

An Introduction To International Investment Law

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The Multilateralization of International Investment Law

This book shows how the reform in investment regulation contributes to a broader attempt to transform the international economic order.

International Investment Arbitration

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.

International Investment Law and Development

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This book provides an overview of international investment policy and policy-making, drawing upon perspectives from law, economics, international business, and political science. International investment is a complex phenomenon with significant effects worldwide. Developing effective policies and strategies to attract investment in sufficient quantities and marshal it to contribute to sustainable development is a critical challenge for governments at all levels. This book's interdisciplinary approach provides fresh insights into the mix of policy options available to governments seeking investment to support their country's (or region's) development. As well as identifying ways to effectively design, implement, and assess policies to attract foreign investment, it explores how to manage foreign investment's effects. Various dimensions of international investment policy are discussed, including benefits and costs (economic, environmental, social, and political) of foreign investment, the significance of global value chains, state-owned enterprises and sovereign wealth funds, and the role of tax policy, investment promotion, and policy advocacy, location branding, investment treaties, and national security considerations. Through its contributions to a new interdisciplinary understanding of international investment policy-making, this book will benefit students and scholars working in areas such as international business, international economic law, international economics, development economics, international development, and international political economy as well as being a valuable resource for policy-makers.

Public Health in International Investment Law and Arbitration

There is a growing interplay between international investment law, arbitration and human rights. This book offers a systematic analysis of this interaction, exploring the role of principles of justice in investment law, comparing investment arbitration with other courts, and examining case studies on human rights.

International Investment Arbitration

August Reinisch gives a broad overview of the entire field of international investment law that has emerged as an important subfield of international economic law over the last decades. As a result of the boom of investment arbitration since the late 1990s, core questions of the substantive treatment of foreign investors are analysed. Combining an academic and a practical perspective, this book has been written to provide an introduction to investment law for lawyers, political scientists, economists as well as those interested in international relations.

International Investment Arbitration in a Nutshell

Increasingly, transnational corporations, developed countries and private actors are broadening the boundaries of their investments into new territories, in search of a higher return on capital. This growth in direct foreign investment involves serious concerns for both the investor and host state. Various

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exponents of international civil society and non-governmental organisations persuasively claim that such growth in foreign investments constitutes potential and serious hazards both to the environment and the fundamental rights and freedoms of local populations. This book explores from an international law perspective the complex relationship between foreign investments and common concerns, i.e. values that do not coincide, or do not necessarily coincide, with the interests of the investor and of the host state. It pays particular attention to the role of the main international development banks in reconciling the needs of foreign investors with the protection of common concerns, such as the environment, human rights and labour rights. Among its collection of essays, the volume asks how much "regulatory space" investment law leaves; whether international investment law is an effective means of balancing contrasting interests, and whether investment arbitration currently constitutes a mechanism of global governance. In collecting the outlooks of various experts in human rights, environmental and international economic law, this book breaks new ground in exploring how attention to its legal aspects may help in navigating the relationship between foreign investment and common concerns. In doing so, the book provides valuable insights into the substantive issues and institutional aspects of international investment law.

International Investment Law and History

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

International Investment Law and Arbitration

The effect on developing countries of the arrival of foreign direct investment (FDI) has been a subject of controversy for decades in the development community. The debate over the relationship between FDI in developing countries and the progress of these countries towards human development is an ongoing and often heated one. Adopting an interdisciplinary perspective combining insights from international investment law, human rights law and economics, this book offers an original contribution to the debate. It explores how improvements

International Investment Law and Gender Equality

"In recent years, the world has witnessed the coming of age of international investment law. The numbers are telling with over 2600 bilateral investment treaties, over 462 free trade, customs unions and other economic partnership agreements notified to the WTO, with 276 being in force, an increasing number of which include investment chapters, and over 350 known investor-State treaty-based arbitrations. This phenomenon has not left many untouched as over 175 States have signed

