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Caron, Lee M. Caplan, 2013-03-07 This article by article commentary sheds light on the UN Commission on International Trade Law UNCITRAL Rules which govern a wide range of arbitrations including the Iran US Claims Tribunal and NAFTA disputes The new edition takes full account of the revised Rules adopted in 2010 and features many extracts from the most important case law

Stabilization Clauses in International Investment Law Jola Gjuzi, 2018-12-05 This book analyzes the tension between the host state's commitment to provide regulatory stability for foreign investors which is a tool for attracting FDI and generating economic growth and its evolving non economic commitments towards its citizens with regard to environmental protection and social welfare The main thesis is that the stabilization clause regulatory power antinomy as it appears in many cases contradicts the content and rationale of sustainable development a concept that is increasingly prevalent in national and international law and which aims at the integration and balancing of economic environmental and social development To reconcile this antinomy at the decision making and dispute settlement levels the book employs a constructive sustainable development approach which is based on the integration and reconciliation imperatives of the concept of sustainable development as well as on the application of principles of law such as non discrimination public purpose due process proportionality and more generally good governance and rule of law It subsequently re conceptualizes stabilization clauses in terms of their design ex ante and interpretation ex post yielding stability to the benefit of foreign investors while also mitigating their negative effects on the host state's power to regulate

Non-Economic Objectives in WTO Law Stefan Zleptnig, 2009-10-30 This volume examines the complex relationship between economic and non economic objectives in WTO law It discusses how non economic objectives such as the protection of public morals life and health environment or human rights can serve as justification for trade restrictive measures normally prohibited under WTO law The relevant non economic grounds of justification are analysed as well as the substantive and procedural requirements which restrain the use of trade restrictive measures taken for non economic purposes The issues covered by this book also have wider systemic implications for the WTO Only if the WTO can demonstrate that it is not just concerned about free trade but respects non economic objectives as well is it likely to remain a sustainable and legitimate form of governance

Ethics of Human Rights A. Reis Monteiro, 2014-03-11 This volume focuses on the ethical significance of human rights aiming at contributing to a universal culture of human rights with deep roots and wide horizons Its purpose scope and rationale are reflected in the three part structure of the manuscript Part I has a broad introductory historical theoretical and legal character Part II submits that an Ethics of Human Rights is best understood as an Ethics of Recognition of human worth dignity and rights Moreover it is argued that human worth consists in the perfectibility of the human species rooted in its semiotic nature to be accomplished through the perfecting of human beings for which the right to education is key In Part III the main legal and political outcomes of the Human Rights Revolution are described and answers to the most lasting and common criticisms of human rights are provided To conclude the human stature of the Big Five drafters of the Universal

Declaration of Human Rights is profiled and the priority that should be recognized to human rights education is highlighted. Some appendices supplement the manuscript. While making a case for the high value and liberating power of the idea and ideal of human rights, objections, controversies, and uncertainties are not at all overlooked and emerging issues are explored. The diversity of content of this volume meets many needs of the typical syllabus for a human rights course.

On Hunger Laura Westra, 2017-09-15. *On Hunger* focuses on the interface between food and public health and on the flawed regulations intended to protect us. Food not only represents nourishment for the body; it also possesses other valuable aspects that are protected by international legal instruments. Westra argues for the importance of effecting radical changes to protect and improve the present system of food production and distribution. Starting from several reports produced by the FAO and the WHO, Westra argues for the need of a complete and radical re-evaluation of current practices and systems in order to meet the obligation of the international community to prevent hunger. There is a particular emphasis on the problems facing the poor in the third world but also the different but equally grave problems of those in developed countries where the emphasis remains on corporate profit rather than on the protection of individuals as present dangers affect all, starting from the children of all ages. Most of the existing literature on hunger and food does not address the harm that current practices inflict on people globally. Laura Westra's *On Hunger* focuses on the interface between food and public health and on the flawed regulations intended to protect us. Food not only represents nourishment for the body; it also possesses other valuable aspects that are protected by international legal instruments. Westra argues for the importance of effecting radical changes to protect and improve the present system of food production and distribution. This timely book explores every aspect of this challenge from the impact of climate change, the role of the media, and obligations to future generations. Westra also considers the legality of financial contributions on the part of agribusiness to political figures and campaigns as well as their intrusion in the drafting of bills and regulatory regimes. Finally, the book highlights more positive developments including the expansion of the remit of the International Criminal Court to include environmental crimes. *On Hunger* offers an original take on this increasingly important issue and will provide fascinating reading for scholars and students in law, philosophy, and human rights.

