Table of Contents

Table of Cases Tables of Treaties and Statutory Instruments		
	st of Abbreviations	xvii
1.	Introduction I. The Growth of Foreign Direct Investment in Services from	1
	Brazil, Russia, India, and China	1
	II. Rationale and Effects of FDI	6
	III. Multilateral Regulation of FDI in Services	11
	IV. Regional and Bilateral Regulation of Outward FDI	18
	V. The Multilateral Agreement on Investment in Services ('MAIS') VI. The Structure of this Book	20 22
2.	Brazil	24
	I. Introduction: Brazil: The Economic and Legal Context	24
	II. Outward FDI from Brazil	25
	III. Multilateral Legal Commitments on Investment in Services	31
	IV. Regional and Bilateral Investment Agreements	36
	V. Overview of Brazilian FDI Regulation	43
	VI. Conclusion: Brazil's Receptiveness to Multilateral	
	Regulation of Service FDI	46
3	Russia	47
•	I. Introduction: Russia: The Economic and Legal Context	47
	II. Outward FDI from Russia	48
	III. Multilateral Regulation of FDI	55
	IV. Regional and Bilateral Regulation of FDI	60
	V. Overview of Russian FDI Regulation	69
	VI. Conclusion: Russia's Receptiveness to Multilateral	
	Regulation of Service FDI	73
4.	India	75
	I. Introduction: India: The Economic and Legal Context	75
	II. Outward FDI	75
	III. Multilateral Legal Commitments on Investment in Services	82
	IV. Bilateral and Regional Commitments on Investment in Services	87
	V. Overview of Indian FDI Regulation	96
	VI. Conclusion: India's Receptiveness to Multilateral	
	Regulation of Service FDI	101

Table of Contents

viii

5.	China	103
	I. Introduction: China: Economic and Legal Context	103
	II. Outward FDI	104
	III. Multilateral Commitments on Investment in Services	110
	IV. Regional and Bilateral Agreements on Investment in Services	110
	V. Overview of Chinese FDI Regulation	127
	VI. Conclusion: China's Receptiveness to Multilateral Regulation of Service FDI	132
6.	The Multilateral Agreement on Investment in Services:	
	Scope and Obligations	133
	I. Introduction: A Multilateral Approach to the Regulation of FDI	133
	II. The Multilateral Agreement on Investment in Services	139
	III. The MAIS: Scope and Definitions	142
	IV. Pre-Establishment Guarantees	144
	V. Post-Establishment Obligations	145
	VI. Positive Obligations	154
	VII. General Obligations: Conclusion	158
7.	The Multilateral Agreement on Investment in Services: Exceptions I. Introduction: Balancing Investor Protections Against the	160
	Right of States to Regulate in the Public Interest	160
	II. General Exceptions: Public Interest Concerns	163
	III. Exceptions: Implementation	180
	IV. Exceptions: Conclusion	183
8.	The Multilateral Agreement on Investment in Services:	
	Dispute Settlement and Compensation	187
	I. Introduction: Legitimating Investment Treaty Arbitration	187
	II. Investor-State Dispute Settlement at ICSID	190
	III. Modifications to ICSID Procedure	192
	IV. Remedies and Compensation	202
	V. Conclusion: Dispute Settlement and Compensation	210
9.	Conclusion	214
	I. The Regulation of Outward FDI From the BRICs	214
	II. Enhancing Services FDI Through the MAIS	220
	III. Conclusion	224
Sei	Select Bibliography	
	Index	