
Access Free The Settlement Of Foreign Investment Disputes

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Arbitrating Foreign Investment Disputes

Kluwer Law International B.V. Cross-border direct investment constitutes a substantial sector of the international financial market and is also an important vehicle for the transfer of technology and the modernisation of national economies. In recent years, international arbitration has gained a prominent role as a means of settlement of foreign investment disputes. The number and size of investment disputes under arbitration have risen significantly due to the growing number of bilateral investment treaties and increased use of arbitration under multilateral investment treaties. Arbitrating such disputes requires specialised skills and arbitrators with international experience. This new title, featuring contributions from leading experts in the field, deals with the procedural and substantive legal aspects of arbitrating foreign investment disputes. The chapters cover the basic framework of investment protection, the key notions of investment protection and examples and crucial aspects of arbitrating foreign investment disputes. For those involved with international investment arbitration, including practising lawyers, anyone doing business abroad and academics Arbitrating Foreign Investment Disputes: Procedural and Substantive Legal Aspects will provide high level analysis and accurate legal updates and assessments from around the world.

The Settlement of Foreign Investment Disputes

Springer

The Settlement of Foreign Investment Disputes

An Analysis of the Procedural Aspects of Investor-state Dispute Settlement Provisions in Bilateral Investment Treaties (BITs) Concluded by Latvia

The Settlement Of International Petroleum Investment Disputes At ICSID

Petroleum Investment Arbitration at the International Centre for Settlement of

Investment Disputes

LAP Lambert Academic Publishing The petroleum sector is characterized by heavy investments which involve the transfer of lots of capital through the use of foreign investment. It is therefore of paramount interest to such investors to safe-guard themselves against the subsequent and future acts of the host government where their investments are made where such acts are capable of having a negative impact on their investments. This has been mostly achieved by providing for a dispute settlement mechanism to settle any investment disputes that may arise between the foreign investors and the host state. This work seeks to determine if the International Centre for Settlement of Investment Disputes (ICSID) remains the best option for settlement of petroleum investment disputes in such a way that it meets the expectations both parties. This will be achieved by discussing the nature of international petroleum investments and how disputes arise there from and examining the ICSID administrative procedure and adjudicatory process in the light of decided cases that arose from disputes in petroleum investments.

Investor-State Dispute Settlement and National Courts

Current Framework and Reform Options

Springer Nature This open access book examines the multiple intersections between national and international courts in the field of investment protection, and suggests possible modes for regulating future jurisdictional interactions between domestic courts and international tribunals. The current system of foreign investment protection consists of more than 3,000 international investment agreements (IIAs), most of which provide for investment arbitration as the forum for the resolution of disputes between foreign investors and host States. However, national courts also have jurisdiction over certain matters involving cross-border investments. International investment tribunals and national courts thus interact in a number of ways, which range from harmonious co-existence to reinforcing complementation, reciprocal supervision and, occasionally, competition and discord. The book maps this complex relationship between dispute settlement bodies in the current investment treaty context and assesses the potential role of domestic courts in future treaty frameworks that could emerge from the States current efforts to reform the system. The book concludes that, in certain areas of interaction between domestic courts and international investment tribunals, the "division of labor" between the two bodies is not always optimal, producing inefficiencies that burden the system as a whole. In these areas, there is a need for improvement by introducing a more fruitful allocation of tasks between domestic and international courts and tribunals - whatever form(s) the international mechanism for the settlement of investment disputes may take. Given its scope, the book contributes not only to legal analysis, but also to the policy reflections that are needed for ongoing efforts to reform investor-State dispute settlement.

The Settlement of International Investment Disputes

The Resolution of International Investment Disputes

Challenges and Solutions

Eleven International Publishing This work deals with the current state of investment dispute resolution and analyzes the problems associated with investor-state arbitration. The author examines developments in the existing legal framework and looks at the mechanisms under existing domestic and international systems - such as judicial review and class actions - to see if these can be applied to investment dispute resolution. The author concludes that the features of traditional arbitration are not flexible enough to meet the needs of this modern form of international dispute resolution. Investment arbitration is now entering a new phase of its development. The traditional, typically arbitration-related issues of consent, privity, and confidentiality are making room for the now more important questions of disclosure, transparency, legal certainty, and consistency. The author calls for setting up a "model procedure," specifically created for international investment disputes as this would enable the establishment of a "tailor-made" process for this ever-growing

area of law.

