

COMMENTARIES ON  
SELECTED MODEL  
INVESTMENT TREATIES

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# Commentaries On Selected Model Investment Treaties

# Commentaries On Selected Model Investment Treaties

**Anil Yilmaz Vastardis**



## **Commentaries On Selected Model Investment Treaties Commentaries On Selected Model Investment Treaties:**

Commentaries on Selected Model Investment Treaties Chester Brown, 2013-01-17 The existing literature on the substantive and procedural aspects of bilateral investment treaties BITs relies heavily on investment treaty arbitration decisions as a source of law What is missing is a comprehensive analytical review of state practice This volume fills this gap providing detailed analyses of the investment treaty policy and practice of nineteen leading capital exporting states and emerging market economies The authors are leading experts in government academia and private legal practice and their chapters are largely based on primary source materials Each chapter provides a description of the regulatory or policy framework governing foreign investment both inflows and outflows with a historical presentation of the state's Model BIT an examination of internal government processes and practices relating to treaty negotiation conclusion ratification and record keeping and a detailed article by article analytical commentary of the state's Model BIT elucidating the policy behind each provision and highlighting the ways in which the actual investment treaty practice of that state deviates from this standard text This commentary is supplemented by the case law relevant to that state's investment treaties This commentary will be of immense assistance to counsel and arbitrators engaged in arguing and determining the proper interpretation of BITs and investment chapters in Free Trade Agreements and to government officials and scholars engaged in BIT policy formulation and implementation It will serve as a standard resource for legal practitioners scholars policy makers and other stakeholders in the field of international investment policy law and arbitration

Commentaries on Selected Model Investment Treaties Chester Brown, 2013-01-17 Provides detailed article by article commentary on the Model Bilateral Investment Treaties of 19 key jurisdictions drawing on analysis of internal government policy documents and each state's investment treaty practice

Commentaries on Selected Model Investment Treaties Chester Brown, 2013

**Handbook of the International Political Economy of the Corporation** Andreas Nölke, Christian May, 2018-09-28 Over the past few decades corporations have been neglected in studies of international political economy IPE Seeking to demystify them what they are how they behave and their goals and constraints this Handbook introduces the corporation as a unit of analysis for students of IPE Providing critical discussion of their global and domestic power and highlighting the ways in which corporations interact with each other and with their socio political environment this Handbook presents a thorough and up to date overview of the main debates around the role of corporations in the global political economy

**Rethinking Investor-State Arbitration** Flavia Marisi, 2023-10-18 A significant increase in investor State arbitration cases has been observed since the 2000s The trust placed by investors and States in this method of dispute resolution stems from several strengths In addition to its neutrality one of the primary reasons for its widespread use is its adaptability enabling it to address specific challenges that have emerged in recent decades The following elements highlight this adaptability the arbitration procedure can be customised to meet the specific needs of the disputing parties and stakeholders involved It effectively responds to evolving cultural norms

and ethical considerations such as diversity gender representation corporate social responsibility environmental issues and human rights Moreover it can adapt to global health crises by facilitating online hearings Finally during times of international armed conflict economic exchanges trade investment and investor State dispute settlement foster economic integration and interdependence contributing to maintaining commercial peace and supporting international peace and security However investor State arbitration has sparked vigorous debates with many advocating for reform in three crucial aspects transparency legitimacy and consistency Multilateral negotiations are currently underway on various fronts including the negotiation of more sustainable investment treaties amendments to institutional arbitral rules the design of a multilateral investment court and the development of enhanced policy frameworks This book delves into the history of investor State dispute resolution to provide readers with an understanding of how its main features have evolved over time It examines the most intensely debated procedural issues analyses their multifaceted characteristics reviews the complex relationship between investor State arbitration and the European Union and explores potential options for addressing stakeholder concerns Shifting Paradigms in International Investment Law Steffen Hindelang, Markus Krajewski, 2016-01-21

