

Rudolf Dolzer And Christoph Schreuer Principles Of

The only book to consider the application of set-off in the context of arbitration covering the issues of applicable law and jurisdiction of the arbitral tribunal.

This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students or practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

Cassese's International Law is a new edition of an established classic. Authors Gaeta, Viuales, and Zappal have built on the legacy of international law luminary Antonio Cassese to offer a thought-provoking and lucid account for today's undergraduates and postgraduates. The authors have refreshed Cassese's original approach, ensuring the book continues to compare the traditional legal position with the developing and evolving law. Advancing areas such as the law of the sea, territorial matters, and international environmental law have been expanded to give proper place to their evolving development, while brand new chapters on international trade and foreign investment have been written to reflect the advancements of these areas. In maintaining the broad structure and approach but providing new material, the authors bring fresh context to Cassese's thinking and provide students with an up-to-date, compelling account of the landscape of international legal thinking.

A pioneering regional approach to the study of international order in Central Europe following the dissolution of the Habsburg Empire, and the subsequent creation of the League of Nations.

This book analyses the European market abuse regime contained in the Market Abuse Regulation (MAR) and related directives and regulations. Written by leading scholars in the field of capital market law from a number of European jurisdictions, the book is divided into two main parts. The first consists of chapters considering relevant issues by topic; whilst the second provides the first article-by-article commentary on the Regulation, with a detailed and technical analysis of its terms. In the first part guidance is arranged by topic and includes aspects not directly addressed by MAR such as enforcement, and the impact of US securities regulation. As well as considering the sources of market abuse regulation in general, this first part also examines its theoretical and economic framework in order to provide better understanding of the Regulation itself.

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.

This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students, scholars, and practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

In *Practicing Safe Sects F*, LeRon Shults provides scientific and philosophical resources for having “the talk” about religious reproduction: where do gods come from – and what are the costs of bearing them in our culturally pluralistic, ecologically fragile environment?

The Oxford Handbooks 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.

This book explores whether investment law should protect against such regulatory measures, including where these have the support of multilateral institutions. It considers where the line should be drawn between legitimate regulation and undue interference with investor rights and, equally importantly, who draws it.

This book addresses a growing problem in international law: overlapping claims before national and international jurisdictions. Its contribution is, first, to revisit two pillars of investment arbitration, i.e., shareholders' standing to claim for harm to the company's assets and the contract/treaty claims distinction. These two ideas advance interrelated (and questionable) notions of independence: firstly, independence of shareholder treaty rights in respect of the local company's national law rights and, secondly, independence of treaty claims in respect of national law claims. By uncritically endorsing shareholder standing in indirect claims and the distinctiveness of treaty claims, investment tribunals have overlooked substantive overlaps between contract and treaty claims. The book also proposes specific admissibility criteria. As opposed to strictly jurisdictional approaches to claim overlap, the admissibility approach allows consideration of a broader range of legal reasons, such as risks of multiple recovery and prejudice to third parties.

““Autumn wind, autumn rain, fill my heart with sorrow”—these were the last words of Qiu Jin (1875–1907), written before she was beheaded for plotting to overthrow the Qing

empire. Eventually, she would be celebrated as a Republican martyr and China's first feminist, her last words committed to memory by schoolchildren. Yet during her lifetime she was often seen as eccentric, even deviant; in her death, and still more in the forced abandonment of her remains, the authorities had wanted her to disappear into historical oblivion. *Burying Autumn* tells the story of the enduring friendship between Qiu Jin and her sworn-sisters Wu Zhiying and Xu Zihua, who braved political persecution to give her a proper burial. Formed amidst social upheaval, their bond found its most poignant expression in Wu and Xu's mourning for Qiu. The archives of this friendship—letters, poems, biographical sketches, steles, and hand-copied sutra—vividly display how these women understood the concrete experiences of modernity, how they articulated those experiences through traditional art forms, and how their artworks transformed the cultural traditions they invoked even while maintaining deep cultural roots. In enabling Qiu Jin to acquire historical significance, their friendship fulfilled its ultimate socially transformative potential."

