Basic Documents On International Investment Protection Documents In International Law | 666aa43fed4bda03ec5c7bc523b71b5d

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.

A collection of legal instruments for the protection of foreign investment, comprising 22 bilateral investment treaties concluded by Russia (or the former USSR), the principal multilateral agreements to which Russia is a party, and Russia's model draft bilateral investment protection agreement.

Azerbaijan Investment and Business Guide - Strategic and Practical Information

Multinational Enterprises and the Law is the only comprehensive, contemporary, and interdisciplinary account of the techniques used to regulate multinational enterprises (MNEs) at the national, regional, and multilateral levels. In addition, it considers the effects of corporate self-regulation, and the impact of civil society and community groups upon the development of the legal order in this area. The book has been thoroughly revised and updated for this third edition, making it a definitive reference work for students, researchers, and practitioners of international economic law, business, corporate and commercial law, development studies, and international politics. Split into four parts, the book first deals with the conceptual basis for MNE regulation. It explains the growth of MNEs, their business and legal forms, and the relationship between them and the effects of a globalised economy and society upon the evolution of regulatory
agendas in the field. Part II covers the main areas of economic regulation, including the limits of national and regional jurisdiction over MNE activities, controls over, and the liberalisation of, entry and establishment, tax, company and competition law and the impact of intellectual property rights on technology diffusion and transfer. Part III introduces the social dimension of MNE regulation covering labour rights, human rights, and environmental issues. Finally, Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks, covering the main provisions found in international investment agreements, their interpretation by international tribunals, and how concerns over these developments are leading to reform proposals. 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 inInternational law of foreign investment is a field of public international law that has attracted considerable attention from practitioners, academics, and policy-makers in the last two decades. Its key characteristic is the extent of substantive and procedural decentralisation: while often sharing certain structural elements, both substantive obligations and mechanisms of international dispute settlement are mostly opposable only between the particular parties, even when expressed in multilateral form. This makes a clear and comprehensive overview of the topic particularly important. The second edition adopts a new structure that better reflects the concurrence of various reform proposals with the fairly stable stratum of instruments that inform the current practice. With this systemic dynamic in mind, the selected documents are divided into three parts: Past, Present, and Future. The Past sets out the legal background to modern investment protection law. The Present
generalist international law materials (sources and responsibility), a selection of the more important instruments with substantive investment rules, and rules of international dispute settlement regarding investment protection. The Future (new for the second edition) lists a number of possible directions of future development, including a variety of approaches that maintain the traditional procedural kernel of investor-State arbitration as well as proposals for more significant change, with non-State actor involvement in dispute settlement either rejected or moulded into a judicial mechanism. This highly regarded book is aimed at teachers, students, practitioners, and policymakers in the area. It can be used both as a practitioners' handbook and as a classroom companion for courses on international dispute settlement and investment protection law.

Government-controlled investors, including state-owned enterprises and sovereign wealth funds, have greatly expanded their international activities in recent years. This paper describes the existing policy landscape of international investments by government-controlled investors under both national and international frameworks. The paper first examines host countries' regulatory provisions dealing with inward investments by foreign government-controlled investors. The paper then documents international investment treaty practice in relation to government-controlled investors by examining, in particular, whether they are explicitly dealt with in investment treaties and, if so, how they are handled in the treaties. Finally, the paper presents other international agreements including the OECD instruments in relation to state ownership. "International law of foreign investment is a field of public international law that has attracted considerable attention from practitioners, academics, and policy-makers in the last two decades. Its key characteristic is the extent of substantive and procedural decentralisation: while often sharing certain structural
elements, both substantive obligations and mechanisms of international dispute settlement are mostly opposable only between the particular parties, even when expressed in multilateral form. This makes a clear and comprehensive overview of the topic particularly important. The second edition adopts a new structure that better reflects the concurrence of various reform proposals with the fairly stable stratum of instruments that inform the current practice. With this systemic dynamic in mind, the selected documents are divided into three parts: Past, Present, and Future. The Past sets out the legal background to modern investment protection law. The Present provides generalist international law materials (sources and responsibility), a selection of the more important instruments with substantive investment rules, and rules of international dispute settlement regarding investment protection. The Future (new for the second edition) lists a number of possible directions of future development, including a variety of approaches that maintain the traditional procedural kernel of investor-State arbitration as well as proposals for more significant change, with non-State actor involvement in dispute settlement either rejected or moulded into a judicial mechanism. This highly regarded book is aimed at teachers, students, practitioners, and policymakers in the area. It can be used both as a practitioners' handbook and as a classroom companion for courses on international dispute settlement and investment protection law."--Turkmenistan Business Law Handbook - Strategic Information and Basic Laws

