

Principles Of International Economic Law

"Organized thematically rather than alphabetically, the subject is split into four principal sections: the foundations and architecture of international economic law, its principles, its main regulatory areas, and the future challenges that it faces. Comprising over 250 entries..., traditional international economic law subject matter is supplemented by coverage of newly developing areas. Thus, the concepts and rules of trade, investment, finance and international tax law are found alongside entries discussing the relationship of international economic law with environmental protection, social standards, development, and human rights."--

Principles of International Economic Law gives a comprehensive overview of the central topics in international economic law, with an emphasis on the interplay between the different economic and political interests on both the international and domestic levels. The book sets the classic topics of international economic law, WTO law, investment protection, commercial law, and monetary law in context with human rights, environmental protection, good governance, and the needs of developing countries. It thus provides a concise picture of the current architecture of international economic law. Topics covered range from codes of conduct for multinational enterprises, to the human rights implications of the exploitation of natural resources. The book demonstrates the economic foundations and economic implications of legal frameworks. It puts into profile the often complex relationship between, on the one hand, international standards on liberalization and economic rationality and, on the other, state sovereignty and national preferences. It describes the new forms of economic cooperation which have developed in recent decades, such as the growing number of transnational companies in the private sector, and forms of cooperation between states such as the G8 or G20. Providing a perfect introductory text to the field of international economic law, the book thoroughly analyses legal developments within their wider political, economic, or social context.

This textbook places the relationship between law and economics in its international context, explaining the fundamentals of this increasingly important area of teaching and research in an accessible and straightforward manner. In presenting the subject, Alan Devlin draws on the neoclassical tradition of economic analysis of law while also showcasing cutting- edge developments, such as the rise of behavioural economic theories of law. Key features of this innovative book include: case law, directives, regulations, and statistics from EU, UK, and US jurisdictions are presented clearly and contextualised for law students, showing how law and economics theory can be understood in practice; succinct end- of-chapter summaries highlight the essential points in each chapter to focus student learning; further reading is provided at the end of each chapter to guide independent research. Making use of tables and diagrams throughout to facilitate understanding, this text provides a comprehensive overview of law-and-economics that is ideal for those new to the subject and for use as a course text for law-and-economics

modules.

Reconciling all fields of international economic law (IEL) and creating bridges between disciplines in a conceptual as well as practical manner, this book stands out as the first modern, comprehensive international economic law textbook. Containing a technically solid yet critically rich body of knowledge that spans disciplines from trade law to investment, from trade finance to fisheries subsidies, from development to the digital economy and other new-age topics, the book offers the widest possible coverage of issues in current international economic law. Positioning IEL as a truly global practice, the comprehensive coverage includes various treaty texts, landmark cases and new materials, and is supplemented by case studies, real-life examples, exercises and illustrations. The case extracts and legal texts are selectively chosen, with careful editing and serious deliberation to engage modern law students. Mini chapters show examples of interdisciplinary interactions and provide a window into the future disciplines of international economic law.

Principles of Law Relating to International Trade

Reflections on the Constitutionalisation of International Economic Law

Towards a Consistent GATT/WTO Jurisprudence

The Principle of National Treatment in International Economic Law

Through Dispute Settlement Mechanisms

Foundations of International Economic Law

This book collects a large number of essays written in honour of Professor Ernst-Ulrich Petersmann by his friends, colleagues and former students. The respective contributions cover the fields of international economic law, international constitutional law/transnational constitutionalism, EU law and human rights. The broad thematic scope of this book mirrors the extremely large field of interests of the jubilarian.

The obligations of international trade law hinge upon the question of what constitute "like products". Trade disputes will often involve an examination of whether the products in question are in competition with one another. The most common term used for this test is to ask whether they are "like products" - that is to ask whether products are sufficiently similar for consumers to see them as substitutable - and thus whether they are subject to the rules of the WTO and GATT. The central thesis of this book is that despite the centrality of the principle of 'like products' to the WTO, it has not been consistently interpreted, and therefore the risk of discriminatory practice remains. The author, through analyzing legal and economic arguments, sets about defining the concept of 'like products' in such a way as to consistently give effect to

WTO aims.

This text analyses the law of treaty interpretation as applied by the WTO Appellate Body. By focusing on the development of the law in practice, and the intersection of customary international law principles with the growth of WTO specific law, the book reveals the complexity of treaty interpretation in a major international law forum.

