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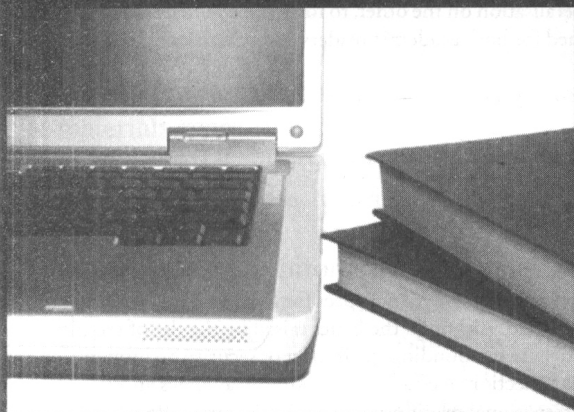


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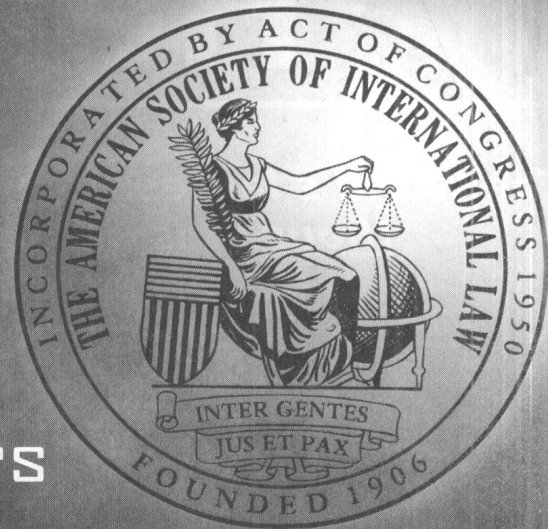
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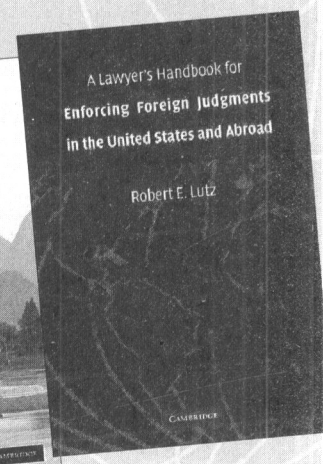
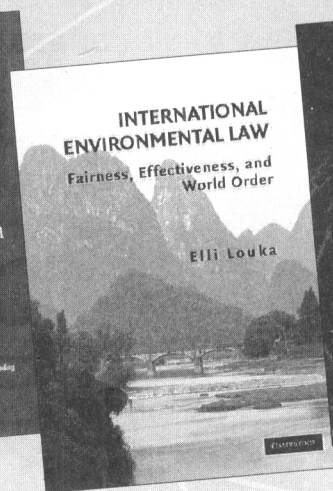
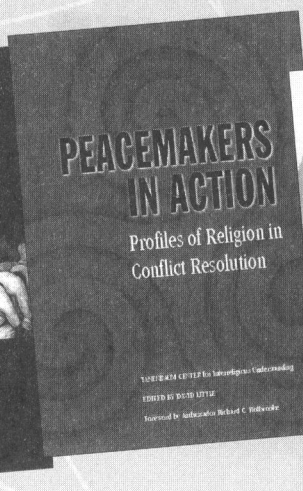
