book is a result of a two year research project carried out at the British Institute of International and Comparative Law and it is the first to examine the subject in a systematic comprehensive and detailed manner Damages in International Investment Law offers a much needed balanced assessment of the complicated and controversial issues arising in relation to compensation awards putting special emphasis on the interpretation and application of international rules on damages by arbitral tribunals In addition to careful analyses of the most recent investment treaty case law other relevant practice both international and national is reviewed Thorough well organized and supplemented by analytical annexes the book will be a valuable reference tool for legal professionals and a practical aide for constructing and resolving damages claims in investment arbitrations

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.

Arbitration in Argentina Fabricio Fortese, 2020-11-17. This publication is the most comprehensive international book on arbitration in Argentina. It provides a complete description and analysis of the historical and contemporary structure of arbitration law and practice in the country, which is based on the UNCITRAL Model Law. Its chapters are authored by many of the most regarded Argentine authorities, many of whom are responsible for drafting Argentina's current arbitration regulation. Throughout its thirty-one chapters, the book covers an ample number of topics in commercial and investment arbitration and an exhaustive analysis of arbitration in different specific fields: energy, sports, consumers, among others. Some of the topics addressed in this book include the following: regulatory framework of arbitration in Argentina, arbitration agreements, arbitral proceedings and the applicable law, issues of arbitrability, interim measures, costs and financing of arbitrations, validity, recognition and enforcement of awards, arbitration and the MERCOSUR. This publication also includes some particular studies, for example, those related to the tensions between investment arbitration and human rights, as well as the relationship between the country and the ICC and the PCA. Although mainly focused in Argentina, the discussions contained in several contributions exceed such geographical boundaries. Given that the law and practice of arbitration in Argentina has seen remarkable changes in recent decades, this book is an essential tool for arbitrators, judges, in-house counsels, global law firms, large and medium-sized companies doing transnational business, interested academics and international arbitration centres. Because this publication draws from the teachings and experience of leading academics and practitioners, arbitration specialists will find in it all the guidance needed to identify and assess the different theoretical and practical legal avenues available when working on arbitrations with a seat in Argentina or with an Argentine element.

Reviewing **International Investment Political Risk And Dispute Resolution A Practitioners Guide**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**International Investment Political Risk And Dispute Resolution A Practitioners Guide**," an enthralling opus penned by a highly acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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