International investment law is in transition Whereas the prevailing mindset has always been the protection of the economic interests of individual investors new developments in international investment law have brought about a paradigm shift There is now more than ever before an interest in a more inclusive transparent and public regime Shifting Paradigms in International Investment Law addresses these changes against the background of the UNCTAD framework to reform investment treaties The book analyses how the investment treaty regime has changed and how it ought to be changing to reconcile private property interests and the state's duty to regulate in the public interest In doing so the volume tracks attempts in international investment law to recalibrate itself towards a more balanced less isolated and increasingly diversified regime The individual chapters of this edited volume address the contents of investment agreements the system of dispute settlement the interrelation of investment agreements with other areas of public international law constitutional questions and new regional perspectives from Europe South Africa the Pacific Rim Region and Latin America Together they provide an invaluable resource for scholars practitioners and policymakers The individual chapters of this edited volume address the contents of investment agreements the system of dispute settlement the interrelation of investment agreements with other areas of public international law constitutional questions and new regional perspectives from Europe South Africa the Pacific Rim Region and Latin America Together they provide an invaluable resource for scholars practitioners and policymakers *The Nationality of Corporate Investors under International Investment Law* Anil Yilmaz

Vastardis, 2020-10-01 This monograph offers a detailed and distinctive analysis of corporate nationality under international investment law covering the ICSID Convention and the investment treaty framework It takes the reader back to the basics threading through the concepts of jurisdiction nationality and corporate personality to give a clear context to the discussion

of corporate nationality under international investment law at a time when international investment is dominated by multinational business enterprises operating in a globalised economy The book examines different understandings of corporate personality and nationality under a selection of jurisdictions and public international law It also offers an in depth analysis of approaches found in ICSID arbitral awards and in investment treaty practice distilling the problematic areas and discussing the impacts of the areas of concern It evaluates the techniques developed to address problems and puts forward suggestions for effective and balanced solutions to the questions of corporate nationality and personal scope of investment protection

**The Foundations of International Investment Law** Zachary Douglas, Joost Pauwelyn, Jorge E. Viñuales, 2014-05-01

International investment law is one of the fastest growing areas of international law It has led to the signing of thousands of agreements mostly in the form of investment contracts and bilateral investment treaties Also in the last two decades there has been an exponential growth in the number of disputes being resolved by investment arbitration tribunals Yet the legal principles at the basis of international investment law and arbitration remain in a state of flux Perhaps the best illustration of this phenomenon is the wide disagreement among investment tribunals on some of the core concepts underpinning the regime such as investment property regulatory powers scope of jurisdiction applicable law or the interactions with other areas of international law The purpose of this book is to revisit these conceptual foundations in order to shed light on the practice of international investment law It is an attempt to bridge the growing gap between the theory and the practice of this thriving area of international law The first part of the book focuses on the infrastructure of the investment regime or more specifically on the structural arrangements that have been developed to manage foreign investment transactions and the potential disputes arising from them The second part of the book identifies the common conceptual bases of an array of seemingly unconnected practical problems in order to clarify the main stakes and offer balanced solutions The third part addresses the main sources of regime stress as well as the main legal mechanisms available to manage such challenges to the operation of the regime Overall the book offers a thorough investigation of the conflicting theoretical positions underlying international investment law testing their worth by reference to concrete issues that have arisen in the jurisprudence It demonstrates that many of the most important practical questions arising in practice can be addressed by a carefully dosed resort to theory

