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# Transnational Law of Public Contracts

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# Transnational Public Contracts Mathias Audit

**DJ Losen**



## **Transnational Public Contracts Mathias Audit:**

**Contract Interpretation in Investment Treaty Arbitration** Yuliya Chernykh, 2022-01-17 Contracts are relevant frequently central for a significant number of investment disputes Yet the way tribunals ascertain their content remains largely underexplored How do tribunals interpret contracts in investment treaty arbitration How should they interpret contracts Does national law have any role to play Contract Interpretation in Investment Treaty Arbitration A Theory of the Incidental Issue addresses these questions The monograph offers a valuable insight into the practice and theory of contract interpretation in investment treaty arbitration By proposing a theoretical frame for seamless integration of contract interpretation into the overall structure of decision making the book contributes to predictability coherence sufficiency and correctness of the tribunals interpretative practices in investment treaty arbitration

**General Principles and the Coherence of International Law** Mads Andenas, Malgosia Fitzmaurice, Attila Tanzi, Jan Wouters, 2019-05-20 General Principles and the Coherence of International Law provides a collection of intellectually stimulating contributions from leading international lawyers to the discourse on the role of general principles in international law Offering a comprehensive analysis of the doctrines practices and debates on general principles of law the volume assesses their role in safeguarding the coherence of the international legal system This important book addresses the relationship between principles of law and the other sources of international law explores the interplay between principles of law and domestic and regional legal systems and the role of principles of law with regard to three specific regimes of international law investment law human rights law and environmental law

*Intercreditor Equity in Sovereign Debt Restructuring* Astrid Iversen, 2023 The question of intercreditor equity is one of the most contentious issues in debt restructuring both historically and today Intercreditor Equity in Sovereign Debt Restructuring maps and establishes the content of these intercreditor equity rules and analyses how they influence the restructuring process Through this analysis Astrid Iversen outlines how creditors can predict their legal rights in the unfortunate event of a debt restructuring and strives to improve our understanding of the boundaries within which a debt restructuring offer must be designed Iversen also seeks to shed light on the functioning of the legal framework governing sovereign debt more broadly In this book she examines whether intercreditor equity rules and the legal framework of sovereign debt are compatible with a debtor state's responsibility to ensure monetary and financial stability and to establish sustainable debt burdens Iversen also explores how certain intercreditor equity rules constitute an obstacle to sustainable debt restructurings and highlights how the number of different intercreditor equity rules that a sovereign debtor state typically is bound by as well as the scope of these rules risk tightening the policy space of debtor states to the extent that it is difficult to design and implement a sustainable debt restructuring Suitable as an introductory text for readers new to the topic of sovereign debt restructurings and as an instructive guide for debt management offices creditors and their lawyers this publication provides a comprehensive legal study of intercreditor equity rules in sovereign debt restructuring

*The Comparative Constitutional Foundations of Private-Public Arbitration*, 2025-04-24 This book engages with the concerns the rising phenomenon of arbitrations between private and public actors raises for principles of constitutional law including democracy the rule of law and the protection of fundamental rights It analyses how party appointed one off arbitral tribunals determine the delineation of private rights and public interests within a transnational legal environment and provides a framework that aligns this activity with constitutional values Featuring 20 chapters dealing with almost 40 jurisdictions from different corners of the world the book examines how domestic legal systems and legal practice approach the involvement of public entities as parties to arbitration agreements and arbitration proceedings to what extent the constitutional legal frameworks involved problematize private public arbitration as a constitutional concern and how different domestic legal systems ensure that private public arbitration conforms to and avoids undermining the public interest The chapters analyse inter alia whether the governing domestic law treats private public arbitration differently from commercial arbitration between private parties to what extent domestic law permits such arbitrations what regulatory frameworks domestic law sets up and what control mechanisms domestic law establishes in order to ensure that the public interest is safeguarded when public entities agree to have disputes resolved through arbitration rather than in domestic courts