This book develops principles of adjudication to facilitate accountability for violations of Economic and Social Rights. Economic and Social Rights engage with areas relating to social justice and their violation tends to impact on the most vulnerable members of society. Taking the UK as a case study, the book draws on international experience and comparative practice, including progressive reform at the devolved subnational level, that demonstrate the potential reach of Economic and Social Rights when the rights are given legal standing in domestic settings according to their status in international law. The work looks at different models of incorporation of rights into domestic law and sets out existing justiciability mechanisms for their enforcement as well as future models open to development. In so doing the book develops principles of adjudication drawn from deliberative democracy theory that help address some of the critiques of social rights adjudication. This book will have a global and cross-sectoral appeal to legal practitioners, the judiciary and the civil services, as well as to researchers, academics and students in the fields of human rights law, comparative constitutional law and deliberative democracy theory.

The Misery of International Law

The Emerging Principles of International Competition Law

Principles of International Economic Law

EU External Action in International Economic Law

Trade, Investment and Intellectual Property

A Contribution of Legal History, of Comparative Law and of General Legal Theory to the Debate on a New International Economic Order

Bringing together all the most important treaties and materials in international trade law, investment law, and financial law, this book will be an invaluable resource to both students and practitioners of international economic law.

The past two decades have seen a significant proliferation of trade and investment treaties around the world. States are

increasingly negotiating agreements that regulate both trade and investment, such as the Trans-Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership. The number of investor-state dispute settlement cases is growing dramatically each year, yet states' enthusiasm for investor-state arbitration has become more qualified as concern has intensified that the system can be abused by foreign investors. Good faith is therefore becoming increasingly important as a principle, particularly in the investment context, due to disputes about investor conduct such as corporate restructuring in order to gain the protection of a particular investment treaty regarding an existing or foreseeable dispute, and States' responses to public policy concerns through attempts to modify or terminate investment treaties in the face of ongoing or expected claims. Tribunals adjudicating investment disputes have used the principle of good faith in a haphazard and uncoordinated manner, causing serious problems of uncertainty and inconsistency. In response to these developments, this book contains the first comprehensive and integrated analysis of the treatment of good faith in international investment law, noting the broader implications of good faith in public international law and international trade law.

The principle of national treatment, or the non-discrimination clause, is a principle that applies across many fields of international economic law. This book offers a unique horizontal examination of the principle as it applies within international tr

Fifty years after the adoption of the Declaration on Permanent Sovereignty over Natural Resources by the General Assembly of the United Nations in December 1962, this volume assesses the evolution of the principle of permanent sovereignty over natural resources into a principle of customary international law as well as related developments. International environmental and human rights law leave unresolved questions regarding the limitations of this principle, e.g. extraterritorial and international influences such as the applicable criminal and tort law, as well as the extraterritorial and international promotion of good governance, including transparency obligations.

**International Economic Law in the 21st Century
Legal and Economic Principles of World Trade Law
International Law in Financial Regulation and Monetary Affairs**

Text, Cases and Materials

Principles of International Trade and Investment Law

Economic and Social Rights Law

Implementing International Economic Law focuses on the relationship between the rules of public international law and international economic law from the point of view of dispute settlement mechanisms. It demonstrates that the practice of international adjudicative bodies such as the WTO and the ICSID went beyond merely interpreting and applying the rules of law and became international organisations as “law-makers”. This is where the sources of international law play a crucial role.

This book offers law students and practitioners alike a clear and concise overview of public international law. It introduces the reader to the sources and history of international law while examining the institutions that create, interpret, and enforce the law, with special attention given to the International Court of Justice and its jurisprudence. The main branches of international law, along with the major treaties and customs governing them, are explained. The chapters take the reader through a step-by-step exposition of the following topics: - States and governments in the international order - International humanitarian law (the law of armed conflict) - International criminal law - Human rights and related topics - State responsibility and immunities from jurisdiction - International environmental law - The law of the sea, air, and space - International economic and trade law The procedures implemented in resolving international disputes are similarly examined. The book's lucid writing style and user-friendly format guarantee its accessibility to lawyers and non-lawyers alike. It will similarly be useful to students as a companion to any international law casebook or compendium of primary source documents.

'...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.

This book, first entitled Principles of Law Relating to Overseas Trade, has been expanded, revised, repackaged and re-titled in this edition to provide a more accessible and relevant textbook on the subject. Commentary and references to new and classic cases are now in footnotes in the main text, for ease of reading. Imbued with careful research and practical experience it presents an attempt to form a concise and authoritative statement of the law affecting international trade.

