Principles of international investment law (PDF)

first published in 2000 routledge is an imprint of taylor francis an informa company originally published in 1937 this is a report by a study group of members of the royal institute of international affairs and aims to fill a gap in the literature of international economics it is an attempt in the first place to analyse objectively the conditions under which long term capital may move between countries and to consider carefully the special factors in the world economy of to day which tend to limit the extent to which such movements are possible or desirable secondly the book contains a careful study of the post war history of international investments which brings together facts and figures which are inaccessible to most students and businessmen this volume draws together essays on developments in the economics of international investment they also offer views on recent issues posed by the growth and altered structure of international investment this work offers a coverage of the challenges and hazards of international investment and the case for international diversification it also includes a treatment of international performance analysis and currency issues with the growth of the global economy over the past two decades foreign direct investment fdi laws at both the national and international levels have undergone rapid development in order to strengthen the protection standards for foreign investors in terms of international investment law a network of international investment agreements has arisen as a way to address fdi growth fdi backlash reflective of more restrictive regulation has also emerged the evolving international investment regime analyzes the existing challenges to the international investment regime and addresses these challenges going forward it also examines the dynamics of the international regime as well as a broader view of the changing global economic reality both in the united states and in other countries the content for the book is a compendium of articles by leading thinkers originating from the international investment conference what s new in international investment law and policy multinationals have become increasingly important to the world economy overseas production by u s affiliates is three times u s exports for example who is investing where for sales where first published in 1965 routledge is an imprint of taylor francis an informa company this important volume presents the key articles which illuminate the history and development of international investment during the past 100 years it examines theoretical approaches to both direct and portfolio foreign investment the final section takes a comparative perspective and pays attention to japanese foreign investment and to direct investment from less developed countries this book provides an overview of international investment policy and policy making drawing upon perspectives from law economics international business and political science international investment is a complex phenomenon with significant effects worldwide developing effective policies and strategies to attract investment in sufficient quantities and marshal it to contribute to sustainable development is a critical challenge for governments at all levels this book s interdisciplinary approach provides fresh insights into the mix of policy options available to governments seeking investment to support their country s or region s development as well as identifying ways to effectively design implement and assess policies to attract foreign investment it explores how to manage foreign investment s effects various dimensions of international investment policy are discussed including benefits and costs economic environmental social and political of foreign investment the significance of global value chains state owned enterprises and sovereign wealth funds and the role of tax policy investment promotion and policy advocacy location branding investment treaties and national security considerations through its contributions to a new interdisciplinary understanding of international investment policy making this book will benefit students and scholars working in areas such as international business international economic law international economics development economics international development and international political economy as well as being a valuable resource for policy makers presenting international foreign investment law in historical political and economic contexts this book embraces all recent developments the book considers the ways in which the international investment law regime intersects with the human rights regime and the potential for clashes between the two legal orders within the human rights regime states may be obligated to regulate including a duty to adopt regulation aiming at improving social standards and conditions of living for their population yet states are increasingly confronted with the consequences of such regulation in investment disputes where investors seek to challenge regulatory interferences for example in expropriation claims regulatory measures may for instance interfere with the investment by imposing conditions on investors or negatively affecting the value of the investment as a consequence investors increasingly seek to challenge regulatory measures in international investment arbitration on the basis of a bilateral investment treaty this book sets out the nature and the scope of the right to regulate in current international investment law the book examines bilateral investment treaties and icisd arbitrations looking at the indicative parameters that are granted weight in practice in expropriation claims delimiting compensable from non compensable regulation the book places the potential clash between the right to regulate and international investment law within a theoretical framework which describes the stability flexibility dilemma currently inherent within international investment law lone wandalh mouyal goes on to set out methods which could be employed by both bit negotiators and adjudicators of investment disputes allowing states to exercise their right to regulate while at the same time providing investors with legal certainty the book serves as a valuable tool an added perspective for academics as well as for practitioners dealing with aspects of international investment law there are three legal frameworks applicable to international investments the laws of the host state and the investor s country the contract between the host state and the investor and the rules of international investment law this book assesses how these