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The role of investment arbitration is a controversial issue, as it is increasingly seen as a system in which private arbitrators adjudicate on the public law decisions of states. This book provides an empirical study of the function of investment arbitration, how it is impacting on international law, and the ways in which it is in need of reform.

Investment arbitrators rely on sovereignty for their legal status just as investor-state disputes usually stem from disagreements about the role of the state in society. As a result, investment arbitration is a vehicle for the exercise of sovereign authority and a site for contesting sovereign choices. This book investigates and evaluates the decision-making record and policy trajectory of international investment arbitration, from theoretical, doctrinal, and empirical perspectives. It analyses the extent to which the system used to resolve disputes impacts on the role of government, affecting diverse constituencies, as opposed to limiting itself to case-specific disputes between a single business enterprise and state entity. The book provides a comprehensive review of known awards in order to

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Determine the types of government measures that have triggered disputes. It investigates how investment arbitrators have exercised their authority in recent case law. It provides a review of the approaches adopted in the reasoning of investment treaty tribunals on questions of judicial deference and respect for sovereign decision-makers. In doing so, it determines whether investment tribunals have taken a predominantly assertive approach to investor protection, without regard to their relative lack of accountability, capacity, or proximity in some cases. This approach does not sit comfortably with the relative restraint seen by domestic and international courts in similar contexts. The book argues that the unique characteristics of investment treaty arbitration make the experience of domestic judicial review more pertinent to international investment arbitration than to any other contexts for international adjudication. However, it argues that mediating devices in some form should be incorporated into the process in order to solve the tension between the extensive scope and potency of international investment arbitration as an important site of global governance, and the challenges of the review function in reviewing decisions which have strong claims to having comprehensive regulatory expertise, inclusive decision-making, electoral or other public accountability, or greater proximity to the underlying facts and context. Online Appendices

Now in paperback—with a new preface by the author Americans have long been protective of the country ' s sovereignty—all the way back to George Washington who, when retiring as president, admonished his successors to avoid “ permanent ” alliances with foreign powers. Ever since, the nation has faced periodic, often heated, debates about how to maintain that sovereignty, and whether and when it is appropriate to cede some of it in the form of treaties and the alliances about which Washington warned. As the 2016 election made clear, sovereignty is also one of the most frequently invoked, polemical, and misunderstood concepts in

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politics—particularly American politics. The concept wields symbolic power, implying something sacred and inalienable: the right of the people to control their fate without subordination to outside authorities. Given its emotional pull, however, the concept is easily high-jacked by political opportunists. By playing the sovereignty card, they can curtail more reasoned debates over the merits of proposed international commitments by portraying supporters of global treaties or organizations as enemies of motherhood and apple pie. Such polemics distract Americans from what is really at stake in the sovereignty debate: the ability of the United States to shape its destiny in a global age. The United States cannot successfully manage globalization, much less insulate itself from cross-border threats, on its own. As global integration deepens and cross-border challenges grow, the nation's fate is increasingly tied to that of other countries, whose cooperation will be needed to exploit the shared opportunities and mitigate the common risks of interdependence. The Sovereignty Wars is intended to help today's policymakers think more clearly about what is actually at stake in the sovereignty debate and to provide some criteria for determining when it is appropriate to make bargains over sovereignty—and how to make them.

Apresenta um modelo de equilíbrio dinâmico para estudar quantitativamente os serviços de contingência da dívida soberana e os riscos de spread dos países.

Security has long trumped democracy as a priority for the Association of Southeast Asian Nations (ASEAN). But the brutal dictatorship in Burma/Myanmar, political pluralism in Indonesia, and the global growth of democratic norms have led some Southeast Asians to question ASEAN's habit of turning a blind eye to domestic abuses by member states. The concept of regional

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security, meanwhile, is being reoriented from military threats toward new dangers to health and the environment and from state security toward human security. Will promoting democracy cause local autocrats to hunker down and split ASEAN into hostile camps? Will ignoring demands for democracy allow domestic pressures to rise to dangerous levels? Should Burma/Myanmar be expelled or engaged? How should ASEAN respond to nontraditional threats to security in which member states are themselves implicated? In *Hard Choices*, experts grapple with these and other key and controversial questions for Southeast Asia today and tomorrow.

