

INVESTMENT LAW
WITHIN
INTERNATIONAL LAW

Integrationist Perspectives

EDITED BY FREYA BAETENS

Online Investment Law Within International Integrationist

Manjiao Chi



Online Investment Law Within International Integrationist:

International Investment Law and Policy in Africa Fola Adeleke, 2017-09-08 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

Reassertion of Control over the Investment Treaty Regime Andreas Kulick, 2017 This book identifies a paradigm shift in international investment law and enquires into how states reassert control over investment treaties

Investments in Conflict Zones Tobias Ackermann, Sebastian Wuschka, 2020-12-15 Investments in Conflict Zones addresses the topical and underexplored role of international investment law in armed conflicts disputed territories and frozen conflicts The edited collection explores how these different conflict situations impact the application and interpretation of international investment law and how the protection of investors can be reconciled with the politically charged circumstances and state interests involved Written by a selected group of experts from different fields of international law the volume moves beyond the confines of investment law offering novel insights on its intersection with the law of armed conflict human rights law the law of the sea general international law and national laws including those adopted by de facto regimes which lack recognition as states

The Effects of Armed Conflict on Investment Treaties Tobias Ackermann, 2022-08-25 Based on author's thesis doctoral Ruhr University at Bochum 2020

Equity and Equitable Principles in the World Trade Organization Anastasios Gourgourinis, 2015-07-24 This book analyses whether and how equity and equitable principles can be employed as juridical tools in the legal reasoning of judges and lawyers in World Trade Organization WTO disputes where there is interaction between norms derived from the multilateral trade regime and other international legal regimes Bringing the literature on equity and equitable principles in international law up to date this book tackles several legal problems which have emerged in WTO dispute settlement practice as well as engaging with the concept of the fragmentation of international law The book provides an original argument about

the role and significance of equity and equitable principles in the debate over fragmentation by providing a coherent methodology for addressing conflicts and overlaps between WTO and non WTO norms in the context of Dispute Settlement Body proceedings *The Protection of Foreign Investment in Times of Armed Conflict* Jure Zrilic, 2019-10-17 Foreign investors often sustain injuries during violent situations such as riots revolutions civil wars and international armed conflicts There is a great deal of uncertainty about how effective investment treaty protections are in volatile times how they relate to other applicable legal frameworks and how they affect the state security policy and the post conflict transition to peace This book explores how foreign investment is protected in times of armed conflict under the investment treaty regime It does so by combining insights from different areas of international law including international investment law international humanitarian law international human rights law the law of state responsibility and the law of treaties While the protections have evolved over time with the investment treaty regime providing the strongest legal framework for protecting investors yet there has been an apparent shift in treaty practice towards safeguarding a state s security interests Jure Zrilic identifies and analyses the flaws in the existent normative framework but also highlights the potential that investment treaties have for minimising the devastating effects of armed conflict The book offers an analytical framework for assessing the investment treaty regime in times of armed conflict distinguishing between different paradigms and different types of conflicts Crucially he argues that a new approach is needed to appropriately balance the competing interests of host states and investors when it comes to investment protection in armed conflicts **Decoding Chinese Bilateral Investment Treaties** Shen

Wei, 2021-08-26 This is a major work investigating China s bilateral investment treaties BITs regime through various approaches including textual analysis case study comparative study and empirical study This book tries to unveil some of the puzzles in Chinese BITs The general consensus is that the evolution of China s BIT regime has its underlying logic which follows an investment liberalization trend and fits China s changing role from a key capital importing state to a major capital exporting state A similar trend is evident in Chinese BIT making and BIT policy This book investigates these theoretical assumptions and looks into some of the loopholes in Chinese BITs **Integrating Sustainable Development in**

International Investment Law Manjiao 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 reform should

feature redesigning the provisions of the agreements improving the structure of international investment agreements strengthening the function of soft law engaging non state actors and enhancing the dispute settlement mechanism The book is primarily aimed at national and international treaty and policy makers lawyers and scholars It is also suitable for graduate students studying international law and policy making The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY 4.0 license