Role of Domestic Courts in the Settlement of Investor-State Disputes

The Indian Scenario

Springer Nature This book addresses the interactions between the domestic courts and the international investment arbitral tribunals, one of the most pressing issues confronting both domestic legal systems and the international legal system. It deals with the core issues inherent in the above interactions, especially with regard to countries outside the ICSID system. It contrasts this narrative with the position under classical international investment law, where national courts are assigned a very specific and minimalistic role in the process of investment disputes settlement. For this purpose, the book chooses India, which follows the non-ICSID model, as the major point of focus and considers both domestic judicial decisions and investment arbitral decisions for critical analysis. The ICSID Convention grants limited powers to domestic courts to issue provisional measures and to enforce ICSID awards. As the central theme of the book lies at the intersection of domestic law and international law, the work is indispensable for any scholar working in the areas of general international law, international investment law, international economic law, law and economics, international dispute settlement, or international law in domestic courts, as well as domestic judges and international arbitrators. Further, as the subject matter has great implications for both domestic and global governance, it will benefit civil servants, opinion leaders, policy planners and subject experts in economics, the political economy and regional studies, to name a few. Excerpt from the Foreword: "One of the great merits of this book is that... It looks at bilateral investment treaties themselves to probe more deeply into the role of national courts in investment arbitration... This masterful book fills a major void as a resource in Indian international arbitration law. But is also the prototype of what any serious inquiry into the judicial role in investor-State arbitration in any jurisdiction should look like..." - George A. Bermann, Walter Gellhorn Professor of Law and Jean Monnet Professor of European Union Law, Columbia Law School, USA

International Investment Law and History

Edward Elgar Publishing Historiographical approaches in international investment law scholarship are becoming ever more important. This insightful book combines perspectives from a range of expert international law scholars who explore ways in which using a broad variety of methods in historical research can lead to a better understanding of international investment law.

China, the EU and International Investment Law

Reforming Investor-State Dispute Settlement

Routledge This book provides an original and critical analysis of the most contentious subjects being negotiated in the China-EU Comprehensive Agreement on Investment (CAI). It focuses on the pathway of reforming investor-state dispute settlement (ISDS) from both Chinese and European perspectives in the context of the China-EU CAI and beyond. The book is divided into three parts. Part I examines key and controversial issues of the China-EU CAI negotiations, including market access, sustainable development and human rights, as well as comparing distinct features between the China-EU CAI and the China-US BIT. Part II concentrates on the institutional reform of investor-state arbitration with an extensive analysis of the EU's approach to replacing the private nature of investment arbitration with the public nature of an investment court. Part III addresses the core substantive and procedural issues concerning ISDS, such as the role of domestic courts in investment dispute settlement, the status of state-owned enterprises (SOEs) as investors, transparency and the protection of victims in investment dispute resolution. This book will be of interest to scholars and practitioners in the field of international investment and trade law, particularly investment dispute settlement.

International Investment Disputes

Avoidance and Settlement

West Group

International Investment Law and Arbitration

History, Modern Practice, and Future Prospects

BRILL International Investment Law and Arbitration: History, Modern Practice, and Future Prospects explores international law on foreign investment: its creation, functioning and evolution.