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international investment agreements (IIAs) and at least 81 governments have faced investment treaty arbitrations. The regime, however, has not been without criticisms. The main criticisms being: that IIAs do not fulfil their great bargain the promotion of investment, while they effectively protect powerful economic interests; that IIAs protect investor's rights over the public interest of the host country; that the dispute settlement system put in place by IIAs lacks legitimacy due to the fundamentally ad hoc nature of investor-State arbitration; and that the complexity and cost of the system are out of control. This book takes stock of developments in international investment law and analyzes potential solutions to some of these criticisms from the perspective of international public policy, in negotiations, substantive obligations and dispute resolution. The book is prepared by a group of scholars and practitioners from Canada and Europe. It takes a multidisciplinary approach to the subject, with analysis from the legal, political and economic perspectives. The first part of the book traces the evolution in IIA treaty-making and provides an evaluation from a political economy and economics perspective. The other three parts are organised around the concepts of efficiency, legitimacy and sustainability. Each contributor analyzes one or more issues of treaty negotiation, substance or dispute resolution, with the ultimate aim of improving IIA treaty-making in these respects."--

The EU in the Global Investment Regime

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This book covers substance and procedure, including key awards and materials with commentary on past, current and potential developments.

The Oxford Handbook of International Investment Law

"[This book reviews] the substantive principles of international law applied by investment arbitration tribunals, and a clear and comprehensive description of the present state of the lawThe second edition is fully updated to take account of the arbitration awards rendered in the period since 2007Key areas of coverage include: the instruments under which investment disputes arise; the legal basis of treaty arbitration; dispute resolution and parallel proceedings; who is a foreign investor, including nationality issues and foreign control; what is an investment; investors' substantive rights, including fair and equitable treatment; expropriation; compensation and remedies. Arbitration of overseas investment disputes is one of the fastest growing areas of international dispute resolution. The exponential growth of international investment in recent years has led to the signature of over two thousand Bilateral Investment Treaties (BITs) between foreign states, in addition to a wealth of multilateral treaties and other forms of concession agreements. The legal principles that have developed in this area are subject to intense debate, and are still in a state of flux. While tribunals routinely state that they are applying principles of public international law to determine disputes, many of the principles applied

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have only been developed recently in the context of investment treaty arbitrations, and tribunals are often guided more by the approaches taken by other tribunals, than by pre-existing doctrines of public international law."--

Integrating Sustainable Development in International Investment Law

This in-depth commentary analyses the new UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration.

International Investment Law. The Sources of Rights and Obligations

The second edition of *International Investment, Political Risk and Dispute Resolution* explores the multi-layered legal framework for the protection of foreign investment against political risk. The authors expertly analyse some of the key issues surrounding this subject, such as structuring transactions to minimize political risk, political risk insurance, state responsibility, treaties protecting foreign investment and human rights, and international arbitration between states and investors. Since the previous edition was released in 2005, far more attention has been paid to these issues, in particular investor-state arbitration, as well as other current topics such as the interaction between international investment law and human rights. All chapters have been revised to take into account the number of new arbitration awards that have come to light and the massive volume of

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commentary on the subject of international investment arbitration since the first edition. The authors have carefully considered the latest theoretical approaches to foreign investment protection and the most intellectually challenging awards issued in the intervening decade, as well as the most recent practical guidance on the procedural recourse available to investors who face political risks. Additionally, this book contains a new chapter exploring the interaction between international investment law and the international human rights regime and considers whether there is a complementary or divergent result between competing fora. This book is addressed to a wide audience, and is suitable as a primer for non-specialist practitioners seeking to familiarize themselves with international law pertaining to political risk. While appropriate for practitioner use, this book is also suitable for undergraduate students or for graduates who intend to specialize in international investment law.

The Origins of International Investment Law

Due to the ongoing recent expansion of public interest issues worldwide, the state's right to regulate has been recaptured as a prominent concept in international investment law. The fair and equitable treatment (FET) standard provision in the text of an international investment agreement (IIA) has become a detailed clause clarifying the specific obligations of a state towards an investor under the FET standard.

