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Collana	European yearbook of international economic law. EYIEL monographs ; 13 European yearbook of international economic law.
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Soggetti	Etat de droit Droit international Investissements internationaux international law international investment international arbitration free-trade agreement rule of law transatlantic relations European Union Canada Investments, Foreign (International law)
Lingua di pubblicazione	Inglese
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Nota di contenuto	1. Introduction -- 2. The backlash against investment treaty arbitration: treat the cause and not the symptom -- 3. Investment treaty arbitration and the rule of law: tensions and solutions -- 4. Legal certainty and CETA: the fallacy of a single treaty as a solution -- 5. Human rights protection in CETA: more artificial than substantial -- 6.

Procedural fairness and CETA: ghosts of decades past -- 7.  
Transparency and access to justice in CETA: issues and shortcomings  
-- 8. Conclusion.

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Sommario/riassunto

This book provides a comprehensive account of the CETA Investment Chapter's ability to overcome the legitimacy crisis facing investment arbitration. To do so, it first examines the root causes behind the legitimacy crisis, ultimately arguing that it reflects a fundamental rule of law crisis within investment arbitration. In particular, it asserts that the normative standpoints of the legitimacy crisis form part of the rule of law, the uniting legal principle from which the legitimacy concerns stem. The book contends that the rule of law is not only the principal normative and causal assumption on which the legitimacy concerns are based, but that it could also be utilized as a platform to evaluate the investment arbitration mechanism in CETA's Investment Chapter. Based on this, the book evaluates CETA's Investment Chapter through the rule of law framework in order to provide a convincing account of the latter's ability to overcome the legitimacy crisis facing investment arbitration. It concludes that CETA's Investment Chapter is unlikely to completely solve the legitimacy crisis simply because it is just a patchwork of reforms rather than a comprehensive reinvention of the substantive and procedural law of investment arbitration. Lastly, the book offers meaningful insights into the way the challenges presented by investment arbitration should be addressed.

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