

MIGA AND FOREIGN INVESTMENT

*Origins, Operations, Policies and Basic Documents of the
Multilateral Investment Guarantee Agency*

Ibrahim F.I. Shihata

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Yusuf Caliskan



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Miga and Foreign Investment Ibrahim F. I. Shihata, 1988 Chapters *MIGA and Foreign Direct Investment* Gerald T. West, Ethel I. Tarazona, 1998 MIGA Multilateral Investment Guarantee Agency The Multilateralization of International Investment Law Stephan W. Schill, 2009-08-20 The book argues that international investment law is a structured body of law based on uniform principles of investment protection The Three Laws of International Investment Jeswald W. Salacuse, 2013-02-14 International investments are governed by three different legal frameworks 1 national laws of both the host country and the investor's home country 2 contracts whether between the investor and the host country or among investors and their associates and 3 international law consisting of applicable treaties customs and general principles of law Together these three frameworks profoundly influence the organization operation and protection of foreign investments Investors government officials and their legal counsel must therefore understand the complex interaction among these frameworks and how best to employ them to advance their interests This book examines the content of each of these three legal frameworks for international investment and explores how they influence the foreign investment process and the nature of investment transactions projects and enterprises The book is divided into five parts Part I after explaining the contemporary nature and significance of international investment examines the theoretical and practical links between law and the investment process Part II explores the nature of national laws regulating foreign investment Part III considers of the various contractual frameworks for international investments looking at their negotiation content and stability Part IV sets out the international legal framework governing foreign investment focusing on the content and nature of investment treaties and on general principles Finally Part V discusses how the three legal frameworks interact with each other By comprehensively examining each of the applicable legal frameworks this book provides a vital overview of the laws rules and regulations governing foreign investment for lawyers scholars students and government officials *China and the Multilateral Investment Guarantee Agency* Yushu Feng, 1999 May 1997 In developing countries with little foreign direct investment FDI the Multilateral Investment Guarantee Agency MIGA can serve as a catalyst for more such investment In China which now attracts one third of all FDI in developing countries MIGA should perhaps help screen that investment and set up demonstration projects to improve the quality and sustainability of FDI The Multilateral Investment Guarantee Agency MIGA established in 1988 is part of the World Bank Group Its mandate is to promote foreign investment in its member countries by providing political risk insurance and technical assistance to promote investment In developing this case study of China's evolving relationship with MIGA Feng asked Why did China decide to seek membership in MIGA What was the outcome of the relationship between China and MIGA How has that relationship affected economic and legal reform in China and the country's integration with the multilateral investment insurance system How can MIGA strengthen its role And how can MIGA prevent potential claims to its portfolio in China MIGA's comparative advantages are its international experience

in underwriting and operating its portfolio its neutral position and approach its mediation and legal advice and the fact that its guarantee portfolio is unaffected by bilateral relations Feng suggests that in China MIGA should screen foreign direct investment FDI not just encourage it because some FDI in China has been of poor quality with little transfer of skills and technology Some local partners have conceded too many discounts to foreign investors without considering the cost of key assets such as land and machinery Some foreign investors have taken advantage of local officials eagerness for foreign capital pressuring them to grant guarantees they should not grant and to allow unacceptable levels of environmental pollution in industry China receives one third of all FDI in developing countries To continue attracting such investment it must design a rule based legal system governing FDI making its rules and regulations more transparent uniform and consistent with international practice As a neutral third party MIGA could make policy recommendations that authorities might consider and accept such as policies designed to encourage less investment in labor intensive firms and more in high tech industries This paper a product of the Office of the Vice President and General Counsel Legal Affairs and Claims MIGA is part of a larger effort in the Bank Group to promote foreign investment in its member countries The paper was produced while the author was a visiting research fellow at the Bank

The Development of International Investment Law Yusuf Caliskan, 2008 This dissertation analyses developments in the international regulation of foreign direct investment FDI The international legal framework of investment encompasses numerous binding or non binding legal instruments including customary international law bilateral investment treaties and international organizations decisions and resolutions The rules established by the international legal framework become effective and significant when they are able to be adapted by appropriate and compatible domestic law frameworks Through analyzing the Turkish foreign investment regulations and policies this study concludes that there is a successful and complex interaction between international rules and domestic rules on FDI Like many developing countries since the 1980s Turkey has revamped its FDI regulations in response to changes and developments in international investment law This interaction will reach its culmination if there is a comprehensive multilateral agreement on investment This dissertation examines failures of the OECD MAI draft treaty since there are lessons to be learned from the MAI negotiations Thus it makes some recommendations both in relation to the substance and the procedure for a possible future negotiation of multilateral investment agreement