Research Handbook on International Law and Natural Resources provides a systematic and comprehensive analysis of the role of international law in regulating the exploration and exploitation of natural resources. It illuminates interactions and tensions between international environmental law, human rights law and international economic law. It also discusses the relevance of soft law, international dispute settlement, as well as of various unilateral, bilateral, regional and transnational initiatives in the governance of natural resources. While the Handbook is accessible to those approaching the subject for the first time, it identifies pressing areas for further investigation that will be of interest to advanced researchers.

Today, investor-state arbitration embodies the worst fears of those concerned about runaway globalization - a far cry from its framers' intentions. Why did governments create a special legal system in which foreign investors can bring cases directly against states? This book takes readers through the key decisions that created investor-state arbitration, drawing on internal documents from several governments and extensive interviews to illustrate the politics behind this new legal system. The corporations and law firms that dominate investor-state arbitration today were not present at its

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creation. In fact, there was almost no lobbying from investors. Nor did powerful states have a strong preference for it. Nor was it created because there was evidence that it facilitates investment—there was no such evidence. International officials with peacebuilding and development aims drove the rise of investor-state arbitration. This book puts forward a new historical institutionalist explanation to illuminate how the actions of these officials kicked off a process of gradual institutional development. While these officials anticipated many developments, including an enormous caseload from investment treaties, over time this institutional framework they created has been put to new purposes by different actors. Institutions do not determine the purposes to which they may be put, and this book's analysis illustrates how unintended consequences emerge and why institutions persist regardless.

Seminar paper from the year 2013 in the subject Politics - International Politics - Topic: Miscellaneous, grade: 1,7, University of Freiburg, course: Rational Choice and Neo-Institutionalism, language: English, abstract: The aim of this paper is to analyse the reaction of Germany to the sovereign debt crisis and its policy stance using Rational Choice as an explanatory device. It is suggested, that a very rational approach is employed both by the government and the public. However, with the incisive need to support Greece to prevent an outspread of the crisis, the German government lost public support albeit acting rational in its national interest. This paper claims, that missing and wrong communication by the government caused a discrepancy that alienated the public from the national interpretation of the issue. The paper concludes with a recommendation on how the German government should deal with the Euro crisis domestically to tackle the pressing issue effectively. Building upon Axelrod 's theory on interstate cooperation, there will be little difficulty to explain Germany 's approach to solve the crisis. When it became obvious, however, that Greece would need support or otherwise the crisis could likely

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spread across Europe, the German government found it hard to raise support for this unpopular policy. Looking into theory, Putnam may offer a good insight why German politics hold a stern position when it comes to financial support, which can be said to follow rational choice. This is true, even after it was more than apparent on a national level that support was necessary and indeed beneficial to German interest. Trying to connect Axelrod ' s ideas with those of Putnam, it is likely that public opinion within Germany deprives the government of much needed leeway. It is highly suggested that German domestic constraints on state sponsored aid for Greece heavily influence German politics, inhibiting decisive rational choices on the national level. Looking closer on the second level, it appears that the German public also derives its stance from a mostly rational interpretation of the sovereign debt crisis, giving not much heed to the European cause or symbolic traditions, but now inhibits rational decisions on the national level. As the public is susceptible to a rational approach to the issue, this discrepancy results from a communication problem.

Sovereign wealth funds (SWFs) have reached a transitional moment. Created as a way to direct excess wealth toward economic development and long-term financial returns, some countries are now seeing a decline in revenue from sources such as oil. Many SWFs are now facing a new challenge—how to spend sustainably without depleting the funds. *Sovereign Wealth Funds in Resource Economies* explains the fiscal rules and institutional structures that can make SWFs thrive, providing a practical and theoretical guide to their optimal use in resource-revenue management. Khalid Alsweilem and Malan Rietveld put forward an institutional perspective of SWFs as quasi-independent political and economic entities charged with managing national resource wealth, examining both investment and disbursement strategies. They advance a systematic, rule-based approach, suggesting when to accumulate and when to begin countercyclical spending based on concrete case

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studies. More than a mere financial portfolio, SWFs must be embedded in a credible fiscal and institutional framework if they are to contribute to improved economic performance. Alsweilem and Rietveld consider the variety of relationships that exist between SWFs and their governments, exploring the legal and policy side of the institutional approach. Their rule-based description of SWFs, since it allows tailoring and adjustment and invokes rules of thumb and best practices, is intended to be widely applicable across the diverse spectrum of global SWFs. Bringing together the practitioner perspective and scholarly expertise, this book will be invaluable for global policy makers and scholars working with sovereign wealth funds.

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