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The Three Laws of International Investment: National, Contractual, and International Frameworks for Foreign Capital-Jeswald W. Salacuse 2013-02-14 International investments are 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 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. Three different legal frameworks are applicable to foreign investment: the laws of the host state and the investor’s home country, the contract between the host state and the investor, and the rules and principles of international law. These three bodies of law interact with each other and must be analysed together when interpreting an investment agreement or arbitrating a dispute. This book examines the content of each of these three legal frameworks and explores how they influence the flow of foreign investment. 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 explores the nature of the contractual framework 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 bilateral investment treaties and on general principles. Finally, Part V considers 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 working in the field.

The Three Laws of International Investment: National, Contractual, and International Frameworks for Foreign Capital-Jeswald W. Salacuse 2013-02-14 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 and principles of international law. This book assesses how these three bodies of law interact in investment agreements and dispute arbitration.

The International Law of Property-John G. Sprankling 2014-05-01 Does a right to property exist under international law? The traditional answer to this question is no: a right to property can only arise under the domestic law of a particular nation. But the view that property rights are exclusively governed by national law is obsolete. Identifiable areas of property law have emerged at the international level, and the foundation is now arguably being laid for a comprehensive international regime. This book provides a detailed investigation into this developing international property law. It demonstrates how the evolution of international property law has been influenced by major economic, political, and technological changes: the embrace of private property by former socialist states after the end of the Cold War; the globalization of trade; the birth of new technologies capable of exploiting the global commons; the rise of digital property; and the increasing recognition of the human right to property. The first part of the book analyzes how international law impacts rights in specific types of property. In some situations, international law creates property rights, such as rights in aboriginal lands, deep seabed minerals, and satellite orbits. In other areas, it harmonizes property rights that arise at the national level, such as rights in intellectual property, rights in foreign investments, and security interests in personal property. Finally, it restricts property rights that may be recognized at the national level, such as rights in celestial bodies, contraband, and slaves. The second part of the book explores the theory that a global right to property should be recognized as a general matter, not merely as a moral precept but rather as an entitlement that all nations must honour. It establishes the components of such a right, arguing that the right to property at the international level should be seen in the context of five key components of ownership: acquisition, use, destruction, exclusion, and transfer. This highly innovative book makes an important contribution to how we conceptualize the protection of property and to the understanding that much of this protection now takes place at the international level.

Remix Strategy-Benjamin Gomez-Casseres 2015 “Alliances, partnerships, acquisitions, mergers, and joint ventures are no longer exceptions in most businesses—they are part of the core strategy. As companies look to external partners for acquiring even strategic resources and capabilities, they need a practical road map for ensuring these relationships generate value. What combinations of resources do we need? How do we manage them over time? What profits will we earn? Will they justify our investments? Benjamin Gomez-Casseres shares insight from decades of consulting and academic research on how companies create new value by “remixing” resources with other companies. Organized around three laws, Remix Strategy explains how companies can gain the most from their business combinations: - First Law: The value created by the combination should exceed the total that would be generated by the players acting alone. How much more value can we create together in the market, together? What lies behind this “joint value”? - Second Law: The combination must be designed and managed to realize the joint value in reality. What partners and structures fit this goal best? How do we manage those elements that are the sources of the joint value? - Third Law: Each participant must earn sufficient profits to reward its investment. How do we divide the joint value? How might these shares change over time? Other books explain how to structure deals or how to navigate complexities of organization and culture. This book provides core principles and a practical framework for creating and capturing value, no matter the path chosen”.

Trends of Private International Law-Pavel Kalenský 2013-12-01 to Seeking the answer to the three basic questions of contempo rary private international law, I also deemed it essential to out line to the reader the historical development of the different concepts of this particular branch of law, for without the know ledge of this history it is impossible to understand the contempo rary problems. The fact that private international law oscillates between public international law and substantive municipal law as it is applied in individual countries creates considerable problems in both theory and practice. I have tried to deal with these problems in the third part of my study, concerning "universa lism" and "nationalism" in the doctrine of private international law, as well as in its fourth part, which is devoted to the object and nature of this law and its place in the overall system of law. The character of private international law, ensuing from the plurality of municipal laws - which also characterize the origin and
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The three laws of international investment: national, contractual and international frameworks for foreign capital

Legitimacy and Legality in International Law - Jutta Brunnee 2010-08-05 It has never been more important to understand how international law enables and constrains international politics. By drawing together the legal theory of Lon Fuller and the insights of constructivist international relations scholars, this book articulates a pragmatic view of how international obligation is created and maintained. First, legal norms can only arise in the context of social norms based on shared understandings. Second, internal features of law, or 'criteria of legality', are crucial to law's ability to promote adherence, to inspire 'fidelity'. Third, legal norms are built, maintained, or destroyed through a continuing process of legality. Through case studies of the climate change regime, the anti-torture norm, and the prohibition on the use of force, it is shown that these three elements produce a distinctive legal legitimacy and a sense of commitment among those to whom law is addressed.