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However, striking the right balance between the interests of host states and investors in these new treaty formulations has proved to be challenging. This book greatly clarifies the field by offering the in-depth analysis of the application of the state's right to regulate in relation to FET standard provisions in IIAs and to decisions by arbitral tribunals in FET cases. Recognising that the role of tribunals is to balance the state's public interests and the interests of the investor when interpreting and applying the FET standard, the author pursues such seminal issues and topics as the following: the legitimacy of the objective of the state's measure; obligations and responsibilities of investors towards a host state; the nature and impact of a change to a national regulatory framework; special economic and sociopolitical circumstances in a host state; and due diligence and risk assessment as a condition for the protection of an investor's legitimate expectations. Multiple IIAs concluded by the OECD Member States, as well by Russia and China between the developing countries, and the prominent investment law cases on the FET standard are examined in detail. The analysis pays particular attention to how investment jurisprudence in FET cases has been reflected in such new IIAs as the Comprehensive Economic and Trade Agreement between the European Union (EU) and Canada (CETA), the EU-Vietnam FTA and the EU-Singapore FTA. These case studies demonstrate the evolution of the IIAs' FET standard provisions and how they balance the application of the FET standard and the state's right to regulate. Suggestions are provided for drafting formulations of the FET standard that can contribute to achieving such a balance. In the clear

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light it sheds on the legal conditions under which states may regulate in the public interest and its contribution to the reforms that are currently taking place in the field of international investment law, this book constitutes an exemplary framework to evaluate investment decisions on the FET standard and the right to regulate. It is sure to prove extremely useful for practitioners who work on investment cases, policymakers involved in negotiating and drafting of IIAs, policy advisors of governmental and non-governmental organisations and academics in international investment law.

Promoting and Managing International Investment

The European Union (EU) has emerged as a key actor in the global investment regime since the 1980s. At the same time, international investment policy and agreements, which govern international investment liberalisation, treatment and protection through investor-to-state dispute settlement, have become increasingly contentious in the European public debate. This book provides an accessible introduction to international investment policy and seeks to explain how the EU became an actor in the global investment regime. It offers a detailed analysis of the EU's participation in all major trade and investment negotiations since the 1980s and EU-internal competence debates to identify the causes behind the EU's growing role in this policy domain. Building on principal-agent and historical institutionalist models of incremental institutional change, the book shows that

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Commission entrepreneurship was instrumental in the emergence of the EU as a key actor in the global investment regime. It refutes business-centred liberal intergovernmental explanations, which suggest that business lobbying made the Member States accept the EU's growing role and competence in this domain. The book lends support to supranational and challenges intergovernmental thinking on European Integration. This text will be of key interest to scholars, students and practitioners of European and regional integration, EU foreign relations, EU trade and international investment law, business lobbying, and more broadly of international political economy.

The WTO and International Investment Law

Jürgen Kurtz provides a theoretically grounded and doctrinally tractable framework to understand the relationship between international trade and investment law.

The Right of States to Regulate in International Investment Law

With changes to the international investment law landscape and Asian countries now actively developing their network of bilateral investment treaties (BITs) and free trade agreements (FTAs), this volume studies issues relating to Asian perspectives on international investment law and forecasts the future of Asian contribution to its science and practice. The book discusses the major factors that

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have been driving Asian countries to new directions in international investment rule-making and dispute settlement. It also looks at whether Asian countries are crafting a new model of international investment law to reflect their specific socio-cultural values. Finally, the book examines whether there are any 'Asian' styles of international investment rule-making and dispute settlement, or if individual Asian countries are seeking specific national 'models' based on economic structure and geopolitical interests. This unique collection is exceptionally useful to students, scholars and practitioners of international investment law, international trade law and public international law.

Prospects in International Investment Law and Policy

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.

