

Commentaries on Selected Model Investment Treaties

Edited by **Chester Brown**, Associate Professor, Faculty of Law, University of Sydney; Barrister, 7 Selborne Chambers, Sydney; Essex Court Chambers, London; and Maxwell Chambers, Singapore, and **Devashish Krishan**, Freshfields Bruckhaus Deringer LLP, New York

The existing literature on the substantive and procedural aspects of bilateral investment treaties (BITs) relies heavily on investment treaty arbitration decisions as a source of law. What is missing is a comprehensive, analytical review of state practice. This volume fills this gap, providing detailed analyses of the investment treaty policy and practice of nineteen key capital-exporting states and emerging market economies.

The authors are leading experts in government, academia, and private legal practice, and their chapters are largely based on primary source materials. Each chapter provides a description of the regulatory or policy framework governing foreign investment (both inflows and outflows) with a historical presentation of the state's Model BIT; an examination of internal government processes and practices relating to treaty negotiation, conclusion, ratification and record-keeping; and a detailed article-by-article analytical commentary of the state's Model BIT, elucidating the policy behind each provision and highlighting the ways in which the actual investment treaty practice of that state deviates from this standard text. The analysis is supplemented by the case law relevant to that state's investment treaties.

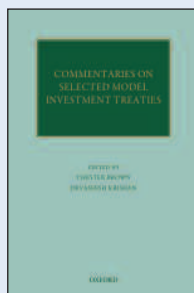
This commentary will be of immense assistance to counsel and arbitrators engaged in the interpretation of BITs and investment chapters in Free Trade Agreements, and to government officials and scholars engaged in BIT policy formulation and implementation. It will serve as a standard resource for legal practitioners, scholars, policy-makers and other stakeholders in the field of international investment policy, law, and arbitration.

Oxford Commentaries on International Law

978-0-19-964519-0, Hardback

840 Pages
March 2012

£175.00



The Evolving International Investment Regime

Expectations, Realities, Options

Jose E. Alvarez, Herbert and Rose Rubin Professor of International Law, New York University Law School, **Karl P. Sauvant**, Lecturer in Law, Columbia University Law School, With **Kamil Girard Ahmed**, and With **Gabriela P. Vizcamno**



With the growth of the global economy over the past two decades, foreign direct investment (FDI) laws, at both the national and international levels, have undergone rapid development in order to strengthen the protection standards for foreign investors. A network of international investment agreements has arisen as a way to address FDI growth. *The Evolving International Investment Regime* analyzes and discusses the existing challenges to the international investment regime, and addresses these challenges going forward.

978-0-19-979362-4, Hardback

£95.00

304 Pages
June 2011 (OUP USA)

The International Minimum Standard and Fair and Equitable Treatment

Martins Papatrakis, Junior Research Fellow, Merton College, Oxford

Investment protection treaties generally provide for the obligation to treat investments fairly and equitably, even if the wording of the rule and its relationship with the customary international standard may differ. The open-textured nature of the rule, the ambiguous relationship between the vague treaty and equally vague customary rules, and States' interpretations of the content and relationship of both rules (not to mention the frequency of successful invocation by investors) make this issue one of the most controversial aspect of investment protection law.

This monograph engages in a comprehensive analysis of the relationship between the international minimum standard and fair and equitable treatment. It provides an original argument about the historical development of the international standard, a normative rationale for reading it into the treaty rules of fair and equitable treatment, and a coherent methodology for establishing the content of this standard

Oxford Monographs in International Law

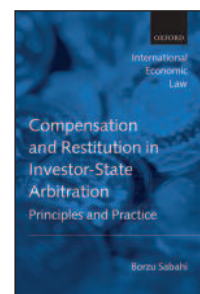
978-0-19-969450-1, Hardback

£60.00

264 Pages
April 2012

Compensation and Restitution in Investor-State Arbitration

Borzu Sabahi, Curtis Mallet-Prevost, Colt & Mosle LLP, Washington DC



This is a concise guide for lawyers, valuation experts, academics, and students to the remedies that foreign investors may seek in international investment disputes. It provides an overview of the legal rules applicable in such circumstances and numerous case studies to show how they are used.

International Economic Law Series

978-0-19-960118-9, Hardback

£70.00

280 Pages
June 2011



Yearbook on International Investment Law & Policy 2009–2010

Edited by **Karl Sauvant**, Research Scholar and Lecturer in Law, Columbia Law School

With contributions by leading experts in the field, the *Yearbook on International Investment Law & Policy 2009–2010* provides timely, authoritative information on foreign direct investment that can be used by a wide audience, including practitioners, academics, researchers, and policy makers.