three bodies of law interact in investment agreements and dispute arbitration this open access book focuses on public actors with a role in the settlement of investment disputes traditional studies on actors in international investment law have tended to concentrate on arbitrators claimant investors and respondent states yet this focus on the principal players in investment dispute settlement has allowed a number of other seminal actors to be neglected this book seeks to redress this imbalance by turning the spotlight on the latter from the investor s home state to domestic courts from sub national governments to international organisations and from political risk insurance agencies to legal defence teams in national ministries the book critically reviews these overlooked public actors in international investment law this book outlines the principles behind the international law of foreign investment the main focus is on the law governed by bilateral and multilateral investment treaties it traces the purpose context and evolution of the clauses and provisions characteristic of contemporary investment treaties and analyses the case law interpreting the issues raised by standard clauses particular consideration is given to broad treaty rules
whose understanding in practice has mainly been shaped by their interpretation and application by international tribunals in addition the book introduces the dispute settlement mechanisms for enforcing investment law outlining the operation of investor vs state arbitration combining a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals this book offers an ideal introduction to the principles of international investment law and arbitration for students or practitioners alike this important book examines the development of soft law instruments in international investment law and the feasibility of a codification of the present state of this field of international economic law it draws together the views of international experts on the use of soft law in international law generally and in discrete fields such as wto commercial and environmental law the book assesses whether investment law has sufficiently coalesced over the last 50 years to be codified and focuses particularly on topical issues such as most favoured nation treatment and expropriation this timely book will appeal to academics interested in the development of international law and legal theory to those working in investment law government investment treaty negotiators and arbitration practitioners this book shows how the reform in investment regulation contributes to a broader attempt to transform the international economic order the first bilateral investment treaties is the first and only history of the u s postwar friendship commerce and navigation fcn treaty program and focuses on the investment related provisions of those treaties the 22 u s postwar fcn treaties were the first bilateral investment treaties ever concluded and nearly all of the core provisions in the modern network of more than 3000 international investment agreements worldwide trace their origin to these fcn treaties this book explains the original understanding of the language of this vast network of agreements which have been and continue to be the subject of hundreds of international arbitrations and billions of dollars in claims it is based on a review of some 32 000 pages of negotiating history housed in the national archives this book demonstrates that the investment provisions were founded on the new deal liberalism of the roosevelt truman administrations and were intended to acquire for u s companies investing abroad the same protections that foreign investors already received in the united states under the u s constitution it chronicles the failed u s attempt to obtain protection for investment through the proposed international trade organization ito providing the first and only history of the investment related provisions in the ito charter it then shows how the fcn treaties which dated back to 1776 and originally concerned with establishing trade and maritime relations were re conceptualized as investment treaties to provide investment protection bilaterally this book is also a work of diplomatic history offering an account of the negotiating history of each of the 22 treaties and describing u s negotiating policy and strategy 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 international investment law is a complex and dynamic field yet the implications of its history are under explored kate miles examines the historical evolution of international investment law assessing its origins in the commercial and political expansionism of dominant states during the seventeenth to early twentieth centuries and the continued resonance of those origins within modern foreign investment protection law in particular the exploration of the activities of the dutch east india company grotius treaties and pre world war ii international investment disputes provides insight into current controversies surrounding the interplay of public and private interests the systemic design of investor state arbitration the substantive focus of principles and the treatment of environmental issues within international investment law in adopting such an approach this book provides a fresh conceptual framework through which contemporary issues can be examined and creates new understandings of those controversies hauptbeschreibung the last years the law of international investment protection has increasingly caught the attention of international lawyers both practitioners and academics in this regard two related but often not comprehensively covered aspects are relevant arbitral proceedings and awards on the one side and individual commercial interests of enterprises which are engaged in foreign direct investment or international portfolio investment on the other the applicable law in order to protect these commercial interests is both of an international and national character and concerns 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 issues for both the investor and host state 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 the book provides valuable insights into the substantive issues and institutional aspects of international investment law attempts at developing a theory of international investment law are complicated by the fact that this field of international law is based on numerous largely bilateral treaties and is implemented by arbitral panels established on a case by case basis this suggests a fragmented and chaotic state of the law with different levels of protection depending on the sources and