Building International Investment Law

The First 50 Years of ICSID

Kluwer Law International B.V. This volume celebrates the first fifty years of the International Centre for Settlement of Investment Disputes (ICSID) by presenting the landmark cases that have been decided under its auspices. These cases have addressed every aspect of investment disputes: jurisdictional thresholds; the substantive obligations found in investment treaties, contracts, and legislation; questions of general international law; and a number of novel procedural issues. Each chapter, written by an expert on the chapter's particular focus, looks at an international investment law topic through the lens of one or more of these leading cases, analyzing what the case held, how it has been applied, and its overall significance to the development of international investment law. These topics include: - applicable law; - res judicata in investor-State arbitration; - notion of investment; - investor nationality; - consent to arbitration; - substantive standards of treatment; - consequences of corruption in investor-State arbitration; - State defenses - counter-claims; - assessment of damages and cost considerations; - ICSID Arbitration Rule 41(5) objections; - mass claims, consolidation and parallel proceedings; - provisional measures; - arbitrator challenges; - transparency and amicus curiae; and - annulment. Because the law of international investment continues to grow in importance in an ever globalizing world, this book is more than a fitting way to mark the past fifty years and to welcome the next fifty years of development. It will prove both educational for practitioners new to the field and informative for seasoned investment lawyers. Moreover, the book itself is a landmark that will be of great value to professionals, scholars and students interested in international investment law.

Reshaping the Investor-State Dispute Settlement System

Journeys for the 21st Century

Hotei Publishing In *Reshaping the Investor-State Dispute Settlement System*, Jean E. Kalicki and Anna Joubin-Bret offer a broad compendium of practical suggestions for reform of the current system of resolving international investment treaty disputes through arbitration.

Settlement of Foreign Investment Disputes in the Arab Countries

The Oxford Handbook of International Investment Law

OUP Oxford The Oxford Handbooks series is a major new initiative in academic publishing. Each volume offers an authoritative and state-of-the-art survey of current thinking and research in a particular subject area. Specially commissioned essays from leading international figures in the discipline give critical examinations of the progress and direction of debates. Oxford Handbooks provide scholars and graduate students with compelling new perspectives upon a wide range of subjects in the humanities and social sciences. The Oxford Handbook of International Investment Law aims to provide the first truly exhaustive account of the current state and future development of this important and topical field of international law. The Handbook is divided into three main parts. Part One deals with fundamental conceptual issues, Part Two deals with the main substantive areas of law, and Part Three deals with the major procedural issues arising out of the settlement of international investment disputes. The book has a policy-oriented introduction, setting the more technical chapters that follow in their policy environment within which contemporary norms for international foreign investment law are evolving. The Handbook concludes with a chapter written by the editors to highlight the major conclusions of the collection, to identify trends in the existing law, and to look forward to the future development of this field.

The Protection of Foreign Investments in Mongolia

Treaties, Domestic Law, and Contracts on Investments in International Comparison and Arbitral Practice

Springer This book analyses the adequacy of Mongolia's legal system for foreign investment protection by conducting a multi-level assessment of international investment treaties, domestic legislation of the host State, and investor-State contracts from an international comparative perspective. The investigation distinguishes between three legal dimensions, each of which offers both substantive legal guarantees for the protection of investments in the host State and provisions for the settlement of investment disputes by arbitration. In the first dimension of Public International Law (PIL), Mongolia is bound by international investment treaties, which offer investors an international law setting. In the second dimension, a special domestic investment law defines the domestic framework for the establishment, promotion and protection of investments, but also for the conclusion of investor-State contracts. These contracts in turn open a third legal dimension, which represents a cross-section through the PIL and domestic-law dimensions of investment protection. Following the development of a multi-level system with legal dimensions that are not isolated but rather interrelated and mutually reinforcing, the book examines whether Mongolia's international investment treaties and domestic investment law reflect globally shared international and domestic standards of treatment and protection of foreign investments. Lastly, the author inquires whether the domestic laws applicable to investor-State contracts in Mongolia allow investors and the Mongolian Government to agree on protective terms according to the (not uncontroversial) standards of international contract practice.

