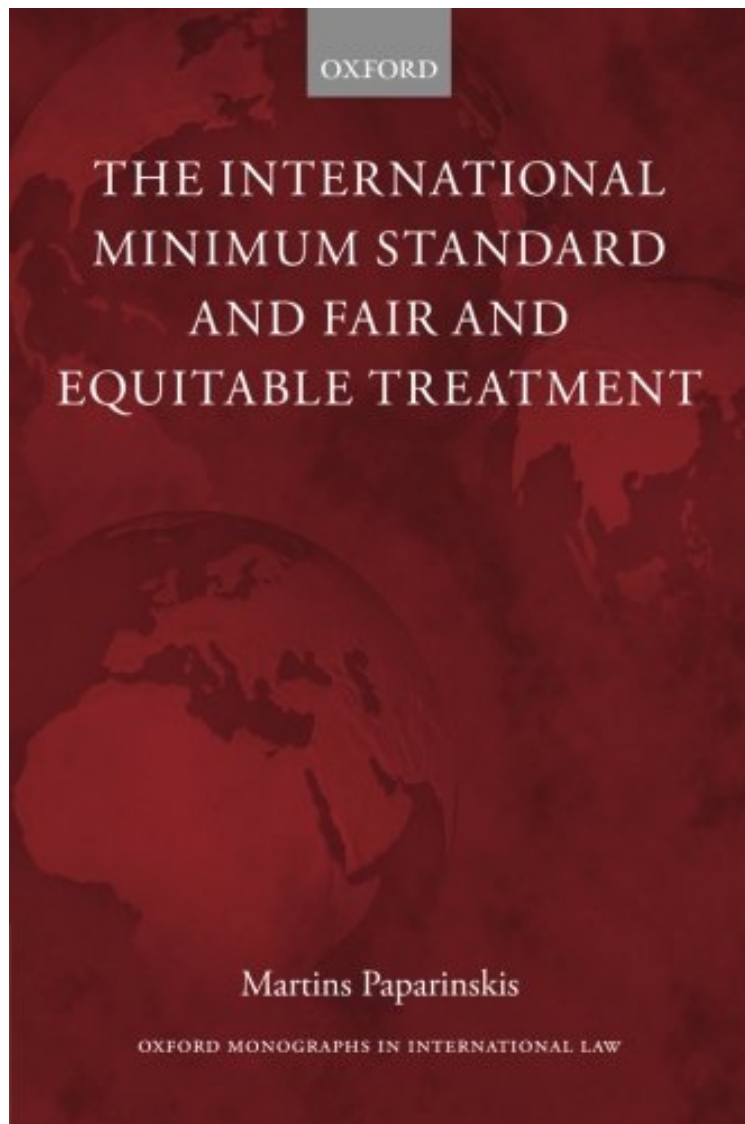


(Free pdf) The International Minimum Standard and Fair and Equitable Treatment (Oxford Monographs in International Law)

The International Minimum Standard and Fair and Equitable Treatment (Oxford Monographs in International Law)

Martins Paparinskis

**Download PDF / ePub / DOC / audiobook / ebooks*



 Download

 Read Online

#2653878 in Books Paparinskis Martins 2014-11-25 2014-11-25 Original language: English PDF # 1 6.10 x .70 x 9.20l, .0 #File Name: 0198732163350 pages The International Minimum Standard and Fair and Equitable Treatment | File size: 45.Mb

Martins Paparinskis : The International Minimum Standard and Fair and Equitable Treatment (Oxford Monographs in International Law) before purchasing it in order to gage whether or not it would be worth my time, and all praised The International Minimum Standard and Fair and Equitable Treatment (Oxford Monographs in

International Law):

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. The first part of this book untangles the history of both the international minimum standard and fair and equitable treatment. The second part addresses the normative framework within which the contemporary debate takes place. After an exhaustive review of all relevant sources, it is argued that the most persuasive reading of fair and equitable treatment is that it always makes a reference to customary law. The third part of the book builds on the historical analysis and the normative framework, explaining the content of the contemporary standard by careful comparative human rights analysis.

In this insightful monograph, Martins Paparinskis turns a keen analytical mind to the relationship between the treaty-based obligation of states to accord foreign investment "fair and equitable treatment" (FET) and the international minimum standard of treatment required by customary international law ... One of the pleasures of this book is its engagement with these materials on their own terms and in historical context ... The salutary effect is to provide the reader with a greater appreciation for the contemporary debates as they unfolded. * Andrew Loewenstein, *Global Arbitration* * The global economic situation makes the publication of Martins Paparinskis monograph on this aspect of investment protection particularly timely ... Drawing on a wide and varied range of sources Paparinskis traces the development of the protection standard and the legal sources of such protection before attempting to identify the contents of the current standard. * Tim Hiller, *German Yearbook of International Law* * There can be no-one active in the field of investment arbitration who hasn't been challenged, or even perplexed, or at least confronted by the question of the relationship between the guarantee of fair and equitable treatment for foreign investments or investors stipulated in bilateral or multilateral treaties and what is usually referred to as the 'minimum standard' laid down by customary international law. But it won't be possible for that debate to continue in future without reference to Martins Paparinskis's superbly researched monograph. More precisely, no excuse will remain for a failure to bring into the discussion the available materials bearing on the question, all of which are now gathered together between one set of slim covers. * Sir Frank Berman, *EIJL Talk* * This is a work of significant scholarship which brings together a wealth of historical and comparative material. * Jonathan Ketcheson, *The British Yearbook of International Law* * Paparinskis argues with depth of argument, a wealth of materials and rigour of analysis, that international human rights could be used to fill the temporal gap between the classic and modern content of international minimum standards... In this useful book, the astuteness and innovation of arguments cultivated by the author lies in drawing from the jurisprudence of international human rights law for its application in investment law. * Prabhakar Singh, *Australian Year Book of International Law* *About the Author Martins Paparinskis, Lecturer, University College London Martins Paparinskis is a Lecturer at University College London. He has previously been a Junior Research Fellow at Merton College, University of Oxford, and a postdoctoral fellow at the New York University. Martins Paparinskis holds a DPhil from the University of Oxford.