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Harnessing Foreign Investment to Promote Environmental Protection

Incentives and Safeguards

Edited by Pierre-Marie Dupuy and Jorge E. Viñuales



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Xiang Xie

Nice Harnessing Foreign Investment Environmental Protection:

Harnessing Foreign Investment to Promote Environmental Protection Pierre-Marie Dupuy, Jorge E. Viñuales, 2013-03-14 This volume provides cutting edge interdisciplinary analysis of the synergies between foreign investment and environmental protection by leading scholars and practitioners Harnessing Foreign Investment to Promote Environmental Protection Vinauales Jorge Dupuy Pierre-Marie, 2013 This volume provides cutting edge interdisciplinary analysis of the synergies between foreign investment and environmental protection by leading scholars and Environmental Interests in Investment Arbitration Flavia Marisi, 2020-01-24 Environmental Interests in practitioners Investment Arbitration Challenges and Directions Flavia Marisi Economic growth social inclusion and environmental protection stand at the core of sustainable development which aims to deliver long term growth for current and future generations Foreign Direct Investment FDI can play a key role in sustainable development Host states benefits descending from FDI inflows include tax revenues technology transfer specialised training of local human resources network with satellite activities better availability of quality products and customer centric services. These downstream effects jointly stimulate economic growth and social inclusion This thoroughly researched book explores the relationship between environmental protection the third component of sustainable development and FDI In practice the intersection between environmental protection and foreign investment not only has generated remarkable success stories such as cross sectoral green investment but has also in some instances led to severe cases of environmental degradation Certain foreign investments resulted in open pit mines leaking harmful substances into the soil excessive deforestation improper treatment of water pollution of groundwater and contamination of mud pits following oil exploitation leaving the host state with significant environmental damage Some other cases have witnessed the host state withdrawing or infringing its own environmental policies which could in principle lead to a decrease in the value of the foreign investment as a result of natural resources deterioration In recent years an increasing number of investment arbitration cases have seen a clash between the states commitments towards their citizens which include the duty to protect the environment their health and well being and the commitment towards foreign investors to protect their investments In this book the author focuses on investor state cases in which environmental protection measures have been contested and discusses substantive mechanisms in treaty drafting rules of Customary International Law and interpretation doctrines which are aimed at taking environmental concerns into consideration The topics covered include the following statistical analysis of investor state cases where environmental protection measures have been contested the role of environmental principles in investor state arbitration treaty mechanisms addressing environmental concerns legal tools available under Customary International Law to address environmental interests the application of the doctrines of proportionality police powers and margin of appreciation and environmental counterclaims as an instrument to claim compensation for environmental damage The author provides a detailed framework

on the normative architecture offers an extensive analysis of the relevant case law and proposes concrete solutions to the
identified clashes aimed at refining the balance between environmental and investment protection With its in depth analysis
and careful documentation this book aptly captures the inherent fragmentation of international law and undoubtedly
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