The UN Friendly Relations Declaration at 50

Trade, Investment, and Finance

International Economic Law

Good Faith and International Economic Law

'Like Products' in International Trade Law

An Assessment of the Fundamental Principles of International Law

Principles play a crucial role in any dispute settlement system, and the World Trade Organization (WTO) is no exception. However, WTO Panels and the Appellate Body have been too timid in using principles, sometimes avoiding their use when appropriate and at other times using them without fully acknowledging that they are doing so. Perhaps more worryingly, these bodies often fail to delve deeply enough into principles. They tend to overlook key questions such as the legal basis for using a given principle, whether the principle is being used in an interpretative manner or as applicable law and the meaning of the principle in public international law. This book establishes a framework for addressing these questions. The use of such a framework should allay fears and misconceptions about the use of principles and ensure that they are used in a justifiable manner, improving the quality of dispute settlement in the WTO.

The state-centred 'Westphalian model' of international law has failed to protect human rights and other international public goods effectively. Most international trade, financial and environmental agreements do not even refer to human rights, consumer welfare, democratic citizen participation and transnational rule of law for the benefit of citizens. This book argues that these 'multilevel governance failures' are largely due to inadequate regulation of the 'collective action problems' in the supply of international public goods, such as inadequate legal, judicial and democratic accountability of governments vis-a-vis citizens. Rather than treating citizens as mere objects of intergovernmental economic and environmental regulation and leaving multilevel governance of international public goods to discretionary 'foreign policy', human rights and constitutional democracy call for 'civilizing' and 'constitutionalizing' international economic and environmental cooperation by stronger legal and judicial

protection of citizens and their constitutional rights in international economic law. Moreover intergovernmental regulation of transnational cooperation among citizens must be justified by 'principles of justice' and 'multilevel constitutional restraints' protecting rights of citizens and their 'public reason'. The reality of 'constitutional pluralism' requires respecting legitimately diverse conceptions of human rights and democratic constitutionalism. The obvious failures in the governance of interrelated trading, financial and environmental systems must be restrained by cosmopolitan, constitutional conceptions of international law protecting the transnational rule of law and participatory democracy for the benefit of citizens.

This volume examines the range of Non-Trade Concerns (NTCs) that may conflict with international economic rules and proposes ways to protect them within international law and international economic law. Globalization without local concerns can endanger relevant issues such as good governance, human rights, right to water, right to food, social, economic, cultural and environmental rights, labor rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security. Focusing on China, the book shows the current trends of Chinese law and policy towards international standards. The authors argue that China can play a leading role in this context: not only has China adopted several reforms and new regulations to address NTCs; but it has started to play a very relevant role in international negotiations on NTCs such as climate change, energy, and culture, among others. While China is still considered a developing country, in particular from the NTCs' point of view, it promises to be a key actor in international law in general and, more specifically, in international economic law in this respect. This volume assesses, taking into consideration its special context, China's behavior internally and externally to understand its role and influence in shaping NTCs in the context of international economic law.

In response to continuing global financial turmoil, the UN Conference for Trade and Development has produced a set of principles to govern future sovereign financing. This book expands on these principles from a legal and economic perspective to analyse how sovereign financing can be regulated to prevent similar debt crises from occurring again.

Reconciling Policy and Principle

Documents in International Economic Law

Fundamental Principles of Law and Economics

The Changing Structure of International Economic Laws

Principles and Practice

Exchange of goods and ideas among nations, cross-border pollution, global warming, and

international crime pose formidable questions for international law. Two respected scholars provide an intellectual framework for assessing these problems from a rational choice perspective and describe conditions under which international law succeeds or fails.

As national competition laws proliferate and enforcement efforts increase, the international competition law system is increasingly beset with conflicts between States with competing interests. This book explores ways to reduce conflicts, contending that an international competition law system is evolving.

The Comprehensive Economic and Trade Agreement between the EU and Canada (CETA), proposed Transatlantic Trade and Investment Partnership between the EU and the US (TTIP), and the plurilateral Trade in Services Agreement (TiSA) between the EU and 22 other States have sparked a great deal of academic and public interest. This edited collection brings together leading experts in the field of international economic law to address the legal complexities of these treaties and provide an explanation of their core principles. In the first two chapters, this book examines the main motivations for negotiating mega-regional agreements and changing conceptions of international economic law. In nine further contributions, international experts examine sectoral issues such as the trade, investment, and dispute settlement disciplines envisaged in these 'mega-regional' agreements. Going on to consider the progress made in intellectual property protection, the problems associated with data protection, disciplines on financial services, human rights, labour and environmental standards, issues of transparency and legitimacy, and the relationship between CETA, TTIP, and TiSA on the one hand and EU law on the other hand are analysed. Concluding with four chapters that discuss the fundamental questions surrounding these mega-regional agreements from an economic, a political science, and a legal perspective.