The existing literature on the substantive and procedural aspects of bilateral investment treaties (BITs) relies heavily on investment treaty arbitration decisions as a source of law. What is missing is a comprehensive, analytical review of state practice. This volume fills this gap, providing detailed analyses of the investment treaty policy and practice of nineteen leading capital-exporting states and emerging market economies.
The authors are leading experts in government, academia, and private legal practice, and their chapters are largely based on primary source materials. Each chapter provides a description of the regulatory or policy framework governing foreign investment (both inflows and outflows) with a historical presentation of the state's Model BIT; an examination of internal government processes and practices relating to treaty negotiation, conclusion, ratification and record-keeping; and a detailed article-by-article analytical commentary of the state's Model BIT, elucidating the policy behind each provision and highlighting the ways in which the actual investment treaty practice of that state deviates from this standard text. This commentary is supplemented by the case law relevant to that state's investment treaties. This commentary will be of immense assistance to counsel and arbitrators engaged in arguing and determining the proper interpretation of BITs and investment chapters in Free Trade Agreements, and to government officials and scholars engaged in BIT policy formulation and implementation. It will serve as a standard resource for legal practitioners, scholars, policy-makers and other stakeholders in the field of international investment policy, law, and arbitration. This book is a second, revised edition of the original 1986 publication. Since then, the issue of contract change has increasingly challenged the business community and legal practitioners. The worldwide recession may well have accelerated the need to secure contractual relationships by reasonable flexibility. Successful foreign investment, a relentless challenge, is subject to many unpredictable errors. Of all these variables, however, successful investment is most dependent on the investor-host country relationship, which is the object of the present study. In particular, the pressure by host countries for contract change and its counterpart: the investor's defence of contract stability. The book is essentially a reference handbook for legal
practitioners. It analyzes a variety of increasingly important questions concerning international investment agreements that come under pressure for change by one of the contracting parties: either a transnational corporation or a host country government. The seven case studies and the analytical chapters which follow are based on the author's research and the assistance of corporate and government officials, experts from the United Nations and other organizations, and members of academic research institutes.

The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community with reporting on arbitral awards and court decisions applying the leading arbitration conventions, as well as on arbitration legislation and rules. Volume XXXVII (2012) includes: excerpts of arbitral awards made under the auspices of the International Chamber of Commerce (ICC); notes on new and amended arbitration rules, including references to their online publication; notes on recent developments in arbitration law and practice in Colombia, Finland, Hungary, India, Lithuania, Montenegro, Portugal, Singapore, South Sudan, Tajikistan, Turkey and Venezuela; excerpts of 82 court decisions applying the 1958 New York Convention from 22 countries - including for the first time, cases from Bosnia and Herzegovina, Guatemala and Uruguay - all indexed by subject matter and linked to the General Editor's published commentaries on the New York Convention; an extensive Bibliography of recent books and journals on arbitration. The Yearbook is edited by the International Council for Commercial Arbitration (ICCA), the world’s leading organization representing practitioners and academics in the field, with the assistance of the Permanent Court of Arbitration, The Hague. It is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.
governed by three different legal frameworks: 1) national laws of both the host country and the investor's home country; 2) contracts, whether between the investor and the host country or among investors and their associates; and 3) international law, consisting of applicable treaties, customs, and general principles of law. Together, these three frameworks profoundly influence the organization, operation, and protection of foreign investments. Investors, government officials, and their legal counsel must therefore understand the complex interaction among these frameworks and how best to employ them to advance their interests. This book examines the content of each of these three legal frameworks for international investment and explores how they influence the foreign investment process and the nature of investment transactions, projects, and enterprises. The book is divided into five parts. Part I, after explaining the contemporary nature and significance of international investment, examines the theoretical and practical links between law and the investment process. Part II explores the nature of national laws regulating foreign investment. Part III considers the various contractual frameworks for international investments, looking at their negotiation, content, and stability. Part IV sets out the international legal framework governing foreign investment, focusing on the content and nature of investment treaties and on general principles. Finally, Part V discusses how the three legal frameworks interact with each other. By comprehensively examining each of the applicable legal frameworks, this book provides a vital overview of the laws, rules, and regulations governing foreign investment for lawyers, scholars, students, and government officials.