This book asks what the legal definition of an international organization is by examining how they create particular legal systems that derive from international law, and analysing the systems of governance in these organizations.

This book is a thought-provoking and authoritative text on this fast moving field of international law.

In *General Principles of Law in Investment Arbitration*, the authors address selected general principles of law, assessing their functions in investment arbitration. The resulting picture is that of a lively source that escapes doctrinal straitjackets and maintains its relevance.

Includes bibliographical references and index.

This is a comprehensive commentary on Chinese bilateral investment treaties (BITs), which are being increasingly used in Chinese foreign investment policy. It will define BITs' role, analyse and interpret their key provisions, and discuss the future of China's investment programme.

Volume 14 of the ICSID Reports includes cases up to early 2007.

Very Short Introductions: Brilliant, Sharp, Inspiring Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. It is applicable in different forms as part of state law in countries across the Middle East, Asia, and Africa, and also has a strong influence on Muslim communities throughout the Western world. This *Very Short Introduction* provides an authoritative perspective on the evolution and nature of Islamic law. Mashood A. Baderin considers its theory, covering the history and nature of Islamic jurisprudence; its scope, covering Family Law, Inheritance Law, Financial Law, Penal Law, and International Law; and, finally, its practice. He takes into account both classical and modern scholarly perspectives in examining the various facets of Islamic law, to provide an overview of this key legal system. ABOUT THE SERIES: The *Very Short Introductions* series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

This book provides a conceptual and legal analysis of the core of investment protection guarantees that emerge from international treaties signed since 1959 for the promotion and protection of foreign investment. It focuses on both the origin and evolution of investment treaty standards. Beginning with origins, the work considers the broader context at the time when the first modern investment treaty was concluded. It goes on to examine the many decisions of ad

hoc arbitral tribunals that have since been called upon to apply these treaties in order to resolve the several hundred investor-State disputes. It also looks at some of the recent investment treaties that have attempted to clarify and/or reform the content and scope of investment protection guarantees. Federico Ortino posits that the key investment protection provisions in investment treaties, and thus much of the controversy associated with such treaties, revolve around three concepts: legal stability, investment's value, and reasonableness. He argues that, from the very beginning, the protections afforded to foreign investments by modern investment treaties have been exceptionally broad, and as such restrictive of host States' ability to regulate. And whilst a growing number of investment treaty tribunals, as well as new investment treaties, have to some extent reined in such broad protections, the evolution of key investment protection standards has been marred by inconsistency and uncertainty.

International investment law has become increasingly prominent in the international legal order, spurred on by the explosion of Bilateral Investment Treaties between States and a sharp rise in international investment disputes. This rise to prominence has however not always been matched by academic reflection on the content of procedure of international investment law and its role within general international law. This volume seeks to remedy this situation by providing careful analysis of every area of international investment law and its relationship with other legal fields. It is written in honor of one of the leading experts in the field of investment arbitration, Christoph Schreuer. The book explores specific and topical problems of international investment law and practice in a focused way. It also provides a forum for broader theoretical reflections on international investment law and its relation to general international law. The book includes chapters on jurisdictional questions, issues of procedure in investment proceedings, the relationship between investment arbitration and other forms of investment protection, problems of substantive investment law, regional aspects, interfaces between investment law and other areas of law as well as the future of the law of investment protection. Featuring contributions by many of the most prominent scholars and practitioners of investment arbitration, this work should become an indispensable tool for practitioners and academics working in the field.

Throughout his career, Michael Reisman emphasized law's function in shaping the future. In this wide-ranging collection of essays, major thinkers in the international legal field address the goals of the twenty-first century and how international law can address the needs of the world community.

International Law presents a student-focused approach to the subject; clearly written with non-native English-speaking students in mind, a range of learning features highlight the areas of debate and encourage students to engage critically with key disputes.

Based on the author's dissertation (doctoral)--University of Geneva.