Sustainable Development in World Investment Law

Kluwer Law International B.V. Sustainable development, as defined by the World Commission on Environment and Development, is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." More specifically, sustainable development is a process of change that seeks to improve the collective quality of life by focusing on economically, socially, and environmentally sound projects that are viable in the long-term. Sustainable development requires structural economic change and the foundation of that change is investment. In developing nations with low levels of domestic savings, investment predictably comes from abroad in the form of foreign direct investment. A large and ever expanding number of international investment agreements are in place to govern these transactions. While these accords seek to foster development while mitigating the risk involved in these types investments, many questions remain unresolved. This highly insightful book reflects the contributions of a variety of world renowned experts each of which is designed to provide the reader with valuable perspective on recent developments in investment law negotiations and

jurisprudence from a sustainable development law perspective. It offers answers to pertinent questions concerning advancements in investment law, including the negotiation of numerous regional and bilateral agreements as well as the increasing number of disputes resolved in the World Bank's International Centre for the Settlement of Investment Disputes (ICSID), from different developed and developing country perspectives. It lays out future directions for new treaty negotiations and dispute settlement proceedings, as well as ongoing investment promotion efforts, against a background of rapidly evolving international relationships between economic, environment and development law. It focuses on key issues in investment laws which have emerged as priorities in the negotiation of bilateral and regional investment agreements, and have been clarified through recent decisions of the ICSID and other arbitral panel awards.

Investor-State Dispute Settlement and National Courts

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The Foundations of International Investment Law

Bringing Theory into Practice

OUP Oxford International investment law is one of the fastest growing areas of international law. It has led to the signing of thousands of agreements, mostly in the form of investment contracts and bilateral investment treaties. Also, in the last two decades, there has been an exponential growth in the number of disputes being resolved by investment arbitration tribunals. Yet the legal principles at the basis of international investment law and arbitration remain in a state of flux. Perhaps the best illustration of this phenomenon is the wide disagreement among investment tribunals on some of the core concepts underpinning the regime, such as investment, property, regulatory powers, scope of jurisdiction, applicable law, or the interactions with other areas of international law. The purpose of this book is to revisit these conceptual foundations in order to shed light on the practice of international investment law. It is an attempt to bridge the growing gap between the theory and the practice of this thriving area of international law. The first part of the book focuses on the 'infrastructure' of the investment regime or, more specifically, on the structural arrangements that have been developed to manage foreign investment transactions and the potential disputes arising from them. The second part of the book identifies the common conceptual bases of an array of seemingly unconnected practical problems in order to clarify the main stakes and offer balanced solutions. The third part addresses the main sources of 'regime stress' as well as the main legal mechanisms available to manage such challenges to the operation of the regime. Overall, the book offers a thorough investigation of the conflicting theoretical positions underlying international investment law, testing their worth by reference to concrete issues that have arisen in the jurisprudence. It demonstrates that many of the most important practical questions arising in practice can be addressed by a carefully dosed resort to theory.

Public Participation and Foreign Investment Law

From the Creation of Rights and Obligations to the Settlement of Disputes

BRILL Public Participation and Foreign Investment Law critically discusses the different forms of public participation that can be found or envisaged in foreign investment law. It provides the first systematic treatment of public participation in foreign investment law in its main forms and from different perspectives.