This collection of documents brings together a large number of primary sources on the peaceful settlement of disputes in a usable and affordable format. The documents included reflect the diverse techniques of international dispute settlement, as recognised in Articles
2(3) and 33 of the UN Charter, such as negotiation, mediation, arbitration and adjudication. The book comprises the most relevant multilateral treaties establishing dispute settlement regimes, as well as examples of special agreements, compromissory clauses, optional clause declarations and relevant resolutions of international organisations. It covers both diplomatic and adjudicative methods of dispute settlement and follows a basic division between general dispute settlement mechanisms, and sectoral regimes in fields such as human rights, WTO law, investment, law of the sea, environmental law and arms control. The book is the first widely-available collection of key documents on dispute settlement. It is aimed at teachers, students and practitioners of international law and related disciplines. This book is about the forces that are reshaping the international law on foreign investment today. It begins by explaining the liberal origins of contemporary investment treaties before addressing a current backlash against these treaties and the device of investment arbitration. The book describes a long-standing legal-intellectual resistance to a neo-liberal global economic agenda, and how tribunals have interpreted various treaty standards instead. It introduces our reader to the changes now taking place in the design of a range of familiar treaty clauses, and it describes how some of these changes are now driven not only by developing and emerging economies but also by the capital-exporting nations. Finally, it explores the life, career and writings of Muthucumaraswamy Sornarajah, a scholar whose work has been dedicated to the realisation of many of these changes, and his views about the hold global capital has over legal practice. International law of foreign investment is a field of public international law that has attracted considerable attention from practitioners, academics, and policy-makers in the last two decades. Its key characteristic is the extent of
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substantive and procedural decentralisation: while often sharing certain structural elements, both substantive obligations and mechanisms of international dispute settlement are mostly opposable only between the particular parties, even when expressed in multilateral form. This makes a clear and comprehensive overview of the topic particularly important. The second edition adopts a new structure that better reflects the concurrence of various reform proposals with the fairly stable stratum of instruments that inform the current practice. With this systemic dynamic in mind, the selected documents are divided into three parts: Past, Present, and Future. The Past sets out the legal background to modern investment protection law. The Present provides generalist international law materials (sources and responsibility), a selection of the more important instruments with substantive investment rules, and rules of international dispute settlement regarding investment protection. The Future (new for the second edition) lists a number of possible directions of future development, including a variety of approaches that maintain the traditional procedural kernel of investor-State arbitration as well as proposals for more significant change, with non-State actor involvement in dispute settlement either rejected or moulded into a judicial mechanism. This highly regarded book is aimed at teachers, students, practitioners, and policymakers in the area. It can be used both as a practitioners' handbook and as a classroom companion for courses on international dispute settlement and investment protection law.

