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PRINCIPLES OF INTERNATIONAL INVESTMENT LAW

SECOND EDITION

RUDOLF DOLZER AND
CHRISTOPH SCHREUER

Rudolf Dolzer And Christoph Schreuer Principles Of

Gilles Cuniberti



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Arbitration's Age of Enlightenment? Cavinder Bull, Loretta Malintoppi, Constantine Partasides, 2023-09-12 Directly presenting the considered views of a broad cross section of the international arbitration community this timely collection of essays addresses the criticism of the arbitral process that has been voiced in recent years interpreting the challenge as an invitation to enlightenment The volume records the entire proceedings of the twenty fifth Congress of the International Council for Commercial Arbitration ICCA held in Edinburgh in September 2022 Topics range from the impact of artificial intelligence to the role of international arbitration in restraining resort to unilateralism protectionism and nationalism The contributors tackle such contentious issues as the following time and cost gender and cultural diversity confidentiality vs transparency investor State dispute settlement procedures the proposed establishment of a permanent international investment court system how cross fertilisation across different disciplines may impact international arbitration determining whether a document request seeks documents that are relevant and material to the outcome of a dispute whether we would be better off if investment arbitration were to disappear and implications for international arbitration of the Russian invasion of Ukraine There is consideration of global issues that are likely to give rise to disputes in the future including climate change environmental protection access to depleting water resources energy and mining transition and human rights initiatives Several contributions focus on developments in specific countries China India and regions Africa the Middle East Arbitrators corporate counsel and policymakers will appreciate this opportunity to engage with current thinking on key issues in international commercial and investment arbitration especially given the diversity of thought presented by authors from all over the world **Yearbook on International Investment Law & Policy 2014-2015** Andrea K.

Bjorklund, 2016-09-30 Several themes emerge in this 2014 2015 edition of the Yearbook The first is a notable focus on country and region specific developments Different articles focus on key developments in such countries as Australia Brazil China Ghana India Indonesia Russia and South Africa Others focus on regional innovations in particular in Latin America A second area of attention is reform and proposals for reform in investor state dispute settlement and in investment law generally The third theme is the continued concern about states regulatory autonomy and the importance of their retaining ability to protect the interests of their nationals A fourth theme concerns the continued contribution that investment arbitration makes to the development of international law and the influence that it is starting to have on other areas of law whether that is as a source of inspiration in the interpretation of other norms or as a source of potentially powerful persuasive authority given the teeth that investment law has with respect to enforcement Included are the winning memorials of the FDI Moot for both 2014 and 2015 In 2014 a team from the University of Ottawa submitted the winning claimant s memorial while students from Harvard Law School submitted the winning respondent s memorial In 2015 Harvard repeated its stellar performance again winning best respondent s memorial The winning claimant s memorial in 2015 was

submitted by students from the National and Kapodistrian University of Athens These excellent memorials reveal once again the growing interest of students in international investment law and demonstrate a striving for excellence and an enthusiasm for grappling with intellectually challenging issues

Fifteen Years of NAFTA Chapter 11 Arbitration Emmanuel Gaillard, Frédéric Bachand, 2011-09-01 About the IAI Series on International Arbitration The IAI International Arbitration Institute Series on International Arbitration is a publication focusing on topical questions of international arbitration discussed at conferences organized by the IAI About the IAI The International Arbitration Institute IAI is an organization created under the auspices of the Comité Français de l'Arbitrage CFA with the purpose of fostering exchanges in the field of international arbitration It currently has over 600 members on a worldwide basis Its activities include the organization of international conferences as well as the publication of a Directory of Members which is the most highly regarded freely accessible source of information on international arbitration specialists About the Book The seventh in the International Arbitration Institute IAI series *Fifteen Years of NAFTA Section 11 Arbitration* compiles the papers from leading authorities on NAFTA dispute resolution presented at the international academic conference 15 Years of NAFTA Chapter 11 Arbitration in Montreal on 25 September 2009 Where necessary the chapters were revised and updated before publication As a result the reader receives up to date practical tips and important analyses of difficult issues Dealing wholly with investment arbitration the work focuses specifically on the controversial Chapter 11 feature of the NAFTA agreement and its influence on international investment law Chapter 11 arbitration is an area of growing importance for both practitioners and academics and the work covers both substantive and procedural issues