International Investment Protection of Global Banking and Finance - Arif H. Ali 2021-09-14 Global banking and finance is a complex and specialized field with sector-specific investment forms, subject to distinctive legal and regulatory frameworks and unique types of political risk. This comprehensive guide to international investment protection in the finance and banking sector, written by acknowledged experts in the field of investor-State arbitration, provides the first in-depth discussion of how international investment law applies to investors and investments in the sector. Featuring expertise on the key legal questions for cross-border banking and finance investments, with complete and up-to-date coverage of investor-State cases, the analysis crystallizes a set of field-specific legal principles for the sector. In particular, the authors address the following practical aspects of investment protection in the banking and finance sector: how sector-specific forms of investment, such as loans and derivatives, impact the dispute resolution process; types of political risk that cross-border investments in the sector are likely to encounter; distinctive adverse sovereign measures that undermine disputes in the sector, including those from sovereign debt defaults and banking sector bailouts; specific treaty provisions, such as jurisdictional carve-outs and targeted exclusions; remedies available for violations of international investment protections; how monetary damages may be assessed for injury to banking and finance sector investments; the scope of financial services chapters included in certain free trade agreements; the protections available under domestic foreign investment laws; and alternative sources of protection such as political risk insurance and investment contracts. International disputes practitioners and arbitrators, along with experts in cross-border banking and the finance industry, and arbitrators addressing banking and finance disputes will welcome this book for its practical guidance. With strategies for investors as well as for sovereign States to navigate the intricacies of the investment protection system, the authors' comprehensive analysis will help ensure appropriate international protection for banking and finance sector investments, both when establishing investments and when resolving disputes. The book lays the groundwork for the future consolidation of international investment protection as a critical tool to manage the political risk confronting global banking and finance.

The Theorem and Identification of Rules of Customary International Law in International Investment Law - Patrick Dumberry 2018-12-13 Rules of customary international law provide basic legal protections to foreign investors doing business abroad. These rules remain of fundamental importance today despite the growing number of investment treaties containing substantive investment protection. In this book, Patrick Dumberry provides a comprehensive analysis of the phenomenon of custom in the field of international investment law. He analyses two fundamental questions: how customary rules are created in this field and how they can be identified. The book examines the types of manifestation of State practice which should be considered as relevant evidence for the formation of customary rules, and is different from the existing under general international law. The book also analyses the concept of States' opinio juris in investment arbitration. Offering guidance to actors called upon to apply customary rules in concrete cases, this book will be of significant importance to those involved in investment arbitration.

Machine Ethics - Michael Anderson 2011-05-09 The new field of machine ethics is concerned with giving machines ethical principles, or a procedure for discovering a way to resolve the ethical dilemmas they might encounter, enabling them to function in an ethically responsible manner through their own ethical decision making. Developing ethics for machines, in contrast to developing ethics for human beings who use machines, is by its nature an interdisciplinary endeavor. The essays in this volume represent the first steps by philosophers and artificial intelligence researchers toward explaining why it is necessary to add an ethical dimension to machines that function autonomously, what is required in order to add this dimension, philosophical and practical challenges to the machine ethics project, various approaches that could be considered in attempting to add an ethical dimension to machines, and what has been done implementing these approaches, and visions of the future of machine ethics research.

Yearbook on International Investment Law & Policy 2012-2013 - Andrzej Bjoerkli 2013-07-07 The 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 raises a host of issues regarding international investment law and policy, especially in the area of international investment disputes. The Yearbook on International Investment Law & Policy 2012-2013 monitors current developments in international investment law and policy, focusing on recent trends and issues in foreign direct investment (FDI). 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.