**The International Law of Sovereign Debt Dispute Settlement** Kei Nakajima, 2022-09-22 This book fills the normative gap arising from the absence of a multilateral mechanism for sovereign debt restructuring

Transnationalization of Public Contracts Mathias Audit, 2016-05-15 L ouvrage pr sente et analyse tous les ph nom nes d internationalisation qui affectent le droit et la pratique des contrats publics

*The Many Lives of Transnational Law* Peer Zumbansen, 2020-04-02 Sixty years after Jessup s Transnational Law Lectures this collection traces the field s development and significance to the present day

**The ICSID Convention, Regulations and Rules** Julien Fouret, Rémy Gerbay, Gloria M. Alvarez, 2019-12-27 This major new commentary on the ICSID Convention Regulations and Rules offers a new forward looking and highly practical interpretation of the convention and its associated documents It is the first commentary to provide systematic article by article coverage not only of the Convention itself but also of the institution rules the ICSID arbitration rules and the ICSID administrative and financial regulations Written by a team of leading experts from private practice government and academia this uniquely comprehensive work will be an essential resource for those in the investment arbitration community and a turn to reference work for international investment law and international arbitration scholars

**Research Handbook on Foreign Direct Investment** Markus Krajewski , Rhea Tamara Hoffmann, Increasing international investment the proliferation of international investment agreements domestic legislation and investor State contracts have contributed to the development of a new field of international law that defines obligations between host states and foreign investors with investor State dispute settlement This involves not only vast sums but also a panoply of rights duties and shifting objectives at the juncture of national and international law and policy This engaging Research Handbook

provides an authoritative account of these diverse investment law issues *International Investor Obligations* Patrick Abel, 2022-11-24 Das internationale Investitionsschutzrecht steht seit Jahren in der Kritik. Genieße Investoren internationale Rechte ohne korrespondierende Verantwortlichkeit. Dieses Buch stellt diese Sicht infrage. Vielmehr lassen sich der Vertrags- und Schiedspraxis bereits heute Investorenpflichten entnehmen, die das Buch normtheoretisch als direkte und indirekte Pflichten erschließt. Diese verpflichten Investoren etwa auf Menschenrechte und Umweltschutz. Sie sind potentiell geeignet, das Rechtsgebiet verstärkt auf das Ziel nachhaltiger Entwicklung auszurichten und Investorenverhalten international zu regulieren. Das Buch stellt diese Entwicklung in den allgemeineren Kontext der seit 1945 stattfindenden Individualisierung des Völkerrechts.

**Schreuer's Commentary on the ICSID Convention** Stephan W. Schill, Loretta Malintoppi, August Reinisch, Christoph H. Schreuer, Anthony Sinclair, 2022-09-14 This unique compendium offers an article by article commentary on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor State disputes, it incorporates the preparatory work, the Convention's text, various rules and regulations adopted under the Convention, the practice of arbitral tribunals under the Convention and academic writings on the subject. The first and second editions of this Commentary have been relied upon by numerous arbitral tribunals. This third edition follows the same system and approach but extensive updates and revisions reflect the vast increase in arbitral practice since the publication of the second edition. A number of novel issues that have emerged through this practice are now addressed, making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention. Likewise, the number of contributors to and editors of the third edition has increased.

**A Nascent Common Law** Frédéric Gilles Sourgens, 2015-03-20 In *A Nascent Common Law: The Process of Decisionmaking in International Legal Disputes Between States and Foreign Investors*, Frédéric Gilles Sourgens submits that investor state dispute resolution relies upon an inductive common law decisionmaking process which reveals a necessary plurality of first principles within investor state dispute resolution. Relying upon, amongst others, Wittgenstein's *Philosophical Investigations*, the book explains how this plurality of first principles does not devolve into arbitrary indeterminacy. *A Nascent Common Law* provides an alternative account to current theoretical conceptions of investor state arbitration. It explains that these theories cannot adequately resolve a key empirical challenge: tribunals frequently reach facially inconsistent results on similar questions of law. Sourgens makes an inductive approach focused on the manner of decisionmaking by tribunals in the context of specific records that can explain this inconsistency.