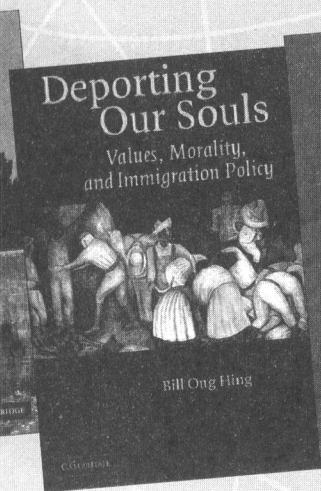
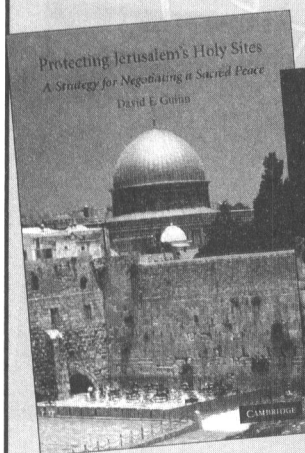
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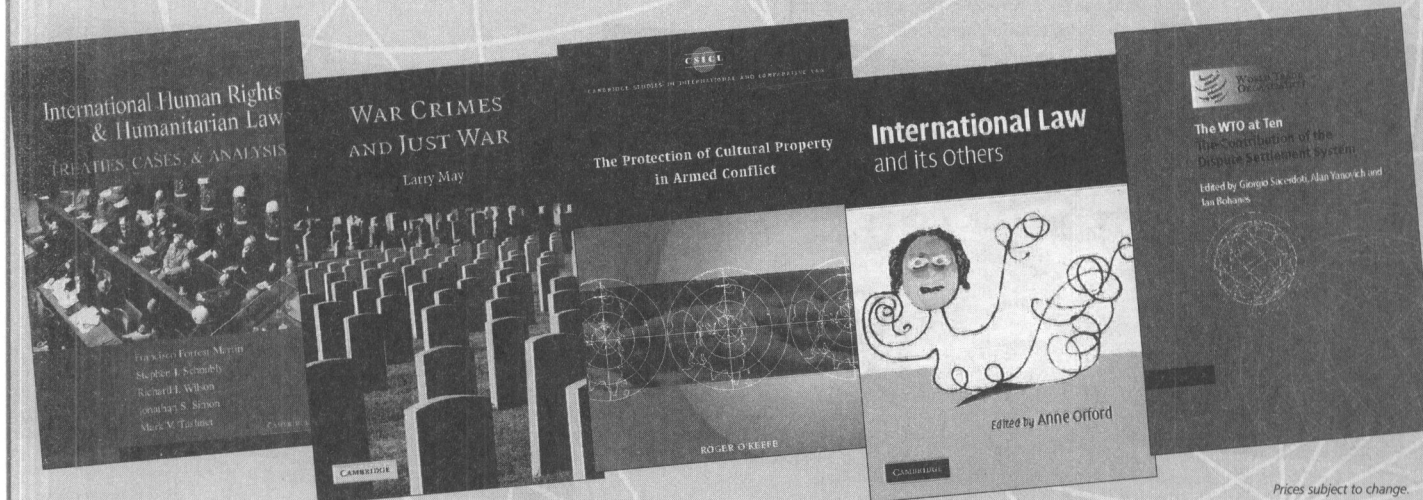
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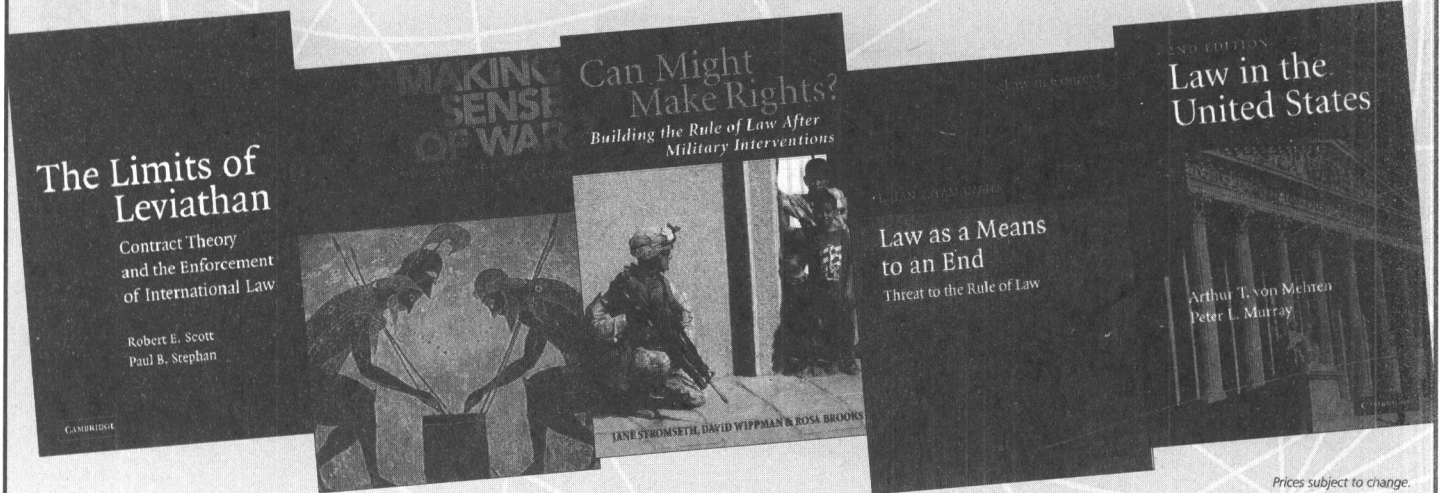
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Applicable law in International Investment Disputes