targets of foreign investment flows this book however forwards the thesis that international investment law develops despite its bilateral form into a multilateral system of law that backs up the functioning of a global market economy based on converging principles of investment protection in discussing the function of most favored nation clauses the possibilities of treaty shopping and the impact of investor state arbitration with its intensive reliance on precedent and other genuinely multilateral approaches to treaty interpretation it offers a conceptual framework for understanding the nature and functioning of international investment law as a genuinely multilateral system the law on the protection of foreign investments is situated at the crossroads of international law and diplomacy in the context of a globalized economy it is therefore not surprising that investment law has undergone fundamental changes in the last decade the exponential growth of arbitration cases has illustrated a number of complex legal and political issues that have called into question the efficiency and legitimacy of investor state dispute settlement isds thus even for experts in the field it is challenging to keep track with the rapid and fundamental changes of what is often described as one of the most dynamic fields of international law against this background the present volume provides an evolution evaluation and future developments in international investment law world leading academics and practitioners shed light on the most important developments such as the evolution of investment law and its relationship to general international law the practical importance of state contracts the role of investment protection in the age of climate change and current reform projects under the auspices of icisid and uncitral the volume is based on six keynote speeches held at the 10 year anniversary conference of the international investment law centre cologne the keynote speeches are complemented by comments from different perspectives and thereby illustrate the ongoing exchange of thoughts between academics counsel arbitrators and representatives of international institutions 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 yearbook monitors current developments in international investment law and policy focusing on trends in foreign direct investment fdi international investment agreements and investment disputes the yearbook on
international investment law policy 2009-2010 also looks at central issues in the contemporary discussions on international investment law and policy with contributions by leading experts in the field this title provides timely authoritative information on fdi that can be used by a wide audience including practitioners academics researchers and policy makers 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 arbitration of overseas investment disputes is one of the fastest growing areas of international dispute resolution the exponential growth of international investment in recent years has led to the signature of over two thousand bilateral investment treaties bits between foreign states in addition to a wealth of multilateral treaties and other forms of concession agreements disputes that have arisen are often resolved through the forum of international arbitration and typically involve claims by an investor company for compensation when an investment has been illegally expropriated or adversely affected by the state s activities the legal principles that have developed in this area are subject to intense debate and are still in a state of flux while tribunals routinely state that they are applying principles of public international law to determine disputes many of the principles applied have only been developed recently in the context of investment treaty arbitrations and tribunals are often guided more by the approaches taken by other tribunals than by pre existing doctrines of public international law however the volume of law created applied and analyzed by tribunals is such that it is now possible to begin the necessary process of codification international investment arbitration substantive principles is an important step in this process the book provides a detailed analytical survey of the developing substantive principles which are being applied to disputes by international investment tribunals it considers the key questions that arise and provides a clear description of the present state of the law as reflected in tribunal practice the book examines the main treaties analyzes published investment awards and provides in depth coverage of where investment disputes come from who is a foreign investor including nationality issues and foreign control what is an investment investor s rights including admission to territories and state treatment of investors expropriation compensation dispute resolution transfer assignment and subrogation and future trends as the volume of international investment arbitration grows international law firms are increasingly having to acquire expertise in all aspects of this specialized and rapidly developing field written by a leading author team from herbert smith and gibson dunn crutcher and benefiting from the public and private international law experience of professor campbell mclachlan this book is an essential reference work for international arbitration counsel arbitrators and academics a comprehensive investment handbook divided into four sections details why readers should invest 10 of their long term portfolio into overseas markets what markets to invest in and what are the best strategies for overseas investing contents preface 1 introduction to the study of international investment law 2 sources of international investment law 3 definitions 4 expropriation 5 standards of host state behaviour 6 dispute settlement 7 investment guarantees political risk insurance index international investment for sustainable development critically examines the interface between sustainability development and the governance of international investment it challenges the conventional view that foreign direct investment is a miracle drug for developing countries and exposes serious shortcomings in the current international investment regime composed of norms agreements treaties and regulations the emerging investment regime expands the rights of transnational corporations and without commensurate rewards for the common good drawing on both research and engaged advocacy the contributors ultimately map out a new way forward towards the creation and implementation of international investment rules that will promote global sustainability and equity

