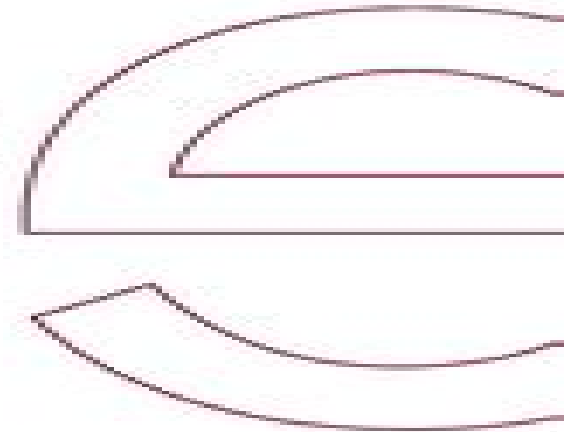


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Applicable Law in International Investment Disputes Taida Begic, 2005 This book gives a comprehensive overview of all relevant aspects of the issue of applicable substantive law in the context of investor State arbitration It is a comparative survey of both the International Center for Settlement of Investment Disputes ICSID and non ICSID arbitral practice The applicable substantive law represents an important issue in investment disputes as it determines the rules of law that should be applied to the merits of the dispute This study demonstrates the need for a discussion on the applicable law before examining the merits of the case as it appears to be non existent in most arbitral awards The author gives an extensive survey of choice of law clauses as found in direct agreements between parties and in multilateral or bilateral investment treaties Furthermore the author analyzes the following issues stabilization clauses in investment agreements the application of the residual rule if parties failed to agree on the applicable law the special position of the Iran US Claims Tribunal and various annulment decisions

International Investment Law and Arbitration Todd Weiler, 2005 Presents a collection of essays

Applicable Law in Investor-State Arbitration Hege Elisabeth Kjos, 2013-03-21 This is an open access title available under the terms of a CC BY NC ND 3 0 International licence It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations This book examines the law national and or international that arbitral tribunals apply on the merits to settle disputes between foreign investors and host states In light of the freedom that the disputing parties and the arbitrators have when designating the applicable law and because of the hybrid nature of legal relationship between investors and states there is significant interplay between the national and the international legal order in investor state arbitration The book contains a comprehensive analysis of the relevant jurisprudence legal instruments and scholarship surrounding arbitral practice with respect to the application of national law and international law It investigates the awards in which tribunals referred to consistency between the legal orders and suggests alternatives to the traditional doctrines of monism and dualism to explain the relationship between the national and the international legal order The book also addresses the territorialized or internationalized nature of the tribunals relevant choice of law rules and methodologies and the scope of the arbitration agreement including the possibility of host states presenting counterclaims in investment treaty arbitration Ultimately it argues that in investor state arbitration national and international law do not only coexist but may be applied simultaneously they are also interdependent each complementing and informing the other both indirectly and directly for a larger common good enforcement of rights and obligations regardless of their national or international origin

Litigating International Investment Disputes Chiara Giorgetti, 2014-07-03 Each year a growing number of complex and distinctive cases are filed in diverse forums which specialize in international investment arbitration Until now however no single manual has guided practitioners through the many complexities involved in international investment arbitration proceedings from whether and how to initiate arbitral

proceedings to the enforcement of the award and available post award remedies Litigating International Investment Disputes A Practitioner s Guide fills this lacuna by serving as a comprehensive resource for those who are new to international investment arbitration as well as for the seasoned practitioners The diverse group of contributors are highly experienced experts and practitioners who have acted as counsel and arbitrators and served in institutions which routinely administer international investment arbitration proceedings

Public Health in International Investment Law and Arbitration

Valentina Vadi,2013 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 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 and the Environment Saverio Di Benedetto,2013-10-31 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

International Investment Law and Arbitration C. L. Lim,Jean Ho,Martins Paparinskis,2021-03-11 International investment law and arbitration is a rapidly evolving field and can be difficult for students to acquire a firm understanding of given the considerable number of published awards and legal writings The first edition of this text cited by courts in Singapore and Colombia overcame this challenge by interweaving extracts from these arbitral decisions treaties and scholarly works with concise up to date and reliable commentary Now fully updated and with a new chapter on arbitrators the second edition retains this practical structure along with the carefully curated end of chapter questions and readings The authors consider the new chapter an essential revision to the text and a discussion which is indispensable to understanding the present calls for reform of investment

arbitration The coverage of the book has also been expanded with the inclusion of over sixty new awards and judicial decisions comprising both recent and well established jurisprudence This textbook will appeal to graduates studying international investment law and international arbitration as well as being of interest to practitioners in this area

Lex Petrolea and International Investment Law Nima Mersadi Tabari, 2016-09-01 Lex Petrolea and International Investment Law Law and Practice in the Persian Gulf offers readers a detailed analysis of jurisprudence on the settlement of upstream petroleum disputes between host states in the Persian Gulf and foreign investors Dr Nima Mersadi Tabari considers the historical political and socio economic roots of the existing frameworks and levels of protection offered to foreign investors With particular focus on petroleum related disputes he initially delivers a comprehensive survey of the jurisprudence of international investment law and investment treaty arbitration Following on from this in three dedicated chapters the author provides in depth analysis of the legal regimes governing the matter in the major producers of the region Saudi Arabia Iraq and Iran A key resource for all professionals working on legal issues arising from foreign direct investments in natural resources this book draws a detailed picture of the legal regime governing the upstream sector in the most important geographical region for the international oil and gas sector

ICSID Convention after 50 Years: Unsettled Issues Crina Baltag, 2017-02-15 The International Centre for Settlement of Investment Disputes ICSID has played a leading role in establishing the field of foreign investment law It is primarily due to the ICSID that it is no longer peculiar for individuals and corporations to have legal standing in claims against governments probably the most notable development of international law of the last half century Now in its fiftieth year and ratified by more than 150 states the ICSID received in 2015 its 500th case This book celebrates this anniversary with an overview and analysis of ICSID case law to date and focusing particularly on unsettled issues assesses possible developments in the institution s next phase This volume collects twenty two essays by prominent practitioners with substantial experience in investment arbitration law The topics they cover encompass such issues as the following the political and economic reasons behind the creation of the ICSID admissibility and jurisdiction ICSID vis vis bilateral investment treaties States concerns about the partiality of arbitrators in favour of investors applicable laws under the ICSID Convention fact finding rules conflicting interpretations of ICSID Convention provisions interaction of foreign investment and economic development value of ICSID awards in the light of EU law annulment of ICSID awards effects of denunciation Bolivia Ecuador Venezuela and non contracting States Russia Brazil India attribution of conduct of State owned enterprises SOEs counterclaims guarantees against political risk and allocation of costs As a detailed response to the question whether ICSID has contributed as promised to an improvement in the investment climate and promoted the flow of private foreign capital and as an assessment of the present and future feasibility of the ICSID system for the resolution of investment disputes by arbitration and conciliation this book has no peers Considering the current crisis of investment law the book s immediate value not only to investors and their counsel but also to practitioners and academics in

the field of investment law and arbitration and public international law cannot be overstated Dr Crina Baltag is the author of Kluwer's 2012 book *The Energy Charter Treaty: The Notion of Investor and the Associate Editor of Kluwer Arbitration Blog*

International Investment, Political Risk, and Dispute Resolution Partner Noah Rubins QC, Thomas Nektarios Papanastasiou, Partner N Stephan Kinsella, 2019-09-18 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 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.

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