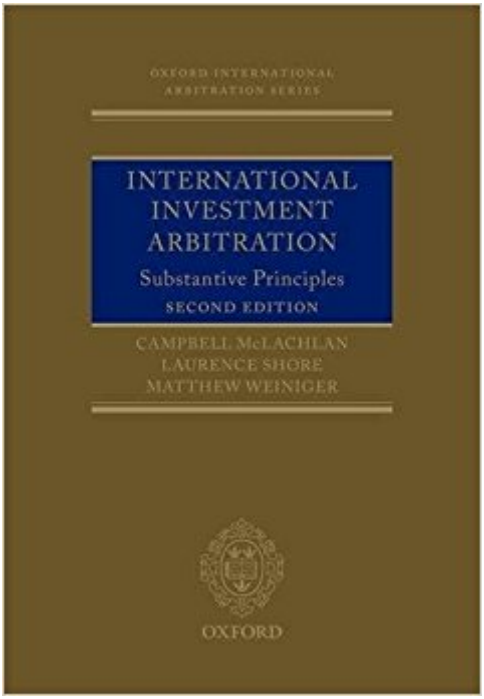
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International Investment Arbitration: Substantive Principles (Oxford International Arbitration Series)



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Synopsis

This is the long-awaited second edition of this widely-referenced work on the substantive law principles of investment treaty arbitration. It forms a detailed critical review of 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 first edition met with immediate success as a result of the authors' achievement in describing and analyzing the volume of law created, applied and analyzed by tribunals. The second edition is fully updated to take account of the arbitration awards rendered in the period since 2007. Written by an internationally recognized author team, it is now the most comprehensive and up to date work in its field and no practitioner or academic can afford to be without it.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 Arbitration:Substantive Principles is an important contribution to the collection and codification of the current state of practice in this field.

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Customer Reviews

"There’s certainly no doubt that the book excels as a research resource. Note the extensive footnoting and check out the eight-page bibliography listing books, reports and articles. And luckily for practitioners and scholars, the book is logically structured and easily navigable." - Phillip Taylor, MBE, The Barrister

Campbell McLachlan, Professor of Law, Victoria University of Wellington and an Associate Member of Essex Court Chambers, London and Bankside Chambers, Auckland & Singapore, Laurence Shore, Partner, Herbert Smith, and Matthew Weiniger, Partner, Linklaters, and Professor of Arbitration at Queen Mary University of London.Campbell McLachlan QC is Professor at Law at Victoria University of Wellington, specializing in Public and Private International Law. He is also an Associate Member of Essex Court Chambers, London and Bankside Chambers, Auckland & Singapore. Educated at Victoria (LL.B (Hons), 1984), and at the University of London (Ph D (1988)), he holds the Diploma cum laude of the Hague Academy of International Law (1985). Until his return to New Zealand in 2003, Campbell was in practice in London, where he was a partner in the international law firm Herbert Smith. He led the firm’s International Law Practice Group, and conducted many cases involving sovereign states. He has been Rapporteur of the International Law Association Committee on International Civil and Commercial Litigation (1992-2002) and Chair of the IBA International Litigation Committee (2001-2003). In 2005, he was invited to become an editor of the 14th edition of Dicey and Morris on the Conflict of Laws, with special responsibility for arbitration and foreign currency obligations.Laurence Shore specializes in international commercial arbitration and litigation. He has practiced at the U.S. State Department and the Washington D.C. law firm Williams & Connolly, appearing as advocate in cases before the U.S. Federal, State and Administrative Courts. He has acted as advocate in significant arbitrations under, for example, the UNCITRAL, ICC, and AAA Rules. Laurence has advised on matters of public and private international law, and United States law. His experience in London and the US has enabled him to act successfully in matters such as Hague Convention Letter of Request proceedings in England,

arising out of US tobacco litigation.Matthew Weiniger is a solicitor advocate who specializes in international arbitration and public and private international law. He acts and advises in international cases across all major industries. He has extensive experience as an advocate in arbitration cases. Many of his cases involve governments. He has worked under all the major arbitration systems including the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), International Centre for Settlement of Investment Disputes (ICSID), Stockholm Chamber of Commerce (SCC) and the United Nations Commission on International Trade Law (UNCITRAL) Rules. He also has advised energy companies and governments on the public international law aspects of transnational infrastructure projects. Matthew lectures on arbitration and public international law, and is a visiting professorial fellow at the Centre for Commercial Law Studies, Queen Mary, University of London.