International Investment Law and Competition Law

Investment Arbitration is a multi-billion dollar venture. It is an area of international dispute resolution, which has undergone tremendous growth in recent years and resulted in the signature of thousands of Bilateral

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Investment Treaties (BITs) between foreign states and several Multilateral Investment Treaties (MITs). Numerous disputes involving these instruments are resolved through international arbitration. Arbitral tribunals have rendered many awards ordering the payment of large sums of money. This handbook provides an explanatory introduction into the area of investment arbitration, differentiating it from commercial arbitration and state-to-state arbitration. It examines the legal framework and the general course of an international investment arbitration. In particular, it focuses on the standards of protection in international investment agreements, the concept of jurisdiction in international investment arbitration and the arbitral award, including the notions of recognition, enforcement and execution. Moreover, this cutting-edge publication contains relevant and recent case law in the area and deals with contemporaneous issues such as the ongoing controversy regarding the future of Intra-EU BITs and Free Trade Agreements as well as the link between vulture funds and investment arbitration. The handbook aims at arbitrators, lawyers, practitioners, academics, students and everyone with an interest in international investment arbitration.

China's International Investment Strategy

Foreign direct investment ("FDI") is a key pillar of the world's global economy. International investment law comprises the rules regarding the protection of investors engaging in FDI activities. This book

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summarizes the current legal regime of international investment protection and the challenges that lie ahead of it. Its ambition is to provide a concise introduction to the key substantive and procedural standards of international investment protection.

The International Law on Foreign Investment

International investment law has often been seen as an obstacle to sustainable development. While the connections between investment and development are plain, for a long time there has been relatively little scholarship exploring them. Combining critical reflection and detailed analysis, this book addresses the relationship between contemporary investment law and development. The book is organized around two competing visions of investment and development - as working either harmoniously or in conflict with one another. The expert contributors reflect on both of these views and analyse the social dimensions of development and its impact on investment law. Coverage includes in-depth discussion on such issues as human rights, poverty reduction, labor standards, and indigenous peoples. Students and scholars of international investment law will benefit from the informed analysis of the links between investment and development. This book will also be of use to practitioners and experts of development law who are looking for an up-to-date perspective of the field.

Advanced Introduction to International

Intellectual Property

This concise yet comprehensive textbook introduces the reader to the law and practice of international arbitration. Arbitration is a complex field due to the variety of disciplines involved and necessitates an approach that takes nothing for granted. Written by a renowned scholar and practitioner, this book explains the divergent issues of civil procedure, contracts, conflict of laws, international law amongst others in an accessible manner. Focusing mainly on international commercial arbitration, the book also features a distinct chapter on consumer and online arbitration and an equally comprehensive chapter on international investment arbitration.

An Introduction to International Arbitration

Elgar Advanced Introductions are stimulating and thoughtful introductions to major fields in the social sciences and law, expertly written by the world's leading scholars. This authoritative introduction provides a detailed overview of the complexities of the international intellectual property regime and the ways in which it operates. The authors cover the key international institutions and agreements that regulate and inform intellectual property at an international level such as the TRIPS Agreement, WIPO, WTO, the Paris Convention and the Berne Convention. The book serves as a platform to understand and contextualize policy discussions on topics such as public health, Internet regulation, as

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well as regional and bilateral trade treaties. Key features include:

- Accessible and carefully summarized overview of the field
- Comprehensive and up-to-date review of all major international intellectual property institutions and instruments
- Introduces current issues within international IP negotiations
- Provides tools to analyze the history and possible future development of international IP norms.

Students, researchers, policy makers and practitioners of intellectual property will find this book to be an invaluable resource in gaining an understanding of the international rules and context in which both domestic and international IP policy issues should be understood.

Advanced Introduction to International Investment Law

'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

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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.

