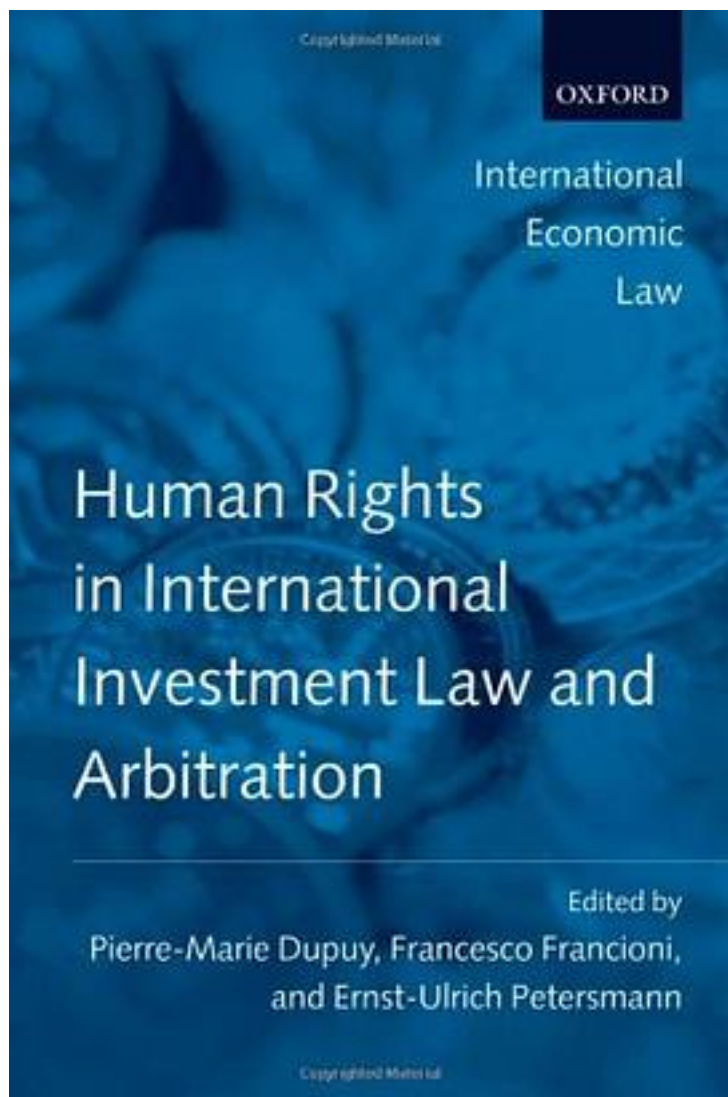


Human Rights in International Investment Law and Arbitration



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This book offers a systematic analysis of the interaction between international investment law, investment arbitration and human rights, including the role of national and international courts, investor-state arbitral tribunals and alternative jurisdictions, the risks of legal and jurisdictional fragmentation, the human rights dimensions of investment law and arbitration, and the relationships of substantive and procedural principles of justice to international investment law. Part I summarizes the main conclusions of the 24 book chapters and places them into the broader context of the principles of justice, global administrative law and multilevel constitutionalism that may be relevant for the administration of justice in international economic law and investor-state arbitration. Part II includes contributions clarifying the constitutional dimensions of transnational investment disputes and investor-state arbitration, as reflected in the increasing number of arbitral awards and amicus curiae submissions addressing human rights concerns. Part III addresses the need for principle-oriented ordering and the normative congruence of diverse national, regional and worldwide legal regimes, focusing on the pertinent dispute settlement practices and legal interpretation methods of regional economic courts and human rights courts, which increasingly interpret international economic law with due regard to human rights obligations of the governments concerned. Part IV includes twelve case studies on the potential human rights dimensions of specific protection standards (e.g. fair and equitable treatment, non-discrimination), applicable law (e.g. national and international human rights law, rules on corporate social accountability), procedural law issues (e.g. amicus curiae submissions) and specific fundamental rights (e.g. the protection of human health, access to water, and protection of the environment). These case studies discuss not only the still limited examples of human rights discourse in investor-state arbitral awards; they also probe the potential legal relevance of investor-state arbitration for the judicial recognition, interpretation and balancing of primary rules, such as of investment law and human rights law, in the light of the principles of justice as defined by national and international law.

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