978-0-19-976701-4, Hardback

£100.00

768 Pages
2010 (OUP USA)

International Investment Law and Comparative Public Law

Edited by **Stephan W. Schill**, Attorney-at-Law (New York); Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law

'The most important book for investment arbitration in a decade. Arbitrators have been adrift in a sea of discretion as they attempt to fill out the content of vague standards. This book provides guidance and a method that will shape the arguments of counsel and provide a reasoned basis for decision. A critical step in saving investment arbitration has been taken.'

David D. Caron, University of California at Berkeley

International investment law is one of fastest-growing areas of international law, but it is plagued by the vagueness of many investors' rights and unpredictable investment tribunal decisions. This book analyses international investment law through the lens of comparative public law to clarify investment treaty obligations and arbitral procedure.

978-0-19-958910-4, Hardback

£145.00

920 Pages, 2010



Law and Economics

Edited by **Satish Jain**,
Professor of Economics,
Centre for Economic
Studies and Planning,
School of Social Sciences,
Jawaharlal Nehru
University



This collection of essays has shaped the approach to studying law and other institutions of economics and governance. With its set of concepts, measurement tools, and policy perspectives, this collection recognizes the existence of multiplicity of individual and social values and whether these values are consistent with a sustainable social structure.

978-0-19-806773-3, Hardback £37.50
416 Pages
2010 (OUP India)

NEW EDITION

Global Perspectives on Income Taxation Law

Reuven Avi-Yonah, Irwin I. Cohn Professor of Law and Director of the International Tax LLM Program, University of Michigan Law School, **Nicola Sartori**, Lecturer, International University College of Turin, Italy, and **Omri Marian**, Practices tax law, Sullivan & Cromwell LLP

In *Global Perspectives on Income Taxation Law*, Avi-Yonah covers basic, corporate and international tax law from a comparative perspective. The book both supplements readings in U.S. tax law courses and serves as a textbook for a comparative tax law class. It is arranged by subject matter in the order in which they are usually covered in U.S. tax law classes. The materials are drawn from a wide variety of countries, including developing countries.

Global Perspectives Series

978-0-19-532136-4, Paperback £16.99
978-0-19-532135-7, Hardback £40.00
288 Pages
April 2011 (OUP USA)

Access to Medicine in the Global Economy

International Agreements on Patents and Related Rights

Cynthia Ho, Research Professor of Law, Loyola University, Chicago School of Law

Access to medicine is a topic of widespread interest. However, some issues that impact such access are presently inadequately understood. In particular, international laws require most nations to provide patents on drugs, resulting in premium prices that limit access. In *Access to Medicine in the Global Economy*, Professor Cynthia Ho explains such laws and their impact for a diverse group of readers, from scholars and policy makers to students in a variety of disciplines.

978-0-19-539012-4, Hardback £45.00
398 Pages
April 2011 (OUP USA)

Principles of International Investment Law

Mattias Herdegen, Director of the Institute for Public Law and Director of the Institute for International Law, Rheinische Friedrich-Wilhelms University, Bonn

- A comprehensive and concise introduction to international economic law, covering the WTO, investment law, and international monetary law
- Highlights common principles underlying various aspects of international economic law and assesses the growing importance and impact of other areas of law and policy on international economic law, such as human rights or environmental protection
- Takes into account the increased relevance of the principles of 'good governance', the role of transnational corporations in international economic relations, the new forms of governmental cooperation such as the G20, and other very recent developments

Principles of International Economic Law gives a comprehensive overview of the central topics of international economic law with an emphasis on the interplay between the different economic and political interests, on both the international and domestic levels. The book sets the classic topics of international economic law, WTO law, investment protection, commercial law and monetary law in context with human rights, environmental protection, and the legitimate claims of developing countries. It lays special emphasis on the evolving standards of good governance and provides a concise picture of the current architecture of international economic law.

Topics covered range from codes of conduct for multinational enterprises to the human rights implications of the exploitation of natural resources and bio-patents. The book demonstrates the economic foundations and economic implications of legal frameworks. It puts into profile the often complex relation of international standards on liberalization and economic rationality with state sovereignty and national preferences. It describes the new forms of economic cooperation which have developed in recent decades, such as the growing number of transnational companies in the private sector and forms of cooperation between states such as the G8 or G20. Providing a perfect introductory text to the field of international economic law, the book thoroughly analyses legal developments within their wider political, economic, or social context.