International Economic Law - Leïla Choukroune 2021-07-22 Reconciling all fields of international economic law (IEL) and creating bridges between disciplines in a conceptual as well as practical manner, this book stands out as the quintessential, comprehensive international economic law textbook. Containing a technically solid yet critically rich body of knowledge that spans disciplines from trade law to investment, from trade finance to fisheries subsidies, from the development to the digital economy and other new-age topics, the book offers the widest possible coverage of issues in current international economic law. Positioning IEL as a truly global practice, the comprehensive coverage includes various treaty texts, landmark cases and new materials, and is supplemented by case studies, real-life examples, exercises and illustrations. The case extracts and legal texts are selectively chosen, with careful editing and serious deliberation to engage modern law students. Mini chapters provide examples of interdisciplinary interactions and provide a window into the future disciplines of international law.

The Limits of International Law - Jack L. Goldsmith 2007 International law is much debated and discussed, but poorly understood. Does international law matter, or do states regularly ignore it? If it does matter, why does it change so often, and why are violations of international law usually not punished? In this book, Jack Goldsmith and Eric Posner argue that international law is less powerful and less significant than public officials, legal experts, and the media believe. International law, they contend, is simply a product of states pursuing their interests on the international stage. It does not pull states towards compliance contrary to their interests, and the possibilities for what it can achieve are limited. It follows that many global problems are simply unsolvable. The book has important implications for debates about the role of international law in the foreign policy of the United States and other nations. The authors see international law as an instrument for advancing national policy, but one that is precarious and delicate, constantly changing in unpredictable ways based on non-legal changes in international politics. They believe that efforts to coordinate international policies with international law rest on unjustified optimism about international law's past accomplishments and present capacities.

General Exception Clauses in International Investment Law - Laveant
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The Oxford Handbook of Transnational Law - Peer Zumbansen 2021 The Oxford Handbook of Transnational Law offers a unique and unparalleled treatment and presentation in the field of Transnational Law that has become one of the most intriguing and innovative developments in legal doctrine, scholarship, theory, and practice today. This in itself constitutes an ambitious editorial project, not only within law and legal doctrine, but also with regard to an increasing interest in an interdisciplinary engagement of law with social sciences - including sociology, anthropology, political sciences, geography, and political theory. Commonly tied into the substantive transformation that many legal fields are undergoing is the observation that many of these developments are driven by changes in an increasingly global legal practice today. The concept then, of transnational law aims at capturing the distinctly border-crossing nature even of those legal fields which had for the longest time been seen as having merely 'domestic' relevance. As a result, one also finds in their case law, school classroom instructors, casebook authors, and curriculum reformers to adapt their teaching content to these circumstances. As the authors of this Handbook make clear, this adaptation requires a close dialogue between a scholarly investigation into the transnational 'concept of law' and the challenges faced by the lawyers, be they in-house counsel, as judges, or as bureaucrats in a globalized regulatory and socio-economic environment. While the main thrust is on the transnationalization of legal doctrine and legal theory, with a considerable contribution in the form of a compendium of essays by eminent scholars and practitioners in the field, it provides a detailed overview of private, international law practice in South Asian nations, addressing contemporary discourse within this knowledge domain. Conflict of laws/private international law arises from the universal acknowledgment that it is difficult to govern human transactions solely by the local law. The research presented addresses all areas of private international law - jurisdiction, choice of law and enforcement - within each of the South Asian countries in the areas of family law and commercial law. The research in family law domain includes traditional areas such as marriage, divorce and maintenance, as well as some of the contemporary concerns in this region - inter-country child retrieval, surrogacy, and the country statement on access to the Hague Conventions related to this domain. In commercial law the research explores the concerns raised with regard to choice of law issues in transnational contracts, and also enforcement of foreign judgment/arbitral awards in the nations of this region.

Resource Nationalism in International Investment Law - Sangwani Patrick Ng'ambo 2015-11-06 Foreign direct investment in the natural resource industries is fostered through the signing of concession agreements between the host state and the investor. However, such concessions are subject to alteration by the host state, meaning that many investors now require the insertion of stabilization clauses. These are provisions that require the host state to agree that they will not take any administrative or legislative action that would adversely affect the rights of the investor. Arguing that it is necessary to have some form of flexibility in concession agreements while still offering protection of the legitimate expectations of the investor, Resource Nationalism in International Investment Law proposes the insertion of renegotiation clauses in order to foster flexible relationships between the investor and the host state. Such clauses bind the parties to renegotiate the terms of the contract, in good faith, when prevailing circumstances change. However these clauses can also prove problematic for both State and investor due to their rigidity.