by Taida Begic



This book gives a comprehensive overview of all relevant aspects of the issue of applicable substantive law in the context of investor/State arbitration. It is a comparative survey of both the International Center for Settlement of Investment Disputes (ICSID) and non-ICSID arbitral practice.

The applicable substantive law represents an important issue in investment disputes as it determines the rules of law that should be applied to the merits of the dispute. This study demonstrates the need for a discussion on the applicable law before examining the merits of the case, as it appears to be non-existent in most arbitral awards.

The author gives an extensive survey of choice of law clauses as found in direct agreements between parties and in multilateral or bilateral investment treaties. Furthermore, the author analyzes the following issues: stabilization clauses in investment agreements, the application of the residual rule (if parties failed to agree on the applicable law), the special position of the Iran-US Claims Tribunal and various annulment decisions.

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Abbreviations; Introductory Note; I. Investor/State Arbitration And The Applicable Substantive Law; II. Agreed Choice Of Law; III. Absence Of Agreed Choice Of Law; IV. The Role Of International Law And Its Relation To Domestic Law; V. Issues Of Annulment; VI. Prohibition Of A Non-Liquet; VII. Decision Ex Aequo Et Bono; VIII. Summary Of Conclusions; Table Of Cases; Official Documents; Bibliography.

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by Thomas Pollan



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This book provides an in-depth study of the legal framework for the admission of FDI and presents insights into the pros and cons of various admission models. Its goal is to identify legal and policy options that serve the host state's and investor's common needs. The book is of interest to lawyers, academics and policy makers.

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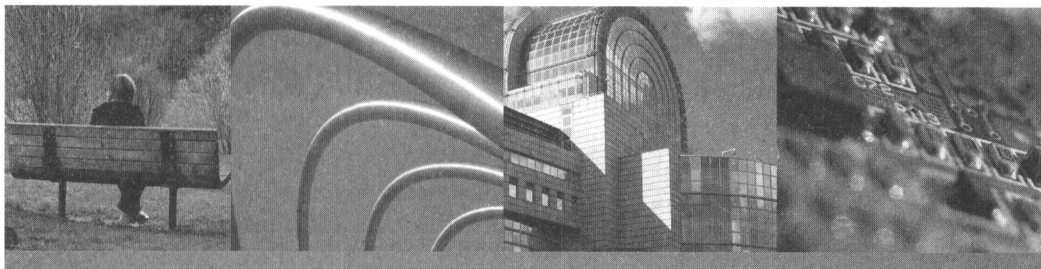
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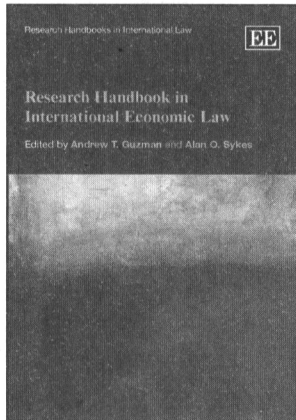
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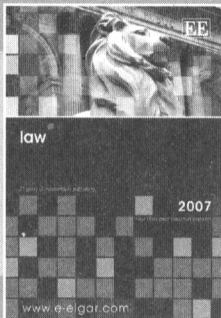
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- ▶ Immunities
- ▶ Individuals and Human Rights
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- ▶ International Economic Law
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NEW AND NOTEWORTHY TITLES

