



ARBITRATION UNDER INTERNATIONAL INVESTMENT AGREEMENTS

A GUIDE TO THE KEY ISSUES

KATIA YANNACA-SMALL

OXFORD

Arbitration Under International Investment Agreements A Guide To The Key Issues

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Krajewski, Christian Tams, Jörg Philipp
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Arbitration Under International Investment Agreements A Guide To The Key Issues:

Arbitration Under International Investment Agreements Katia Yannaca-Small, 2018 *Arbitration Under International Investment Agreements* describes the most important procedural and substantive aspects of investment arbitration in a practical and accessible manner. Covering all procedural stages of investor state arbitration the text provides a broad overview of the key topics. *Arbitration Under International Investment Agreements* Katia Yannaca-Small, 2018 Investor state arbitration is a relatively new dispute settlement mechanism that allows foreign investors the opportunity to seek redress for damages arising out of breaches of investment related treaty obligations by the governments of host countries.

A Guide to General Principles of Law in International Investment Arbitration Patrick Dumberry, 2020-04-20 In recent years there has been a noticeable increase in references by investor State arbitral tribunals to general principles of law as a source of law however these references have rarely been accompanied by detailed explanation. This book aims to provide the actors involved in investor State arbitration with a set of comprehensive guidelines to better understand the nature meaning and function of general principles of law in the field of international investment law. Applying these principles to practice the book assesses seventeen concepts and notions in the field of investment arbitration to provide counsel and arbitrators with clear guidance on what should and should not be considered a general principle of law. International Investment Agreements and EU Law Tomas Fecak, 2016-09-25 The rapidly growing number of investors disputes with states and the approach of arbitral tribunals perceived by some whether rightly or not as being too investor friendly underlie a contentious debate about the need to strike a more effective balance between investors rights under international investment agreements IIAs and the right of states to pursue legitimate regulation in the public interest. In this regard the European Union with the exclusive external competence in foreign direct investment vested in it under the Lisbon Treaty is emerging as the leader and driving force in the future development of international investment law. This book examines the competence of the EU to conclude investment treaties in the light of the investment protection rules of IIAs explores how far the EU regime for cross border investment and investors rights under IIAs can be considered comparable and brings about an extensive analysis of existing agreements of Member States and their compatibility with EU law with detailed investigation of how the potentially conflicting obligations of Member States under the two regimes can be reconciled. The book covers such elements of the debate as the following standards of treatment under IIAs investment related provisions of EU law dispute settlement mechanisms and the conduct of investment disputes how recent controversies over bilateral investment treaties BITs shape emerging EU international investment policy effect of political and institutional interests transitional arrangements for BITs between Member States and third countries established by Regulation 1219/2012 CJEU decisions concerning BITs concluded between EU Member States and third countries significant arbitral awards involving intra EU BITs allocation of international responsibility for breaches of investors rights intra EU dimension of the Energy Charter Treaty ECT possibilities for review of

arbitral awards by courts of Member States desirability of international protection of foreign investment in developed countries and role of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States ICSID Convention The author provides a number of well grounded recommendations taking into account throughout the legitimate interests and expectations of individual investors As an invaluable commentary on developments related to the interplay between international investment law and EU law and a guide to ameliorating the tensions and controversies surrounding this relationship this book will appeal to a wide variety of readers The questions dealt with are faced not only by negotiators and others involved in policymaking in the area of foreign investment but also by specialists in international investment law investment arbitration EU international relations law and anyone involved in cross border law as well as others who encounter these questions in the course of their professional or academic activities