International investment law is in a state of evolution. With the advent of investor-State arbitration in the latter part of the twentieth century - and its exponential growth over the last decade - new levels of complexity, uncertainty and substantive expansion are emerging. States continue to enter into investment treaties and the number of investor-State arbitration claims continues to rise. At the same time, the
various participants in investment treaty arbitration are faced with increasingly difficult issues concerning the fundamental character of the investment treaty regime, the role of the actors in international investment law, the new significance of procedure in the settlement of disputes and the emergence of cross-cutting issues. Bringing together established scholars and practitioners, as well as members of a new generation of international investment lawyers, this volume examines these developments and provides a balanced assessment of the challenges being faced in the field. This book demonstrates how human rights obligations of the EU foreign constitution can be operationalized in the realm of international economic regulation. The content is divided into three major parts. The first outlines the legal foundations needed for the EU to become a shaper of international investment law, which include the general principles and objectives of EU external policies, the Charter of Fundamental Rights, international human rights and the international investment competences of the EU. The second part demonstrates the current international investment regime’s incompatibility with human rights interests, while the third analyzes two mechanisms stemming from trade Law – ex-ante human rights impact assessments and civil society monitoring bodies – and explores whether they could mitigate the current inequalities in the protection of rights. The potential of these mechanisms, the book argues, lies in their capacity to ensure a comprehensive assessment of all interests at stake, and to empower traditionally marginalized rights-holders to make, shape and contest the international investment regime. The topic of transparency in international investment arbitration is gaining increasing attention. This in-depth commentary analyses the UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration, one of the most recent and innovative developments in international law.
Focusing on the application of these rules, contributors analyse the issue of transparency in investment law more broadly and provide in-depth guidance on how to apply the UNCITRAL transparency rules. Chapters encompass all treaty-based disputes between investors and state, examining the perspectives of disputing parties, third parties, non-disputing state parties and arbitral tribunals. The contributors each have a strong background in investment arbitration, in both professional practice and academia. This commentary will be of interest to all actors involved in investment arbitrations, especially practitioners, counsels, NGOs and scholars in the fields of international law, commercial arbitration and investor-state arbitration. Chapters. Presents four studies on international investment law: one on transparency, one on the fair and equitable treatment standard, one on indirect expropriation and the right to regulate, and one on most favoured nation treatment. This volume shows how investment arbitration may be reformed to achieve both increased investment flows and improved access to justice. This book offers an up-to-date, scholarly overview of the law of foreign investment, incorporating a thorough and succinct 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 unduly restrict the right of host governments to implement their public policy, including the protection of the environment and human rights, and the promotion of
social and economic justice within the host country, on the other. Since the first edition was published a number of landmark decisions have been produced by various international investment tribunals, calling for an update in what is a fast growing and rapidly changing investment environment. In addition, scholars and other actors, both non-governmental and inter-governmental, have responded to the agenda set by the first edition of this book; thus the second edition also reflects on the work of some of these major actors in the field. This is perhaps the first book of its type authored by an international lawyer who has taught, researched and advised in both the developed and developing world over the past 25 years. The wealth of experience he brings to the task enables him to develop unique insights into the interplay between the law, economics and politics of foreign investment, making this book essential reading for students, scholars, practitioners and diplomats interested in the contemporary law of foreign investment.

Nepal Company Laws and Regulations Handbook - Strategic Information and Basic Laws

Since the decision of the International Court of Justice in LaGrand (Germany v United States of America), the law of provisional measures has expanded dramatically both in terms of the volume of relevant decisions and the complexity of their reasoning. Provisional Measures before International Courts and Tribunals seeks to describe and evaluate this expansion, and to undertake a comparative analysis of provisional measures jurisprudence in a range of significant international courts and tribunals so as to situate interim relief in the wider procedure of those adjudicative bodies. The result is the first comprehensive examination of the law of provisional measures in over a decade, and the first to compare investor-state arbitration jurisprudence with more traditional inter-state courts and tribunals.

A guide to documents online as of April 1994.

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.Nicaragua Business Law Handbook - Strategic Information and Basic LawsBringing together all the most important treaties and materials in international trade law, investment law, and financial law, this book will be an invaluable resource to both students and practitioners of international economic law.

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