978-0-19-957986-0, Hardback £95.00
978-0-19-957987-7, Paperback £34.99
500 Pages
June 2012

Development at the WTO

Sonia E. Rolland, Associate Professor, Northeastern University School of Law

Seeking to open paths for reconsidering the trade and development relationship at the WTO, this book takes into account both the heritage of the trade regime and the present dynamics. It argues that the institutional processes for creating and implementing trade rules at the WTO and the actual regulatory outcomes are inseparable. A consideration of the development dimension at the WTO must examine both jointly.

It shows that the shortcomings of the Doha Development Round are in part due to the failure to assess trade rules as part of the legal processes and institutions that produced them. This book devotes significant analysis to the systemic impact of the WTO as an institution on developing and least developed members. From a pragmatic perspective, it provides a coherent and systematic analysis of the legal meaning, the implementation, and the adjudication of special and differential treatment rules for developing members. It then evaluates the different regulatory approaches to trade and development from a more theoretical perspective. The book finishes by presenting a range of proposals for a better balance between trade liberalization and the development needs of many WTO members.

International Economic Law Series

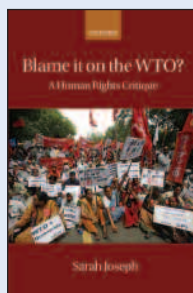
978-0-19-960088-5, Hardback £70.00
400 Pages
January 2012

Blame it on the WTO?**A Human Rights Critique**

Sarah Joseph, Director, Castan Centre for Human Rights Law, Monash University, Melbourne



- Much-needed legal examination of the criticisms often levelled at the human rights record of the WTO
- Includes coverage of topical issues such as developing States' access to cheap HIV/AIDS medication, the protection of labour rights, and trade bans aimed at States which violate human rights
- Assesses current Doha Round proposals for reform and analyzes whether developed States have an obligation towards developing nations to create a fairer trading system



The WTO is often accused of not paying enough attention to human rights. This book weighs these criticisms and examines their validity, both from a legal and from political and economic points of views. It asks whether the WTO is under an obligation to construct a fairer trade system and discusses suggestions for reform.

978-0-19-956589-4, Hardback

£60.00

368 Pages

April 2011

A Practical Guide to Working with TRIPS

Antony Taubman, Director of the World Trade Organisation Intellectual Property Division



This book is a concise and accessible guide to the practical workings of the TRIPS agreement (Trade-Related Aspects of Intellectual Property Rights) for policymakers and their legal advisers. The book offers a unique insider's account of how the international rules of IP function in practice within a broader legal framework that consists of WTO law and dispute resolution procedures. It clarifies how IP law and trade law must be dealt with in a coherent and sustainable manner, and provides practical guidance on how to read public policy objectives into the formulation and application of IP laws and related regulation, within the legal framework established by TRIPS. The book is concise and clear, and cuts through the textual clutter and complexity that afflicts policymaking and negotiation under the TRIPS regime.

978-0-19-95720-6, Paperback

£39.95

256 Pages

April 2011

Corporate Income Tax Law and Practice in the People's Republic of China

Fuli Cao, Attorney, Jones Day, Beijing, China

In *Corporate Income Tax Law and Practice in the People's Republic of China*, Fuli Cao provides a comprehensive analysis of China's newly revised tax laws and answers to specific China tax issues.

978-0-19-539339-2, Paperback

£135.00

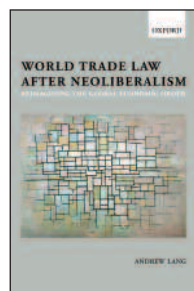
592 Pages

April 2011 (OUP USA)

World Trade Law after Neoliberalism

Reimagining the Global Economic Order

Andrew Lang, Senior Lecturer in Law, London School of Economics



- Provides an innovative account of the perceived tension between free trade and human rights, setting out and critically examining the assumptions underlying this debate
- Gives a full overview of the social history of the trade and human rights debate
- Suggests a new framework for the trade and human rights debate, focusing on the WTO's role in bringing together the expert knowledge and informal relationships that drive states' behaviour in the international economic order

The rise of economic liberalism in the latter stages of the 20th century coincided with a fundamental transformation of law of the World Trade Organization. In this book, Andrew Lang provides a new account of this transformation, and considers its enduring implications for international law. Against the commonly-held idea that 'neoliberal' policy prescriptions were encoded into WTO law, Lang argues that the last decades of the 20th century saw a reinvention of the international trade regime, and a reconstitution of its internal structures of knowledge.

978-0-19-959264-7, Hardback

£60.00

360 Pages

September 2011

LAW FROM OXFORD JOURNALS

Journal of International Economic Law

Editor-in-Chief: **John H. Jackson**, Georgetown University Law Center, Washington DC

The *Journal of International Economic Law* is dedicated to encouraging thoughtful and scholarly attention to a very broad range of subjects that concern the relation of law to international economic activity. The journal's emphasis is on fundamental, long-term, systemic problems and possible solutions, in the light of empirical observations and experience, as well as theoretical and multi-disciplinary approaches.

