

International Investment Law The Right To Regulate In

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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.

International Investment Law and the Right to Regulate: A ...

Abstract. The right of States to regulate for the public interest has been the focus of increased interest in recent years,

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finding formal recognition in multiple international investment agreements (IIAs). Formal recognition of the right to regulate has largely been considered as a positive development in terms of making IIAs more balanced and giving arbitral tribunals a clear interpretive guidance against restricting the State's regulatory space.

The Right to Regulate in International Investment Law and ...

Current Issues in International Investment Law Introduction The Law at a Crossroads Absence of Guidelines on the Standard of Compensation The Impact of Cross-Fertilisation of Competing Principles Problems Posed by the Expansive or Creative Trend in Interpretation The Notion of 'Police Powers' of States and Regulatory Expropriation Legitimate Expectations of Foreign Investors and the Regulatory ...

International Investment Law: Reconciling Policy and ...

human rights law in an investment treaty does not, on its own, establish the inapplicability of human rights. The potential relevance of human rights law or other branches of international law is implicit in investment treaties. As a creature of public international law, an investment treaty must be read and

The Role of Human Rights in International Investment Law

The Right to Regulate in International Investment Law and the Law of State Responsibility: a Hohfeldian Approach Shareholders' Injury and Compensation in Investor-State Arbitration Establishing International Responsibility in Rendition Cases before the European Court of Human Rights

The Right to Regulate in International Investment Law and ...

"INDIRECT EXPROPRIATION" AND THE "RIGHT TO REGULATE" IN INTERNATIONAL INVESTMENT LAW Introduction It is a well recognised rule in international law that the property of aliens cannot be taken, whether for public purposes or not, without adequate compensation. Two decades ago, the disputes

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INTERNATIONAL INVESTMENT LAW: UNDERSTANDING CONCEPTS AND TRACKING INNOVATIONS – ISBN 978-92-64-04202-5 – © OECD 2008 9 decided in favour of the right of shareholders, to be accepted as claimants with respect to the portion of shares they own or control. There is no single definition of what constitutes foreign investment. International investment agreements usually define investment in very broad terms.

International Investment Law – Understanding Concepts and ...

The whole point of international investment law is to find balance between the right of the states to self-regulate and the interests of the foreign investors. Abandoning or prohibiting FDI from one's territory would cripple many nations but at the

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same time, leaving FDI unregulated will result in just as much of a catastrophe.

Introduction to International Investment Law | Law Guide

Despite this recent paradigm shift in treaty drafting, international investment law is still composed of traditional IIAs whose main function is to prescribe how host states treat foreign investors.

International Investment Law and Sustainable Development

When a company goes abroad to invest, what are the risks the company takes – whether political or economic – and what are the rules of international law that protect foreign investments? The laws between the investing country and the host country as well as the interface between international investment law and other areas of international law are all covered in this course.

International investment law | University of London

About The Right to Regulate in International Investment Law Since the inception of the international investment law system, investment promotion and protection have been the *raison d'être* of investment treaties and states have confined their policy space in order to attract foreign investment and protect their investors abroad.

The Right to Regulate in International Investment Law ...

Passionate and sometimes ill-informed discussions have resulted from this realisation. They have focused on the features of international investment law, which has traditionally granted rights to foreign investors to foster States' economic development. Central to these discussions are the issues of:

International Investment Law | edX

"Fair and Equitable Treatment Standard in International Investment Law" clarifies the concept, based on jurisprudence and state practice. "'Indirect Expropriation' and the 'Right to Regulate' in International Investment Law" identifies the main criteria found in investment agreements and used by tribunals to articulate the difference between the two concepts.

OECD iLibrary | "Indirect Expropriation" and the "Right to ...

In the absence of a global treaty on the law of foreign investment, international courts, claims commissions and tribunals have tried to flesh out the main principles of the part of the role of foreign investment and especially those relating to the requirements for a lawful expropriation and the nature of compensation, damages, reparation or restitution for: ~ lawful expropriation ~ the illegal or confiscatory actions of states.

International investment law - University of London Worldwide

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The right to expropriate inheres in every State. This right is recognised under national law, as well as under international law. An act of expropriation, in and of itself, is neither prohibited by national law nor by international law. An expropriation is not objectionable so long as it satisfies prescribed cumulative conditions for lawfulness.

Expropriation (Chapter 13) - International Investment Law ...

brexit and covid halt international trade for 1.5m uk smes Over 1.5 million UK SMEs have stopped trading internationally this year which could cost the UK £20 billion, due to the impacts of COVID ...

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.

Drawing on State practice, arbitral awards and national decisions, this book provides a systematic study of the sources of rights and obligations in the field of transnational investment, and their coordination and interaction.

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This book studies the international investment law regime in Africa and provides a comprehensive analysis of the current treaty practices in Africa from global, regional and domestic perspectives. It develops a public interest regulation theory to highlight the role of investment regulation in sustainable development and the protection of human rights. In doing so, the book identifies seven factors that should be considered by arbitrators in resolving international investment disputes that affect the public interest. It considers how corporations can be held accountable through investment treaties in the absence of a global treaty on business and human rights while protecting the rights of investors and their investments. Furthermore, the book explores the current objectives and features of investor-state dispute settlement (ISDS) as well as the deficiencies and its intersection with the rule of law. It identifies alternatives for ISDS and the extent to which these alternatives address the objectives of attracting investment, depoliticise investment disputes, promote the rule of law and offer remedies to investors. These solutions are offered in relation to the protection of human rights, the promotion of sustainable development and the right of states to introduce domestic public interest regulation. Finally, the book takes a prospective stance and discusses future trends for dispute settlement and investment rulemaking in Africa.

