
PROTECTING FOREIGN INVESTMENT UNDER INTERNATIONAL LAW

Legal Aspects of Political Risk

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Protecting Foreign Investment Under International Law Legal Aspects Of Political Risk

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Protecting Foreign Investment Under International Law Legal Aspects Of Political Risk:

The Legal Protection of Foreign Investments Against Political Risk Thomas Nektarios Papanastasiou, 2015-08-19 The Legal Protection of Foreign Investments Against Political Risk examines how political risks associated with foreign direct investment in the energy sector are managed or mitigated and suggests new ways to deal with the possibility of such risk It applies its analysis using case studies and international law and examining actual contracts to the specific context of foreign investment in five Asian countries power infrastructure projects Legal protection of foreign investments against political risk has been a problem for a long time Professor Papanastasiou s book brilliantly balances the legitimate regulatory power of host states with legitimate business interests of foreign investors by presenting a neatly designed multi layered legal framework for political risk management This is an important contribution to both the study of international investment law and the practice of foreign investment business transactions Junji Nakagawa Professor of International Economic Law Institute of Social Science University of Tokyo Author International Harmonization of Economic Regulation Oxford University Press 2011 This book is an impressive and important entry into the field of international investment law scholarship While maintaining a focus on the important Japanese and Asian regions it also provides a general and up to date coverage of relevant international investment law and political risk considerations faced by multinational corporations It is impressively concise yet thorough it is practical yet takes into account relevant and recent legal scholarship it is well written and organized The ultimate goal is to help foreign investors and their advisors understand the current international investment law framework and climate to enable them to devise strategies to help their clients reduce political risk and to protect their clients property rights and investments This work should be of interest to in house counsel and international law practitioners as well as to law students and scholars for its coverage of current international investment law standards scholarship and practices N Stephan Kinsella Attorney Houston Texas Co author International Investment Political Risk and Dispute Resolution OUP 2005 This study contributes insightfully to the literature on international economics and in particular on the laws protecting foreign investment The book is unique in two ways First it analyzes and measures the impact of such multi tier legal frameworks as FTAs investment contracts FDI regulations and insurance by combining legal interpretative tools and scoring techniques Second it adds a new narrative on how Japanese business can use law to secure investments from political risks in the energy sector of foreign countries Shujiro Urata Professor of International Economics Graduate School of Asian Pacific Studies Waseda University Co editor Economic Consequences of Globalization Evidence from East Asia Routledge 2012 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

Legal Aspects of Foreign Investment in the European Economic Community , Damages in International Investment Law Sergey Ripinsky, Kevin Williams, 2008 The past two decades have seen a rising wave of investor State arbitrations which pose important questions in international law This book addresses one of the least understood and most unpredictable areas in that field the assessment of damages The book is a result of a two year research project carried out at the British Institute of International and Comparative Law and it is the first to examine the subject in a systematic comprehensive and detailed manner Damages in International Investment Law offers a much needed balanced assessment of the complicated and controversial issues arising in relation to compensation awards putting special emphasis on the interpretation and application of international rules on damages by arbitral tribunals In addition to careful analyses of the most recent investment treaty case law other relevant practice both international and national is reviewed Thorough well organized and supplemented by analytical annexes the book will be a valuable reference tool for legal professionals and a practical aide for constructing and resolving damages claims in investment arbitrations

Yearbook on International Investment Law & Policy 2009-2010 Karl Sauvant, 2010-12-23 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 With contributions by leading experts in the field the Yearbook on International Investment Law Policy 2009 2010 provides timely authoritative information on foreign direct investment that can be used by a wide audience including practitioners academics researchers and policy makers

Enforcing international law thought non-forcible measures Academie De Droit International de la Haye, 1998-09-29 1 Use of force *Indirect Expropriation in International Law* Sebastián López Escarcena, 2014-02-28 When does a state measure become subject to compensation as an indirect expropriation under international law The author examines claims of indirect takings from such fora as the Iran United States Claims Tribunal the European Court of Human Rights and arbitral panels in investment treaty arbitrations *Research Handbook on Foreign Direct Investment* Markus Krajewski , Rhea Tamara Hoffmann, Increasing international investment the proliferation of

international investment agreements domestic legislation and investor State contracts have contributed to the development of a new field of international law that defines obligations between host states and foreign investors with investor State dispute settlement This involves not only vast sums but also a panoply of rights duties and shifting objectives at the juncture of national and international law and policy This engaging Research Handbook provides an authoritative account of these diverse investment law issues