Strengthening Argentina's Integration into the Global Economy Martha Martínez Licetti, Mariana Iooty, Tanja Goodwin, José Signoret, 2018-05-14 Integration into global markets can improve the efficiency of the Argentinian economy providing opportunities for private investment to flourish and for the associated benefits to accrue to consumers Among many policies that are important for integrating into the global economy particularly relevant are trade investment and competition policies They all share a common attribute the capacity to shape the incentives of firms to improve resource allocation and to strengthen productivity while integrating into international markets Once properly combined investment trade and competition policies have mutually reinforcing relationships in the sense that growth dividends stemming from reforms in one policy area are reinforced when properly combined with reforms in the other two Against this backdrop this report follows a three pronged approach It presents a set of robust empirical analyses drawing from both general and partial equilibrium exercises to assess the potential impacts from trade competition and investment policy reforms It offers a new comparative review of international experience with structural microeconomic reform programs to bring insights for Argentina's design and sequencing of such reforms Finally it presents individual reform recommendations for each institution in charge of the three respective policy areas in an integrated step by step framework from the firm perspective to illustrate the critical challenges to investment and internationalization for Argentinian firms

Lex Petrolea and International Investment Law Nima Mersadi Tabari, 2016-09-01 *Lex Petrolea and International Investment Law* Law and Practice in the Persian Gulf offers readers a detailed analysis of jurisprudence on the settlement of upstream petroleum disputes between host states in the Persian Gulf and foreign investors Dr Nima Mersadi Tabari considers the historical political and socio economic roots of the existing frameworks and levels of protection offered to foreign investors With particular focus on petroleum related disputes he initially delivers a comprehensive survey of the jurisprudence of international investment law and investment treaty arbitration Following on from this in three dedicated chapters the author provides in depth analysis of the legal regimes governing the matter in the major producers of the region Saudi Arabia Iraq and Iran A key resource for all professionals working on legal issues arising from foreign direct investments in natural resources this book draws a detailed picture of the legal regime governing the upstream sector in the most important geographical region for the international oil and gas sector

Constitutional Discussions on Nuclear Energy in Germany Robert Rybski, 2024-06-27 This book analyses the German constitutional system's responses towards nuclear energy Robert Rybski begins with a presentation of

energy security as a constitutional value and explores how it connects with nuclear energy. He also examines constitutional standards derived from the German Constitution which directly regulates nuclear energy issues within the German system of power. The book presents the structure of sources of law that are binding in the area of security of nuclear installations and considers the impact that The European Atomic Energy Community had on the German constitutional system. The final part of the book is devoted to a novel judicial concept of the so called *Restrisiko* a risk that cannot be avoided which has been developed in the jurisprudence of the Federal Constitutional Court. The essence of this concept is an assumption that as long as the legal framework regulating nuclear energy fulfils conditions formulated in that judgment then each citizen has to accept risks resulting from the nuclear energy sector. Covering the entire period of commercial usage of nuclear energy for power generation this book will be of great interest to students, scholars and energy experts who are active in researching or adopting public policies related to the nuclear energy sector. The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license.

Sixty Years of European Integration and Global Power Shifts Julien Chaisse, 2020-02-06. This book focuses on a review of how sixty years of case law and regulatory activity transformed the European continent and the world. It provides a critical analysis of the key features of EU integration and how this integration is perceived internally and externally. In this context this book also explores the EU's interactions with a number of other countries and organisations with the objective of assessing the EU's role in global governance.

EU Values in Investment Law And Policy Maria Laura Marceddu, 2025-06-25. Is it possible that the EU premises of democracy and rule of law transform the global landscape of international investments? For realists this is a calculated political move an opportunity for the EU to shape the world according to the rules established in Brussels. To the most skeptical the ambition to export these values might seem too grandiose if not far fetched especially considering that the system somewhat displays these features already. Yet the more idealistic like the author of this book would find it fascinating especially given the undeniable visionary component that has permeated the EU story since its beginning. *EU Values in Investment Law And Policy* intends to carry this fire and continues to tell precisely that story of vision, ambition and influence. Inspired by premises that have aspired to become promises of democracy and rule of law the book critically examines how and how far these EU values extended their reach into international investment law and policy. While the book is not an ode to the EU there is plenty that is admirable in the EU transmission efforts and is likely to leave an imprint on the investment regime's dynamics. It is these efforts that this book unravels to explain how the international investment system deficits are turned into an opportunity for normative change. The book seeks to establish a solid analytical foundation to unpack the EU's evolving aspirations as a global leader in reimagining traditional investment rules. Through a careful critique of EU initiatives it sheds light on the fine line between innovation and dogmatism showing where the EU has genuinely re-shaped and advanced international norms and where its bold rhetoric