What is the level of convergence between the international investment law framework and the international legal regime regulating intellectual property rights? This discerning book examines the interface between intellectual property and foreign direct

La 4e de couverture indique : "Since the inception of the international investment law system, investment promotion and protection have been the *raison d'être* of investment treaties and states have confined their policy space in order to attract foreign investment and protect their investors abroad. Languishing in relative obscurity until recently, the right to regulate has gradually come to the spotlight as a key component of negotiations on new generation investment agreements around

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the globe. States and regional organisations, including, notably, the European Union and the United States, have started to examine ways in which to safeguard their regulatory power and guide - and delimit - the interpretive power of arbitral tribunals, by reserving their right to pursue specific public policy objectives. The monograph explores the status quo of the right to regulate, in order to offer an appraisal and a reference tool for treaty-makers, thus contributing to a better understanding of the concept and the broader discourse on how to enhance the investment law system's legitimacy."

International investment law has often been seen as an obstacle to sustainable development. While the connections between investment and development are plain, for a long time there has been relatively little scholarship exploring them. Combining critical reflection and detailed analysis, this book addresses the relationship between contemporary investment law and development. The book is organized around two competing visions of investment and development - as working either harmoniously or in conflict with one another. The expert contributors reflect on both of these views and analyse the social dimensions of development and its impact on investment law. Coverage includes in-depth discussion on such issues as human rights, poverty reduction, labor standards, and indigenous peoples. Students and scholars of international investment law will benefit from the informed analysis of the links between investment and development. This book will also be of use to practitioners and experts of development law who are looking for an up-to-date perspective of the field.

In recent decades, foreign direct investment (FDI) has played an increasingly significant role in world economic activity and development. In economic terms, the accumulated stock of FDI and its generation of commercial activity by foreign affiliates have made FDI comparatively more important than international trade in goods and services. While FDI has experienced long-term steady growth until the recent financial crisis, another powerful trend has been transforming an important part of modern economies: these economies are becoming predominantly 'conceptual', reflecting the vital role of ideas in common and highly valued products and services, and shifting the emphasis in asset valuation from physical to intellectual property (IP). As this trend continues, a similar change can be observed in FDI: foreign investments are reflecting an increasing concentration of intellectual capital invested in knowledge goods protected by intellectual property rights. Thus, IP rights have never been more economically and politically important or controversial than they are today. There have long been international treaties that protect IP, but in recent years other international treaties have come into being that protect IP rights along with other property rights. These treaties include various international investment agreements (IIAs), which regard IP rights as a protected investment. This book will analyse the standards of treatment and protection enshrined in IIAs for IP rights, with reference to topics such as the fragmentation of international law; investor-host-state dispute resolution; investors and investments; relative standards of treatment (such as most favoured nation); absolute standards of treatment (such as fair and equitable treatment); and expropriation. Since many questions regarding the relevance of IIA for IP rights have not been decided yet by investment tribunals, this lack of practice will be addressed by the analysis of hypothetical cases based on actual cases decided by other adjudicating bodies in different legal contexts, such as the European Court of Human Rights or the European Court of Justice. Pending proceedings such as Philip Morris and

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Eli Lilly will also be discussed.

This volume celebrates the first fifty years of the International Centre for Settlement of Investment Disputes (ICSID) by presenting the landmark cases that have been decided under its auspices. These cases have addressed every aspect of investment disputes: jurisdictional thresholds; the substantive obligations found in investment treaties, contracts, and legislation; questions of general international law; and a number of novel procedural issues. Each chapter, written by an expert on the chapter's particular focus, looks at an international investment law topic through the lens of one or more of these leading cases, analyzing what the case held, how it has been applied, and its overall significance to the development of international investment law. These topics include: - applicable law; - res judicata in investor-State arbitration; - notion of investment; - investor nationality; - consent to arbitration; - substantive standards of treatment; - consequences of corruption in investor-State arbitration; - State defenses - counter-claims; - assessment of damages and cost considerations; - ICSID Arbitration Rule 41(5) objections; - mass claims, consolidation and parallel proceedings; - provisional measures; - arbitrator challenges; - transparency and amicus curiae; and - annulment. Because the law of international investment continues to grow in importance in an ever globalizing world, this book is more than a fitting way to mark the past fifty years and to welcome the next fifty years of development. It will prove both educational for practitioners new to the field and informative for seasoned investment lawyers. Moreover, the book itself is a landmark that will be of great value to professionals, scholars and students interested in international investment law.

Since the inception of the international investment law system, investment promotion and protection have been the *raison d'être* of investment treaties and states have confined their policy space in order to attract foreign investment and protect their investors abroad. Languishing in relative obscurity until recently, the right to regulate has gradually come to the spotlight as a key component of negotiations on new generation investment agreements around the globe. States and regional organisations, including, notably, the European Union and the United States, have started to examine ways in which to safeguard their regulatory power and guide - and delimit - the interpretive power of arbitral tribunals, by reserving their right to pursue specific public policy objectives. The monograph explores the status quo of the right to regulate, in order to offer an appraisal and a reference tool for treatymakers, thus contributing to a better understanding of the concept and the broader discourse on how to enhance the investment law system's legitimacy.

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