Human Rights in International Investment Law and Arbitration Pierre-Marie Dupuy, Ernst-Ulrich Petersmann, Francesco Francioni, 2009-09-10 This book offers a systematic analysis of the interaction between international investment law investment arbitration and human rights including the role of national and international courts investor state arbitral tribunals and alternative jurisdictions the risks of legal and jurisdictional fragmentation the human rights dimensions of investment law and arbitration and the relationships of substantive and procedural principles of justice to international investment law Part I summarizes the main conclusions of the 24 book chapters and places them into the broader context of the principles of justice global administrative law and multilevel constitutionalism that may be relevant for the administration of justice in international economic law and investor state arbitration Part II includes contributions clarifying the constitutional dimensions of transnational investment disputes and investor state arbitration as reflected in the increasing number of arbitral awards and amicus curiae submissions addressing human rights concerns Part III addresses the need for principle oriented ordering and the normative congruence of diverse national regional and worldwide legal regimes focusing on the pertinent dispute settlement practices and legal interpretation methods of regional economic courts and human rights courts which increasingly interpret international economic law with due regard to human rights obligations of the governments concerned Part IV includes twelve case studies on the potential human rights dimensions of specific protection standards e g fair and equitable treatment non discrimination applicable law e g national and international human rights law rules on corporate social accountability procedural law issues e g amicus curiae submissions and specific fundamental rights e g the protection of human health access to water and protection of the environment These case studies discuss not only the still limited examples of human rights discourse in investor state arbitral awards they also probe the potential legal relevance of investor state arbitration for the judicial recognition interpretation and balancing of primary rules such as of investment law and human rights law in the light of the principles of justice as defined by national and international law

International and Comparative Mineral Law and Policy Elizabeth Bastida, Thomas W. Waelde, Janeth Warden-Fernández, 2005-01-01 This book covers a broad spectrum of issues shaping the current paradigm of minerals sector governance The ultimate aim of the book is to understand trends and developments in mineral law and policy occurring at international regional cross border and in some selected cases at national level and also to identify some of the challenges lying ahead With these objectives in view the book brings together a representative selection of the most knowledgeable authors on the subject The contributions deal with a diverse range of issues tackled

from interdisciplinary perspectives Topics are divided into five main chapters international and comparative aspects of mineral law actors and policies in the minerals industry investment prospects financial and fiscal issues sustainable development and regional outlooks The book aspires to serve as a useful reference for scholars practitioners students and all those with an interest in current developments in the areas reviewed Elizabeth Bastida is the Rio Tinto Research Fellow and the Director of the Mineral Law and Policy Programme at the Centre for Energy Petroleum Mineral Law and Policy at the University of Dundee CEPMLP Dundee Thomas W lde is the Professor of International Economic Natural Resources and Energy Law and was until 2001 the Executive Director of CEPMLP Dundee He currently runs TWA his private consultancy firm which provides advisory services in natural resources and energy law regulatory reform investment promotion state enterprise agency appraisal and restructuring privatisation contract assessment negotiation and dispute management Janeth Warden Fern ndez is a Research and Teaching Fellow an advisor of the Mineral Law and Policy Programme and the Manager of the Distance Learning Programme at CEPMLP Dundee

International Energy Investment Law Mustafa

Erkan,2011-01-01 Presents the results of a questionnaire based survey circulated to the main players in the petroleum sector revealing actual existing contractual risk management techniques and showing a true picture of the political risk situation in the petroleum sector P 4 of cover

Legal Issues of Inter-Korean Economic Cooperation under the Armistice

System Eric Yong-Joong Lee,2002-09-01 This unique work examines the highly topical national and international legal issues of economic cooperation between North and South Korea under the current divided situation In recent years the relationship between the two Koreas has been generating more concern than in earlier times This new interest has been followed by two epoch making developments over the past decade the conclusion of the Basic Agreement of 1991 and the Declaration of the North South Summit of 2000 These events have caused remarkable changes in political as well as economic relations between the north and the south This book reviews the current legal regime and the setting up of a positive legal framework for inter Korean economic cooperation beginning to be regulated by international law This research provides two ultimate outcomes One is to resolve the legal problems for transnational economic cooperation relating to North and South Korea the other is to develop a juridical model of south north cooperation as a new world economic framework for the 21st century Three interrelated areas are involved in this work The first part describes the external environmental factors regarding inter Korean economic cooperation from an international legal perspective The second part deals with the legal framework of inter Korean economic cooperation examining concrete issues arising from practical economic exchanges and cooperation between the two Koreas The last part discusses the legal foundations for inter Korean economic integration beyond economic cooperation This book clarifies the significance of the legal environment as an indispensable servant for the parts of a divided country to recover their relationship offering both a normative and practical framework