*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 Concept of Investment in ICSID Arbitration* Markus Petsche, 2024-01-22 An abstract is a short description of your longer piece of work and is used as a free layer of content discoverable online An abstract should not attempt to summarise the whole work as it is also there to show readers whether or not reading further is warranted It is used to allow people searching on the internet to see that they have encountered a worthwhile hit This will encourage them to read further by clicking through to the work in full      The Regulation of the Global Water Services Market Julien Chaisse, 2017-01-26 Fragmentation in Water Policies in the Riparian ASEAN Member States      Principles of International Economic Law Matthias Herdegen, 2024-05-07 Herdegen's Principles of International Economic Law has established itself as a leading textbook in the field This fully updated third edition covers areas of growing relevance in international economic law including corporate social responsibility challenges for WTO law the impact of human rights and environmental law and cryptocurrencies      **Mega-Regional Trade Agreements** Thilo Rensmann, 2017-07-20 This book provides an in depth analysis of Mega Regionals the new generation of trans regional free trade agreements FTAs currently under negotiation and their effect on the future of international economic law The main focus centres on the EU US Transatlantic Trade and Investment Partnership TTIP the Trans Pacific Partnership TPP and the EU Canada Comprehensive Economic and Trade Agreement CETA but the findings are also applicable to similar agreements under negotiation such as the Regional Comprehensive Economic Partnership RCEP The specific features of Mega Regional Trade Agreements raise a number of issues with respect to their potential effect on the current system of international trade and investment law These include the consequences of Mega Regionals for the most favoured nation MFN principle their relation to the multilateral system of the World Trade Organization WTO their democratic legitimacy and their interaction with existing bilateral investment treaties BITs The book is intended for academics and practitioners working in the field of international economic law      China and International Investment Law Wenhua Shan, Jinyuan Su, 2014-10-30 The first volume in the Silk Road Studies in International Economic Law Series China and International Investment Law Twenty Years of ICSID Membership examines cutting edge issues of international investment law and arbitration in interaction with China the second largest economy of the world With particular attention to ongoing major negotiations of bilateral and regional investment treaties including the TPP TTIP and China's BIT negotiations with the EU and USA the collection is timely thorough and incisive All readers with an interest in the latest developments in international investment law in general and the Chinese foreign investment regime in particular will find an indispensable new resource in this collection of essays from esteemed experts in the field The volume originated from the China and ICSID International Workshop and Roundtable on International Investment Law and Arbitration organized to commemorate the 20th anniversary of China's accession to the ICSID Convention      **The Oxford Handbook of International Arbitration** Thomas Schultz, Federico Ortino, Jason Mitchenson, 2020 The Oxford Handbook of International Arbitration A team of leading experts from across academia and

practice provide an authoritative account of international arbitration Discussion ranges from the practicalities of how arbitration technically works to big picture analysis of the forces that underpin it Incorporates insights from a range of disciplines beyond law including history sociology literature and economics Book jacket

**Litigating International Law Disputes** Natalie Klein, Natalie S. Klein, 2014-04-10 This book examines why states resort to international adjudication or arbitration for the resolution of their disputes

*The Functions of International Adjudication and International Environmental Litigation* Joshua Paine, 2024-05-31 This book uses environmental disputes as a focus to develop a novel comparative analysis of the functions of international adjudication Paine focuses on three challenges confronting international tribunals managing change in applicable legal norms or relevant facts determining the appropriate standard and method of review when scrutinising State conduct for compliance with international obligations and contributing to wider processes of dispute settlement The book compares how tribunals manage these challenges across four key sites of international adjudication adjudication in the World Trade Organization and under the United Nations Convention on the Law of the Sea International Court of Justice litigation and investment treaty arbitration It shows that while international tribunals perform several key functions in the contemporary international legal order they are subject to significant constraints Paine makes a genuine addition to literature on the role of international adjudication in international law which will benefit academics practitioners and policymakers

**International Investment Treaties and Arbitration Across Asia** Julien Chaisse, Luke Nottage, 2017-12-18 International Investment Treaties and Arbitration Across Asia brings together leading academics and practitioners to examine whether and how the Asian region has or may become a significant rule maker in contemporary international investment law and dispute resolution The editors introduce FDI trends and regulations investment treaties and arbitration across Asia Authors add country studies for the ten member states of the Association of Southeast Asian Nations as well as an overview of ASEAN treaties or examine other potential middle powers Korea Australia and New Zealand collectively and the emerging big players China Japan and India Two early chapters present econometric studies of treaty impact on FDI flows in aggregate as well as for Thailand while two concluding chapters offer other normative and forward looking perspectives

*Research Handbook on Intellectual Property and Investment Law* Christophe Geiger, 2020-06-26 This innovative Research Handbook explores the complex and controversial interactions between intellectual property IP and investment law In light of recent developments at national European and international levels the chapters critically examine the legitimacy of current practices with regard to the social function of IP rights and the regulatory autonomy of States to undertake measures in the public interest

*Shareholders' Claims for Reflective Loss in International Investment Law* Lukas Vanhonnaeker, 2020-07-16 This book studies shareholders claims for reflective loss and explains why they are justified in international investment law

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### **Book Review: Unveiling the Magic of Language**

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its power to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Commentaries On Selected Model Investment Treaties Commentaries On Selected Model Investment Treaties**," compiled by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we shall delve to the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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