

# Harnessing Foreign Investment to Promote Environmental Protection

**Incentives and Safeguards**

Edited by Pierre-Marie Dupuy and Jorge E. Viñuales



CAMBRIDGE

# Harnessing Foreign Investment Environmental Protection

**Flavia Marisi**



## **Harnessing Foreign Investment Environmental Protection:**

**Harnessing Foreign Investment to Promote Environmental Protection** Vinauales Jorge Dupuy Pierre-Marie,2013  
This volume provides cutting edge interdisciplinary analysis of the synergies between foreign investment and environmental protection by leading scholars and practitioners  
**Harnessing Foreign Investment to Promote Environmental Protection** Pierre-Marie Dupuy,Jorge E. Viñuales,2013-03-14  
Harnessing Foreign Investment to Promote Environmental Protection investigates the main challenges facing the implementation of environmental protection and the synergies between foreign investment and environmental protection Adopting legal economic and political perspectives the contributing authors analyse the various incentives which encourage foreign investment into pro environment projects such as funds project finance market mechanisms payments for ecosystem services and insurance and the safeguards against its potentially harmful effects investment regulation CSR and accountability mechanisms contracts and codes of conduct

*Harnessing Foreign Investment to Promote Environmental Protection* Pierre-Marie Dupuy,Jorge E. Viñuales,2013-03-14  
This volume provides cutting edge interdisciplinary analysis of the synergies between foreign investment and environmental protection by leading scholars and practitioners  
**Foreign Investment and the Environment in International Law** Jorge E. Viñuales,2012-09-13  
Conflicts between foreign investment law and environmental law are becoming increasingly frequent On the one hand the rise of environmental regulation poses significant challenges to foreign investors in several industries On the other the surge in investment arbitration proceedings is making States aware of the important litigation risks that may result from the adoption of environmental regulation This study of the relationship between these two areas of law adopts both a policy and a practical perspective It identifies the major challenges facing States foreign investors and their legal advisers as a result of the potential friction between investment law and environmental law and provides a detailed analysis of all the major legal issues on the basis of a comprehensive study of the jurisprudence from investment tribunals human rights courts and bodies the ICJ the WTO the ITLOS the CJEU and other adjudication mechanisms

Research Handbook on Environment and Investment Law Kate Miles,2019  
The Research Handbook on Environment and Investment Law examines one of the most dynamic areas of international law the interaction between international investment law and environmental law and policy The Research Handbook takes a thematic approach analysing key issues in the environment investment nexus such as freshwater resources climate biodiversity biotechnology and sustainable development It also includes sections which explore regional experiences and address practice and procedure and offers innovative approaches and critical perspectives including the interface between foreign investment and the environment with human rights gender indigenous peoples and economics  
**International Environmental Law** Pierre-Marie Dupuy,Jorge E. Viñuales,2018-06-07  
International Environmental Law offers a concise conceptually clear and legally rigorous introduction to contemporary international environmental law and practice The book covers all major environmental agreements paying

particular attention to their underlying structure main legal provisions and practical operation It blends legal and policy analysis making extensive reference to the jurisprudence and scholarship and addressing the interconnections with other areas of international law including human rights humanitarian law trade and foreign investment The material is structured into four sections foundations substantive regulation implementation and influence on other areas of international law which help the reader to navigate the different areas of international environmental law Each chapter includes charts summarising the main components of the relevant legal frameworks and provides a detailed bibliography Suitable for practicing and academic international lawyers who want an accessible up to date introduction to contemporary international environmental law as well as non lawyers seeking a concise and clear understanding of the subject Birnie, Boyle, and Redgwell's International Law and the Environment Alan E. Boyle, Catherine Redgwell, 2021 As conservation of the environment plays an increasingly important role within society Birnie Boyle and Redgwell's International Law and the Environment continues to be an essential read for students and practitioners alike Whilst remaining rooted within the substantive law the book places legislation on the protection of the environment firmly at the core of the text Written by experts in the field the authors employ sharp and thorough analysis of the laws allowing them to share their extensive knowledge and experience with the reader The authors provide a unique perspective on the implications of international regulation promoting a wider understanding of the pertinent issues impacting upon the law

