

OXFORD

PRINCIPLES OF  
INTERNATIONAL  
INVESTMENT LAW

THIRD EDITION

RUDOLF DOLZER, URSULA KRITZINGER  
AND CHRISTOPH SCHREIER

# Principles Of International Investment Law

**Talkmore Chidede**



## **Principles Of International Investment Law:**

*Principles of International Investment Law* Rudolf Dolzer (jurist), Christoph Schreuer, 2012-11-15 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

*Principles of International Investment Law* Rudolf Dolzer, Christoph Schreuer, 2008 Introducing the fundamentals of international investment law and dispute settlement for students or practitioners new to the field this work 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

**Principles of International Investment Law** Justin Felbinger, 2025-08-25 International Investment Law is a complex and evolving field of law that governs foreign direct investment FDI and protects the rights of investors across international borders It is primarily structured around bilateral investment treaties BITs multilateral agreements and various international arbitration mechanisms such as those provided by the International Centre for Settlement of Investment Disputes ICSID The primary goal of international investment law is to create a stable predictable and secure environment for investors fostering cross border economic activities It aims to balance the interests of investors and host states ensuring that investments are protected from unjust expropriation unfair treatment and discrimination while allowing host states to regulate in the public interest such as in matters of health environment and public welfare Key principles include national treatment most favored nation treatment fair and equitable treatment and full protection and security Dispute resolution is a critical component often handled through arbitration rather than domestic courts providing an impartial forum for resolving conflicts between investors and states This book attempts to understand the critical aspects that fall under the discipline of international investment law and how such aspects have practical applications It is compiled in such a manner that it will provide in depth knowledge about the theory and practice of international investment law This textbook will serve as a reference to a broad spectrum of readers

**International Investment Law** Surya P Subedi, 2020-06-11 This book goes beyond stating what the law is and focuses on controversies occurring within this area of the law an excellent introduction to this complex area of international law for newcomers to the subject Kate Miles Australian International Law Journal The updated edition of this acclaimed book offers a critical overview of the law of foreign investment incorporating a thorough analysis of the principles and standards of treatment available to foreign investors in international law It is authoritative and multi layered offering an analysis of the key issues and an insightful assessment of recent trends in the case law from both developed and developing country perspectives A major feature of the book is that it deals with the tension between the law of foreign investment and other competing principles of international law In doing so it proposes ways of achieving a balance between these principles and the need to protect the legitimate rights and expectations of foreign investors on the one hand and the need not to

restrict unduly the right of host governments to implement their public policy on the other including the protection of the environment and human rights and the promotion of social and economic justice within the host country Many of the pioneering ideas that were advanced in the first edition of this book in 2008 have been taken up by governments and international organisations in their attempts to reform the investor State dispute settlement mechanism and strike a balance between different competing principles in developing international investment law Accordingly this fourth edition captures the essence of the ongoing multiple reform processes either planned or envisaged currently underway

*International Investment Law. The Sources of Rights and Obligations* Tarcisio Gazzini, Eric De Brabandere, 2012-08-22 Drawing on State practice arbitral awards and national decisions this book provides a systematic study of the sources of rights and obligations in the field of transnational investment and their coordination and interaction

*An Introduction to International Investment Law* David Collins, 2016-10-06 This insightful and accessible introduction provides students and practitioners with a comprehensive overview of the increasingly important discipline of international investment law Focusing primarily on the legal principles contained in the growing body of international investment agreements this book covers the core concepts of the discipline with attention given to their relation to each other and to the manner in which they have been developed through arbitration case law The context of each legal principle is explored along with a consideration of some of the major debates and emerging criticisms Avoiding extensive case extracts this book adopts an engaging and succinct narrative style which allows readers to advance their understanding of the topic while examining the legal principles with academic rigour and discerning commentary