**Joint Public Procurement and Innovation** Gabriella Margherita Racca, Christopher Yukins, 2020-02-12 Innovation in public procurement is essential for sustainable and inclusive growth in an increasingly globalized economy. To achieve that potential, both the promises and the perils of innovation must be investigated, including the risks and opportunities of joint procurement across borders in the European Union and the United States. This in depth research investigates innovation in

public procurement from three different perspectives First leading academics and practitioners assess the purchase of innovation with a particular focus on urban public contracting in smart cities involving meta infrastructures public private partnership arrangements and smart contracts A second line of inquiry looks for ways to encourage innovative suppliers Here the collected authors draw on emerging lessons from the US and Europe to explore both the costs and the benefits of spurring innovation through procurement A third perspective looks to various innovations in the procurement process itself with a focus on the effects of joint and cross border procurement in the EU and US landscapes The chapters review new technologies and platforms the increasingly automated means of selecting suppliers and the related efficiencies that big data can bring to public procurement Expanding on research in the editors prior volume Integrity and Efficiency in Sustainable Public Contracts Balancing Corruption Concerns in Public Procurement Internationally Bruylant 2014 this volume builds on a series of academic conferences and exchanges to address these issues from sophisticated academic institutional and practical perspectives and to point the way to future research on the contractual models that are emerging from new procurement technologies

**Traité de droit administratif européen** Jean-Bernard Auby, Jacqueline Dutheil de la Rochère, 2022-10-24 La première édition 2007 du Traité de droit administratif européen se voulait un point de départ au développement de la science du droit administratif européen dans la littérature francophone Sa troisième édition 2022 entièrement actualisée est aujourd'hui devenue une référence pour de nombreux praticiens Elle s'inscrit dans la continuité des éditions précédentes en mettant en lumière les deux séries majeures d'éléments constitutifs du droit administratif européen la part du droit de l'Union européenne qui concerne la mise en œuvre des législations et des politiques communes l'influence que le droit de l'Union européenne exerce sur les droits administratifs nationaux parce qu'ils forment des instruments de la mise en œuvre des législations et des politiques communes L'ouvrage est composé de plus de quarante contributions La plupart représente une actualisation de celles présentées en 2007 tenant compte des développements les plus récents D'autres sont inédites et rendent compte de l'évolution profonde de la matière et de son enrichissement constant Cette troisième édition marque une nouvelle étape dans l'étude de cette science du droit administratif européen dont l'intérêt ne cesse de grandir

**The Comprehensive and Progressive Trans-Pacific Partnership** Jorge A. Huerta-Goldman, David A. Gantz, 2021-12-02 This volume provides comprehensive chapter by chapter assessment of one of the world's most important regional trade agreements the TPP CPTPP

**Research Handbook on Global Administrative Law** Sabino Cassese, 2016-02-27 This Handbook explores the main themes and topics of the emerging field of Global Administrative Law with contributions by leading scholars and experts from universities and organizations around the world The variety of the subjects addressed and the internationality of the Handbook's perspectives make for a truly global and multi-dimensional view of the field The book first examines the growth of global administrations their interactions within global networks the emergence of a global administrative process and the development of the rule of law and democratic principles at a global level It goes on to

illustrate the relationship between global law and other legal orders with particular attention to regional systems and national orders The final section devoted to the emergence of a global legal culture brings the book full circle by identifying the growth of a global epistemic community The Research Handbook on Global Administrative Law provides a contemporary overview of the nascent field in detailed yet accessible terms making it a valuable book for university courses Academics and scholars with an interest in international law administrative law public law and comparative law will find value in this book as well as legal professionals involved with international and supranational organizations and national civil servants dealing with supranational organizations