This book outlines the principles behind the international law of foreign investment. The main focus is on the law governed by bilateral and multilateral investment treaties. The book traces the purpose, context and evolution of the clauses and provisions characteristic of contemporary investment treaties, and analyzes the case law interpreting the issues raised by standard clauses. Particular consideration is given to broad treaty-rules whose understanding in practice has mainly been shaped by their interpretation and application by international tribunals. In addition, the book introduces the dispute settlement mechanisms for enforcing investment law, outlining the operation of State vs. State and Investor vs. State arbitration. Combining a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals, this book offers an ideal introduction to the principles of international investment law and arbitration, for students

or practitioners new to the field.

"[This book reviews] the substantive principles of international law applied by investment arbitration tribunals, and a clear and comprehensive description of the present state of the law...The second edition is fully updated to take account of the arbitration awards rendered in the period since 2007...Key areas of coverage include: the instruments under which investment disputes arise; the legal basis of treaty arbitration; dispute resolution and parallel proceedings; who is a foreign investor, including nationality issues and foreign control; what is an investment; investors' substantive rights, including fair and equitable treatment; expropriation; compensation and remedies. Arbitration of overseas investment disputes is one of the fastest growing areas of international dispute resolution. The exponential growth of international investment in recent years has led to the signature of over two thousand Bilateral Investment Treaties (BITs) between foreign states, in addition to a wealth of multilateral treaties and other forms of concession agreements. The legal principles that have developed in this area are subject to intense debate, and are still in a state of flux. While tribunals routinely state that they are applying principles of public international law to determine disputes, many of the principles applied have only been developed recently in the context of investment treaty arbitrations, and tribunals are often guided more by the approaches taken by other tribunals, than by pre-existing doctrines of public international law."--

International investment law is a subject of growing importance and complexity. Anyone interested in international investment law will appreciate the comprehensive, thoughtful and detailed exploration of this area which this distinguished group of German scholars have provided.

Das Recht des Schutzes ausländischer Investitionen befindet sich an der Schnittstelle von Völkerrecht und Diplomatie – im Kontext einer globalisierten Wirtschaft. Es ist daher nicht überraschend, dass das Investitionsrecht im letzten Jahrzehnt grundlegende Veränderungen erfahren hat. Die exponentielle Zunahme von Schiedsgerichtsfällen hat eine Reihe komplexer rechtlicher und politischer Fragen aufgezeigt, die die Effizienz und Legitimität der Investor-Staat-Streitbeilegung (ISDS) in Frage gestellt haben. Selbst für Experten auf dem Gebiet ist es eine Herausforderung, den Überblick über die rasanten und grundlegenden Veränderungen in diesem wohl dynamischsten Gebiet des Völkerrechts zu behalten. Vor dem Hintergrund des Wandels stellt der vorliegende Band die "Evolution, Bewertung und zukünftige Entwicklungen im internationalen Investitionsrecht" dar. Weltweit führende Wissenschaftler und Praktiker beleuchten die wichtigsten Entwicklungen wie die Entwicklung des Investitionsrechts und das Verhältnis zum allgemeinen Völkerrecht, die praktische Bedeutung von Staatsverträgen, die Rolle des Investitionsschutzes im Zeitalter des Klimawandels sowie aktuelle Reformvorhaben bei ICSID und UNCITRAL. Der Band basiert auf sechs Impulsreferaten, die auf der 10-Jahres-Jubiläumskonferenz des International Investment Law Centre Cologne gehalten wurden.

This volume provides the first comprehensive analysis of international legal debates between 1955 and 1975 related to the formal decolonization process. It is during this era, couched between classic European imperialism and a new form of US-led Western hegemony, that fundamental legal debates took place over a new international legal order for a decolonised world. The book argues that this era presents in essence a

battle, a battle that was fought out in particular over the premises and principles of international law by diplomats, lawyers, and scholars. In a moment of relative weakness of European powers, 'newly independent states' and international lawyers from the South fundamentally challenged traditional Western perceptions of international legal structures engaging in fundamental controversies over a new international law. The legal outcomes of this battle have shaped the world we live in today. Contributions from a global set of authors cover contemporary debates on concepts central to the time, such as self-determination, sources and concessions, non-intervention, wars of national liberation, multinational corporations, and the law of the sea. They also discuss influential institutions, such as the United Nations, International Court of Justice, and World Bank. The volume also incorporates contemporary regional approaches to international law in the 'decolonization era' and portraits of important scholars from the Global South.

