



The International Law on **Foreign Investment**

Third Edition

M. Sornarajah

CAMBRIDGE

The International Law On Foreign Investment

Jeswald W. Salacuse



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Foreign Investment, International Law and Common Concerns Tullio Treves, Francesco Seatzu, Seline Trevisanut, 2013-10-23 Increasingly transnational corporations developed countries and private actors are broadening the boundaries of their investments into new territories in search of a higher return on capital This growth in direct foreign investment involves serious concerns for both the investor and host state Various exponents of international civil society and non governmental organisations persuasively claim that such growth in foreign investments constitutes potential and serious hazards both to the environment and the fundamental rights and freedoms of local populations This book explores from an international law perspective the complex relationship between foreign investments and common concerns i e values that do not coincide or do not necessarily coincide with the interests of the investor and of the host state It pays particular attention to the role of the main international development banks in reconciling the needs of foreign investors with the protection of common concerns such as the environment human rights and labour rights Among its collection of essays the volume asks how much regulatory space investment law leaves whether international investment law is an effective means of balancing contrasting interests and whether investment arbitration currently constitutes a mechanism of global governance In collecting the outlooks of various experts in human rights environmental and international economic law this book breaks new ground in exploring how attention to its legal aspects may help in navigating the relationship between foreign investment and common concerns In doing so the book provides valuable insights into the substantive issues and institutional aspects of international investment law **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 *Foreign Investment and the Environment in International Law* Jorge E. Viñuales, 2012-09-13 Provides academics and practitioners with a detailed analysis of the interface between foreign investment and environmental law **Protecting Foreign Investment Under International Law** Paul E. Comeaux, N. Stephan Kinsella, 1997 While conditions for foreign investors are generally safer in today s global economy than in previous

decades the issues to consider with regard to political risk go far beyond the obvious Investors must continue to exercise caution in developing countries or under governments with a history of instability even the safest countries have certain risks associated with them The only text available of its kind this authoritative volume discusses the political risk of expropriation both direct indirect the various protections that are available under international law to minimize these risks Plus detailed references useful appendices contact information are provided Written from the perspective of the practitioner this text provides A review explanation of the international law regarding political risk Methods for the investor to reduce exposure to political risk through business structure contract negotiation risk insurance An explanation of the arbitral judicial political options open to the investor following a taking of the investor s property Topics Covered Include International law regarding expropriation Treaty provisions regarding protection of investment Contracts with host states Procuring investment insurance Diplomacy between the host state the investor s home state The Origins of International Investment Law Kate Miles,2013-10-24 An examination of the origins of international investment law and their continued resonance in the twenty first century **International Protection of Investments** August Reinisch,Christoph Schreuer,2020-07-16 This book outlines the protection standards typically contained in international investment agreements as they are actually applied and interpreted by investment tribunals It thus provides a basis for analysis criticism and stocktaking of the existing system of investment arbitration It covers all main protection standards such as expropriation fair and equitable treatment full protection and security the non discrimination standards of national treatment and MFN the prohibition of unreasonable and discriminatory measures umbrella clauses and transfer guarantees These standards are covered in separate chapters providing an overview of textual variations explaining the origin of the standards and analysing the main conceptual issues as developed by investment tribunals Relevant cases with quotations that illustrate how tribunals have relied upon the standards are presented in depth An extensive bibliography guides the reader to more specific aspects of each investment standard permitting the book s use as a commentary of the main investment protection standards The Three Laws of International Investment 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 of international investment law This book assesses how these three bodies of law interact in investment agreements and dispute arbitration *The International Law of Investment Claims* Zachary Douglas,2009-06-11 This book is a codification of the principles and rules relating to the prosecution of investment claims **The Multilateralization of International Investment Law** Stephan W. Schill,2009-08-20 The book argues that international investment law is a structured body of law based on uniform principles of investment protection **The Foundations of International Investment Law** Zachary Douglas,Joost Pauwelyn,Jorge E. Viñuales,2014-02 Bringing together conceptual theories of international investment law with the practical application of the law in treaty arbitration this book investigates the key

controversies in the field It provides a detailed examination of how a different theoretical approach would have led to a different outcome in a number of important arbitral awards

EU Framework for Foreign Direct Investment Control Jacques H.J. Bourgeois, 2019-12-18 Foreign direct investment FDI has grown considerably worldwide in recent decades alongside the no less considerable development of international supply chains In the European Union EU stock held by foreign investors exceeds EUR 6 billion while stock held in the rest of the world by EU investors exceeds EUR 7 billion This important book analyses the current and proposed regimes of FDI screening in the EU highlighting mechanisms designed to enhance FDI's advantages and minimize its drawbacks Leading practitioners policymakers and academics discuss the 2017 European Commission proposal on FDI screening and its resulting Regulation focusing on such issues and topics as the following the economics of FDI screening rising protectionism versus further investment liberalization how the EU framework connects with WTO rules the dangers of foreign investment in sectors essential to public order and security how the EU regulatory layer interacts with FDI screening at Member State level and perceived lacunae in the way the EU addresses incoming FDI Two detailed examples of how FDI screening works in practice are included along with a comparative view of FDI screening in the United States Contributions commenting specifically on the EU Regulation deal with the process of adopting the Regulation and the impact of opposing views and how the Regulation aligns with EU policy in the areas of trade investment and competition Companies engaged in FDI or financial services will appreciate the detailed analysis of issues raised by this new EU policy instrument Practitioners active in competition law particularly M A will welcome this clear commentary and analysis of a crucial component of EU policy in the related areas of trade and investment and policymakers will be encouraged to consider whether further regulatory changes are called for

International Investment Law and Competition Law Katia Fach Gómez, Anastasios Gourgourinis, Catharine Titi, 2020-03-17 This EYIEL special issue examines the interaction between international investment law and competition law Although issues related to both international investment law and competition law arise regularly in international legal practice and are examined together scholarly analysis largely treats them as parallel universes As a result their actual and potential overlap has yet to be sufficiently explored In this light International Investment Law and Competition Law discusses a variety of topics at the intersection of investment and competition including the interaction between competition related provisions and investment protection standards in free trade agreements investors anti competitive behaviour and illegal investments state aid schemes and foreign investors legitimate expectations EU member States compliance with investment awards as illegal state aid under EU law State owned enterprises and competitive neutrality and interactions between public procurement investment and competition law

The Settlement of Foreign Investment Disputes M. Sornarajah, 2000-11-08 Disputes arising from foreign investment activities are on the increase and with them a growing awareness among practitioners of a greater variety of settlement methods than most legal analyses have dealt with heretofore With the experience gained in recent years

from a broad spectrum of successful negotiation arbitration and litigation techniques it is possible to derive a comprehensive critical survey of the principal methods of settling foreign investment disputes This outstanding book masterfully provides such a survey The Settlement of Foreign Investment Disputes in International Law treats the subject systematically dealing first with the internal balances within modern foreign investment contracts the complexities that arise due to state participation or interference in these contracts and the stances that are taken when disputes arise It goes on to examine in turn the main issues involved in negotiation arbitration and judicial settlement as the methods of settling foreign investment disputes discussing the controversial themes in each of these methods in detail Recognizing that the focus of attention is shifting to the misconduct of multinational corporations the last chapter contains a discussion of the role of domestic courts

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Alternative Visions of the

International Law on Foreign Investment C. L. Lim, 2016-03-03 These essays pay tribute to Muthucumaraswamy Sornarajah's illustrious career and explore alternative visions of international investment law and arbitration

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