**The Rio Declaration on Environment and Development** Jorge E. Viñuales, 2015-02-05 The international community has long grappled with the issue of safeguarding the environment and encouraging sustainable development often with little result The 1992 Rio Declaration on Environment and Development was an emphatic attempt to address this issue setting down 27 key principles for the international community to follow These principles define the rights of people to sustainable development and the responsibilities of states to safeguard the common environment The Rio Declaration established that long term economic progress required a connection to environmental protection It was designed as an authoritative and comprehensive statement of the principles of sustainable development law an instrument to take stock of the past international and domestic practice a guide for the design of new multilateral environmental regimes and as a reference for litigation This commentary provides an authoritative and comprehensive overview of the principles of the Declaration written by over thirty inter disciplinary contributors including both leading practitioners and academics Each principle is analysed in light of its origins and rationale The book investigates each principle's travaux préparatoires setting out the main points of controversy and the position of different countries or groups It analyses the scope and dimensions of each principle providing an in depth understanding of its legal effects including whether it can be relied before a domestic or international court It also assesses the impact of the principles on subsequent soft law and treaty development as well as domestic and international jurisprudence The authors demonstrate the ways in which the principles interact with each other and finally provide a detailed analysis of the shortcomings and

future potential of each principle This book will be of vital importance to practitioners scholars and students of international environmental law and sustainable development

**China and International Dispute Resolution in the Context of the 'Belt and Road Initiative'** Wenhua Shan, Sheng Zhang, Jinyuan Su, 2021-02-18 Written by eminent international judges scholars and practitioners this book offers a timely study of China's role in international dispute resolution in the context of the construction of the Belt and Road Initiative BRI It provides in depth analysis of the law and practice in the fields of international trade commerce investment and international law of the sea as they relate to the BRI construction It is the first comprehensive assessment of China's policy and practice in international dispute resolution in general and in individual fields in the context of the BRI construction This book will be an indispensable reading for scholars and practitioners with interest in China and international dispute resolution It also constitutes an invaluable reference for anyone interested in the changing international law and order in which China is playing an increasingly significant role particularly through the BRI construction

Corporate Environmental Accountability in International Law Elisa Morgera, 2020 This book explores the evolving role of international law in directing and controlling the conduct of business enterprises in particular multinational corporations with respect to the protection of the environment the sustainable use of natural resources and the respect of inter related human rights It assesses the progress and continuing limitations in the identification of international standards of corporate environmental accountability and responsibility and their implementation by international organizations This assessment shows the extent to which the international community has conceptually and operationally clarified its expectations about acceptable corporate conduct This second edition of Elisa Morgera's book reflects the intensified convergence of international standard setting efforts on corporate environmental accountability with parallel international developments on business and human rights and the environment It also explores the recent emergence of substantive international standards of corporate environmental responsibility which have arisen from a growing number of sectoral guidelines Equally it points to the remaining divergences in the content of international standards of corporate environmental accountability and responsibility which reflect differing views among States of their international obligations to ensure the protection of the environment and the respect of human rights Provided by publisher

Protecting Forest and Marine Biodiversity Ed Couzens, Alexander Paterson, Sophie Riley, Yanti Fristikawati, 2017-11-24 This timely book contributes to discussions on the best legal practices to use to promote conservation protection and sustainable use of biological diversity in forest and marine areas The breadth of issues explored across these two themes is immense and the book identifies both key differences and striking commonalities between them

**Protection of Foreign Investments in an Intra-EU Context** Moskván, Dominik, 2022-02-04 The Achmea judgment revolutionised intra EU investment protection by declaring intra EU bilateral investment treaties intra EU BITs incompatible with EU law This incisive book investigates whether intra EU foreign investments benefit from this alteration which discontinued the parallel applicability of intra EU BITs and EU law in the EU

internal market In addition to comparative legal analysis from an investor perspective Dominik Moskván puts forward a proposal for a creation of a permanent intra EU foreign investment court to ensure a balanced economic development of the EU internal market