Studies in International Investment 2001
first published in 2000 routledge is an imprint of taylor francis an informa company

The Problem of International Investment 1937 2019-06-21
originally published in 1937 this is a report by a study group of members of the royal institute of international affairs and aims to fill a gap in the literature of international economics it is an attempt in the first place to analyse objectively the conditions under which long term capital may move between countries and to consider carefully the special factors in the world economy of to day which tend to limit the extent to which such movements are possible or desirable secondly the book contains a careful study of the post war history of international investments which brings together facts and figures which are inaccessible to most students and businessmen

The Economics of International Investment 1994
this volume draws together essays on developments in the economics of international investment. They also offer views on recent issues posed by the growth and altered structure of international investment.

**International Investments 1996**

This work offers a coverage of the challenges and hazards of international investment and the case for international diversification. It also includes a treatment of international performance analysis and currency issues.

**The Evolving International Investment Regime 2011-04-19**

With the growth of the global economy over the past two decades, foreign direct investment (FDI) laws at both the national and international levels have undergone rapid development in order to strengthen the protection standards for foreign investors in terms of international investment law. A network of international investment agreements has arisen as a way to address FDI growth. FDI backlash, reflective of more restrictive regulation, has also emerged. The evolving international investment regime analyzes the existing challenges to the international investment regime and addresses these challenges going forward. It also examines the dynamics of the international regime as well as a broader view of the changing global economic reality both in the United States and in other countries. The content for the book is a compendium of articles by leading thinkers originating from the international investment conference. What's new in international investment law and policy?

**The Geography of International Investment 2000**

Multinationals have become increasingly important to the world economy. Overseas production by U.S. affiliates is three times U.S. exports. For example, who is investing where, for sales, where?

**Problem International Investment 2019-06-21**

First published in 1965, Routledge is an imprint of Taylor Francis, an Informa company.

**International Investment 1990**

This important volume presents the key articles which illuminate the history and development of international investment during the past 100 years. It examines theoretical approaches to both direct and portfolio foreign investment. The final section takes a comparative perspective and pays attention to Japanese foreign investment and to direct investment from less developed countries.
this book provides an overview of international investment policy and policy making drawing upon perspectives from law economics international business and political science international investment is a complex phenomenon with significant effects worldwide developing effective policies and strategies to attract investment in sufficient quantities and marshal it to contribute to sustainable development is a critical challenge for governments at all levels this book s interdisciplinary approach provides fresh insights into the mix of policy options available to governments seeking investment to support their country s or region s development as well as identifying ways to effectively design implement and assess policies to attract foreign investment it explores how to manage foreign investment s effects various dimensions of international investment policy are discussed including benefits and costs economic environmental social and political of foreign investment the significance of global value chains state owned enterprises and sovereign wealth funds and the role of tax policy investment promotion and policy advocacy location branding investment treaties and national security considerations through its contributions to a new interdisciplinary understanding of international investment policy making this book will benefit students and scholars working in areas such as international business international economic law international economics development economics international development and international political economy as well as being a valuable resource for policy makers

Studies on U.S. foreign investment 1973

presenting international foreign investment law in historical political and economic contexts this book embraces all recent developments

Promoting and Managing International Investment 2020-02-17

the book considers the ways in which the international investment law regime intersects with the human rights regime and the potential for clashes between the two legal orders within the human rights regime states may be obligated to regulate including a duty to adopt regulation aiming at improving social standards and conditions of living for their population yet states are increasingly confronted with the consequences of such regulation in investment disputes where investors seek to challenge regulatory interferences for example in expropriation claims regulatory measures may for instance interfere with the investment by imposing conditions on investors or negatively affecting the value of the investment as a consequence investors increasingly seek to challenge regulatory measures in international investment arbitration on the basis of a bilateral investment treaty this book sets out the nature and the scope of the right to regulate in current international investment law the book examines bilateral investment treaties and icsid arbitrations looking at the indicative parameters that are granted weight in practice in expropriation claims delimiting compensable from non compensable regulation the book places the potential clash between the right to regulate and international investment law within a theoretical framework which describes the stability flexibility dilemma currently inherent within international law lone wandahl mouyal goes on to set out methods which could be employed by both bit negotiators and adjudicators of investment disputes allowing states to exercise their right to regulate while at the same time providing investors with legal
certainty the book serves as a valuable tool an added perspective for academics as well as for practitioners dealing with aspects of international investment law

**The Politics of International Investment 1983**

there are three legal frameworks applicable to international investments the laws of the host state and the investor’s country the contract between the host state and the investor and the rules of international investment law this book assesses how these three bodies of law interact in investment agreements and dispute arbitration

**Policy Aspects of Foreign Investment by U.S. Multinational Corporations 1972**

this open access book focuses on public actors with a role in the settlement of investment disputes traditional studies on actors in international investment law have tended to concentrate on arbitrators claimant investors and respondent states yet this focus on the principal players in investment dispute settlement has allowed a number of other seminal actors to be neglected this book seeks to redress this imbalance by turning the spotlight on the latter from the investor’s home state to domestic courts from sub national governments to international organisations and from political risk insurance agencies to legal defence teams in national ministries the book critically reviews these overlooked public actors in international investment law

