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**Julien Fouret, Rémy Gerbay, Gloria M.
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Contract Interpretation in Investment Treaty Arbitration Yuliya Chernykh, 2022-01-17 Contracts are relevant frequently central for a significant number of investment disputes Yet the way tribunals ascertain their content remains largely underexplored How do tribunals interpret contracts in investment treaty arbitration How should they interpret contracts Does national law have any role to play Contract Interpretation in Investment Treaty Arbitration A Theory of the Incidental Issue addresses these questions The monograph offers a valuable insight into the practice and theory of contract interpretation in investment treaty arbitration By proposing a theoretical frame for seamless integration of contract interpretation into the overall structure of decision making the book contributes to predictability coherence sufficiency and correctness of the tribunals interpretative practices in investment treaty arbitration Joint Public Procurement and Innovation

Gabriella Margherita Racca, Christopher Yukins, 2020-02-12 Innovation in public procurement is essential for sustainable and inclusive growth in an increasingly globalized economy To achieve that potential both the promises and the perils of innovation must be investigated including the risks and opportunities of joint procurement across borders in the European Union and the United States This in depth research investigates innovation in public procurement from three different perspectives First leading academics and practitioners assess the purchase of innovation with a particular focus on urban public contracting in smart cities involving meta infrastructures public private partnership arrangements and smart contracts A second line of inquiry looks for ways to encourage innovative suppliers Here the collected authors draw on emerging lessons from the US and Europe to explore both the costs and the benefits of spurring innovation through procurement A third perspective looks to various innovations in the procurement process itself with a focus on the effects of joint and cross border procurement in the EU and US landscapes The chapters review new technologies and platforms the increasingly automated means of selecting suppliers and the related efficiencies that big data can bring to public procurement Expanding on research in the editors prior volume Integrity and Efficiency in Sustainable Public Contracts Balancing Corruption Concerns in Public Procurement Internationally Bruylant 2014 this volume builds on a series of academic conferences and exchanges to address these issues from sophisticated academic institutional and practical perspectives and to point the way to future research on the contractual models that are emerging from new procurement technologies

Transnationalization of Public Contracts Mathias Audit, 2016-05-15 L ouvrage pr sente et analyse tous les ph nom nes d internationalisation qui affectent le droit et la pratique des contrats publics

Intercreditor Equity in Sovereign Debt Restructuring Astrid Iversen, 2023 The question of intercreditor equity is one of the most contentious issues in debt restructuring both historically and today Intercreditor Equity in Sovereign Debt Restructuring maps and establishes the content of these intercreditor equity rules and analyses how they influence the restructuring process Through this analysis Astrid Iversen outlines how creditors can predict their legal rights in the unfortunate event of a debt

restructuring and strives to improve our understanding of the boundaries within which a debt restructuring offer must be designed Iversen also seeks to shed light on the functioning of the legal framework governing sovereign debt more broadly In this book she examines whether intercreditor equity rules and the legal framework of sovereign debt are compatible with a debtor state's responsibility to ensure monetary and financial stability and to establish sustainable debt burdens Iversen also explores how certain intercreditor equity rules constitute an obstacle to sustainable debt restructurings and highlights how the number of different intercreditor equity rules that a sovereign debtor state typically is bound by as well as the scope of these rules risk tightening the policy space of debtor states to the extent that it is difficult to design and implement a sustainable debt restructuring Suitable as an introductory text for readers new to the topic of sovereign debt restructurings and as an instructive guide for debt management offices creditors and their lawyers this publication provides a comprehensive legal study of intercreditor equity rules in sovereign debt restructuring *Public Private Partnership Contracts* Mohamed Ismail, 2020-03-18 This book provides a comprehensive overview of the law surrounding PPPs in the Middle East and North African region The significance of liberalised and integrated Public Private Partnership Contracts as an essential component of the world legal and policy order is well documented The regulation of PPPs is justified economically to allow for competition in the relevant public service and to achieve price transparency thus resulting in significant savings for the public sector In parallel to the economic justifications legal imperatives have also called for the regulation of PPPs in order to allow free movement of goods and services and to prohibit discrimination on grounds of nationality The need for competitiveness and transparency in delivering public services through PPPs is considered a safeguard to achieve international standards in delivering public utility services First it assesses the compatibility of the current PPPs legislation and regulation in the MENA region with the international standards of legislation and regulation prevalent in many other countries including the UK France and Brazil Secondly it compares the practices in the MENA region with those of international bodies such as the OECD and World Bank Comparisons are then made between the MENA countries and those in Europe and Asia with regard to the influence of culture policy and legal globalization The book will be of interest to scholars and students in the field of international contract law public law and state contracts finance law and private law General Principles and the Coherence of International Law Mads Andenas, Malgosia Fitzmaurice, Attila Tanzi, Jan Wouters, 2019-05-20 General Principles and the Coherence of International Law provides a collection of intellectually stimulating contributions from leading international lawyers to the discourse on the role of general principles in international law Offering a comprehensive analysis of the doctrines practices and debates on general principles of law the volume assesses their role in safeguarding the coherence of the international legal system This important book addresses the relationship between principles of law and the other sources of international law explores the interplay between principles of law and domestic and regional legal systems and the role of principles of law with regard to three specific regimes of

international law investment law human rights law and environmental law **The Many Lives of Transnational Law** Peer Zumbansen, 2020-04-02 Sixty years after Jessup's Transnational Law Lectures this collection traces the field's development and significance to the present day **The Comparative Constitutional Foundations of Private-Public Arbitration**, 2025-04-24 This book engages with the concerns the rising phenomenon of arbitrations between private and public actors raises for principles of constitutional law including democracy the rule of law and the protection of fundamental rights It analyses how party appointed one off arbitral tribunals determine the delineation of private rights and public interests within a transnational legal environment and provides a framework that aligns this activity with constitutional values Featuring 20 chapters dealing with almost 40 jurisdictions from different corners of the world the book examines how domestic legal systems and legal practice approach the involvement of public entities as parties to arbitration agreements and arbitration proceedings to what extent the constitutional legal frameworks involved problematize private public arbitration as a constitutional concern and how different domestic legal systems ensure that private public arbitration conforms to and avoids undermining the public interest The chapters analyse inter alia whether the governing domestic law treats private public arbitration differently from commercial arbitration between private parties to what extent domestic law permits such arbitrations what regulatory frameworks domestic law sets up and what control mechanisms domestic law establishes in order to ensure that the public interest is safeguarded when public entities agree to have disputes resolved through arbitration rather than in domestic courts **Research Handbook on Foreign Direct Investment** Markus Krajewski, Rhea Tamara Hoffmann, Increasing international investment the proliferation of international investment agreements domestic legislation and investor State contracts have contributed to the development of a new field of international law that defines obligations between host states and foreign investors with investor State dispute settlement This involves not only vast sums but also a panoply of rights duties and shifting objectives at the juncture of national and international law and policy This engaging Research Handbook provides an authoritative account of these diverse investment law issues *The ICSID Convention, Regulations and Rules* Julien Fouret, Rémy Gerbay, Gloria M. Alvarez, 2019-12-27 This major new commentary on the ICSID Convention Regulations and Rules offers a new forward looking and highly practical interpretation of the convention and its associated documents It is the first commentary to provide systematic article by article coverage not only of the Convention itself but also of the institution rules the ICSID arbitration rules and the ICSID administrative and financial regulations Written by a team of leading experts from private practice government and academia this uniquely comprehensive work will be an essential resource for those in the investment arbitration community and a turn to reference work for international investment law and international arbitration scholars

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