



# ARBITRATION UNDER INTERNATIONAL INVESTMENT AGREEMENTS

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A GUIDE TO THE KEY ISSUES

KATIA YANNACA-SMALL

OXFORD

# Arbitration Under International Investment Agreements A Guide To The Key Issues

**Patrick Vollmar**



## **Arbitration Under International Investment Agreements A Guide To The Key Issues:**

**Arbitration Under International Investment Agreements** Katia Yannaca-Small, 2018 Arbitration Under International Investment Agreements describes the most important procedural and substantive aspects of investment arbitration in a practical and accessible manner Covering all procedural stages of investor state arbitration the text provides a broad overview of the key topics

**Arbitration Under International Investment Agreements** Katia Yannaca-Small, 2018 Investor state arbitration is a relatively new dispute settlement mechanism that allows foreign investors the opportunity to seek redress for damages arising out of breaches of investment related treaty obligations by the governments of host countries

**Arbitration Under International Investment Agreements** Katia Yannaca-Small, 2010 Arbitration Under International Investment Agreements A Guide to the Key Issues provides a comprehensive analysis of the main issues that arise in investor state arbitration The contributing authors take the reader through the intricacies of this procedure before analyzing the main jurisdictional and substantive issues that confront arbitrators The book concludes with a reflection on the role of precedent in investment arbitration A diverse group of renowned experts in the field provide comprehensive coverage making Arbitration Under International Investment Agreements a valuable resource for anyone working in or studying this field of law

The Interpretation of Investment Treaties Trinh Hai Yen, 2014-06-05 Within the context of an exponential proliferation of investment treaties with virtually uniform language and structure The Interpretation of Investment Treaties by Trinh Hai Yen reveals the neglect or misapplication of international rules on treaty interpretation by tribunals in arbitral cases Such practice has raised the question of the legitimacy of the interpretative process and the engendered inconsistent interpretations of investment treaties The book proposes three interpretative approaches aimed at ensuring that adjudicators find legitimate meaning in the challenging generality and vagueness of investment treaty language It also provides a comprehensive analysis of legislative solutions for states through a case study of the ASEAN Comprehensive Investment Agreement as well as a comparative analysis of modern and traditional investment treaties

International Arbitration in Practice Alicja Zielińska-Eisen, Verónica Sandler Obregón, Courtney Lotfi, 2025-03-18 International Arbitration in Practice is an indispensable and highly pragmatic book that systematically addresses the concepts underpinning international arbitration and the measures counsel arbitrator and institution may apply during proceedings It has been carefully curated to include insights and best practices based on real world experience and covers the increasing complexity of international commercial and investment arbitration by adeptly addressing arbitrations involving multiple parties or contracts those spanning multiple jurisdictions and areas of law and when and how to utilize new trends such as virtual advocacy What s in this book Providing in depth guidance throughout all phases of international arbitration a carefully selected group of established and emerging practitioners impart their knowledge in user friendly chapters covering the key elements of practice These chapters are presented in four sections counsel s role which includes chapters on written and oral advocacy

document production the use of evidence means of shaping an arbitration and how to work with and lead a team the tribunal's role which includes chapters on responding to the nomination arbitrators duties the hearing weighing evidence drafting orders and awards and correction and clarification the institution's role which includes chapters on distinctions between institutional and ad hoc arbitrations the secretariat's role appointing arbitrators advances on costs and scrutiny of arbitral awards and how arbitration is funded which includes chapters on calculating costs third party funding and attorney's fees How this will help you Practitioners and users alike will benefit from the practical presentation of all stages of international arbitration and will be able to approach any case with a full understanding of the potential procedure strategies and tactics to be employed thanks to the authors thorough consideration of the real world practicalities Editors Courtney Lotfi Alicja Zielinska Eisen and Ver nica Sandler Obreg n

**A Guide to General Principles of Law in International Investment Arbitration** Patrick Dumberry, 2020-04-20 In recent years there has been a noticeable increase in references by investor State arbitral tribunals to general principles of law as a source of law however these references have rarely been accompanied by detailed explanation This book aims to provide the actors involved in investor State arbitration with a set of comprehensive guidelines to better understand the nature meaning and function of general principles of law in the field of international investment law Applying these principles to practice the book assesses seventeen concepts and notions in the field of investment arbitration to provide counsel and arbitrators with clear guidance on what should and should not be considered a general principle of law

**Schreuer's Commentary on the ICSID Convention** Stephan W. Schill, Loretta Malintoppi, August Reinisch, Christoph H. Schreuer, Anthony Sinclair, 2022-09-14 This unique compendium offers an article by article commentary on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor State disputes it incorporates the preparatory work the Convention's text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first and second editions of this Commentary have been relied upon by numerous arbitral tribunals This third edition follows the same system and approach but extensive updates and revisions reflect the vast increase in arbitral practice since the publication of the second edition A number of novel issues that have emerged through this practice are now addressed making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention Likewise the number of contributors to and editors of the third edition has increased