International Law and...-August Reinisch 2016-11-03 The European Society of International Law (ESIL) is known for its particularly dynamic character. After 10 years of existence it has proved that it is one of the most cutting-edge scholarly associations in the field of public international law. At the 20th Anniversary Conference in Vienna, participants assembled in order to discuss 'International law and...', the proceedings of which are published here. Going beyond the usual related disciplines of political science, international relations, economics and history, this conference ventured into less well-trodden paths, exploring the links between international law and cinema, philosophy, sports, the arts and other areas of human endeavor. As the proceedings show, it is clear that international law has long been influenced by other fields of law and other disciplines. They also explore whether the boundaries of international law have been crossed and, if so, in what ways.

Private International Law - Sai Ramani Garimella 2017-01-19 This book shows how, with the increasing interaction between jurisdictions symbolized by globalization, it is gradually becoming impossible to confine transactions to a single jurisdiction. Presented in the form of a compendium of essays by eminent scholars and practitioners in the field, it provides a detailed overview of private, international law practice in South Asian nations, addressing contemporary discourse within this knowledge domain. Conflict of laws/private international law arises from the universal acknowledgment that it is difficult to govern human transactions solely by the local law. The research presented addresses all areas of private international law - jurisdiction, choice of law and enforcement - within each of the South Asian countries in the areas of family law and commercial law. The research in family law domain includes traditional areas such as marriage, divorce and maintenance, as well as some of the contemporary concerns in this region - inter-country child retrieval, surrogacy, and the country statement on access to the Hague Conventions related to this domain. In commercial law the research explores the concerns raised with regard to choice of law issues in transnational contracts, and also enforcement of foreign judgment/arbitral awards in the nations of this region.

International Investment Law and Arbitration - C. L. Lim 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 judicial decisions. This textbook will appeal to graduates studying international investment law and international arbitration, as well as being of interest to practitioners in this area. This book was released in 2013 and 2014.

A Critical Introduction to International Criminal Law - Carsten Stahn 2016-12-06 Presents theories, practices and critiques alongside each other to engage students, scholars and professionals from multiple fields. This title is also available as Open Access on Cambridge Core.

The Oxford Handbook of the Sources of International Law - Jean d'Aspremont 2017-10-19 The question of the sources of international law inevitably raises some well-known scholarly controversies: where do the rules of international law come from? And more precisely: through which processes are they made, how are they ascertained, and where does the international legal order begin and end? This is the static question of the legitimacy of international legal order. Second, what are the processes through which these rules are made? This is the dynamic question of the making of these rules and of the exercise of public authority in international law. The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides...
an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions. This Handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.

Shifting Paradigms in International Investment Law - Steffen Hindelang 2016-01-21 International investment law is in transition. Whereas the prevailing mindset has always been the protection of the economic interests of individual investors, new developments in international investment law have brought about a paradigm shift. There is now more than ever before an interest in a more inclusive, transparent, and public regime. Shifting Paradigms in International Investment Law addresses these changes against the background of the UNCTAD framework to reform investment treaties. The book analyses how the investment treaty regime has changed and how it ought to be changing to reconcile private property interests and the state's duty to regulate in the public interest. In doing so, the volume tracks attempts in international investment law to recalibrate itself towards a more balanced, less isolated, and increasingly diversified regime. The individual chapters of this edited volume address the contents of investment agreements, the system of dispute settlement, the interrelation of investment agreements with other areas of public international law, constitutional questions, and new regional perspectives from Europe, South Africa, the Pacific Rim Region, and Latin America. Together they provide an invaluable resource for scholars, practitioners, and policymakers.

The Public International Law of Trade in Legal Services - David Collins 2018-11-08 Explores the international legal regime covering trade in legal services, considering major barriers and potential benefits to the global economy.

Resistance and Change in the International Law on Foreign Investment - M. Sornarajah 2015-04-16 Explores the political context of the rapid changes in the international law on foreign investment made through investment arbitration.

Public Actors in International Investment Law - Catharine 'Titi' Shareholders' Claims for Reflective Loss in International Investment Law - Lukas Vanhonnaeker 2020-06-30 This book studies shareholders' claims for reflective loss and explains why they are justified in international investment law.