meets its limits For scholars practitioners and those intrigued by the intersection of law policy and global governance EU Values in Investment Law and Policy offers a captivating exploration of how a visionary Europe continues to inspire change in international investment setting the stage for a fairer and more value driven global system Handbook on East Asian Economic Integration Kimura, Fukunari,Pangestu, Mari,Thangavelu, Shandre M.,Findlay, Christopher,2021-12-09 This comprehensive Handbook provides an in depth analysis of the nature of East Asian economic integration alongside thoughtful insights into contemporary issues such as agricultural development structural transformation and East Asian trade alongside skills and human capital development policies of ASEAN Contributors also provide detailed explanations on trade poverty and Aid for Trade institutional reforms regulatory reform and measuring integration Contemporary Methods in International Legal Research Juan J Garcia Blesa,2024-12-01 This book is a concise practical guide to some of the most relevant ways of thinking and doing international legal research today It is designed to help students and early career researchers to get acquainted with the theory and practice of a selection of non doctrinal modes of legal research that include feminist international law critical international law and TWAIL complemented with qualitative methods of empirical legal research The book also encourages a meaningful dialogue with traditional doctrinal styles of legal research The book s most innovative aspect is its practical learner centred approach which focuses on the applied learning of the modes of research presented Law Beyond the State Rainer Hofmann,Stefan Kadelbach,2016-11-10 Law beyond the State brings together contributions by renowned experts on international and European Union law to celebrate the centennial of Goethe Universit t Frankfurt The essays explore Frankfurt s contribution to the development of international law the historical development of international law how this form of law can be used as a tool to improve the world and create a better future for all the essential relevance of the spiritual dimension of legal orders including the European Union to ensuring their values will be taken seriously and the possibility offered by the Internet for all persons concerned with global lawmaking to participate effectively in relevant decision making processes **Protection of Foreign Investments in an Intra-EU Context** Moskván, Dominik,2022-02-04 The Achmea judgment revolutionised intra EU investment protection by declaring intra EU bilateral investment treaties intra EU BITs incompatible with EU law This incisive book investigates whether intra EU foreign investments benefit from this alteration which discontinued the parallel applicability of intra EU BITs and EU law in the EU internal market In addition to comparative legal analysis from an investor perspective Dominik Moskván puts forward a proposal for a creation of a permanent intra EU foreign investment court to ensure a balanced economic development of the EU internal market *Intellectual Property Policy, Law and Administration in Africa* Caroline B. Ncube,2015-10-16 This book examines the harmonisation of Intellectual Property IP policy law and administration in Africa Two recent developments have brought this topic to the fore The first is the escalation of long standing efforts to establish a Pan African Intellectual Property Organisation PAIPO a continental initiative The second is the current sub regional attempt to operationalise the IP

provisions of the Southern African Development Community SADC s Protocol on Trade articles 9b and 24 and its Protocol on Science Technology and Innovation article 2m Intellectual Property Policy Law and Administration in Africa discusses the viability of such initiatives with particular reference to the current socio economic status of Africa s nations With a view to contributing to future developments in Africa at both a continental and sub regional level the author considers this issue through the lens of advancing the public interest in IP Ncube argues that harmonisation initiatives ought to be crafted in a way that is supportive of the development aspirations of African states Consequently she urges due consideration of individual states unique conditions and aspirations in any harmonisation venture a necessity outlined in article 7 of the Agreement on Trade Related Aspects of Intellectual Property Rights This book will be of great relevance to scholars and policy makers with an interest in IP law and African law in general **Handbook of Land and Water Grabs in Africa** John Anthony Allan, 2013 Four other themes will be addressed politics economics the environment and the history of land investments in sub Saharan Africa

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