**International Investment Law in the Commonwealth Caribbean** Jason Haynes, 2026-03-26 This textbook provides the first comprehensive pedagogical treatment of international investment law from a Caribbean perspective addressing a critical gap in legal education resources International Investment Law in the Commonwealth Caribbean employs rigorous doctrinal analysis that places Caribbean experiences at its centre while also building readers analytical capabilities for engaging with complex issues in international economic law The book is unique in showing how investment law operates in small island developing state contexts making abstract legal concepts accessible through analysis of Caribbean case law while also developing critical thinking skills Each chapter integrates traditional black letter law instruction with critical analysis drawing on Third World Approaches to International Law TWAIL and post colonial theory thereby preparing readers to evaluate competing perspectives on investor protection state sovereignty and developmental needs Unlike existing investment law textbooks that marginalize developing country experiences this textbook examines Caribbean states encounters with international investment arbitration The book analyses landmark cases including *RSM Production v Grenada* *Peter Allard v Barbados* and *Michael Lee Chin v Dominican Republic* illustrating fundamental legal principles while exposing structural inequalities in contemporary investment governance International Investment Law in the Commonwealth Caribbean will be essential reading for all students of Caribbean law and international economic law

**Principles of International Trade and Investment Law** Mitchell, Andrew D., Sheargold, Elizabeth, 2021-09-21 This essential book discusses a wide range of important legal principles such as procedural fairness and reasonableness in the context of international trade and investment law Using comparative methodology the authors examine how those principles are reflected in treaties and how they are employed by adjudicators resolving disputes *International Investment Law in Context* August Reinisch, Christina Knahr, 2008 In the last decade international investment law has developed into one of the core areas of international law The reason for this development is twofold The number of cases has increased rapidly The International Centre for Settlement of Investment Disputes has over a hundred pending cases and there are more before ad hoc tribunals mostly operating under the United Nations Commission on International Trade Law Rules In addition investment law has addressed a number of novel issues while also coming up with some innovative solutions This book brings together the papers delivered at the Young Scholars Conference in International Economic Law which was held at the University of Vienna Law School in June 2007 Under the general topic of Current Issues and Developments in International Investment Law the speakers addressed core issues like the definition of investment legitimate expectations of investors and the meaning and importance of references to domestic law included in many Bilateral Investment Treaties Also discussed were topics like the role of investment law in the context of the European Union and its relation to cultural matters human rights and other non investment issues As international investment law is becoming more and more significant a book such as this dedicated to the latest developments in the field will be of utmost importance to anyone interested in this area of law

**Principles of International Investment Law** Valeriy Lisitsa, 2014 In his monograph the author attempts to identify and disclose the principles of contemporary international investment law which are based on the provisions of multilateral and bilateral treaties and other sources of international and national law In particular the conditions and procedure for expropriation are specified It is proved to use one general term expropriation in the legislation of the Russian Federation which includes diverse forms of forced taking of foreign property and entails not only the formal termination of ownership of a foreign investor but also the impossibility of exercising property rights of the owner In order to create uniformity in the interpretation and application of law on expropriation by state courts and international commercial arbitrations it is proposed to provide the exhaustive list of actions of a host state which are not recognized as expropriation as well as to limit in some cases the amount of compensation for damage to a foreign investor due to necessity of maintenance of balance of interests of the foreign investor and the host state Two different types of legal means to ensure the stability of legal conditions for investment activity are analyzed They are the guarantee against unfavorable changes in legislation grandfather s clause and amendments to a contract due to the changes in legislation the stabilization clause which have a different legal nature It is shown that the grandfather s clause is based on the action of legal acts during the time whereas the stabilization clause is related to a contract As a result the scope of the grandfather s clause is broader and includes not only contractual civil but

also public law relationships According to the examination of norms of international and national investment law a set of legal proposals for the improvement of the legal regulation of investment activity is made

