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F7D - JUAREZ GAGE

Nowadays, the international legal framework for regulating the right to take foreign property is largely contained in international investment agreements (IIAs).

International Investment Law and the Right to Regulate: A

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Human Rights in International Investment Law: Where to

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About International Investment Law. The wealth of experience he brings to the task enables him to develop unique insights into the interplay between the law, economics and politics of foreign investment, making this book essential reading for students, scholars, practitioners and diplomats interested in the contemporary law of foreign investment.

"INDIRECT EXPROPRIATION" AND THE "RIGHT TO REGULATE" IN INTERNATIONAL INVESTMENT LAW Introduction It is a well recognised rule in international law that the property of aliens cannot be taken, whether for public purposes or not, without adequate compensation. Two decades ago, the disputes

the right to regulate, in order to offer an appraisal and a reference tool for treaty-makers, thus contributing to a better understanding of the concept and the broader discourse on how to enhance the investment law system's legitimacy. The author works on issues in international investment law and inter-national arbitration.

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.

The Right to Regulate in International Investment Law and

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Definition and Nature of Investment Law

The Role of Human Rights in International Investment Law in international human rights law and investment law should therefore recognize the important contribution that human rights law can provide to the development and understanding of international investment law. II. A COMMON BACKGROUND Human rights and investment protection had much in common at their origin.

Expropriation in International Investment Law ...

Human Rights and International Investment Law by Eric De ...

International investment law: section D 6 'Traditional principles of customary international law relating to investments revolve around the law of state responsibility for injury to aliens and alien property. According to this doctrine, which was developed in the nineteenth century, host states are enjoined by

In international investment law, this rule has in large part been dispensed with, as states conclude investment treaties and chapters under which they give advance consent to international arbitration with foreign investors—a practice that was understood to mean that the

Exhaustion of Local Remedies in International Investment Law

The Right of States to Regulate in International Investment Law addresses the balance between the host state's right to regulate and the investor's right to obtain a fair and equitable treatment (FET) standard under international investment law. Due to the recent ongoing expansion of public interest issues worldwide, the state's right to regulate has been recaptured as a prominent concept in international investment law.

I argue that it is possible to conceptualise the right to regulate in

international investment law in two ways: first, in its default understanding, the right to regulate means that the State has a Hohfeldian legal power, and hence, provides the State with a prima facie justification for actions taken; second, the right to regulate is a Hohfeldian immunity, meaning that the State is either fully justified or excused for acting in a certain way.

International Investment Law The Right

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International Investment Law and the Right to Regulate: A ...

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The Right of States to Regulate and International ...

More broadly, investment tribunals have considered a range of human rights issues in determining investment treaty claims, including indigenous rights (*Glamis Gold Ltd v USA*), arbitrary arrest and detention (*Biloune v Ghana*), the right to access the courts (*Mondev v USA*) and migrant rights (*Channel Tunnel v France and the UK*), among many others.

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The Right to Regulate in International Investment Law and ...

When such clause is added in an investment agreement, the essentially domestic law obligations of the foreign investor are somehow 'internationalized' in the sense that the non-respect of the obligations in respect of human rights under domestic law may - depending on the precise formulation of the treaty - impact the admissibility of claims based on the treaty, or the existence, for the purposes of the treaty, of a covered investment.

Human Rights and International Investment Law by Eric De ...

1. Customary international law The right to grant and withdraw nationality of natural persons remains part of the sovereign domain. The question before tribunals has been whether and to what extent a state can refuse to recognise the nationality of a claimant. International law practice on questions of nationality has developed primarily

International Investment Law - Understanding Concepts and ...

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International investment law - University of London

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