**The Problem of International Investment 1965**

this book outlines the principles behind the international law of foreign investment the main focus is on the law governed by bilateral and multilateral investment treaties it traces the purpose context and evolution of the clauses and provisions characteristic of contemporary investment treaties and analyses the case law interpreting the issues raised by standard clauses particular consideration is given to broad treaty rules whose understanding in practice has mainly been shaped by their interpretation and application by international tribunals in addition the book introduces the dispute settlement mechanisms for enforcing investment law outlining the operation of investor vs state arbitration combining a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals this book offers an ideal introduction to the principles of international investment law and arbitration for students or practitioners alike

**The International Law on Foreign Investment 2017-08-24**

this important book examines the development of soft law instruments in international investment law and the feasibility of a codification of the present state of this field of international economic law it draws together the views of international experts on the use of soft law in international law
generally and in discrete fields such as WTO commercial and environmental law the book assesses whether investment law has sufficiently coalesced over the last 50 years to be codified and focuses particularly on topical issues such as most favoured nation treatment and expropriation this timely book will appeal to academics interested in the development of international law and legal theory to those working in investment law government investment treaty negotiators and arbitration practitioners

**International Investment Law and the Right to Regulate 2016-03-10**

this book shows how the reform in investment regulation contributes to a broader attempt to transform the international economic order

**The Three Laws of International Investment 2013-02-14**

the first bilateral investment treaties is the first and only history of the US postwar friendship commerce and navigation FCN treaty program and focuses on the investment related provisions of those treaties the 22 US postwar FCN treaties were the first bilateral investment treaties ever concluded and nearly all of the core provisions in the modern network of more than 3000 international investment agreements worldwide trace their origin to these FCN treaties this book explains the original understanding of the language of this vast network of agreements which have been and continue to be the subject of hundreds of international arbitrations and billions of dollars in claims it is based on a review of some 32,000 pages of negotiating history housed in the national archives this book demonstrates that the investment provisions were founded on the new deal liberalism of the Roosevelt Truman administrations and were intended to acquire for US companies investing abroad the same protections that foreign investors already received in the United States under the US constitution it chronicles the failed US attempt to obtain protection for investment through the proposed international trade organization ITO providing the first and only history of the investment related provisions in the ITO charter it then shows how the FCN treaties which dated back to 1776 and originally concerned with establishing trade and maritime relations were reconceptualized as investment treaties to provide investment protection bilaterally this book is also a work of diplomatic history offering an account of the negotiating history of each of the 22 treaties and describing US negotiating policy and strategy

**The Problem of International Investment 1968**

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

**Public Actors in International Investment Law 2021**
international investment law is a complex and dynamic field yet the implications of its history are under explored kate miles examines the historical evolution of international investment law assessing its origins in the commercial and political expansionism of dominant states during the seventeenth to early twentieth centuries and the continued resonance of those origins within modern foreign investment protection law in particular the exploration of the activities of the dutch east india company grotius treatises and pre world war ii international investment disputes provides insight into current controversies surrounding the interplay of public and private interests the systemic design of investor state arbitration the substantive focus of principles and the treatment of environmental issues within international investment law in adopting such an approach this book provides a fresh conceptual framework through which contemporary issues can be examined and creates new understandings of those controversies

Principles of International Investment Law 2012-11-15

hauptbeschreibungin the last years the law of international investment protection has increasingly caught the attention of international lawyers both practitioners and academics in this regard two related but often not comprehensively covered aspects are relevant arbitral proceedings and awards on the one side and individual commercial interests of enterprises which are engaged in foreign direct investment or international portfolio investment on the other the applicable law in order to protect these commercial interests is both of an international and national character and concerns

International Investment Law and Soft Law 2012-01-01

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 issues for both the investor and host state 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 the book provides valuable insights into the substantive issues and institutional aspects of international investment law

Reconceptualizing International Investment Law from the Global South 2017-10-26

attempts at developing a theory of international investment law are complicated by the fact that this field of international law is based on numerous largely bilateral treaties and is implemented by arbitral panels established on a case by case basis this suggests a fragmented and chaotic state of the law with different levels of protection depending on the sources and targets of foreign investment flows this book however forwards the thesis that international investment law develops despite its bilateral form into a multilateral system of law that backs up the functioning of a global market economy based on converging principles of investment protection in discussing the function of most favored nation clauses the possibilities of treaty shopping and the impact of investor state arbitration with its intensive reliance on precedent and other genuinely multilateral approaches to treaty
interpretation it offers a conceptual framework for understanding the nature and functioning of international investment law as a genuinely multilateral system