*International Investment Law and the Right to Regulate* Lone Wandahl Mouyal, 2016-03-10 The book considers the ways in which the international investment law regime intersects with the human rights regime and the potential for clashes between the two legal orders Within the human rights regime states may be obligated to regulate including a duty to adopt regulation aiming at improving social standards and conditions of living for their population Yet states are increasingly confronted with the consequences of such regulation in investment disputes

where investors seek to challenge regulatory interferences for example in expropriation claims Regulatory measures may for instance interfere with the investment by imposing conditions on investors or negatively affecting the value of the investment As a consequence investors increasingly seek to challenge regulatory measures in international investment arbitration on the basis of a bilateral investment treaty This book sets out the nature and the scope of the right to regulate in current international investment law The book examines bilateral investment treaties and ICSID arbitrations looking at the indicative parameters that are granted weight in practice in expropriation claims delimiting compensable from non compensable regulation The book places the potential clash between the right to regulate and international investment law within a theoretical framework which describes the stability flexibility dilemma currently inherent within international law Lone Wandahl Mouyal goes on to set out methods which could be employed by both BIT negotiators and adjudicators of investment disputes allowing states to exercise their right to regulate while at the same time providing investors with legal certainty The book serves as a valuable tool an added perspective for academics as well as for practitioners dealing with aspects of international investment law , International Arbitration and EU Law Nikos Lavranos,Stefano Castagna,2024-08-06 In this substantially revised and updated second edition this work examines the intersection of EU law and international arbitration based on the experience of leading practitioners in both commercial and investment treaty arbitration law It expertly illustrates the depth and breadth of EU law s impact on party autonomy and on the margin of appreciation available to arbitral tribunals This second edition covers all relevant new developments in law and practice and tracks the ever increasing influence of EU law and the jurisprudence of the Court of Justice of the EU CJEU in international arbitration

**Cambridge Compendium of International Commercial and Investment Arbitration** Stefan Kröll,Andrea K. Bjorklund,Franco Ferrari,2023-03-02 The Compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration Each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental issues underlying the various topics rather than on the solutions adopted in any particular jurisdiction thus making the Compendium a truly cross border transnational resource This innovative approach will allow readers to identify the commonalities as well as the differences between commercial and investment arbitration whether and where cross fertilization has taken place and what consequences it can have This approach allows the Compendium to be a tool in promoting the creation of a culture of international arbitration that considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each ASEAN and the Reform of Investor-State Dispute Settlement Calamita, Nicolas J.,Giannakopoulos, Charalampos,2022-07-19 The reform of Investor State Dispute Settlement ISDS is a subject of ongoing debate in international institutions yet an ASEAN perspective on the subject has been largely absent to date This book addresses that gap by presenting analysing and assessing ISDS reform from an ASEAN perspective taking into account the

experience needs and concerns of ASEAN as a community and of its member states      Private Actors in International Investment Law Katia Fach Gómez, 2021-01-25 This book presents the first critical review of the less frequently addressed stakeholders in international investment law Focusing on private actors including but not limited to lawyers experts funders civil society the media and scholars the book highlights the variety of actors that help shape international investment law and demonstrates how best to manage their interactions in order to achieve synergies and enhance the legitimacy of this pluralistic field      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      **Proportionality and Deference in Investor-State Arbitration** Caroline Henckels, 2015-10-15 Caroline Henckels examines how investment tribunals should balance competing state and investor interests in determining state liability in regulatory disputes      *International Investor Obligations* Patrick Abel, 2022-11-24 Das internationale Investitionsschutzrecht steht seit Jahren in der Kritik Genie en Investoren internationale Rechte ohne korrespondierende Verantwortlichkeit Dieses Buch stellt diese Sicht infrage Vielmehr lassen sich der Vertrags und Schiedspraxis bereits heute Investorenpflichten entnehmen die das Buch normtheoretisch als direkte und indirekte Pflichten erschlie t Diese verpflichten Investoren etwa auf Menschenrechte und Umweltschutz Sie sind potentiell geeignet das Rechtsgebiet verst rkt auf das Ziel nachhaltiger Entwicklung auszurichten und Investorenverhalten international zu regulieren Das Buch stellt diese Entwicklung in den allgemeineren Kontext der seit 1945 stattfindenden Individualisierung des V lkerrechts      **Investment Arbitration and International Climate Change Law** Thomas Lehmann, 2025-04-23 Climate change policies are triggering an increasing number of investment disputes even as political concern grows that international investment treaties may impede climate change action This indispensable book presents the first in depth analysis of the nexus of international climate change law ICCL with investors legitimate expectations offering practical ways to integrate ICCL in the resolution of energy investment disputes Drawing on forty two publicly available arbitral awards and on state of the art doctrinal research the author provides compelling new insights on the following energy sector s predominance in investment disputes doctrinal debates on fair and equitable treatment scope of energy investors legitimate expectations and ways to bridge divergent views legal compatibility of ICCL with international investment law impact of ICCL on energy investors legitimate expectations Energy Charter Treaty reform and whether it supports net zero objectives and investment arbitration as an instrument to enforce climate change commitments An invaluable annex presents details of a range of energy disputes and awards including decisions on legitimate expectations investor due diligence and climate change This timely work provides key insights for arbitration practitioners and

policymakers on the interplay between investment protection and climate change The ordered structure of its presentation will be of immeasurable value to energy investors and their counsel government officials arbitrators and scholars      **A New Global Economic Order** ,2021-11-22 A New Global Economic Order New Challenges to International Trade Law examines the dislocating effects of the policies implemented by the Trump Administration on the global economic order Leading scholars and practitioners of international economic law come together to defend multilateralism against unilateralism and populism Further the book analyzes the current US Administration s new national recovery blueprint on how to draw a line of demarcation from previous policies Edited by Chia Jui Cheng the collection offers a compelling new strategy for defending a multilateral international economic order which preserves the public good international peace and prosperity and shapes a new global economic order leading to a new community of the common destiny of mankind      **Research Handbook on Environment and Investment Law** Kate Miles,2019 The Research Handbook on Environment and Investment Law examines one of the most dynamic areas of international law the interaction between international investment law and environmental law and policy The Research Handbook takes a thematic approach analysing key issues in the environment investment nexus such as freshwater resources climate biodiversity biotechnology and sustainable development It also includes sections which explore regional experiences and address practice and procedure and offers innovative approaches and critical perspectives including the interface between foreign investment and the environment with human rights gender indigenous peoples and economics      **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

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