Principles of International Economic Law Oxford University Press

China's Influence on Non-Trade Concerns in International Economic Law

Recent Trends and Developments

International Investment Law

Implementing International Economic Law

Principles of International Law

Principles of International Development Law : Progressive Development of the Principles of International Law Relating to the New International Economic Order

The topic of this book is the external action of the EU within international economic law with a special focus on investment law. The aim of the volume is to provide the reader with an appraisal of the most recent trends and developments that have characterised the field that has been rapidly evolving and in which the EU has imposed itself as a leading actor. The book is aimed at academics, practitioners and graduate students as well as EU officials and judges, all of whom should find the subject matter discussed useful. Keeping updated on a scholarly discussion of relevance to case law. Mads Andenæs is Professor of Law at the Faculty of Law of the University of Oslo in Norway. Lucjan M. Pantaleo is Doctor of Law and Senior Lecturer in International and European Law at The Hague University of Applied Sciences in The Netherlands. Matthew Happold is Professor of Law at the Université du Luxembourg in Luxembourg. Cristina Contino is Lecturer in Law at the European Law and Governance School in Athens, Greece.

This introductory textbook explores the key legal principles and institutions that shape the global economy. Featuring discussion of the economic rationale and social implications of the various legal regimes, Professor David Collins explores the four main pillars of international economic law: international trade, international investment, monetary

relations, and development.

The World Trade Organization (WTO) Agreement covers international commerce in goods and services including measures that directly affect trade, such as import duties and quotas, and almost any type of internal measure with an impact on trade. *Legal and Economic Principles of World Trade Law* contributes to the analysis of the texts of the WTO Trade Law in law and economics, reporting work done to identify improvements in the interpretation of the Agreement. It starts with background studies, the first surveying *The Genesis of the GATT*, which highlights the negotiating history of the GATT 1947. The second introduces the economics of trade agreements. These are followed by two main studies. The first, authored by Bagwell, Staiger and Sykes, discusses legal and economic aspects of the GATT regulation of border policy instruments, such as import tariffs and import quotas. The second, written by Grossman, Horn and Mavroidis, focuses on the core provision for the regulation of domestic policy instruments: National Treatment principles in Art. III GATT.

Principles of International Economic Law provides a comprehensive overview of the central topics in international economic law, with an emphasis on the interplay between the different economic and political interests on both the international and domestic levels. Following recent tendencies, the book sets the classic topics of international economic law, like WTO law, investment protection, commercial law and monetary law, in context with aspects of human rights, environmental protection and the legitimate claims of developing countries. The book draws a concise picture of the architecture of international economic law with all its complexities, without getting lost in fragmentary details. Providing a perfect introductory text to the field of international economic law, the book thoroughly analyses legal developments within their wider political, economic or social context. Topics covered range from codes of conduct for multinational enterprises, to the human rights implications of the exploitation of natural resources. The book demonstrates the economic foundations and economic implications of legal frameworks. It puts into profile the often complex relationship between, on the one hand, international standards on liberalization and economic rationality and, on the other hand, state sovereignty and national preferences. It describes the new forms of economic cooperation which have developed in recent decades, such as the growing number of transnational companies in the private sector, and forms of cooperation between states, such as the G8 or G20. This fully updated second edition covers new aspects and developments including the growing importance of corporate social responsibility, regional-agreements like CETA, TTIP, and TPP, trade and investment related aspects of human rights law.

Elgar Encyclopedia of International Economic Law

The UNCTAD Principles on Responsible Sovereign Lending and Borrowing

Human Rights in International Investment Law and Arbitration

New Directions in International Economic Law

Treaty Interpretation by the WTO Appellate Body

Legal Principles in WTO Disputes

This book examines the history, principles, and practice of

awarding compensation and restitution in investor-State arbitration disputes, which are initiated under investment treaties. The principles discussed may be applied to all international law cases where damage to property is an issue. The book starts by tracing the roots of the applicable international legal principles to Roman law, and from there follows their evolution through the European law of extra-contractual liability and eventually through the Chorzów Factory case to principles of compensation and restitution in the modern law of international investment. The greater part of the book is then dedicated to examination of the modern application of these principles, focusing on the jurisprudence of international tribunals under various arbitral rules such as ICSID and UNCITRAL Rules. Monetary compensation as the prevalent form of remedy sought and awarded in investor-State disputes is discussed in more detail, including topics such as the amount of compensation for damage resulting from breach of investment treaties or for lawful expropriation of foreign investor's property, a brief overview of valuation methods, supplementary compensation for moral damages, interest, costs, and currency fluctuations as well as various principles that may limit the amount of recoverable compensation, such as causation. A full chapter is dedicated to the discussion of the theory and practice of awarding restitution in investor-State disputes. The book also covers the general principle of reparation in international law as applied in investor-State arbitrations. The topics discussed cover all the theoretical as well as practical issues which may be raised in awarding compensation and restitution in investment treaty disputes between States and foreign investors. Dedicated to the memory of a path-breaking international lawyer, Thomas Wälde, this volume offers an eclectic mix of contributions from leading academics and practitioners. Topics include: foreign direct investment, dispute settlement, corporate responsibility, economic development, natural resources, and private international law. The year 2020 marks the 75th anniversary of the United Nations Organisation, and the 50th anniversary of the United Nations Friendly Relations Declaration, which states the fundamental principles of the international legal order. In commemoration, some of the world's most prominent international law scholars from all continents have come together to offer a comprehensive study of the fundamental