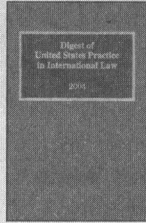
Digest of United States Practice in International Law, 2004

Sally J. Cummins, Office of the Legal Adviser, U.S. Department of State

Co-published by Oxford University Press and the International Law Institute, the *Digest of United States Practice in International Law* presents an annual compilation of documents and commentary highlighting significant developments in public and private international law, and is an invaluable resource for scholars and practitioners in the field.

Each edition includes documents such as treaties, diplomatic notes and correspondence, legal opinion letters, judicial decisions, Senate committee reports, and press releases. Each document is selected by members of the Legal Adviser's Office of the U.S. Department of State, based on its significance and relevance. *The Digest* provides an insiders view of the key documents shaping international law.

December 2006 / 978-0-93-532898-1
1,280 pages / \$145.00 (cloth)

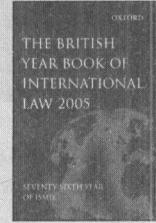


British Year Book of International Law 2005, Volume 76

Edited by **James Crawford**, Whewell Professor of International Law, Cambridge University
Vaughan Lowe, Chichele Professor of International Law, Oxford University

Now in its 76th year, the *British Year Book of International Law* has become an essential work of reference for academics and practicing lawyers. Through a compilation of articles and extended book reviews, it continues to provide up-to-date analysis on important developments in modern international law. Through its exhaustive coverage of decisions in UK courts and official government statements, the *British Year Book* offers unique insight into the development of state practice in the United Kingdom.

February 2007 / 978-0-19-920276-8
1,000 pages / \$240.00 (cloth)



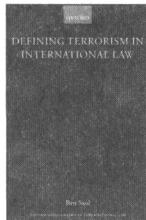
Defining Terrorism in International Law

Ben Saul, Lecturer, Faculty of Law, University of New South Wales

Terrorism has never been defined in international law.

This book examines the many failed attempts by the international community and the United Nations to define and criminalize terrorism, including heated debates about 'freedom fighters' and 'State terrorism'. It clearly explains why the international community should define and criminalize terrorism and in doing so, explores the difficult legal, ethical and philosophical questions involved in deciding when political violence is, or is not, permissible.

November 2006 / 978-0-19-929597-5 / \$99.00 (cloth)

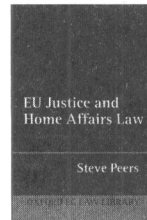


EU Justice and Home Affairs Law, 2nd ed.

Steve Peers, Professor of Law, University of Essex
Centre for European Law

This book examines in detail, EU law on justice and home affairs. It looks at the decision-making and judicial rules which the EU applies in these areas and examines the extensive EU law on visas and border controls, regulation of legal migration, control of illegal migration, criminal law definitions, criminal procedure, and policing and customs.

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450 pages / \$140.00 (cloth)

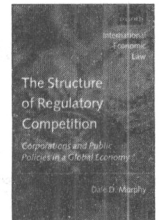


The Structure of Regulatory Competition: Corporations and Public Policies in a Global Economy

Dale Murphy, Assistant Professor, Walsh School of Foreign Service, Georgetown University

In order to understand international economic regulations, it is essential to understand the variation in competing corporations' interests. This book's theoretical findings open a 'black box' in the literature on international political economy and elucidate a source of regulatory differences and similarities. Its counter-intuitive case studies reveal how business and governments interact in the real world.

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NEW AND NOTEWORTHY TITLES

Independence of Mind

Timothy Macklem, Professor of Jurisprudence, King's College London

The fundamental freedoms of speech, conscience, privacy, and religion are now an essential part of the fabric of contemporary society, set down in our most basic laws and regularly invoked in our political and cultural debates.

These freedoms play a vital role in securing the spaces and opportunities within which people are able to pursue their own lives in their own ways.