Renewable Energy Arbitration – Quo Vadis? Filip Balcerzak, 2023-03-27 Based on analysis of 21 arbitral awards rendered in the Spanish saga cases this book discusses the current challenges faced by international investment law in the renewable energy sector addressing questions such as which facts led to the unprecedented number of investor state arbitrations filed against Spain whether arbitral awards rendered against Spain have an impact on future proceedings commenced against other states and which legal grounds in international law serve or may potentially serve as the basis for investors claims in the renewable energy sector Filip Balcerzak offers critical insight into generally applicable lessons for the future both for adjudicators of renewable energy disputes and for policy makers

Shareholders' Claims for Reflective Loss in International Investment Law Lukas Vanhonnaeker, 2020-07-16 This book studies shareholders claims for reflective loss and explains why they are justified in international investment law

International Investment Law and Legal Theory Jörg Kammerhofer, 2021-05-06 Expropriation is a hotly debated issue in international investment law This is the first study to provide a detailed analysis of its norm theoretical dimension setting out the theoretical foundations underlying its understanding in contemporary legal scholarship and practice Jörg Kammerhofer combines a doctrinal discussion with a theoretical analysis of the structure of the law in this area undertaking a novel approach that critically re evaluates existing case law and writings His approach

critiques the arguments for a single expropriation norm based on custom interpretation and arbitral precedents within international investment law drawing also on generalist international legal thought to show that both cosmopolitan and sovereigntist arguments are largely political not legal This innovative work will help scholars to understand the application of theory to investment law and help specialists in the field to improve their arguments **Investment Law Within**

International Law Freya Baetens,2013-08 Analyses how solutions for resolving problems in investment law contribute to addressing problems in other international legal settings and vice versa Rethinking International Commercial Arbitration

Gilles Cuniberti,2017-05-26 Arbitration is the normal and preferred mode for resolving international commercial disputes It presents an essential advantage over national courts by offering neutrality of adjudication but is currently only available where both parties have consented to it This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes **Balancing the**

Protection of Foreign Investors and States Responses in the Post-Pandemic World Yulia Levashova,Pascale Accaoui Lorfing,2022-05-11 The COVID 19 pandemic has brought the debate on reform of the international investment agreement regime to the fore with renewed force In this important and timely book top professionals in the field collectively offer an in depth investigation of the measures that States have taken or failed to take to deal with the pandemic s consequences and whether these actions or inactions can be construed as investment arbitration risks In an extensive overview of the impact of COVID 19 on States and investors including perspectives from UNCTAD the European Union the United States Russia India South Korea and the African Union this comprehensive guide on State defences and investor protection mechanisms tackles such aspects of the debate as the following as affected by the pandemic treatment of investors in times of pandemic and in the post pandemic world sufficient contribution to the economic development of the host State disparities in bargaining power and use of pandemic power to accord preferential treatment The final part of the book is dedicated to analysing case studies from around the world in the context of the pandemic and investor State disputes Understanding the way public health emergencies can shape international investment law is key to building a sustainable stable investment environment As the first detailed study of the post pandemic development of investment law this matchless collection takes a giant step toward reconciling the interests of foreign investors and sovereign States at various stages of economic development With practical recommendations for both States and investors it will be of immeasurable assistance to practitioners policymakers and academics in anticipating and dealing not only with COVID related measures but also with similar future contingencies

Decoding Chinese Bilateral Investment Treaties Shen Wei,2021-08-26 This is a major work investigating China s bilateral investment treaties BITs regime through various approaches including textual analysis case study comparative study and empirical study This book tries to unveil some of the puzzles in Chinese BITs The general consensus is that the evolution of China s BIT regime has its underlying logic which follows an investment liberalization trend and fits China s changing role

from a key capital importing state to a major capital exporting state A similar trend is evident in Chinese BIT making and BIT policy This book investigates these theoretical assumptions and looks into some of the loopholes in Chinese BITs

Yearbook on International Investment Law & Policy 2009-2010 Karl Sauvant,2010-12-23 Today international investment law consists of a network of multifaceted multilayered international treaties that in one way or another involve virtually every country of the world The evolution of this network continues raising a host of issues regarding international investment law and policy especially in the area of international investment disputes With contributions by leading experts in the field the Yearbook on International Investment Law Policy 2009 2010 provides timely authoritative information on foreign direct investment that can be used by a wide audience including practitioners academics researchers and policy makers ,