International Humanitarian Law - Nicholas Tsiouroulas 2018-06-14 Drawing together key documents, case law, reports and other essential materials, International Humanitarian Law offers students, lecturers and practitioners an accessible and critically informed account of the theory, law and practice of international humanitarian law. Providing comprehensive, thematic and targeted coverage of national and international cases and materials, this book successfully balances doctrine with practical application to help students understand how the theories are applied in practice and navigate through jurisprudence with ease. Employing a critical and targeted commentary throughout, this book also helps students to better understand the implications of the law and the challenges facing international humanitarian law today including: cyber war, detention, direct participation in hostilities, human rights in armed conflict and terrorism. Suitable for advanced undergraduate and postgraduate students and practitioners, International Humanitarian Law offers a thematic and comprehensive treatment of the subject.

The International Law on Foreign Investment - M. Sornarajah 2021-07-01 The climate surrounding foreign investment law is one of controversy and change, and with implications for human rights and environmental protection, foreign investment law has gained widespread public attention and visibility. This fully updated edition of Sornarajah's classic text offers thought-provoking analysis of the law in historical, political and economic contexts, capturing leading trends and charting the possible course of future developments. It takes into account the newer types of treaties that establish a regulatory space for states and moves away from inflexible investment protection, explaining the newly created defences relating to environment, human rights, indigenous rights and other areas ending the fragmentation of the law. It looks at the current debates on legitimacy of the system and current efforts at reform. Suitable for postgraduate and undergraduate students, The International Law on Foreign Investment is essential reading for anyone specialising in the law of foreign investments.

The Law of Investment Treaties - Jeswald W. Salacuse 2021-02 This new edition of an authoritative work in the field, Jeswald W. Salacuse thoroughly examines the law of international investment treaties, particularly with respect to its origins, structure, content, and effects. He takes into account all major developments in the law to provide an up-to-date guide for students, scholars, and practitioners.

International Investment Law and the Law of Armed Conflict - Katia Fach Gómez 2019-08-05 Assessing the extent to which armed conflict impacts the obligations that states have towards foreign investors and their investments under international investment treaties requires considering a wide range of issues, many of which are systemic in nature. These include substantive and procedural topics, not only with regard to international investment law, but also concerning the law on use of force, international humanitarian law and human rights law, the law of treaties, the law of state responsibility and the law of state succession. This volume provides an in-depth assessment of the overlap between international investment law and the law of armed conflict by charting the terrain of the multifaceted and complex relationship between these two fields of public international law, fostering debate and offering novel perspectives on the matter.

Party Autonomy in Private International Law - Alex Mills 2018-06-31 Provides an unprecedented historical, theoretical and comparative analysis and appraisal of party autonomy in private international law. These issues are of great practical importance to any lawyer dealing with cross-border legal relationships, and great theoretical importance to a wide range of scholars interested in law and globalisation.


International Investment Law and Arbitration - Chin Lim 2021-04-30 Integrating Sustainable Development in International Investment Law - Manjuo Chi 2017-10-10 The current international investment law system is insufficiently compatible with sustainable development. To better address sustainable development concerns associated with transnational investment activities, international investment agreements should be made more compatible with sustainable development. Integrating Sustainable Development in International Investment Law presents an important systematic study of the issue of sustainable development in the international investment law system, using conceptual, normative and governance perspectives to explore the challenges and possible solutions for making international investment law more compatible with sustainable development. Chi suggests that to effectively address the sustainable development concerns associated with transnational investment activities, the international investment agreements system should be reformed. Such
Public Policy in International Economic Law-Diane Desierto 2015-02-19

States reject inequality when they choose to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), but to date the ICESCR has not yet figured prominently in the policy calculus behind States’ international economic decisions. This book responds to the modern challenge of operationalizing the ICESCR, particularly in the context of States’ decisions within international trade, finance, and investment. Differentiating between public policy mechanisms and institutional functional mandates in the international trade, finance, and investment systems, this book shows legal and policy gateways for States to feasibly translate their fundamental duties to respect, protect, and fulfill economic, social and cultural rights into their trade, finance, and investment commitments, agreements, and contracts. It approaches the problem of harmonizing social protection objectives under the ICESCR with a State’s international economic treaty obligations, from the designing and interpreting international treaty texts, up to the institutional monitoring and empirical analysis of ICESCR compliance. In examining public policy options, the book takes into account around five decades of States’ implementation of social protection commitments under the ICESCR; its normative evolution through the UN Committee on Economic, Social and Cultural Rights, and the Committee’s expanded fact-finding and adjudicative competences under the Optional Protocol to the ICESCR; as well as the critical, dialectical, and deliberative roles of diverse functional interpretive communities within international trade, finance, and investment law. Ultimately, the book shows how States’ ICESCR commitments operate as the normative foundation of their trade, finance, and investment decisions.

