

1. Record Nr.	UNINA9910155525503321
Titolo	Judging the State in International Trade and Investment Law [[electronic resource]] : Sovereignty Modern, the Law and the Economics // edited by Leïla Choukroune
Pubbl/distr/stampa	Singapore : , : Springer Singapore : , : Imprint : Springer, , 2016
ISBN	981-10-2360-3
Edizione	[1st ed. 2016.]
Descrizione fisica	1 online resource (XIX, 222 p.)
Collana	International Law and the Global South, Perspectives from the Rest of the World, , 2510-1420
Disciplina	382
Soggetti	International law Trade Public finance Business Commerce Law and economics International Economic Law, Trade Law Financial Law/Fiscal Law Law and Economics
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Chapter 1: Introduction: Judging the State in International Trade and Investment Law: Why, How and What for? -- PART I: International Trade: The WTO and Beyond -- Chapter 2. Judging the Judges or Judging the Members? Pathways and Pitfalls in the Appellate Body Appointment Process (by Arthur E. Appleton) -- Chapter 3. WTO, State and Legal Capacity Building: An Indian Narrative (by James J. Nedumpara) -- Chapter 4. States' Regulatory Autonomy to Protect Societal Values through Legitimate Regulatory Distinctions: Finding the balance in the WTO Agreement on Technical Barriers to Trade through Adjudication (by Denise Prévost) -- PART II: Investment Litigation at a Crossroad -- Chapter 5. Investor-State Arbitration Distorted – When the Claimant is a State (by Julien Chaisse and Dini Sejko) -- Chapter 6. Protecting States under Asian Multilateral Investment Treaties Claims, Counterclaims and

Interim Relief Measures (by Rahul Donde and Trisha Mitra) -- Chapter 7. Determination of Indirect Expropriation and Doctrine of Police Power in International Investment Law: A Critical Appraisal (Prabhash Ranjan and Pushkar Anand) -- PART III: International Law's Local Experiments and Global Challenges -- Chapter 8. Role of Indian Judiciary in the Realm of International Trade and Investment Law (Amal K. Ganguli) -- Chapter 9. Human Rights in International Investment Disputes - Global Litigation as International Law Re-unifier (Leïla Choukroune) -- Chapter 10. Conclusion: Sovereignty Modern.

Sommario/riassunto

This book addresses concerns with the international trade and investment dispute settlement systems from a statist perspective, at a time when multilateralism is deeply questioned by the forces of mega-regionalism and political and economic contestation. In covering recent case law and theoretical discussions, the book's contributors analyze the particularities of statehood and the limitations of the dispute settlement systems to judge sovereign actors as autonomous regulators. From a democratic deficit coupled with a deficit of legitimacy in relation to the questionable professionalism, independence and impartiality of adjudicators to the lack of consistency of decisions challenging essential public policies, trade and investment disputes have proven controversial. These challenges call for a rethinking of why, how and what for, are States judged. Based on a "sovereignty modern" approach, which takes into account the latest evolutions of a globalized trade and investment law struggling to put people's expectations at its core, the book provides a comprehensive framework and truly original perspective linking the various facets of "judicial activity" to the specific yet encompassing character of international law and the rule of law in international society. In doing so, it covers a large variety of issues such as global judicial capacity building and judicial professionalism from an international and domestic comparative angle, trade liberalisation and States' legitimate rights and expectations to protect societal values, the legal challenges of being a State claimant, the uses and misuses of imported legal concepts and principles in multidisciplinary adjudications and, lastly, the need to reunify international law on a (human) rights based approach. .