International Investment Agreements and EU Law

Kluwer Law International B.V. The rapidly growing number of investors' disputes with states and the approach of arbitral tribunals, perceived by some, whether rightly or not, as being too investor-friendly, underlie a contentious debate about the need to strike a more effective balance between investors' rights under international investment agreements (IIAs) and the right of states to pursue legitimate regulation in the public interest. In this regard the European Union, with the exclusive external competence in foreign direct investment vested in it under the Lisbon Treaty, is emerging as the leader and driving force in the future development of international investment law. This book examines the competence of the EU to conclude investment treaties in the light of the investment protection rules of IIAs, explores how far the EU regime for cross-border investment and investors' rights under IIAs can be considered comparable, and brings about an extensive analysis of existing agreements of Member States and their compatibility with EU law, with detailed investigation of how the potentially conflicting obligations of Member States under the two regimes can be reconciled. The book covers such elements of the debate as the following: • 'standards of treatment' under IIAs; • investment-related provisions of EU law; • dispute settlement mechanisms and the conduct of investment disputes; • how recent controversies over bilateral investment treaties (BITs) shape emerging EU international investment policy; • effect of political and institutional interests; • transitional arrangements for BITs between Member States and third countries established by Regulation 1219/2012; • CJEU decisions concerning BITs concluded between EU Member States and third countries; • significant arbitral awards involving intra-EU BITs; • allocation of international responsibility for breaches of investors' rights; • intra-EU dimension of the Energy Charter Treaty (ECT); • possibilities for review of arbitral awards by courts of Member States; • desirability of international protection of foreign investment in developed countries; and • role of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) The author provides a number of well-grounded recommendations, taking into account throughout the legitimate interests and expectations of individual investors. As an invaluable commentary on developments related to the interplay between international investment law and EU law, and a guide to ameliorating the tensions and controversies surrounding this relationship, this book will appeal to a wide variety of readers. The questions dealt with are faced not only by negotiators and others involved in policymaking in the area of foreign investment, but also by specialists in international investment law, investment arbitration, EU international relations law, and anyone involved in cross-border law, as well as others who encounter these questions in the course of their professional or academic activities.

Appeals Mechanism in International Investment Disputes

Oxford University Press This volume brings together significant contributions from leading voices in academia, the legal profession and government on the increasingly important topic of international investment and the legal system in which it operates. With the burgeoning size of international capital flows matched only by an explosion in international agreements intending to regulate the field, there is increasing potential for incoherence amongst and between treaties and arbitral decisions. Appeals Mechanism in International Investment Disputes compiles, compares and contrasts the analysis and arguments of the leading scholars, practitioners and government officials on the future of the international investment law regime. Its special emphasis is on the question of an appellate body for international investment disputes. The authors also seek ways to streamline and improve the system, channeling the benefits of free trade and investment flows to people in both the developing and emerging markets. The Appendices provide readers with extensive background material to place the chapters into context. Selected sections include concise commentaries to further illuminate the timely themes covered by the chapters. The volume is singular in its success at bringing together so many exceptional individuals on a question of growing import-how to improve the international law regime to increase prosperity and further global development. If a reader wants to know what the influential voices in international law are saying right now, and in a concise and readable format, this is the publication to have.

Legitimacy and International Courts

Cambridge University Press An interdisciplinary volume exploring the concept of legitimacy in relation to international courts and what can drive and weaken it.

The Law of Investment Treaties

Oxford University Press Investment treaties grant special international protection to foreign investors, and give them a means to enforce those rights against States in which they have invested. This book systematically examines the law of international investment treaties, particularly with respect to its origins, structure, content, and effects. Although the precise provisions of investment treaties are not uniform, virtually all investment treaties address the same issues. This book examines those issues in detail, including the scope of application, conditions for the entry of foreign investment, and general standards of treatment of foreign investments. Investment treaty law has continued to evolve rapidly and dramatically since publication of the second edition of this work in 2015. The field has seen considerable growth in the number and scope of investment treaties, now estimated at 3300, and investor-state arbitrations cases, which reached over 1000 in 2020. The field has also experienced significant changes and reforms. In 2018, eleven Pacific Basin Countries, despite the withdrawal of the United States, forged ahead to conclude the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTTP), a potentially far reaching regional trade and investment agreement. The next year, the three north American nations replaced the North American Free Trade Agreement (NAFTA) with the United States-Mexico-Canada Agreement (USMCA). And in 2020, European Union member states terminated over 100 intra-EU BITs, leaving intra-EU investors to rely on EU law and legal processes alone for protection from unfavourable government acts. This edition of The Law of Investment Treaties incorporates a consideration of all of these and other reforms into its analysis of the body of law created by investment treaties since World War II.

