

# Harnessing Foreign Investment to Promote Environmental Protection

**Incentives and Safeguards**

Edited by Pierre-Marie Dupuy and Jorge E. Viñuales



CAMBRIDGE

# **Harnessing Foreign Investment To Promote Environmental Protection Incentives And Safeguards**

**Karin Nielsen-Saines**



## **Harnessing Foreign Investment To Promote Environmental Protection Incentives And Safeguards:**

*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 *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 Publisher's website **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 **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

**Building a Treaty on Business and Human Rights** Surya Deva, David Bilchitz, 2017-10-19 The calls for an

international treaty to elaborate the human rights obligations of transnational corporations and other business enterprises have been rapidly growing due to the failures of existing regulatory initiatives in holding powerful business actors accountable for human rights abuses In response Building a Treaty on Business and Human Rights explores the context and content of such a treaty Bringing together leading academics from around the world this book engages with several key areas the need for the treaty and its scope the nature and extent of corporate obligations the role of state obligations and how to strengthen remedies for victims of human rights violations by business It also includes draft provisions for a proposed treaty to advance the debate in this contentious area and inform future treaty negotiations This book will appeal to those interested in the fields of corporate social responsibility and business and human rights

### **Global Risks and**

**International Law** Sarah Cassella,2023-12-11 Global risks present formidable challenges to international law Although they have long been identified in many other scientific disciplines they are currently only considered on a sectoral basis in international law in the absence of a legal definition The aim of this book is threefold to identify the main elements that characterise global risks in a legal perspective to determine the characteristics that make them a new category of risk and to analyse the changes they bring about in the main mechanisms of international law Drawing on the relationship between international law and other legal systems and in particular national law this book highlights possible responses to the challenges posed by global risks The study is based on extensive practice related to the examples of climate change and pandemics but opens up perspectives on conclusions that could be common to other global risks such as financial risks or cyber risks Interview with the author

### *International Investment Law and Dispute Resolution in the Western Balkans*

Fahira Brodlija,Armela Ramić,2025-03-24 This book provides a comprehensive and in depth analysis of the legal and institutional frameworks for investment law and dispute resolution in the Western Balkans region filling a significant gap in understanding the regional dynamics in the field It is the first book of its kind drawing on unique insights from government officials legal practitioners international development organizations and scholars who address the existing frameworks and transformative reform efforts In two carefully curated sections the book first analyses the regional developments in the context of EU and international reforms then zooms into the legal and institutional frameworks for investment protection and dispute resolution in each economy based on robust analysis and unique empirical data

### **The Law of Political Risk**

**Insurance** Özge Tosun,2025-03-29 This book explores the scope of host states sovereign powers and the rights of foreign investors Investors from developed countries engage in business with developing countries for various purposes including political reasons expanding and diversifying their operations accessing essential natural resources and skilled labor forces lowering their production costs and in some cases even mitigating global warming Correspondingly in order to attract foreign investment host countries can provide incentives or make concessions However once the investment has been made these ventures are vulnerable to the actions of the host state Political risk insurance as the name suggests serves to protect

investments made in foreign countries where the sovereigns are more likely to interfere in the business activities of foreign investors This book offers a comprehensive understanding of the general mechanics of each main type of political risk the entities responsible for these risks insurers their unions and the subrogation process Bridging the fields of investment law insurance law and international law it offers valuable insights from both practical and academic perspectives *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 *Extractive Industries* Tony Addison, Alan Roe, 2018-09-19 This is an open access title available under the terms of a CC BY NC SA 3.0 IGO licence It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations New initiatives recognize that resource wealth can provide a means when properly used for poorer nations to decisively break with poverty by diversifying economies and funding development spending *Extractive Industries The Management of Resources as a Driver of Sustainable Development* explores the challenges and opportunities facing developing countries in using oil gas and mining to achieve inclusive change While resource wealth can yield prosperity it can also when mismanaged cause acute social inequality deep poverty environmental damage and political instability There is a new determination to improve the benefits of extractive industries to their host countries and to strengthen the sector's governance *Extractive Industries* provides a comprehensive contribution to what must be done in this sector to deliver development protect often fragile environments from damage enhance the rights of affected communities and support climate change action It brings together international experts to offer ideas and recommendations in the main policy areas With a breadth of collective insight and experience it argues that more attention must be given to the development role of extractive industries and looks to the future to explain how action on climate change will profoundly shape the sector's prospects *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 *International Law for Common Goods* Federico Lenzerini, Ana Filipa Vrdoljak, 2014-12-01 International law has long been dominated by the State But it has become apparent that this bias is unrealistic and untenable in the contemporary world as the rise of the notion of common goods challenges this dominance These common goods typically values like human rights rule of law etc or common domains the environment cultural heritage space etc speak to an emergent international community beyond the society of States and the attendant rights and obligations of non State actors This book details how three key areas of international law human rights culture and the environment are pushing the boundaries in this field Each category is of current and ongoing significance in legal and public discourse as illustrated by the Syrian conflict human rights and international humanitarian law the destruction of mausoleums and manuscripts in Mali cultural heritage and the Deepwater Horizon oil spill the environment Each exemplifies the need to move beyond a State focused idea of international law This timely volume explores how the idea of common goods in which rights and obligations extend to individuals groups and the international community offers one such avenue and reflects on its transformative impact on international law Natural Resources and Human Rights Jérémie Gilbert, 2018-10-24 Natural resources and their effective management are necessary for securing the realisation of human rights The management of natural resources is linked to broad issues of economic development as well as to political stability peace and security but it is also intimately connected to the political economic social and cultural rights of individuals and communities relying on these resources The management of natural resources often leads to ill planned development misappropriation of land corruption bad governance misaligned budget priorities lack of strong institutional reforms and weak policies coupled with a continued denial of the human rights of local communities This book argues that human rights law can play an important role in ensuring a more effective and sustainable management of natural resources putting forward the idea of a human rights based normative framework for natural resource management It offers a comprehensive analysis of the different norms procedures and approaches developed under human rights law that are relevant to the management of natural resources Advocating for a less market and corporate approach to the control ownership and management of natural resources this book supports the

development of holistic and coherent integration of human rights law in the overall international legal framework governing the management of natural resources      International Environmental Law Compliance in Context Belen Olmos

