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THE WTO AND INTERNATIONAL INVESTMENT LAW

Converging Systems

Jürgen Kurtz

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International Economic Law and Governance Julien Chaisse, Tsai-yu Lin, 2016-08-11 Nation states have long and successfully claimed to be the proper and sovereign forum for determining a country's international economic policies. Increasingly, however, supranational and non-governmental actors are moving to the front of the stage. New forms of multilateral and global policy making have emerged, including states and national administrations, key international organizations, international conferences, multinational enterprises, and a wide range of transnational pressure groups and NGOs that all claim their share in exercising power and influence on international and domestic policy making. In honour of Professor Mitsuo Matsushita's intellectual contributions to the field of international economic law, this volume reflects on the current state and the future of international economic law. The book addresses a broad spectrum of themes in contemporary international economic regulations and focuses specifically on the significant areas of Professor Matsushita's scholarship, including the rise of the soft law mechanism in international economic regulation, the role of the WTO and dispute settlement, and specific areas such as competition, subsidies, anti-dumping, intellectual property, and natural resources. Part one of the volume provides a comprehensive and critical analysis of the rule-based international dispute settlement mechanisms. Part two investigates the normative influences to and from WTO law, and Part three focuses on policy and law-making issues.

Converging Divergences Sungjoon Cho, Jürgen Kurtz, 2015 This Article observes that the recent jurisprudence between international trade and investment law is converging in a way which the free market value and public interests are duly reconciled. The Article contends that such jurisprudential convergence is structurally preordained yet historically manifested. It is structurally preordained in the sense that commerce is inherently embedded in its surrounding social environment. It is historically manifested in the sense that both regimes, despite their unique past, nonetheless featured a common ontogenetic path reflecting the embeddedness. The Article eventually crystalizes the convergence thesis into a common law which is justifiable on both constitutional and practical grounds. *The*

Multilateralization of International Investment Law Stephan W. Schill, 2009-08-20 The book argues that international investment law is a structured body of law based on uniform principles of investment protection

Reconceptualizing International Investment Law from the Global South Fabio Morosini, Michelle Ratton Sanchez Badin, 2017-10-26 This book shows how the current reform in investment regulation is part of a broader attempt to transform the international economic order Countries in the North and South are currently rethinking how economic order should be constituted in order to advance their national interests and preferred economic orientation While some countries in the North seek to create alternative institutional spaces in order to promote neoliberal policies more effectively some countries in the South are increasingly skeptical of this version of economic order and are experimenting with alternative versions of legal ordering that do not always sit well with mainstream versions promoted by the North While we recognize that there are differences in approaches to the investment regimes proposed by countries in the South we identify commonalities that could function as the founding pillars of an alternative economic order

Transforming World Trade and Investment Law for Sustainable Development Ernst-Ulrich Petersmann, 2022 This book explains why the 2030 UN Sustainable Development Agenda for Transforming our World including 17 agreed sustainable development goals requires transforming the UN and WTO legal systems as well as international investment law and adjudication

Prospects in International Investment Law and Policy Roberto Echandi, Pierre Sauvé, 2013-04-18 The negotiation of a patchy but burgeoning network of international investment agreements and the increasing use to which they are put is generating a growing body of jurisprudence which while still evolving requires closer analytical scrutiny Drawing on many of the most distinguished voices in investment law and policy and offering novel multidisciplinary perspectives on the rapidly evolving landscape shaping international investment activity and treaty making this book explores the most important economic legal and policy challenges in contemporary international investment law and policy It also examines the systemic implications flowing from frenetic recent judicial activism in investment matters and advances several innovative propositions for how best to promote greater overall coherence in rule design treaty use and policy making and thus offer a better balance between the rights and obligations of international investors and host states