Power in the International Investment Framework

This book analyses the impact that stabilization clauses have on the development of human rights and gender laws in resource rich nations. Given the fact that stabilization clauses freeze the law for as long as the contract subsists there has been debate on the negative impact stabilization clauses have on the progressive development of human rights in the host State. Firstly, the book examines the mechanisms investors utilise in protecting themselves from host State prerogatives. It then explores the

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theoretical basis on which stabilization clauses are applied and upheld by arbitral tribunals, and assesses how they can be drafted in a way that protects human rights, particularly in relation to gender discrimination, without forcing the resource rich nations to lose momentum in attracting foreign direct investment. Using Zambia and the Gender Equity and Equality Act of 2015 as a case study, the book explores the compatibility of the legislation with the stabilization clauses contained in the country's Development Agreements. The book will be of interest to practitioners, scholars and students of international investment law, human rights law and contract law.

International Investment, Political Risk and Dispute Resolution

This book is essential reading for academics of international investment law and related matters, with useful research material for both practitioners and policy-makers. Moreover, the innovative approach of this book makes it appropriate for adoption i

An Introduction to International Investment Law

A clear and accessible introduction to one of the fastest growing and most highly debated spheres of international law.

Principles of International Investment Law

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This work offers a comprehensive account of the current state and likely future developments of international investment law. Its broad range covers conceptual, substantive and procedural issues. Containing specially commissioned essays by leading experts in the field, this book will be of interest to both scholars and practitioners.

Reconceptualizing International Investment Law from the Global South

Since China adopted its 'open door' policy in 1978, which altered its development strategy from self-sufficiency to active participation in the world market, its goal has remained unchanged: to assist the readjustment of China's economy, to coordinate its modernization programs, and to improve its quality of life. With the 1997 launch of the 'Going Global' policy, an outward focus regarding foreign investment was added, to circumvent trade barriers and improve the competitiveness of Chinese firms. In order to accommodate inward and outward investment, China's participation in the international investment regime has underpinned its efforts to join multilateral investment-related legal instruments and conclude international investment agreements. This collection, compiled by award-winning scholar Professor Julien Chaisse, explores the three distinct tracks of China's investment policy and strategy: bilateral agreements including those with the US and the EU; regional agreements including the Free Trade Area of the Asia Pacific; and global initiatives, spear-headed by China's presidency of the G20 and its 'Belt and Road

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initiative'. The book's overarching topic is whether these three tracks compete with each other, or whether they complement one another - a question of profound importance for the country's political and economic future and world investment governance.

Improving International Investment Agreements

Is a State free to adopt measures to protect the public health of its citizens? If so, what are the limits, if any, to such regulatory powers? This book addresses these questions by focusing on the clash between the regulatory autonomy of the state and international investment governance. As a wide variety of state regulations allegedly aimed at protecting public health may interfere with foreign investments, a tension exists between the public health policies of the host state and investment treaty provisions. Under most investment treaties, States have waived their sovereign immunity, and have agreed to give arbitrators a comprehensive jurisdiction over what are essentially regulatory disputes. Some scholars and practitioners have expressed concern regarding the magnitude of decision-making power allocated to investment treaty tribunals. This book contributes to the current understanding of international investment law and arbitration, addressing the fundamental question of whether public health has and/or should have any relevance in contemporary international investment law and policy. With a focus on the 'clash of cultures' between international investment law and public health, the author critically analyses the

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emerging case law of investment treaty arbitration and considers the theoretical interplay between public health and investor rights in international investment law. The book also explores the interplay between investment law and public health in practice, focusing on specific sectors such as pharmaceutical patents, tobacco regulation and environmental health. It then goes on to analyze the available means for promoting consideration of public health in international investment law and suggests new methods and approaches to better reconcile public health and investor rights.

International Investment Law

This up-to-date and revised third edition offers a clear and comprehensive overview aimed at upper-level undergraduate and postgraduate courses on international investment law. Key features and benefits include:

- concise descriptions of legal principles followed by classic and contemporary cases
- extracts from and analysis of key recent decisions, revised investment treaty texts and new court system proposals
- detailed discussion notes and all new 'Questions to an Expert' to enable classroom discussion and facilitate critical reflection.