**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

**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 The Legal Protection of Foreign Investments Against Political Risk Thomas Nektarios Papanastasiou, 2015-08-19 The Legal Protection of Foreign Investments Against Political Risk examines how political risks associated with foreign direct investment in the energy sector are managed or mitigated and suggests new ways to deal with the possibility of such risk It applies its analysis using case studies and international law and examining actual contracts to the specific context of foreign investment in five Asian countries power infrastructure projects Legal protection of foreign investments against political risk has been a problem for a long time Professor Papanastasiou's book brilliantly balances the legitimate regulatory power of host states with legitimate business interests of foreign investors by presenting a neatly designed multi layered legal framework for political risk management This is an important contribution to both the study of international investment law and the practice of foreign investment business transactions Junji Nakagawa Professor of International Economic Law Institute of Social Science University of Tokyo Author International Harmonization of Economic Regulation Oxford University Press 2011 This book is an impressive and important entry into the field of international investment law scholarship While maintaining a focus on the important Japanese and Asian regions it also provides a general and up to date coverage of relevant international investment law and political risk considerations faced by multinational corporations It is impressively concise yet thorough it is practical yet takes into account relevant and recent legal scholarship it is well written and organized The ultimate goal is to help foreign investors and their advisors understand the current international investment law framework and climate to enable them to devise strategies to help their clients reduce political risk and to protect their clients property rights and investments This work should be of interest to in house counsel and international law practitioners as well as to law students and scholars for its coverage of current international investment law standards scholarship and practices N Stephan Kinsella Attorney Houston Texas Co author International Investment Political Risk and Dispute Resolution OUP 2005 This study contributes insightfully to the literature on international economics and in particular on the laws protecting foreign investment The book is unique in two ways First it analyzes and measures the impact of such multi tier legal frameworks as FTAs investment contracts FDI regulations and insurance by combining legal interpretative tools and scoring techniques Second it adds a new narrative on how Japanese business can use law to secure investments from political risks in the energy sector of foreign countries Shujiro Urata Professor of International Economics Graduate School of Asian Pacific Studies Waseda University Co editor Economic Consequences of Globalization Evidence from East Asia Routledge 2012

**International Investment Law: A Changing Landscape** Organisation for Economic Co-operation and Development, 2005-09-23 This publication contains four papers detailing studies developed to support the OECD Investment Committee work programme on legal and policy aspects of international investment agreements Topics discussed include the role of transparency and third party participation in investor state dispute settlement procedures provisions in investor state arbitration and the provision for most favoured nation treatment in investment agreements

**General Principles of Law and International Investment Arbitration** Andrea Gattini, Attila Tanzi, Filippo Fontanelli, 2018-05-29 General Principles of Law in Investment Arbitration surveys the function of general principles in the field of international investment law particularly in investment arbitration The authors analysis provides a representative case study of how this informal source operates alongside and in the absence of other sources of applicable law The contributions are divided into two parts devoted respectively to substantive principles and procedural ones The principles discussed in the book are selected for their currency in the practice their contested nature and their relevance

**International Investment Law** Krista Nadakavukaren Schefer, 2020-02-28 This up to date and revised third edition offers a clear and comprehensive overview aimed at upper level undergraduate and postgraduate courses on international investment law Key features and benefits include concise descriptions of legal principles followed by classic and contemporary cases extracts from and analysis of key recent decisions revised investment treaty texts and new court system proposals detailed discussion notes and all new Questions to an Expert to enable classroom discussion and facilitate critical reflection

International Investment Arbitration Campbell McLachlan, Laurence Shore, Matthew Weiniger, 2007-06-28 Arbitration of international investment disputes is one of the fastest growing areas of international dispute resolution However the legal principles that have developed in the area are in a state of flux and subject to intense debate In practice tribunals are often guided more by the approaches taken by other tribunals than by pre existing doctrines of public international law This major new work provides the first modern detailed analytical survey of the developing substantive principles of international law which are being applied to disputes by international investment tribunals It considers the key questions that arise and provides a clear description of the present state of the law as reflected in tribunal practice

UCLA Journal of International Law and Foreign Affairs , 2016

Legal Protection of Foreign Direct Investment. A Critical Assessment with Focus on South Africa and Zimbabwe Talkmore Chidede, 2016-09 This study undertakes a critical assessment of the legal protection of foreign direct investments FDI in South Africa and Zimbabwe by determining their compliance with the international minimum standards norms and or best practices on the legal protection of FDI by host states Firstly the study argues that foreign investment is much needed in South Africa and Zimbabwe to improve economic growth and development to create jobs and to increase their competitiveness However these benefits are not accrued automatically but rather host states need to create an enabling environment to receive such benefits Thus host states need to put an investment scheme into operation to

guarantee the legal protection of foreign investments South Africa and Zimbabwe have at large crafted and implemented investment laws and related policies which tend to be hostile towards foreign investments Therefore similar investment laws and related policies in both jurisdictions are analysed This study will also offer recommendations for a legal investment which is not only flexible friendly and favourable to foreign investment in South Africa and Zimbabwe but also advances their local economic policies

**International Investment Law** Arnaud de Nanteuil, 2020-02-28 This comprehensive book provides a complete overview of the international legal system of foreign investment protection synthesising material from treaties general international law contracts and case law to demonstrate a coherent system of investment protection Through this systematic approach the book considers all aspects of the discipline providing a thorough and accessible analysis

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