Protecting Foreign Investment Carlos M. Correa, Nagesh Kumar, 2013-07-04 Despite the mounting criticism that globalization is encountering the developed countries continue to lose no opportunity to change the rules of the global economy in their favour regardless of the impact on developing countries and the poor This book examines one of the most important instances of this the rich countries insistence that the WTO not only launch a new round of world trade negotiations but that rules which were supposed to be confined to trade issues now be extended by means of new agreements protecting foreign direct investment What is being proposed would be at the expense of the freedom of developing countries to determine their own policies

towards foreign capital in tune with their development policy objectives The two authors of this book have an intimate knowledge of WTO negotiating processes They explain in detail the North's relentless determination to give privileged protection to the overseas investments of its transnational corporations These initiatives have included inter alia the OECD's failed MAI initiative the World Bank sponsored Multilateral Investment Guarantee Agency and the WTO's General Agreement on Trade in Services GATS and Agreement on Trade related Investment Measures TRIMS The authors spell out their consequences for developing countries They examine whether there is any real case for a new multilateral framework on investment within the WTO And they propose various options for developing countries to resist what amounts to a new form of Western protectionism including how a development dimension could be incorporated in any new agreement should the member countries of the WTO decide to proceed with negotiations This book provides invaluable information and analysis for diplomats and trade negotiators policy makers and scholars as well as civil society activists concerned with the impact of TNC investments on development

International Investment Law Guiguo Wang, 2014-12-05 Increasing and intensified cross border economic exchange such as trade and investment is an important feature of globalization In the past a distinction could be made between capital importing and exporting countries or host and home countries for foreign direct investment FDI Due to globalization FDI is presently made by and in both developed and developing countries Differences in political economic and legal systems and culture are no longer obstacles for FDI and to varying degrees the economic development of almost all countries is closely linked with the inflow of FDI This book conducts critical assessments of aspects of current international law on FDI focusing on cases decided by the tribunals of the International Centre for Settlement of Investment Disputes ICSID and other tribunals as well as decisions of annulment ad hoc committees of the ICSID In examining such cases Guiguo Wang takes into account the Chinese culture and China's practice in the related areas The book explores topics including the development and trend of international investment law unilateral bilateral and multilateral mechanisms for encouraging and protecting FDIs determination of qualified investors and investments and consent as conditions for protection relative and absolute standards of treatment determination of expropriation in practice assessment of compensation for expropriation difficulties in enforcing investment arbitral awards and alternatives for improving the existing system The book will be of great use and interest to scholars practitioners and students of international investment law and international economic law Asian law and Chinese studies

Yearbook on International Investment Law & Policy 2011-2012 Karl P. Sauvant, 2013-03-21 The Yearbook on International Investment Law Policy 2011 2012 monitors current developments in international investment law and policy focusing on recent trends and issues in foreign direct investment FDI This edition also discusses regulatory and policy developments regarding FDIs in extractive industries

Introduction to International Business Transactions Aaron X. Fellmeth, 2024-08-06 This updated textbook explains the legal concepts regimes and actors that regulate international business transactions The book guides readers through the

major aspects of international business law using state of the art teaching techniques and offers comprehensive coverage on key treaties legal aspects of international commerce and the regulation of global trade and investment Central and South-Eastern Europe 2004 Europa Publications,2003 Comprises a general survey of the region country surveys political profiles of the region and information on international and regional organizations and research institutes China and the Multilateral Investment Guarantee Agency Yushu Feng,1997 *Die Bedeutung der Multilateral Investment Guarantee Agency (MIGA)* Ann-Kristin Westermann,2011-10-28 Studienarbeit aus dem Jahr 2008 im Fachbereich Jura Europarecht Völkerrecht Internationales Privatrecht Note 14 Punkte Ludwig Maximilians Universität München Sprache Deutsch Abstract Kurzzgliederung A Einleitung I Abriss der Entwicklungsgeschichte II ökonomischer Hintergrund und Auftrag 1 Die internationale Verschuldenskriese 2 Die MIGA als Instrument zur Förderung von Direktinvestitionen B Struktur I Kapitalbeschaffung und Finanzstruktur II Rechtspersönlichkeit C Aufgaben I Versicherung Garantie 1 Währungsstransferrisiko 2 Enteignungsrisiko 3 Vertragsbruchrisiko 4 Kriegsrisiko 5 Sonstige nicht kommerzielle Risiken II Investitionsförderungsmaßnahmen und Streitschlichtung Art 23 III Sonstige Versicherungsvoraussetzungen D Bedeutung I Ausdehnung des materiellen Versicherungsschutzes II Einflussnahme auf die Investitionsbedingungen im Gaststaat III Einfluss der MIGA auf die Vornahme von Direktinvestitionen an dem Fallbeispiel Mozambique IV Minderung der Verschuldenskriese V Stellungnahme und Bewertung **Latin America and International Regulation of Foreign Investment** Paul Peters,Nico Schrijver,1991 **The American University Journal of International Law and Policy** ,1988 *Transnational Networks and International Capital Flows* Hongying Wang,1996 Trade Finance ,1992 International Law Louis Henkin,1993 14 The law of the sea **Netherlands International Law Review** ,1991 **Foreign Direct Investment in Developing Economies** Dilip K. Das,1993

Adopting the Song of Expression: An Emotional Symphony within **Miga And Foreign Investment Miga And Foreign Investment**

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