principles of international law. Each chapter in this volume reflects decades of experience, work and reflection by the most authoritative voices of the field. At the same time, the book is an invitation to end narrow specialisation and re-engage with the wider body of rules and processes that lie at the foundations of the international legal order.

There is a growing interplay between international investment law, arbitration and human rights. This book offers a systematic analysis of this interaction, exploring the role of principles of justice in investment law, comparing investment arbitration with other courts, and examining case studies on human rights.

New Orientations for EU External Economic Relations

Economic Foundations of International Law

Compensation and Restitution in Investor-State Arbitration

Sovereign Financing and International Law

Mega-Regional Trade Agreements: CETA, TTIP, and TiSA

Constitutional Pluralism and Multilevel Governance of

Interdependent Public Goods

Poverty, inequality, and dispossession accompany economic globalization. Bringing together three international law scholars, this book addresses how international law and its regimes of trade, investment, finance, as well as human rights, are implicated in the construction of misery, and how international law is producing, reproducing, and embedding injustice and narrowing the alternatives that might really serve humanity. Adopting a pluralist approach, the authors confront the unconscionable dimensions of the global economic order, the false premises upon which they are built, and the role of international law in constituting and sustaining them. Combining insights from radical critiques, political philosophy, history, and critical development studies, the book explores the pathologies at work in international economic law today. International law must abide by the requirements of justice if it is to make a call for compliance with it, but this work claims it drastically fails to do so. In a legal order structured around neoliberal ideologies rather than principles of justice, every state can and does grab what it can in the economic sphere on the basis of power and interest, legally so and under colour of law. This book examines how international law on trade and foreign investment and the law and norms on global finance has been shaped to benefit the rich and

powerful at the expense of others. It studies how a set of principles, in the form of a New International Economic Order (NIEO), that could have laid the groundwork for a more inclusive international law without even disrupting its market-orientation, were nonetheless undermined. As for international human rights law, it is under the terms of global capitalism that human rights operate. Before we can understand how human rights can create more just societies, we must first expose the ways in which they reflect capitalist society and how they assist in reproducing the underlying terms of immiseration that will continue to create the need for human rights protection. This book challenges conventional justifications of economic globalization and eschews false choices. It is not about whether one is "for" or "against" international trade, foreign investment, or global finance. The issue is to resolve how, if we are to engage in trade, investment, and finance, we do so in a manner that is accountable to persons whose lives are affected by international law. The deployment of human rights for their part must be considered against the ubiquity of neoliberal globalization under law, and not merely as a discrete, benevolent response to it. This book comprises fifteen specially commissioned contributions from the Editorial Board of the Journal of International Economic Law in celebration of the Journal's tenth anniversary. They were originally published as the third issue of volume 10 of the journal in September 2007. To take Africa from the edge to the centre of the global economy, it is critical to engage African voices in policy discussions on the global political economy. With Africa's projected economic importance in the future and South Africa's prominent role in the G-20 and BRICS, it is vital that this part of the world is involved in restructuring the rules and principles of international economic law. This book examines themes dealing with cross border trade, investment, development and finance issues. A comprehensive insight into the legal framework of international economic relations, comprising the law of the World Trade Organization, investment law, and international monetary law, this book highlights the context of human rights, good governance, environmental protection, development, and the role of the G20 and multinationals. In Memoriam Thomas Wälde

Liber Amicorum for Ernst-Ulrich Petersmann

The Principles and Standards of International Economic Law
(Volume 117).

Permanent Sovereignty over Natural Resources

Incorporation, Justiciability and Principles of Adjudication

Confrontations with Injustice in the Global Economy

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.

Analysing the emerging international legal framework governing financial institutions and markets, including monetary policies and monetary regulation, this book addresses the cross border issues that arise within this area. It highlights the lack of formal international law present, and shows how this contributed to the global financial crisis.

The Future of International Economic Law