Regionalism in International Investment Law Leon Trakman, Nicola Ranieri, 2013-03-07 Regionalism in International Investment Law provides a multinational perspective on international investment law In it distinguished academics and practitioners provide a critical and comprehensive understanding of issues in a field which has grown exponentially in its importance particularly over the last decade focusing on the European Union Australia North America Asia and China The book approaches the field of foreign direct investment from both academic and practical viewpoints and analyzes different bilateral regional and multinational agreements often yielding competing perspectives The academic perspective yields a strong conceptual foundation to often misunderstood elements of international investment law while the practical perspective aids those actively pursuing foreign direct investment in better understanding the landscape identifying potential conflicts which may arise in more accurately assessing the risk underlying the issues in conflict and in resolving those issues Thorny issues relating to global commerce sovereignty regulation expropriation dispute resolution and investor protections are covered depicting how they have developed and are applied in different regions of the world These different treatments ensure that readers are able grasp the subject matter at multiple levels and provide a comprehensive overview of developments in the field of foreign direct investment

The Energy Charter Treaty Crina Baltag, 2012-01-01 The Energy Charter Treaty ECT is a multilateral treaty in the energy sector entered into force in April 1998 which gained worldwide recognition mainly because of its provisions on the promotion and protection of investments The ECT currently has over 45 contracting parties Its popularity increased significantly in the last few years following the proliferation of disputes submitted to arbitration under Article 26 of the ECT while investors became more familiarized with the rights granted by the ECT in respect of their investments At present more than 20 disputes between investors and contracting parties have been submitted to arbitration The requirements of investor and investment are essential for the benefit of the protection offered by the ECT The book suggests a comprehensive approach to the notion of investor It analyzes the notion of investor in an inclusive manner starting with the concept of Contracting Party to the ECT and its implications in respect of the notion of investor going through

nationality permanent residency dual nationality companies and other legal entities and shareholders to the notion of investment and its role in defining the concept of investor under the ECT The aim of the book is to shed light on the proper meaning of the notion of investor under the ECT considering the close relationship between the ECT and other treaties such as the ICSID Convention and arbitration rules *Foreign Investment, International Law and Common Concerns* Tullio Treves, Francesco Seatzu, Seline Trevisanut, 2013-10-23 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 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 European Yearbook of International Economic Law 2017 Marc Bungenberg, Markus Krajewski, Christian Tams, Jörg Philipp Terhechte, Andreas R. Ziegler, 2017-10-06 Volume 8 of the EYIEL focuses on the external economic relations of the European Union as one of the most dynamic political fields in the process of European integration The first part of this volume analyses the recent controversial questions of the external economic relations of the Union dealing with the complexity of mixed agreements transparency and legitimacy issues as well as recent proposals in relation to Investor State Dispute Settlement the Trade Defence Instruments and the implications of the Brexit in this context The second part of EYIEL 8 addresses ongoing bilateral and multilateral negotiations of the EU with China Japan Australia Canada and Taiwan Moreover the third part deals with the EU in international organisations and institutions in particular the recent institutional aspects of the EU UN relationship representation in the IMF as well as WTO jurisprudence involving the EU in 2015 The volume concludes with reviews of recent books in international economic law **Ending Africa's Energy Deficit and the Law** Yinka Omorogbe, Ada Ordor, 2018-02-09 With the inclusion of access to energy in the sustainable development goals the role of

energy to human existence was finally recognized Yet in Africa this achievement is far from realized Omorogbe and Ordor bring together experts in their fields to ask what is stalling progress examining problems from institutions catering to vested interests at the continent's expense to a need to develop vigorous financial and fiscal frameworks The ramifications and complications of energy law are labyrinthine this volume discusses how energy deficits can burden disabled people women and children in excess of their more fortunate counterparts as well as considering environmental issues including the delicate balance between the necessity of water for drinking and cleaning and the use of water in industrial processes A pivotal work of scholarship the book poses pressing questions for energy law and international human rights

International Arbitration and EU Law José R. Mata Dona, Nikos Lavranos, 2021-03-26 This book examines the intersection of EU law and international arbitration based on the experience of leading practitioners in both commercial and investment treaty arbitration law It expertly illustrates the depth and breadth of EU law's impact on party autonomy and on the margin of appreciation available to arbitral tribunals

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