Independence of Mind explores the ways in which the fundamental freedoms help us to achieve something even more profound, by enabling us to arrive at beliefs, convictions and voices of our own, so that we truly come to think, believe and speak for ourselves in the rich and various ways that the freedoms then protect. It offers a penetrating analysis of what makes these particular freedoms matter to us in the ways that they do, and of the true significance of their entrenchment in law.

December 2006 / 978-0-19-920803-6

208 pages / \$65.00



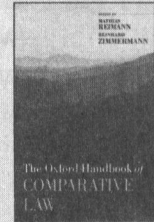
The Oxford Handbook of Comparative Law

Edited by **Mathias Reimann**, Hessel E. Yntema, Professor of Law, The University of Michigan **Reinhard Zimmermann**, Professor of Private Law, Roman Law and Comparative Legal History, University of Regensburg

The Oxford Handbook of Comparative Law provides a wide-ranging and highly diverse survey as well as a critical assessment of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honored but not easily understood in all its dimensions. In the current era of globalization this discipline is more relevant than ever for both academics and practicing lawyers.

December 2006 / 978-0-19-929606-4

\$220.00 (cloth)



Current Legal Problems 2006, Volume 59

Edited by **Jane Holder**, Senior Lecturer, Faculty of Laws, University College London, and **Colm O'Cinneide**, Lecturer in Law, Faculty of Laws, University College London.

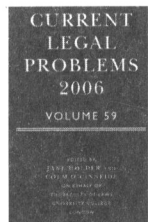
The Current Legal Problems lecture series and annual volume has long been recognized as a major reference point for legal scholarship. The continuing strength of *Current Legal Problems* is its representation of a broad range of legal scholarship opinion, theory, methodology, and subject matter, with an emphasis upon contemporary developments of law.

Contributions to the 59th volume in the series include a major re-evaluation of the Human Rights Act from Trevor Allan; a survey of recent trends in British crime and control from Robert Reiner; an analysis of the E.U.'s impact on cultural diversity from Bruno de Witte; and a critique of E.U. constitutionalism from Neil Walker.

Current Legal Problems Series

April 2007 / 978-0-19-921211-8 / 610 pages /

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Political Rights under Stress in 21st Century

Edited by **Wojciech Sadurski**, Head of the Department of Law, European University Institute, Florence

This edited collection examines the growing uncertainty about the role and scope of traditional political rights in the 21st Century's increased threat of terrorism. It reflects on the appropriate scope and strength of protection of political rights in a wider global context, and covers issues such as the rise of 'militant democracies' and the effectiveness of the Council of Europe's monitoring mechanisms.

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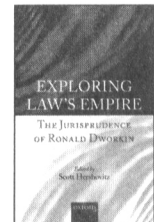
Exploring Law's Empire: The Jurisprudence of Ronald Dworkin

Edited by **Scott Hershovitz**

Exploring Law's Empire is a collection of essays by leading legal theorists and philosophers who have been invited to develop, defend, and critique Ronald Dworkin's controversial and exciting jurisprudence. The volume explores Dworkin's critique of legal positivism, his theory of law as integrity, and his writings on constitutional jurisprudence. Each essay is a cutting-edge contribution to its field of inquiry, the highlights of which include an introduction by Justice Stephen Breyer of the United States Supreme Court, and a concluding essay by Dworkin himself, in which he responds to the preceding essays and lays out his own vision for the future of jurisprudence over the coming years.

November 2006 / 978-0-19-927435-2

400 pages / \$95.00 (cloth)



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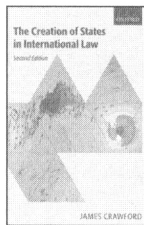
NEW AND NOTEWORTHY TITLES

The Creation of States in International Law, Second Edition

James R. Crawford, Whewell Professor of International Law, University of Cambridge

"A masterful compilation of state practice and a minutely detailed review of the literature."