Participants in the International Legal System Jean d'Aspremont, 2011-04-20. The international legal system has weathered sweeping changes over the last decade as new participants have emerged. International law making and law enforcement processes have become increasingly multi-layered with unprecedented numbers of non-State actors including individuals, insurgents, multinational corporations, and even terrorist groups being involved. This growth in the importance of non-State actors at the law making and law enforcement levels has generated a lot of new scholarly studies on the topic. However, while it remains uncontested that non-State actors are now playing an important role on the international plane, albeit in very different ways, international legal scholarship has remained riddled by controversy regarding the status of these new actors in international law. This collection features contributions by renowned scholars, each of whom focuses on a

particular theory or tradition of international law a region an institutional regime or a particular subject matter and considers how that perspective impacts on our understanding of the role and status of non State actors The book takes a critical approach as it seeks to gauge the extent to which each conception and understanding of international law is instrumental in the perception of non State actors In doing so the volume provides a wide panorama of all the contemporary legal issues arising in connection with the growing role of non state actors in international law making and international law enforcement processes

2005 Andrea Bonomi,Paul Volken,The Swiss Institute of Comparative Law,2009-04-27 From 2005 on the Yearbook of Private International Law is published by S ELP in cooperation with the Swiss Institute of Comparative Law This English language annual publication provides analysis and information on private international law developments world wide The Editors commission articles of enduring importance concerning the most significant trends in the field The Yearbook also devotes attention to the important work and research carried out in the context of the Hague Conference The Hague Academy UNCITRAL and UNIDROIT The authority of the editors and the lasting nature of the works included make the Yearbook an integral addition to the libraries of international law scholars and practitioners

State Immunity in International Law Xiaodong Yang,2012-09-27 Xiaodong Yang examines the issue of jurisdictional immunities of States and their property in foreign domestic courts

A Fiduciary Approach to Delegated and Implementing Rule-Making in the EU R. Eljalil Tauschinsky,2019-11-10 This book focuses on the evaluation of delegated and implementing rule making based on Articles 290 and 291 TFEU These articles have attracted considerable attention since their introduction in 2009 and their implementation is one of the most hotly debated questions in European Administrative Law The book takes up this timely topic discusses it in an innovative way and offers valuable new insights Delegated and implementing acts are the most common form of EU legal acts However despite their ubiquity and relevance it is unclear how the Commission s powers to adopt these important acts relates to subjects democratic rights Accordingly the book explores the question of how the Commission s powers to adopt delegated and implementing acts can be justified The relationship between the Commission and the persons within the Member States who are directly affected by its rule making should be seen the book argues as one of institutional trust and as a result as a fiduciary relationship The book begins by defining the theoretical conditions for a justificatory approach before explaining the background and foundations of fiduciary law It then links this theoretical perspective with the realities of delegated and implementing acts describing how the various roles in fiduciary relationships map onto the rule making process that produces delegated and implementing acts and explains how the fundamental tenet of fiduciary relationships loyalty can be included in the rule making process

International Investment Law and Water Resources Management Ana Maria Daza-Clark,2016-11-21 Hydrological variability increasing competition for water and the need for regulatory flexibility may increasingly compel governments to adopt measures with significant economic impact on foreign investment In International Investment Law and Water Resources Management Daza Clark offers an appraisal of

indirect expropriation revisiting the well known doctrine of the police power Through the lens of international investment law the author explores a framework that assesses the legitimate exercise of police power with particular attention to the special nature of water resources

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