Giupponi,2021-04-22 This book explores how compliance with international environmental law has changed over time offering a critical analysis of its current shifting patterns Beginning with an overview of compliance with international environmental law the book goes on to explore in detail compliance in the different legal regimes instituted by Multilateral Environmental Agreements MEAs the addition of new subjects of international law the legal relations between developed and developing countries and the emergence of new compliance mechanisms in global environmental law The analysis takes two key developments into consideration the evolution in forms of compliance and non state involvement in compliance with international environmental law In the final section three case studies are provided to demonstrate how these changes have occurred in selected areas climate change biodiversity and water resources Throughout the book topics are illustrated with extracts from specific international environmental law jurisprudence and relevant international environmental law instruments In doing so the book offers a comprehensive analysis of compliance with international environmental law providing original insights and following a clear and systematic structure supported by reference to the sources This book will be of interest to professionals academics and students working in the field of compliance with international environmental law      **Environmental Law Dimensions of Human Rights** Ben Boer,2015-03-12 How can we guarantee a

right to life or a right to health without also guaranteeing a decent environment in which to exercise these rights It is becoming increasingly obvious that a high quality environment is key to the fundamental human rights of life and health and associated rights such as the right to clean water adequate housing and food This book canvasses a range of law and policy issues concerning human rights and the environment Each chapter examines an aspect of the links between environmental law and human rights in substantive and or procedural terms loosely falling into four themes human rights and the environment in the context of the private sector analysis of decisions of the European and Inter American courts in respect of substantive and procedural aspects human rights and the environment in the Asian region including the issue of human displacement and the future direction of human rights and environment law      **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      Routledge Handbook of Energy Law Tina Hunter,Ignacio Herrera,Penelope Crossley,Gloria

Alvarez,2020-04-27 The Routledge Handbook of Energy Law provides a definitive global survey of the discipline of Energy Law capturing the essential and relevant issues in Energy today Each chapter is written by a leading expert and provides a contemporary overview of a significant area within the field The book is divided into six geographical regions based on continents with a separate section on Russia an energy powerhouse that straddles both Europe and Asia Each section contains highly topical chapters from authors who address a number of core themes in Energy Law and Regulation Energy security and the role of markets Regulating the growth of renewable energy Regulating shifts in traditional forms of energy Instruments in regulating disputes in energy Impact of energy on the environment Key issues in the future of energy and regulation Offering an analysis of the full spectrum of current issues in Energy Law the Routledge Handbook of Energy Law is an essential resource for advanced students researchers academics legal practitioners and industry experts Chapter 12 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license      Unraveling the Nagoya Protocol Elisa Morgera,Elsa Tsioumani,Matthias Buck,2014-07-25 The Nagoya Protocol is an unprecedented international environmental agreement that equally addresses development distributive justice and environmental sustainability With a balanced view of the various possible interpretations of the Protocol provisions in light of different national and regional perspectives and a systematic highlighting of its legal innovations Unraveling the Nagoya Protocol A Commentary on the Nagoya Protocol on Access and Benefit sharing to the Convention on Biological Diversity will serve as a seminal work for all those interested in the environment human rights economics and both legal and scientific innovations      Natural Resources Grabbing: An International Law Perspective Francesca Romanin Jacur,Angelica Bonfanti,Francesco Seatzu,2015-10-14 The growing demand for natural resources has triggered a race to their exploitation and possession especially in developing countries Most desired are water land forests raw materials oil gas mineral and precious stones fisheries and genetic resources Emerging economies Western states multinational corporations and international financial institutions have become the biggest buyers in a race that on one hand strengthens economies and creates investment opportunities and on the other threatens local communities and environmental protection Natural Resources Grabbing An International Law Perspective aims at filling a gap in the legal literature by addressing the adverse effects that large scale investments in natural resources may pose to fundamental human rights and the protection of the environment      **Investors' International Law** Jean Ho,Mavluda Sattorova,2021-06-03 This book is the first book length analysis of investor accountability under general and customary international law international human rights law international environmental law international humanitarian law as well as international investment law International investment law is currently facing growing criticisms for its failure to address corruption abuse environmental damage and other forms of investor misconduct Reform initiatives range from the rejection of international law as a governing regime for investors to the dramatic overhaul of investment treaties that



supposedly enable investor overprotection to the creation of a multilateral international instrument that would enable the litigation of claims against errant businesses before an international tribunal Whether these initiatives succeed in disciplining investors remains to be seen What these initiatives undeniably show however is that change is warranted to counteract this lopsided investors international law Each chapter in the book addresses a different and underexplored dimension of investor accountability thus offering a novel and consolidated study of international law The book will be of immense assistance to legal practitioners academics and policy makers involved in the design drafting application and reform of various international instruments addressing investor accountability

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