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The Hybrid Foundations of Investment Treaty Arbitration. Zachary Douglas. Content type: ... ae5a2067-6d71-1014-90bf-c1927c3ed365 — Conflict of laws — Customary international law — General principles of international law — Host state law — Relationship of international law & host state law — Treaty provisions — Treaty claim ...

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Perhaps the best illustration of this phenomenon is the wide disagreement among investment tribunals on some of the core concepts underpinning the regime, such as investment, property, regulatory powers, scope of jurisdiction, applicable law, or the interactions with other areas of international law.The purpose of this book is to revisit these conceptual foundations in order to shed light on ...

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The Foundations of International Investment Law by Zachary ...

The foundational international business (IB) scholarship grappled with whether multinational enterprises (MNEs) are largely efficiency-enhancing or market-power inducing institutions. Contemporary scholarship, however, often associates foreign direct investment (FDI) with efficiency-enhancing properties and thus neglects the market-power interpretation of the MNE.

The Foundations of International Business: Cross-Border ...

This article contends that two ‘public-private’ distinctions or antinomies lie behind this indeterminacy, at international investment law’s uncertain foundations—the first dealing with the characterization of international investment law as a form of ‘public’ or ‘private’ law, and the second dealing with the balance that international investment law strikes between ‘public’ and ‘private’ interests or objectives.

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, ‘ The Hybrid Foundations of Investment Treaty Arbitration ’ (2003) British Year Book of International Law 151, 169–70 Borchard , E. , ‘ The Protection of Citizens Abroad and Change of Original Nationality ’ (1933 –4) 43 Yale LJ 359, 372