COMMENTARIES ON SELECTED MODEL INVESTMENT TREATIES

CHESTER BROWN

OXEORD

Commentaries On Selected Model Investment Treaties Commentaries On Selected Model Investment Treaties

Zachary Douglas, Joost Pauwelyn, Jorge E. Viñuales

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Disputes Natalie Klein, Natalie S. Klein, 2014-04-10 This book examines why states resort to international adjudication or arbitration for the resolution of their disputes
Liability for Transboundary Pollution at the Intersection of Public and Private International Law Guillaume Laganière, 2022-02-24 This book focuses on how public and private international law address civil liability for transboundary pollution In public international law civil liability treaties promote the implementation of minimum procedural standards in domestic tort law This approach implicitly relies on private international law to facilitate civil litigation against transboundary polluters Yet this connection remains poorly understood Filling the gap this book engages in a meaningful dialogue between the two areas and explores how domestic private international law can reflect the policies developed in international environmental law It begins with an investigation of civil liability in international environmental law It then identifies preferable rules of civil jurisdiction foreign judgments and choice of law for environmental damage using Canadian private international law as a case study and making extensive references to European law Liability for transboundary pollution is a contentious issue of the law both in scholarship and practice

international lawyers both private and public as well as environmental lawyers will welcome this important work

Handbook of the International Political Economy of the Corporation Andreas Nölke, Christian May, 2018-09-28 Over the past few decades corporations have been neglected in studies of international political economy IPE Seeking to demystify them what they are how they behave and their goals and constraints this Handbook introduces the corporation as a unit of analysis for students of IPE Providing critical discussion of their global and domestic power and highlighting the ways in which corporations interact with each other and with their socio political environment this Handbook presents a thorough and up to date overview of the main debates around the role of corporations in the global political economy Investor-State Arbitration Flavia Marisi, 2023-10-18 A significant increase in investor State arbitration cases has been observed since the 2000s The trust placed by investors and States in this method of dispute resolution stems from several strengths In addition to its neutrality one of the primary reasons for its widespread use is its adaptability enabling it to address specific challenges that have emerged in recent decades The following elements highlight this adaptability the arbitration procedure can be customised to meet the specific needs of the disputing parties and stakeholders involved It effectively responds to evolving cultural norms and ethical considerations such as diversity gender representation corporate social responsibility environmental issues and human rights Moreover it can adapt to global health crises by facilitating online hearings Finally during times of international armed conflict economic exchanges trade investment and investor State dispute settlement foster economic integration and interdependence contributing to maintaining commercial peace and supporting international peace and security However investor State arbitration has sparked vigorous debates with many advocating for reform in three crucial aspects transparency legitimacy and consistency Multilateral negotiations are currently underway on various fronts including the negotiation of more sustainable investment treaties amendments to institutional arbitral rules the design of a multilateral investment court and the development of enhanced policy frameworks This book delves into the history of investor State dispute resolution to provide readers with an understanding of how its main features have evolved over time It examines the most intensely debated procedural issues analyses their multifaceted characteristics reviews the complex relationship between investor State arbitration and the European Union and explores potential options for addressing stakeholder concerns Shifting Paradigms in International Investment Law Steffen Hindelang, Markus Krajewski, 2016-01-21 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 guestions 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 Nationality of Corporate Investors under International Investment Law Anil Yilmaz Vastardis, 2020-10-01 This monograph offers a detailed and distinctive analysis of corporate nationality under international investment law covering the ICSID Convention and the investment treaty framework It takes the reader back to the basics threading through the concepts of jurisdiction nationality and corporate personality to give a clear context to the discussion of corporate nationality under international investment law at a time when international investment is dominated by multinational business enterprises operating in a globalised economy The book examines different understandings of corporate personality and nationality under a selection of jurisdictions and public international law It also offers an in depth analysis of approaches found in ICSID arbitral awards and in investment treaty practice distilling the problematic areas and discussing the impacts of the areas of concern It evaluates the techniques developed to address problems and puts forward suggestions for effective and balanced solutions to the questions of corporate nationality and personal scope of investment protection The Foundations of International Investment Law Zachary Douglas, Joost Pauwelyn, Jorge E. Viñuales, 2014-05-01 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

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