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International arbitration has developed into a global system of adjudication, dealing with disputes arising from a variety of legal relationships: between states, between private commercial actors, and between private and public entities. It operates to a large extent according to its own rules and dynamics - a transnational justice system rather independent of domestic and international law. In response to its growing importance and use by disputing parties, international arbitration has become increasingly institutionalized, professionalized, and judicialized. At the same time, it has gained significance beyond specific disputes and indeed contributes to the shaping of law. Arbitrators have therefore become not only adjudicators, but transnational lawmakers. This has raised concerns over the legitimacy of international arbitration. Practising Virtue looks at international arbitration from the 'inside', with an emphasis on its transnational character. Instead of concentrating on the national and international law governing international arbitration, it focuses on those who practice international arbitration, in order to understand how it actually works, what its sources of authority are, and what demands of legitimacy it must meet. Putting those who practice arbitration into the centre of the system of international arbitration allows us to appreciate the way in which they contribute to the development of the law they apply. This book invites eminent arbitrators to reflect on the actual practice of international arbitration, and its contribution to the transnational justice system.

The Politics of International Law offers an introduction to the role of law in

contemporary international affairs. Through a case study-driven analysis of topics such as human rights, the use of force, international environmental law, international trade law, international criminal justice and the right to self-determination, the book explains the interaction between law and politics in the world today, demonstrating that one cannot be understood without the other. The book is divided into two parts. Part I introduces contemporary international law with a focus on constitutive legal principles such as sovereignty, territorial integrity and the legal equality of states. Through these introductory chapters, students are encouraged to take a holistic view of the processes and actors that drive international affairs, and explore the fascinating paradox that while international law is largely created through political processes, it also constitutes the environment in which international politics is practiced. Part II builds on the foundations laid in Part I to analyze contemporary controversies in international law and politics. Chapters focus on a number of substantive issue areas, including international environmental law, international economic law, human rights law, self-determination and secession, the law governing the use of force, and international criminal justice. This book is written to impart on readers a deepened understanding of both the possibilities and limits of international law as a tool for structuring relations in the world. Digital Formats and Resources Also available as an e-book with functionality, navigation features, and links that offer extra learning support

International Migration Law provides a detailed and comprehensive overview of the international legal framework applicable to the movement of persons across borders. The role of international law in this field is complex, and often ambiguous: there is no single source for the international law governing migration. The current framework is scattered throughout a wide array of rules belonging to numerous fields of international law, including refugee law, human rights law, humanitarian law, labour law, trade law, maritime law, criminal law, and consular law. This textbook therefore cuts through this complexity by clearly demonstrating what the current international law is, and assessing how it operates. The book offers a unique and comprehensive mapping of this growing field of international law. It brings together and critically analyses the disparate conventional, customary, and soft law on a broad variety of issues, such as irregular migration, human trafficking, refugee protection, labour migration, non-discrimination, regional free movement schemes, and global migration governance. It also offers a particular focus on important groups of migrants, namely migrant workers, refugees, and smuggled migrants. It maps the current status of the law governing their movement, providing a thorough critical analysis of the various stands of international law which apply to them, suggesting how the law may continue to develop in the future. This book provides the perfect introduction to all aspects of migration and international law.

Addresses the most central debates in contemporary investment law and policy. This book explores the relationship between the jurisdictional immunities of states and international organizations, in an attempt to bring clarity and predictability to the law of international immunities. Embracing a holistic approach, this book charts the history, purpose, scope, competing norms, and exceptions and waivers for the jurisdictional immunities related to states and then international organizations, respectively. Finally, it focuses on the relationship between the two areas analyzing in detail the differences and commonalities between the two. The author aims to position the book to be of use