The First Bilateral Investment Treaties 2017

the law on the protection of foreign investments is situated at the crossroads of international law and diplomacy in the context of a globalized economy it is therefore not surprising that investment law has undergone fundamental changes in the last decade the exponential growth of arbitration cases has illustrated a number of complex legal and political issues that have called into question the efficiency and legitimacy of investor state dispute settlement isds thus even for experts in the field it is challenging to keep track with the rapid and fundamental changes of what is often described as one of the most dynamic fields of international law against this background the present volume provides an evolution evaluation and future developments in international investment law world leading academics and practitioners shed light on the most important developments such as the evolution of investment law and its relationship to general international law the practical importance of state contracts the role of investment protection in the age of climate change and current reform projects under the auspices of icsid and unctad the volume is based on six keynote speeches held at the 10 year anniversary conference of the international investment law centre cologne the keynote speeches are complemented by comments from different perspectives and thereby illustrate the ongoing exchange of thoughts between academics counsel arbitrators and representatives of international institutions

International investment arrangements 1972

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 yearbook monitors current developments in international investment law and policy focusing on trends in foreign direct investment fdi international investment agreements and investment disputes the yearbook on international investment law policy 2009 2010 also looks at central issues in the contemporary discussions on international investment law and policy with contributions by leading experts in the field this title provides timely authoritative information on fdi that can be used by a wide audience including practitioners academics researchers and policy makers

The Multinational Corporation 2005-09-06

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.


Arbitration of overseas investment disputes is one of the fastest growing areas of international dispute resolution. The exponential growth of international investment in recent years has led to the signature of over two thousand bilateral investment treaties between foreign states. In addition to a wealth of multilateral treaties and other forms of concession agreements, disputes that have arisen are often resolved through the forum of international arbitration and typically involve claims by an investor company for compensation when an investment has been illegally expropriated or adversely affected by the state's activities. The legal principles that have developed in this area are subject to intense debate and are still in a state of flux. While tribunals routinely state that they are applying principles of public international law to determine disputes, many of the principles applied have only been developed recently in the context of investment treaty arbitrations. Tribunals are often guided more by the approaches taken by other tribunals than by pre-existing doctrines of public international law. However, the volume of law created and analyzed by tribunals is such that it is now possible to begin the necessary process of codification. International investment arbitration substantive principles is an important step in this process. The book provides a detailed analytical survey of the developing substantive principles which are being applied to disputes by international investment tribunals. It considers the key questions that arise and provides a clear description of the present state of the law as reflected in tribunal practice. The book examines the main treaties, analyzes published investment awards, and provides in-depth coverage of where investment disputes come from, who is a foreign investor, including nationality issues and foreign control, what is an investment, investor's rights, including admission to territories and state treatment of investors, expropriation, compensation, dispute resolution, transfer, assignment, and subrogation, and future trends as the volume of international investment arbitration grows. International law firms are increasingly having to acquire expertise in all aspects of this specialized and rapidly developing field. Written by a leading author team from Herbert Smith and Gibson Dunn & Crutcher and benefiting from the public and private international law experience of Professor Campbell McLachlan, this book is an essential reference work for international arbitration counsel, arbitrators, and academics.

**International Investment and Multinational Enterprises 1965**

A comprehensive investment handbook divided into four sections details why readers should invest 10 of their long-term portfolio into overseas markets, what markets to invest in, and what are the best strategies for overseas investing.

**The Problem of International Investment, 1937-2013**
The Origins of International Investment Law 2008-01-01

International investment for sustainable development critically examines the interface between sustainability development and the governance of international investment. It challenges the conventional view that foreign direct investment is a miracle drug for developing countries and exposes serious shortcomings in the current international investment regime composed of norms, agreements, treaties, and regulations. The emerging investment regime expands the rights of transnational corporations (TNCs) without commensurate rewards for the common good. Drawing on both research and engaged advocacy, the contributors ultimately map out a new way forward towards the creation and implementation of international investment rules that will promote global sustainability and equity.

International Investment Protection and Arbitration 2015-07-16

Foreign Investment, International Law and Common Concerns 2014-01-30

The Multilateralization of International Investment Law 1937

The Problem of International Investment 2021

Evolution, Evaluation and Future Developments in International Investment Law 2010-11-24

Yearbook on International Investment Law & Policy 2009-2010 2005
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