OF INTEREST TO INTERNATIONAL LAWYERS AND ARBITRATORS:THE LATEST ARBITATION TITLE FROM OUP -- NOW IN A NEW SECOND EDITIONAn appreciation by Elizabeth Taylor of Richmond Green Chambers and Phillip Taylor MBE, Head of Chambersand Reviews Editor, ÃƒÂ¢Ã â ¬Ã Å“The BarristerÃƒÂ¢Ã â ¬Ã Â•Ten years ago, the first edition of this book was the first volume published as part of the then new Oxford Arbitration Series from the Oxford University Press under the editorship of Loukas Mistrelis.Ten years later, what has come to regarded as the authoritative, if not the definitive legal text on international investment arbitration, has been published in a new edition researched and written collaboratively by the three expert authors, each an authority in specific aspects of this rapidly developing field. It is interesting, not to mention reassuring, that they hail respectively from Herbert Smith, Linklaters and Victoria University of Wellington Law School which provided a helpful research grant.They are keen to point out that in 2008, the first edition of this text was described by the judges of the JF Northey Memorial Book Award as ÃƒÂ¢Ã â ¬Ã Ëœa lucidly written textÃƒÂ¢Ã â ¬Ã Â| that will undoubtedly attain international standing.ÃƒÂ¢Ã â ¬Ã â„¢ Well, it certainly is, you might say ÃƒÂ¢Ã â ¬Ã â œ and it certainly has ÃƒÂ¢Ã â ¬Ã â œ and the changes made to this new edition offer ample evidence of the speed at which investment arbitration has developed over the last decade, during which time, say the authors, a whole new field of scholarship has emerged.What the book aims to do is to provide ÃƒÂ¢Ã â ¬Ã Ëœa dispassionate analysis of the key substantive principles applicable in investment arbitrationÃƒÂ¢Ã â ¬Ã â„¢ with a view to assisting disputing parties and their advisors, as well as academics and just possibly, the general public.But this is no mere update, says the series editor. In his preface to this latest edition, he commends the authors for taking account of the

substantial developments in this field, both positive and negative, including ÃƒÂ¢Ã â ¬Ã Ëœthe emergence of new international treaties.ÃƒÂ¢Ã â ¬Ã â„¢ He refers quite frankly to the ongoing debate as to the legitimacy of investment arbitration, referring to the so-called backlash. But whatever opinions or attitudes are entertained by the bookÃƒÂ¢Ã â ¬Ã â„¢s potential readership, the authors tackle this sometimes controversial subject with laudable objectivity.ThereÃƒÂ¢Ã â ¬Ã â„¢s certainly no doubt that the book excels as a research resource. Note the extensive footnoting and check out the eight-page bibliography listing books, reports and articles. And luckily for practitioners and scholars, the book is logically structured and easily navigable. ThereÃƒÂ¢Ã â ¬Ã â„¢s a minutely detailed table of contents, a twenty-seven page index and no less than thirteen appendices, consisting mainly of international treaties and agreements ranging from, for example, the North American Free Trade Agreement ÃƒÂ¢Ã â ¬Ã Â| Chapter 11 of the ICSID conventionÃƒÂ¢Ã â ¬Ã Â| and finally, World Bank Guidelines on the Treatment of Foreign Direct Investment.Illuminating a complex subject with thoroughness and clarity, this new edition of ÃƒÂ¢Ã â ¬Ã ËœInternational Investment ArbitrationÃƒÂ¢Ã â ¬Ã â„¢ will be welcomed by international lawyers and arbitrators specialising in this field.The publication date is cited as at 2017.

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