**Public Private Partnership Contracts** Mohamed Ismail, 2020-03-18 This book provides a comprehensive overview of the law surrounding PPPs in the Middle East and North African region The significance of liberalised and integrated Public Private Partnership Contracts as an essential component of the world legal and policy order is well documented The regulation of PPPs is justified economically to allow for competition in the relevant public service and to achieve price transparency thus resulting in significant savings for the public sector In parallel to the economic justifications legal imperatives have also called for the regulation of PPPs in order to allow free movement of goods and services and to prohibit discrimination on grounds of nationality The need for competitiveness and transparency in delivering public services through PPPs is considered a safeguard to achieve international standards in delivering public utility services First it assesses the compatibility of the current PPPs legislation and regulation in the MENA region with the international standards of legislation and regulation prevalent in many other countries including the UK France and Brazil Secondly it compares the practices in the MENA region with those of international bodies such as the OECD and World Bank Comparisons are then made between the MENA countries and those in Europe and Asia with regard to the influence of culture policy and legal globalization The book will be of interest to scholars and students in the field of international contract law public law and state contracts finance law and private law

**Arbitration and International Trade in the Arab Countries** Nathalie Najjar, 2017-10-23 Arbitration and International Trade in the Arab Countries by Nathalie Najjar is masterful compendium of arbitration law in the Arab countries A true study of comparative law in the purest sense of the term the work puts into perspective the solutions retained in the various laws concerned and highlights both their convergences and divergences Focusing on the laws of sixteen States the author examines international trade arbitration in the MENA region and assesses the value of these solutions in a way that seeks to guide a practice which remains extraordinarily heterogeneous The book provides an analysis of a large number of legal sources court decisions as well as a presentation of the attitude of the courts towards arbitration in the States studied Traditional and modern sources of international arbitration are examined through the prism of the two requirements of international trade freedom and safety the same prism through which the whole law of arbitration is studied The book thus constitutes an indispensable guide to any arbitration specialist called to work with the Arab countries both as a practitioner and as a theoretician

**Peremptory**

**Norms of General International Law (Jus Cogens)** Dire Tladi, 2021-08-16 Peremptory Norms of General International Law Jus Cogens Disquisitions and Dispositions brings together an impressive collection of authors addressing both conceptual issues and challenges relating to peremptory norms of general international law Covered themes in the edited collection include concepts relating to the identification of peremptory norms consequences of peremptory norms critiques of peremptory norms the relationship between peremptory norms and particular areas of international law as well as the peremptory status of particular norms of international law The contributions are presented from an array of scholars and experts with different perspective thus providing an interesting mosaic of thoughts on peremptory norms Written against the backdrop of the ongoing work of the International Law Commission it exposes some tensions inherent in the jus cogens

La Contratación Pública en América Latina José Luis Benavides, Pablo Moreno Cruz, 2016-09-22 La contratación pública en América Latina no obstante su indiscutible relevancia ha escapado como objeto de análisis a la creciente producción de investigaciones que buscan identificar con una perspectiva comparada las distinciones y las similitudes de cada ordenamiento jurídico de la región Con el apoyo de la Universidad Externado de Colombia y de la Fondation pour le Droit Continental La contratación pública en América Latina entra a colmar este vacío mediante la compilación de trece informes nacionales que contienen la respuesta a un cuestionario común por parte de estudiosos de Argentina Bolivia Brasil Chile Colombia Costa Rica El Salvador Nicaragua Panamá Perú República Dominicana Uruguay y Venezuela A estos informes nacionales se suma un capítulo con perspectiva teórica comparada que aborda algunos aspectos metodológicos de la investigación 1 un capítulo que captura varias de las tendencias generales de la contratación pública en América Latina II y un Apéndice relativo a la actualidad europea en materia de contratación pública



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