It provides important critiques of policies, negotiations, or court and tribunal cases and contributes modestly to promoting peace, world welfare, and enhancement of the quality of life for all peoples.

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American Law and Economics Review

Editors-in-Chief: **John J. Donohue**, Stanford Law School and **Steven Shavell**, Harvard Law School

The *American Law and Economics Review* is a refereed journal which maintains the highest scholarly standards and that is accessible to the full range of membership of the American Law and Economics Association, which includes practising lawyers, consultants, and academic lawyers, and economists.

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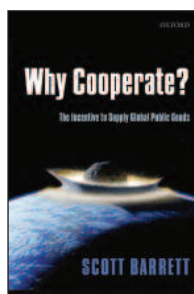


NEW IN
PAPERBACK

Why Cooperate?

The Incentive to Supply Global Public Goods

Scott Barrett, Professor and Director of International Policy, School of Advanced International Studies, Johns Hopkins University, and Distinguished Visiting Fellow, Yale Center for the Study of Globalization, Yale University



Scott Barrett provides a thought provoking and accessible introduction to the issues surrounding the provision of global public goods. Using a variety of examples to illustrate past successes and failures, he shows how international cooperation, institutional design, and the clever use of incentives can work together to ensure the effective delivery of global public goods.

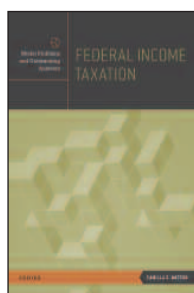
978-0-19-958521-2, Paperback £18.99
304 Pages, 11 tables and 3 figures
2010

Federal Income Taxation

Model Problems and Outstanding Answers

Camilla E. Watson

In *Federal Income Taxation: Model Problems and Outstanding Answers*, Camilla E. Watson helps students demonstrate their knowledge of federal income tax law in the structured and sophisticated manner that professors expect on law school exams.



This book includes clear introductions to the major topics in tax law, provides hypothetical's that students can expect to see on an exam, and offers model answers to those hypothetical's. Professor Watson then gives students the opportunity to evaluate their own work with a comprehensive self-analysis section. This book prepares students by challenging them to use the law they learn in class while also explaining the best way to express an answer on law school exams.

Model Problems and Outstanding Answers

978-0-19-539016-2, Paperback £18.99
258 Pages
December 2011 (OUP USA)

International Harmonization of Economic Regulation

Junji Nakagawa, Professor of International Economic Law, Institute of Social Science, University of Tokyo

- Clear and coherent analysis of international efforts to harmonize economic regulation, assessing their international as well as domestic impact
- Covers a wide range of areas, from trade and intellectual property regulations to technical standards, competition law, and finance
- Extensive examination of the roles of different actors involved in harmonization negotiations



With the advancing globalization of the world economy, domestic economic regulations are becoming more and more subject to efforts at international harmonization. This book presents an analysis of this worldwide phenomenon from both a legal and a politico-economic perspective by focusing on (1) the backgrounds and objectives of international harmonization, (2) the negotiating processes involved, and (3) the impact of harmonization on domestic laws and their administration.

International harmonization is discussed in a wide range of cases including trade-related regulations, technical standards and food safety standards, intellectual property rights, labour standards, competition law and policy, financial regulations, and regulations concerning transnational economic crime. Drawing on a wide range of materials and applying a unified analytical framework based on theoretical as well as practical observations, the book surveys this much debated topic in a comprehensive and accessible way. It thus contributes to a better understanding of both the chances and the challenges of globalization and global governance today.

International Economic Law Series

978-0-19-960466-1, Hardback

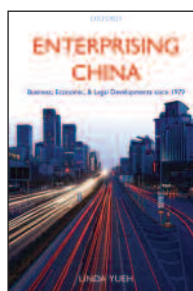
£70.00

432 Pages
November 2011

Enterprising China

Business, Economic, and Legal Developments since 1979

Linda Yueh, St Edmund Hall, University of Oxford, and London Business School



This book analyzes the transformation of business development and the 'marketization' of industry in China over the past thirty years within a complex framework of legal, political, and economic reform aims.

978-0-19-920582-0, Paperback £24.99
978-0-19-920583-7, Hardback £65.00

384 Pages, Numerous tables and figures
June 2011

LAW FROM OXFORD JOURNALS

The Journal of Law, Economics, & Organization

Editor-in-Chief:
Pablo T. Spiller,
University of California,
Berkeley

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