The role of international law in Article 42(1) of the Washington Convention on the Settlement of Investment Disputes

GRIN Verlag Master's Thesis from the year 2011 in the subject Law - European and International Law, Intellectual Properties, grade: 19, , course: ICSID Convention, language: English, abstract: The role of international law in Article 42(1) of the ICSID Convention is not very clear and has caused many debates. Scholarly opinions have therefore developed different theories. Some want to reduce the application to a minimum, the international ius cogens, whereas others argue that international law should prevail in all cases over the host state's law. Some authors as well as the case-law also establish different limits. This paper analyses the role of international law with many different interpretative methods from civil law and common law. It concludes that no artificial limits can be maintained, but the current version of Article 42(1) leaves the determination of the scope of international law to the discretion of the tribunal. In order to clarify the notion entirely, more harmonisation of the substantive rules on foreign investment would be needed, either on the national or on the international level. Some future approaches are presented in this paper.

Model Clauses for Settlement of Foreign Investment Disputes

Arbitration Under International Investment Agreements

A Guide to the Key Issues

Oxford University Press on Demand Investor-state arbitration is a relatively new dispute settlement mechanism that allows foreign investors the opportunity to seek redress for damages arising out of breaches of investment-related treaty obligations by the governments of host countries. Claims are submitted to independent, international arbitration tribunals, which are called upon to interpret the treaty at hand. Because of the public interest involved in these cases, the awards of these tribunals are subject to much scrutiny

and debate. Thus, it has already generated hundreds of cases and created new legal disciplines, inspiring a continuous string of legal writings. This book provides a comprehensive analysis of the main issues that arise in investor-state arbitration. It accompanies the reader through the phases of such a procedure, starting with an examination of the instruments, which provide, in the overwhelming majority of the cases, the legal basis for the requests for such arbitration. It then continues with the launching of the arbitration procedure, followed by the analysis of the main jurisdictional and substantive issues that the tribunals are confronted with, and the review procedures, when there is a request for setting aside of the award. It finally looks at the post-award phase and concludes with a reflection on the role of precedent in investment arbitration. *Arbitration under International Investment Agreements: a Guide to the Key Issues* contains in one volume what everybody needs to know on this evolving topic. Calling on the most renowned experts in this field, private practitioners, academics, government and international organization officials, it describes the process in all its phases from A to Z, providing a comprehensive insight in the way investor-state arbitration works from the perspective of the main actors involved. Its analyses of all key aspects of the topic are pragmatic and reliable.

Transparency in International Trade and Investment Dispute Settlement

Routledge An increasing number of international trade disputes are settled through the WTO dispute settlement (DS) procedure. In parallel, an increasing number of international investment disputes are settled through investor-host state arbitration procedure. What does "transparency" mean in the context of international trade and investment dispute settlement? Why is enhanced transparency demanded? To what extent and in what manner should these dispute settlement procedures be transparent? The book addresses these issues of securing transparency in international trade and investment dispute settlement. Transparency in international trade and investment dispute settlement drew attention of international economic law scholars in the late 1990s, but most literature discusses the transparency in trade DS and investment DS separately. The book deals with the issue in a comprehensive and coherent manner, combining the analyses of the issue in both DS procedures and comparing the pros and cons to enhanced transparency in them. The main argument of the book is, firstly, that transparency in these procedures should be enhanced so that they may be accountable to a wider range of stakeholders, but, secondly, that the extent and the manner of transparency might differ in these two procedures, reflecting their structural and functional differences. The book appeals to both scholars and students interested in international economic law and international relations, as well as lawyers and government officials who deal with international trade and investment regulation.

Foreign Investment and Dispute Resolution Law and Practice in Asia

Routledge This book considers foreign investment flows in major Asian economies. It critically assesses the patterns and issues involved in the substantive law and policy environment which impact on investment flows, as well as the related dispute resolution law and practice. The book combines insights from international law and comparative study and is attentive to the socio-economic contexts and competing theories of the role of law in Asia. Contributions come from both academics with considerable practical expertise and legal practitioners with strong academic backgrounds. The chapters analyze the law and practice of investment treaties and FDI regimes in Asia looking specifically at developments in Japan, India, China, Indonesia, Malaysia, Korea and Vietnam. The book explores the impact of the Asian Financial Crisis in the late 1990s and the Global Financial Crisis a decade later, examining actual trends and policy debates relating to FDI and capital flows in Asia before and after those upheavals. *Foreign Investment and Dispute Resolution: Law and Practice in Asia* is a valuable resource for practitioners, academics and students of International and Comparative Law, Business and Finance Law, Business, Finance and Asian Studies.