The Protection of Foreign Investments in Mongolia-Bajar Scharaw 2017-11-07 This book analyses the adequacy of Mongolia’s legal system for foreign investment protection by conducting a multi-level assessment of international investment treaties, domestic legislation of the host State, and investor-State contracts from an international comparative perspective. The investigation distinguishes between three legal dimensions, each of which offers both substantive legal guarantees for the protection of investments in the host State and provisions for the settlement of investment disputes by arbitration. In the first dimension of Public International Law (PIL), Mongolia is bound by international investment treaties, which offer investors an international law setting. In the second dimension, a special domestic investment law defines the domestic framework for the establishment, promotion and protection of investments, but also for the conclusion of investor-State contracts. These contracts turn open a third legal dimension, which represents a cross-section through the PIL and domestic-law dimensions of investment protection. Following the development of a multi-level system with legal dimensions that are not isolated but rather interrelated and mutually reinforcing, the book examines whether Mongolia’s international investment treaties and domestic investment law reflect globally shared international and domestic standards of treatment and protection of foreign investments. Lastly, the author inquires whether the domestic laws applicable to investor-State contracts in Mongolia allow investors and the Mongolian Government to agree on protective terms according to the (not uncontroversial) standards of international contract practice.

International Investment Law in Latin America / Derecho Internacional de las Inversiones en América Latina-Attila Tanzi 2016-02-22 International Investment Law in Latin America: Problems and Prospects analyses the trend from enthusiasm to diffidence Latin American countries have recently undergone towards investment law. Experts draw lessons from the Continent’s past experiences while identifying possible solutions to the important challenges it faces. En Derecho Internacional de las Inversiones en América Latina: Problemas y Perspectivas, the tendency from the outset is to the desconfianza de los países latinoamericanos hacia esta rama del derecho es analizada, in búsqueda de posibles soluciones a los importantes desafíos que actualmente enfrenta esa región.

Stability and Legitimate Expectations in International Energy Investments-Rahmi Kopar 2021-08-12 This book assesses stability guarantees through the lens of the legitimate expectations principle to offer a new perspective on the stability concept in international energy investments. The analysis of the interaction between the concepts of stability and legitimate expectations reveals that there are now more opportunities for energy investors to argue their cases before arbitral tribunals. The book offers detailed analyses of the latest energy investment arbitral awards from Spain, Italy and the Czech Republic, and reflects on the state of the art of the legitimate expectations debate and its relationship with the stability concept. The author argues that, in order to achieve stability, the legitimate expectations principle should be employed as the main investment protection tool when a dispute arises on account of unilateral host state alterations. This timely work will be useful to both scholars and practitioners who are interested in international energy law, investment treaty arbitration, and international investment law.

The Law of International Human Rights Protection-Walter Kälin 2019-08-29 At a time when human rights are coming under increasing pressure, in-depth knowledge and understanding of their foundations, conceptual underpinnings and current practice remain crucial. The second edition of Walter Kälin and Jörg Künzli’s authoritative book provides a concise but comprehensive legal analysis of international human rights protection at the global and regional levels. It shows that human rights are real rights creating legal entitlements for those who are protected by them and imposing legal obligations on those bound by them. Based, in particular, on a wide-ranging analysis of international case-law, the book focuses on the sources and scope of application of human rights and a discussion of their substantive guarantees. Further chapters describe the different mechanisms to monitor the implementation of human rights obligations, ranging from the regional human rights courts in Africa, the Americas and Europe and the UN treaty bodies to the international criminal tribunals, the International Court of Justice and the UN Security Council. The book is based on an understanding of human rights as legal concepts that address basic human needs and vulnerabilities, and highlights the indivisibility of civil and political rights on the one and economic, social and cultural rights on the other hand. It also highlights the convergence of international human rights and international humanitarian law and the interlinkages with international criminal law as well as general international law, in particular the law of state responsibility.