The Oxford Handbook of International Investment Law Peter Muchlinski,Federico Ortino,Christoph Schreuer,2008 The Oxford Handbook series is a

major new initiative in academic publishing Each volume offers an authoritative and state of the art survey of current thinking and research in a particular subject area Specially commissioned essays from leading international figures in the discipline give critical examinations of the progress and direction of debates Oxford Handbooks provide scholars and graduate students with compelling new perspectives upon a wide range of subjects in the humanities and social sciences The Oxford Handbook of International Investment Law aims to provide the first truly exhaustive account of the current state and future development of this important and topical field of international law The Handbook is divided into three main parts Part One deals with fundamental conceptual issues Part Two deals with the main substantive areas of law and Part Three deals with the major procedural issues arising out of the settlement of international investment disputes The book has a policy oriented introduction setting the more technical chapters that follow in their policy environment within which contemporary norms for international foreign investment law are evolving The Handbook concludes with a chapter written by the editors to highlight the major conclusions of the collection to identify trends in the existing law and to look forward to the future development of this field International Environmental Law Vasilka Sancin,2012

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

International Law Wade Mansell,Karen Openshaw,2019-08-22 This new edition provides a critical introduction to the concepts principles and rules of international law through a consideration of contemporary international events It examines both the possibilities and limitations of the legal method in resolving international disputes and notes the actual effects of international law upon international disagreements Such an approach remains sceptical rather than cynical and is intended to provide the means by which the role of international law may be evaluated This entails discussion of the legal quality of international law the relationship between international law and international relations the Eurocentricity of international law and the connection between political power and the ability to use or abuse or ignore international law The new edition explores the impact of the United States latest direction in foreign policy arguably an intensification of pre existing neo conservative trends considers in greater depth the issue of economic self determination in relation to ex colonial nations

expands the discussion of jurisdiction to cover immunity from jurisdiction and covers recent developments at the International Criminal Court Underlying the book is the assertion that international law is political in content in the sense of being concerned with the exercise of power but that it draws much of its effectiveness from its self portrayal as being apolitical or at least politically neutral *Linking Trade, Environment, and Social Cohesion* John J. Kirton, Virginia W. Maclaren, 2018-01-12 This title was first published in 2002 Focusing on the central issues of the contemporary trade environment social cohesion debate this compelling book analyzes the social and environmental impacts of existing trade liberalization through the World Trade Organization WTO North American Free Trade Agreement NAFTA and other key regimes It also explores new strategies for regulation and risk assessment environmental information standard setting voluntary activities sustainability assessments of trade agreements and participation by civil society Features include suggests ways in which the NAFTA model might be improved explores the NAFTA regime with regards to its environmental and social impacts evaluates the experience and improvement of NAFTA and how it might assist the broader international community Characterized by its meticulous scholarship and fluid style this authoritative work is an indispensable guide for all those concerned with trade liberalization environmental enhancement and social cohesion **Akehurst's Modern**

Introduction to International Law Peter Malanczuk, 2002-04-12 First published in 2002 Routledge is an imprint of Taylor Francis an informa company **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 Legal Framework of EU-China Investment**

Relations Wenhua Shan, 2005-10-21 EU investment in China has increased dramatically since the early 1990s and is poised to increase further in light of Chinas recent accession to the World Trade Organisation This book explores and critically appraises the existing legal framework governing EU China investment relations particularly EU investment in China The current legal framework is composed of Chinese law EU law and applicable international law but the Chinese law is unsystematic and hard to discover and the EU has acquired only shared external investment competence which is vaguely defined The applicable international treaties are incomplete incoherent or either too general or too specialised Besides this

the international fora to settle investment disputes are still not readily available Furthermore while law has played a very important role in decision making by EU investors the Chinese legal system is generally perceived as ineffective and lacking in effective enforcement of court and arbitration decisions What the book demonstrates is that the time is ripe for a new international legal framework for foreign investment in China and that as EU China economic and political relations continue to improve construction of such a framework is not only necessary but also possible

Embark on a breathtaking journey through nature and adventure with Crafted by is mesmerizing ebook, Witness the Wonders in **Protecting Foreign Investment Under International Law Legal Aspects Of Political Risk** . This immersive experience, available for download in a PDF format (PDF Size: *), transports you to the heart of natural marvels and thrilling escapades. Download now and let the adventure begin!

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