The ICSID Convention

A Commentary

Cambridge University Press The Convention on the Settlement of Investment Disputes between States and Nationals of other States entered into force in October 1966, and is administered by ICSID (International Centre for Settlement of Investment Disputes). There are now 131 countries which have ratified the convention. Its caseload has grown substantially during the last ten years. In this unique compendium, the official text and Professor Schreuer's updated commentary on the entire Convention is set out, Article by Article, as at June 2000. This book offers the most comprehensive explanation of the functioning of this important mechanism for the settlement of investor-host State disputes. It incorporates the preparatory work, the literature and the practice under the Convention, as well as a complete tables and index, and cross references to the ICSID Reports. This

practice-oriented guide will be an indispensable tool for anyone dealing with the ICSID Convention.

International Centre for Settlement of Investment Disputes (ICSID)

Kluwer Law International B.V. Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the structure, competence, and management of International Centre for Settlement of Investment Disputes (ICSID) provides substantial and readily accessible information for lawyers, academics, and policymakers likely to have dealings with its activities and data. No other book gives such a clear, uncomplicated description of the organization's role, its rules and how they are applied, its place in the framework of international law, or its relations with other organizations. The monograph proceeds logically from the organization's genesis and historical development to the structure of its membership, its various organs and their mandates, its role in intergovernmental cooperation, and its interaction with decisions taken at the national level. Its competence, its financial management, and the nature and applicability of its data and publications are fully described. Systematic in presentation, this valuable time-saving resource offers the quickest, easiest way to acquire a sound understanding of the workings of International Centre for Settlement of Investment Disputes (ICSID) for all interested parties. Students and teachers of international law will find it especially valuable as an essential component of the rapidly growing and changing global legal milieu.

Implementing International Economic Law

Through Dispute Settlement Mechanisms

BRILL Implementing International Economic Law focuses on the relationship between the rules of public international law and international economic law from the point of view of dispute settlement mechanisms. It demonstrates that the practice of international adjudicative bodies such as the WTO and the ICSID went beyond merely interpreting and applying the rules of law and became international organisations as "law-makers". This is where the sources of international law play a crucial role.

Principles of International Investment Law

Oxford University Press This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students or practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

The Development of International Arbitration on Bilateral Investment Treaties

Disputes Between States and Investor, ICSID Cases Against Turkey Regarding Energy Sector

Universal-Publishers This dissertation analyses developments of international arbitration on investment disputes. Recent years, there has been an extraordinary increase in the number of investment arbitration for breach of Bilateral Investment Treaties (BITs). These treaties include substantive and procedural rules to provide investment security and investment neutrality to foreign investor. In particular, most BITs have investor-state dispute settlement provision which allows investors to sue host states directly. Through analyzing the Turkish BIT experience, this study concludes that there are different approaches that utilized in various investor-state dispute settlement provisions. Thus, the wording of these provisions is important. Furthermore, the ICSID arbitration is mostly incorporated into BITs dispute settlement provisions since the ICSID arbitration has an effective system and different characteristics from other types of international commercial arbitration. This dissertation examines not only the main features of the ICSID, but also the recent amendments made to the ICSID arbitration rules. Finally, after analyzing the concluded and pending ICSID cases against Turkey regarding energy sector, this study concludes that the ICSID has an important role for the development of the international arbitration on investment disputes.