International Investment Law and the Environment

This book offers a unique analysis of bilateral investment treaties (BITs). By developing a new, power-focused paradigm for understanding the

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international investment framework, the author illustrates why there was no paradoxical behaviour when developing countries agreed to the BIT regime, and what has spurred their reaction against it now. She also examines how attempts to regulate investment at a multilateral level have failed, and why the rules of the framework are evolving. Inspired by the work of Susan Strange, Gwynn fills a significant lacuna in our understanding of these issues by demonstrating how power determines the actions of all those involved. This holistic reinterpretation of international investment focuses in particular on Latin America, but has wider implications for the negotiation of new treaties, including such controversial provisions as the Transatlantic Trade and Investment Partnership. It will appeal to lawyers, economists, political scientists and scholars of Latin America.

Foreign Investment, International Law and Common Concerns

International investment law is a complex and dynamic field. Yet, the implications of its history are under explored. Kate Miles examines the historical evolution of international investment law, assessing its origins in the commercial and political expansionism of dominant states during the seventeenth to early twentieth centuries and the continued resonance of those origins within modern foreign investment protection law. In particular, the exploration of the activities of the Dutch East India Company, Grotius' treatises, and pre-World War II

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international investment disputes provides insight into current controversies surrounding the interplay of public and private interests, the systemic design of investor-state arbitration, the substantive focus of principles, and the treatment of environmental issues within international investment law. In adopting such an approach, this book provides a fresh conceptual framework through which contemporary issues can be examined and creates new understandings of those controversies.

International Investment Law and Arbitration

The book argues that international investment law is a structured body of law based on uniform principles of investment protection.

International Investment Law

This EYIEL special issue examines the interaction between international investment law and competition law. Although issues related to both international investment law and competition law arise regularly in international legal practice and are examined together, scholarly analysis largely treats them as parallel universes. As a result their actual and potential overlap has yet to be sufficiently explored. In this light, International Investment Law and Competition Law discusses a variety of topics at the intersection of investment and competition, including the interaction between competition-related provisions and investment protection standards in

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free trade agreements; investors' anti-competitive behaviour and illegal investments; state aid schemes and foreign investors' legitimate expectations; EU member States' compliance with investment awards as (illegal) state aid under EU law; State-owned enterprises and competitive neutrality; and interactions between public procurement, investment and competition law.

Transparency in International Investment Arbitration

American Classics in International Law: International Investment Law, edited by Professor José E. Alvarez, presents the most important contributions made by U.S. based scholars, policy-makers and treaty-makers to the field and includes a comprehensive introduction that sets the various elements in a broader context.

Human Rights in International Investment Law and Arbitration

This book is a thought-provoking and authoritative text on this fast moving field of international law.

International Investment Law

Drawing on State practice, arbitral awards and national decisions, this book provides a systematic study of the sources of rights and obligations in the field of transnational investment, and their coordination and interaction.

Foreign Direct Investment and Human Development

The current international investment law system is insufficiently compatible with sustainable development. To better address sustainable development concerns associated with transnational investment activities, international investment agreements should be made more compatible with sustainable development. Integrating Sustainable Development in International Investment Law presents an important systematic study of the issue of sustainable development in the international investment law system, using conceptual, normative and governance perspectives to explore the challenges and possible solutions for making international investment law more compatible with sustainable development. Chi suggests that to effectively address the sustainable development concerns associated with transnational investment activities, the international investment agreements system should be reformed. Such reform should feature redesigning the provisions of the agreements, improving the structure of international investment agreements, strengthening the function of soft law, engaging non-state actors and enhancing the dispute settlement mechanism. The book is primarily aimed at national and international treaty and policy-makers, lawyers and scholars. It is also suitable for graduate students studying international law and policy-making.

Asian Perspectives on International

Investment Law

Addresses the most central debates in contemporary investment law and policy.

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