Redefining Sovereignty in International Economic Law Wenhua Shan, Penelope Simons, Dalvinder Singh, 2008-04-21 The concept of state sovereignty is increasingly challenged by a proliferation of international economic instruments and major international economic institutions States from both the south and north are re examining and debating the extent to which they should cede control over their economic and social policies to achieve global economic efficiency in an interdependent world International lawyers are seriously rethinking the subject of state sovereignty in relation to the operation of the main international economic institutions namely the WTO the World Bank and the International Monetary Fund IMF The contributions in this volume bringing together leading scholars from the developed and developing worlds take up the challenge of debating the meaning of sovereignty and the impact of international

economic law on state sovereignty The first part looks at the issues from the perspectives of general international law international economic law and legal theory Part two discusses the impact of trade liberalisation on the sovereignty of both industrialised and developing states and Part three concentrates on the challenge to state sovereignty created by the proliferation of investment treaties and the significant recent growth of investment treaty based arbitration cases Part four focuses on the domestic and international effects of international financial intermediaries and markets Part five explores the tensions and intersections between the international regulation of trade and investment international human rights and state sovereignty *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

International Trade and Investment Law Leal-Arcas, Rafael, 2010-05-28 This timely book examines international trade and investment law at various levels of governance including unilateral bilateral regional and multilateral arrangements

The Multilateralization of International Investment Law Stephan W. Schill, 2009 The book argues that international investment law is a structured body of law based on uniform principles of investment protection [An Introduction to International Investment Law](#) David Collins, 2023-02-09 Concise introduction to the dynamic field of international investment law which sets out the key legal concepts and engages with current debates *Regulatory Space in International Trade Law and International Investment Law* Markus Wagner, 2019 Domestic regulatory decisions involving matters of human health or the environment are increasingly coming under scrutiny by international courts and tribunals One of the latest examples concerns an Australian law that mandates the plain packaging of cigarettes and which is being challenged in international investment law and international trade law Both of these fields are closely related yet despite the use of similar rules differ in important respects This article analyzes the extent of the regulatory space that is afforded to states and WTO members in the international investment and international trade regimes It does so by comparing the jurisprudence of investment tribunals regarding regulatory expropriations and the jurisprudence of the WTO dispute settlement organs in cases concerning human animal and plant life or health as well as international standards The article suggests that international investment law and international trade law offer insights for one another But it also finds that international trade law has been more adept at incorporating concerns such as human health or the environment as a countervailing force to the prevailing paradigm of trade liberalization International investment law is currently undergoing a similar discourse that has shaped international trade law shortly after the inception of the WTO in 1995 That discussion is carried out on the basis of different text and context a different set of institutions and different epistemic communities Despite these differences there are growing signs of convergence of how much regulatory space is afforded in international trade and investment law respectively

Principles of International Trade and Investment Law Andrew D. Mitchell, Elizabeth Sheargold, 2021-09-28 This

carefully crafted 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 Contributing to a growing and important body of scholarship Principles of International Trade and Investment Law provides critical analysis of important topics in international economic law including cross border data transfers and prudential regulation By identifying commonalities and divergences in how the two regimes treat key legal concepts such as necessity testing and non discrimination the book provides insight into international trade and investment law while also furthering our understanding of the broader fields of international economic law and public international law Examining how these key principles are interpreted and used in international economic law this book will be welcomed by academics and practitioners interested in international investment and trade law as well as researchers in the international public law field **Principles of**

International Investment Law Rudolf Dolzer, Christoph Schreuer, 2012-11-15 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 It traces the purpose context and evolution of the clauses and provisions characteristic of contemporary investment treaties and analyses 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 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 alike The Development of World Trade Organization Law Gregory Messenger, 2016 As one of the pillars of economic globalisation the WTO is at the heart of a complex network of rules and institutions This volume analyses WTO law in light of the influence of globalised actors identifying causal language as an indispensable component in understanding the development of WTO law

Investment & Competition in International Policy Ahmad Masa'deh, 2003 Protecting Investment in Services Martín Molinuevo, 2011-12-05 This is the first book to tackle investment law and trade law jointly and to compare the principles rules and dispute settlement mechanisms of investment agreements with the multilateral framework of the WTO GATS Among the many invaluable questions the book addresses are the following What are the substantive rules that apply to investment in services under investment agreements and the GATS How do these disciplines differ Which offers the best protection for investors in services and do they affect the governments policymaking capacity Who can gain access to investor State arbitration and WTO dispute settlement The in depth analysis supported by an extensive review of existent jurisprudence provides a thorough explanation of treaty standards like most favoured nation national treatment fair and equitable

treatment domestic regulation and transparency as well as procedural rules on access to the dispute settlement mechanisms and enforcement procedures 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 Boundaries of Investment Arbitration José E. Alvarez, 2018

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