International Investment Law

Reconciling Policy and Principle

Bloomsbury Publishing '...This book [...] goes beyond stating what the law is and focuses on controversies occurring within this area of the law... an excellent introduction to this complex area of international law for newcomers to the subject' Kate Miles, *Australian International Law Journal* The updated edition of this acclaimed book offers a critical overview of the law of foreign investment, incorporating a thorough analysis of the principles and standards of treatment available to foreign investors in international law. It is authoritative and multi-layered, offering an analysis of the key issues and an insightful assessment of recent trends in the case law, from both developed and developing country perspectives. A major feature of the book is that it deals with the tension between the law of foreign investment and other competing principles of international law. In doing so, it proposes ways of achieving a balance between these principles and the need to protect the legitimate rights and expectations of foreign investors on the one hand, and the need not to restrict unduly the right of host governments to implement their public policy on the other, including the protection of the environment and human rights, and the promotion of social and economic justice within the host country. Many of the pioneering ideas that were advanced in the first edition of this book in 2008 have been taken up by governments and international organisations in their attempts to reform the investor-State dispute settlement mechanism and strike a balance between different competing principles in developing international investment law. Accordingly, this fourth edition captures the essence of the ongoing multiple reform processes -either planned or envisaged - currently underway.

Public Actors in International Investment Law

Springer Nature 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.

Settlement of Investment Disputes under the Energy Charter Treaty

Cambridge University Press The Energy Charter Treaty has come of age, with almost 50 States parties and a small but growing body of arbitral case law. In this new study of the Treaty's investment protection provisions, Thomas Roe and Matthew Happold set out to identify and explain the Treaty's principal provisions and to suggest answers to some of the difficult problems thrown up by its drafting. They discuss in detail questions such as the standards of protection granted by the Treaty and the international responsibility of States for breaches of the Treaty, the various procedures available for the vindication of rights under the Treaty and the conditions to be satisfied before a claimant's complaint may be considered on the merits. Specific issues addressed include the impact of EU law on claims under the Treaty and the Treaty's provisions concerning taxation.

Regionalism in International Investment Law

Oxford University Press Regionalism in International Investment Law provides a multinational perspective on international investment law. In it, distinguished academics and practitioners provide a critical and comprehensive understanding of issues in a field which has grown exponentially in its importance particularly over the last decade, focusing on the European Union, Australia, North America, Asia, and China. The book approaches the field of foreign direct investment from both academic and practical viewpoints and analyzes different bilateral, regional, and multinational agreements, often yielding competing perspectives. The academic perspective yields a strong conceptual foundation to often misunderstood elements of international investment law, while the practical perspective aids those actively pursuing foreign direct investment in better understanding the landscape, identifying potential conflicts which may arise, in more accurately assessing the risk underlying the issues in conflict and in resolving those issues. Thorny issues relating to global commerce, sovereignty, regulation, expropriation, dispute resolution, and investor protections are covered, depicting how they have developed and are applied in different regions of the world. These different treatments ensure that readers are able grasp the subject matter at multiple levels and provide a comprehensive overview of developments in

the field of foreign direct investment.

Shifting Paradigms in International Investment Law

More Balanced, Less Isolated, Increasingly Diversified

Oxford University Press International investment law is in transition. Whereas the prevailing mindset has always been the protection of the economic interests of individual investors, new developments in international investment law have brought about a paradigm shift. There is now more than ever before an interest in a more inclusive, transparent, and public regime. *Shifting Paradigms in International Investment Law* addresses these changes against the background of the UNCTAD framework to reform investment treaties. The book analyses how the investment treaty regime has changed and how it ought to be changing to reconcile private property interests and the state's duty to regulate in the public interest. In doing so, the volume tracks attempts in international investment law to recalibrate itself towards a more balanced, less isolated, and increasingly diversified regime. The individual chapters of this edited volume address the contents of investment agreements, the system of dispute settlement, the interrelation of investment agreements with other areas of public international law, constitutional questions, and new regional perspectives from Europe, South Africa, the Pacific Rim Region, and Latin America. Together they provide an invaluable resource for scholars, practitioners, and policymakers. The individual chapters of this edited volume address the contents of investment agreements, the system of dispute settlement, the interrelation of investment agreements with other areas of public international law, constitutional questions, and new regional perspectives from Europe, South Africa, the Pacific Rim Region, and Latin America. Together they provide an invaluable resource for scholars, practitioners, and policymakers.