Rethinking Investment Law David Schneiderman,Gus Van Harten,2024-01-07 Investment law protections for foreign investors constrain states and compensate investors With diverse contributions explaining the conventional law and its limitations Rethinking Investment Law seeks a more balanced vision of how international law can protect individuals in general not just foreign asset owners Non-State Actors in International Law Math Noortmann, August Reinisch, Cedric Ryngaert,2015-08-27 The role and position of non state actors in international law is the subject of a long standing and intensive scholarly debate This book explores the participation of this new category of actors in an international legal system that has historically been dominated by states It explores the most important issues actors and theoretical approaches with respect to these new participants in international law It provides the reader with a comprehensive and state of the art overview of the most important legal and political developments and perspectives Relevant non state actors discussed in this volume include in particular international governmental organisations international non governmental organisations multinational companies investors and armed opposition groups Their legal position is considered in relation to specific issue areas such as humanitarian law human rights the use of force and international responsibility The main legal theories on non state actors position in international law neo positivism the policy oriented approach and transnational law are covered at the beginning of the book and the essential political science perspectives on non state actors role in international politics and globalisation as well as their soft power are presented at the end *Handbook of Transnational Economic Governance Regimes* Christian Tietje, Alan Brouder,2009-10-14 Non governmental organizations transnational business associations private standard setting bodies public private partnerships and institutionalized incentive schemes now occupy a central place in the regulation and governance of transnational economic affairs alongside states and intergovernmental organizations Much of the literature on these new and emerging patterns of governance has focused on the legal political and normative implications of this rapidly evolving landscape The Handbook of Transnational Economic Governance Regimes expands on this scholarship by identifying describing and analysing more than 85 of the most significant actors in transnational governance The Handbook examines the origins evolution structure membership financing and strategies of

key organizations and regulatory networks in almost every sphere of global economic activity and analyses their role and influence in contemporary transnational economic governance

Introduction to Investor-State Arbitration Yves

Derains, Josefa Sicard-Mirabal, 2018-10-17 Today thousands of investors act globally in markets providing services technology or capital in countries all around the world This activity can be peacefully accomplished when both the investor and the host State know that the disputes will be resolved under the aegis of the investor State arbitration regime wherein an investor is provided with a direct right of action against a State most commonly stemming from a bilateral or multilateral investment treaty This book approaches the substantive and sometimes difficult concepts of investor State arbitration in a clear and concise explanatory fashion In the course of acquainting the reader with the basic legal concepts and policies of the regime the authors address such issues as the following consent to jurisdiction State responsibility possible conflict of interests mechanisms for reviewing an award damages and costs and enforcement The book examines a number of arbitration procedures arising from various perspectives with differing underlying assumptions while highlighting important cases Given that investor State arbitration is now under the public watch and facing many challenges this remarkably clear and concise overview of the regime will prove to be of great value to in house counsel and other practitioners as well as to government policymakers and students x

The Backlash Against Investment Arbitration Michael Waibel, 2010-01-01 This book the

outgrowth of a conference organized by the editors at Harvard Law School on April 19 2008 aims to uncover the drivers behind the backlash against the current international investment regime Library of Congress Online Catalog

Investment Protection Standards and the Rule of Law August Reinisch, Stephan W. Schill, 2023-01-04 This thoughtfully edited volume brings together leading scholars in the field to explore the relationship between the substantive standards of treatment contained in international investment agreements and the rule of law which is developing into one of the key principles which both supporters and critics use to evaluate the investment treaty regime Investment Protection Standards and the Rule of Law explores two perspectives Firstly it examines to what extent the substantive standards of treatment can be understood as expressions of the rule of law Secondly it addresses the rule of law problems or rule of law lacunae that exist in or are created by the application of these standards The subject matter is advanced by combining doctrinal analysis of the core substantive treatment standards as well as normative assessment of those standards from the perspective of the rule of law This book also offers a critical discussion of the potential the rule of law has as a guidepost for structuring international investment relations as well as its blind spots

Dispute Settlement and the Reform of International Investment Law Chen Yu, 2023-08-14 This concise and insightful book studies the role of the ISDS mechanism in the legalization and legitimacy of the international investment law regime Providing an interdisciplinary perspective on ISDS through the constructivist theory of international relations this book argues that reforming ISDS can contribute to the legalization of international investment law but such a contribution is subject to both institutional and internal limitations

Principles of International Trade

and Investment Law Mitchell, Andrew D., Sheargold, Elizabeth, 2021-09-21 This essential book discusses a wide range of important legal principles such as procedural fairness and reasonableness in the context of international trade and investment law Using comparative methodology the authors examine how those principles are reflected in treaties and how they are employed by adjudicators resolving disputes

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