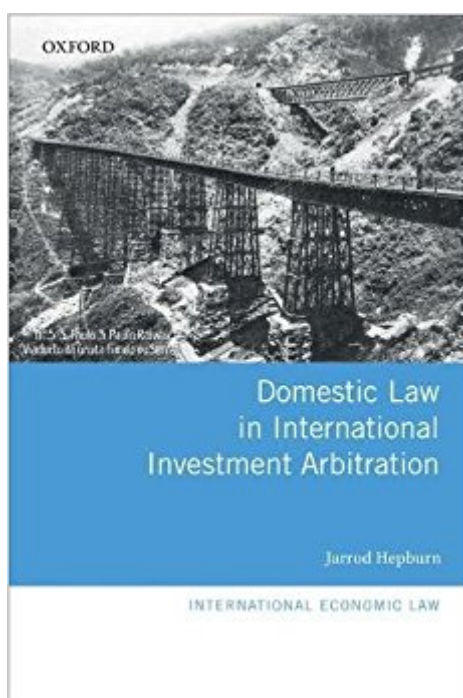


The book was found

# Domestic Law In International Investment Arbitration (International Economic Law Series)



## Synopsis

Although domestic law plays an important role in investment treaty arbitration, this issue is little discussed or analysed. When should investment treaty tribunals engage with domestic law? How should investment treaty tribunals resolve matters of domestic law? These questions have significant ramifications for both the legitimacy of the investment treaty system and the arbitral mandate of the tribunal members. Drawing on case law, international law principles, and comparative analysis, this book addresses these important issues. Part I of the book examines three areas of investment law—the 'fair and equitable treatment' standard, expropriation, and remedies—in which the role of domestic law has so far been under-appreciated. It argues that tribunals are justified in drawing on domestic law as a relevant factor in their rulings on these three issues. Part II of the book examines how questions of domestic law should be resolved in investment arbitration. It proposes a normative framework for use by tribunals in ascertaining the contents of the domestic law to be applied. It then considers counter-arguments, exemptions, and exceptions to applying this framework, and it evaluates how tribunals have ruled on questions of domestic law to date. Investment treaty arbitration has endured much criticism in recent times, partly over fears of its encroachment on sovereignty. The book ultimately contends that closer attention by tribunals to one of the principal expressions of a state's sovereignty—the elaboration of its domestic law—will reduce criticism of the field.

## Book Information

Series: International Economic Law Series

Hardcover: 320 pages

Publisher: Oxford University Press; 1 edition (April 23, 2017)

Language: English

ISBN-10: 0198785739

ISBN-13: 978-0198785736

Product Dimensions: 9.3 x 0.6 x 6.4 inches

Shipping Weight: 1.1 pounds (View shipping rates and policies)

Average Customer Review: Be the first to review this item

Best Sellers Rank: #787,545 in Books (See Top 100 in Books) #72 in [Books > Law > Business > Securities](#) #125 in [Books > Law > Business > Arbitration, Negotiation & Mediation](#) #809 in [Books > Law > Foreign & International Law](#)

## Customer Reviews

Jarrold Hepburn, McKenzie Post-Doctoral Research Fellow, Melbourne Law SchoolJarrold Hepburn is a McKenzie Postdoctoral Research Fellow at Melbourne Law School, University of Melbourne, Australia. Jarrold holds the degrees of DPhil, MPhil and BCL from Balliol College, University of Oxford, as well as first-class honours undergraduate degrees in both law and software engineering from the University of Melbourne. Jarrold is admitted to practice law in Australian federal and state jurisdictions, and has experience in the Competition group of a major Australian commercial law firm. He is also a regular contributor to a specialised news service, Investment Arbitration Reporter, providing coverage and analysis of foreign investment disputes.

[Download to continue reading...](#)

Domestic Law in International Investment Arbitration (International Economic Law Series)  
International Investment Arbitration: Substantive Principles (Oxford International Arbitration Series)  
International Investment Law and the Global Financial Architecture (Frankfurt Investment and Economic Law series)  
Calculation of Compensation and Damages in International Investment Law (Oxford International Arbitration Series)  
Yearbook on International Investment Law & Policy 2010-2011 (Yearbook of International Investment Law and Policy)  
The Formation and Identification of Rules of Customary International Law in International Investment Law (Cambridge Studies in International and Comparative Law)  
The Secrets of Economic Indicators: Hidden Clues to Future Economic Trends and Investment Opportunities (3rd Edition)  
Principles of International Investment Law (Foundations of Public International Law)  
Global Public Interest in International Investment Law (Cambridge Studies in International and Comparative Law)  
The Functions of Arbitral Institutions (International Arbitration Law Library Series Set)  
Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order (Chicago Series in Law and Society)  
Veterinary Hematology: Atlas of Common Domestic and Non-Domestic Species  
Multilevel Regulation of Military and Security Contractors: The Interplay between International, European and Domestic Norms (Studies in International Law)  
Quantitative Investment Analysis (CFA Institute Investment Series)  
Quantitative Investment Analysis Workbook (CFA Institute Investment Series)  
Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise (Cambridge Studies in Law and Society)  
International Arbitration: Law and Practice  
International Commercial Arbitration For Law Students, 2nd Edition (Updated June 2016)  
The Kelly Capital Growth Investment Criterion: Theory and Practice (World Scientific Handbook in Financial Economic Series)  
Household Ecology: Economic Change and Domestic Life among the Kekchi Maya in Belize

[Contact Us](#)

[DMCA](#)

[Privacy](#)

[FAQ & Help](#)