— **International Affairs**



The second edition of *The Creation of States in International Law* brings up to date the most comprehensive treatment of statehood in the field of international law. While retaining an enormous wealth of historical material of continuing validity, the second edition tackles new problems and questions such as the international disposition of territory in Kosovo and East Timor, claims for secession in Chechnya and Quebec, and the alleged category of 'failed States,' often misleadingly applied to Somalia and Afghanistan. The second edition's analytic framework includes events such as the dissolution of the former Yugoslavia and the Soviet Union, the unification of Germany, and devolution in Scotland. The book also reassesses various persistent questions in the light of the last quarter of a century of practice, such as the relation between Israel and Palestine, the status of Taiwan and Tibet, and the interplay between 'stronger' and 'weaker' States.

March 2007 / 978-0-19-922842-3 / 952 pages / \$65.00 (paper)

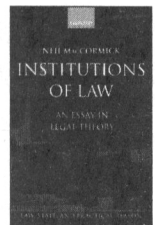
Institutions of Law

Neil MacCormick, Leverhulme Personal Research Professor and Regius Professor of Public Law and the Law of Nature and Nations, University of Edinburgh

Institutions of Law elucidates law, legal concepts and legal institutions in a manner that takes current scholarly controversies into account, but does not get bogged down in them. It offers an original account of the nature of law and legal systems in the contemporary world, and provides the definitive statement of Sir Neil MacCormick's well-known 'institutional theory of law,' defining law as 'institutional normative order' and explaining each of these terms in depth. It fulfills the need for a twenty-first century introduction to legal theory, such as was achieved in the last century by H. L. A. Hart's *The Concept of Law*.

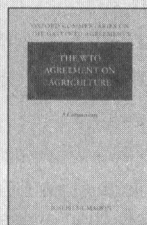
Law, State, and Practical Reason

March 2007 / 978-0-19-826791-1 / 280 pages / \$75.00 (cloth)



The WTO Agreement on Agriculture: A Commentary

Joseph McMahon, Professor of Commercial Law, School of Law, University College Dublin

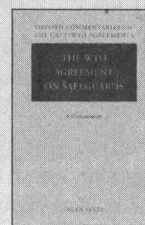


The WTO Agreement on Agriculture subjected agriculture to a set of international rules for the first time in the history of international trade. Ever since its negotiation, the Agreement has been at the forefront of the controversy surrounding the purpose and impact of the WTO itself. This commentary provides a full legal analysis of the obligations imposed by the agreement on WTO members, and of the complex history of the Agreement's negotiation and revision and the controversy surrounding its effect on international law.

December 2006 / 978-0-19-927568-7
300 pages / \$135.00

The WTO Agreement on Safeguards: A Commentary

Alan O. Sykes, Frank and Bernice Greenberg Professor of Law, University of Chicago

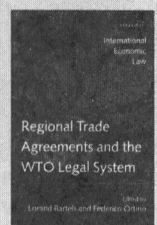


The protection of troubled industries against import surges, called safeguard measures under WTO law, are controversially justified on the basis of economic concerns. This book reviews the economic literature bearing on the soundness of safeguard policies. It also addresses the complex legal issues relating to the constraints on safeguard measures under WTO law, and affords a thorough discussion and critical analysis of the WTO disputes in the area, including the most recent case involving measures protecting the U.S. steel industry.

November 2006 / 978-0-19-927740-7
456 pages / \$135.00 (cloth)

Regional Trade Agreements and the WTO Legal System

Edited by **Lorand Bartels**, Lecturer in International Economic Law, London



The proliferation of regional trade agreements, including both free trade agreements and customs unions over the past decade has provoked many new legal issues in WTO law, public international law, and an emerging law of regional trade agreements. This book charts this development from a number of perspectives, including the economic and political underpinnings of regional trade agreements and their constitutional functions.

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INTERNATIONAL LAW: 100 WAYS IT SHAPES OUR LIVES

Many find international law abstract and static. Topics such as war and peace or relationships between countries are considered by some to be not so much questions of law, but of power and influence. Others question the existence of international law.

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- Visiting *100 Ways* at <http://www.asil100.org/ways.html>;
- Using it in teaching and general civic education programs;
- Adding ways to the list; and
- Sharing your experiences using *International Law: 100 Ways It Shapes Our Lives*.

We hope that this creative and interactive project will help demonstrate the diversity and the centrality of international law to our lives today.