**Community Interests Across International Law** Eyal Benvenisti, Georg Nolte, 2018-05-16 This book explores the extent to which contemporary international law expects states to take into account the interests of others namely third states or their citizens when they form and implement their policies negotiate agreements and generally conduct their relations with other states It systematically considers the various manifestations of what has been described as community interests in many areas regulated by international law and observes how the law has evolved from a legal system based on more or less specific consent and aimed at promoting particular interests of states to one that is more generally oriented towards collectively protecting common interests and values Through essays by experts in the field this book explores topics such as the sources of international law and the institutional aspects of developing the law and covers a range of areas within the law

**International Investment Law at the Juncture** Shen Wei, 2024-05-02 The book focuses on some of the most pressing issues in international investment law in Asia such as the role of developing countries the rebalancing between the investors rights protection and the host states right to regulate the ISDS reform among others The book investigates these issues by looking into the bilateral investment treaties and investment arbitration cases in the region The readers will benefit from this book's rich content and wide coverage For instance the readers would learn more about Asian states Bilateral Investment Treaty law and practice and their standing on international investment law The book provides a fresh angle to most readers who may be more exposed to the Western perspective on the topic providing a more complete picture to add to the readers understanding of international investment law and in particular its evolution and future possibilities

**Extractive Industries** Tony Addison, Alan Roe, 2018 This book is about the challenges and opportunities facing developing countries in using their extractive industries to achieve inclusive and sustainable development It recognizes the importance of using oil gas and mining to achieve inclusive change

**Research Handbook on the Law of the Paris Agreement** Alexander Zahar, 2024-05-02 This comprehensive Research Handbook sets out a systematic analysis of the Paris Agreement taking into account developments since it entered into force in 2016 It explores the treaty's capacity as an instrument of international law to compel state action to address the universal threat of climate change

*Environmental Counterclaims in Investment Arbitration* Andrés Eduardo Alvarado-Garzón, 2023-12-07 This book critically analyses the availability of environmental counterclaims in investment arbitration presented by the respondent host state against the claimant investor It starts from the premise that the conflicting relation between investment law and environmental protection cannot always be avoided Yet the instrument of environmental counterclaims in investment arbitration might alleviate such relation Throughout its chapters this book addresses the questions about the societal and practical relevance of seeking redress for environmental damage in investment arbitration the functioning of such instrument

both in contract based and treaty based investment arbitration the suitability of arbitral tribunals to rule upon environmental issues and the kind of environmental damages that could be redressed Most importantly by deconstructing the requirements of jurisdiction connection between main claim and counterclaim and cause of action this book provides the tools for there conceptualisation of the instrument of counterclaims with the hope of harnessing its utility to achieve appropriate redress for environmental damages caused by foreign investors

**Research Handbook on International Procedural Law** Joanna Gomula, Stephan Wittich, Markus Stemeseder, 2024-06-05 This comprehensive Research Handbook provides a detailed exploration of the principles and rules that impact the procedures and operation of international courts and tribunals Within this framework leading experts examine how the evolution of procedural rules and concepts has given rise to a distinct body of rules known as international procedural law

*Sustainable Development in EU Foreign Investment Law* Stefanie Schacherer, 2021-08-24 In *Sustainable Development in EU Foreign Investment Law* Stefanie Schacherer offers an account of the legal effects of sustainable development within the EU s international investment policy and global investment governance The author provides a clear assessment of how the EU contributes to the ongoing debate on sustainable development integration in international investment agreements By analysing the EU s post Lisbon treaty practice the author critically assesses to what extent the EU has managed to operationalise a sustainable development driven foreign investment policy

*The Prevention Principle in International Environmental Law* Leslie-Anne Duvic-Paoli, 2018-05-31 Prevention is recognized as a cornerstone of international environmental law but this principle remains abstract and elusive in terms of exactly what is required of states to prevent environmental harm In this illuminating work Leslie Anne Duvic Paoli addresses this issue by offering a systematic comprehensive assessment in which she clarifies the rationale content and scope of the prevention principle while also placing it in a wider legal context The book offers a detailed analysis of treaty law custom codification works and case law before culminating in a conceptualization of prevention based on three definitional traits 1 Its anticipatory rationale 2 Its due diligence content and 3 Its wide spatial scope to protect the environment as a whole This book should be read by anyone seeking to understand the evolving principle of prevention in international environmental law and how it increasingly shares common ground with reparation in the arena of compliance control

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