

The Effect of Treaties on Foreign Direct Investment: Bilateral Investment Treaties, Double Taxation Treaties, and Investment Flows

Edited by

Karl P. Sauvant and Lisa E. Sachs

Vale Columbia Center on Sustainable International Investment

Columbia Law School, The Earth Institute

Columbia University

[New York: Oxford University Press, 2009]

The Effect of Treaties on Foreign Direct Investment: Bilateral Investment Treaties, Double Taxation Treaties, and Investment Flows

Edited by

Karl P. Sauvant and Lisa E. Sachs

Vale Columbia Center on Sustainable International Investment
Columbia Law School, The Earth Institute
Columbia University

Contents

Contributors

Foreword: Andreas F. Lowenfeld

Preface: John H. Dunning

BITs, DTTs and FDI flows: an Overview: Lisa E. Sachs and Karl P. Sauvant

PART I: Introduction

1. A Brief History of International Investment Agreements
Kenneth J. Vandavelde
2. The Framework of Investment Protection: The Content of BITs
Peter Muchlinski
3. Explaining the Popularity of Bilateral Investment Treaties
Andrew T. Guzman
4. Double Tax Treaties: An Introduction
Reuven S. Avi-Yonah

PART II: Exploring the Impact of Bilateral Investment Treaties on Foreign Direct Investment Flows

5. Do BITs Really Work: An Evaluation of Bilateral Investment Treaties and Their Grand Bargain
Jeswald W. Salacuse and Nicholas P. Sullivan
6. Bilateral Investment Treaties and Foreign Direct Investment: A Political Analysis
Tim Büthe and Helen V. Milner
7. Do Bilateral Investment Treaties Increase Foreign Direct Investment to Developing Countries?
Eric Neumayer and Laura Spess
8. The Impact of Bilateral Investment Treaties on Foreign Direct Investment
Peter Egger and Michael Pfaffermayr
9. New Institutional Economics and FDI Location in Central and Eastern Europe
Robert Grosse and Len J. Trevino
10. Do Investment Agreements Attract Investment? Evidence from Latin America
Kevin P. Gallagher and Melissa B.L. Birch
11. The Global BITs Regime and the Domestic Environment for Investment
Susan Rose-Ackerman
12. The Impact on Foreign Direct Investment of BITs
UNCTAD
13. Do Bilateral Investment Treaties Attract FDI? Only a Bit ... And They Could Bite
Mary Hallward-Driemeier

14. Do BITs Really Work? Revisiting the Empirical Link between Investment Treaties and Foreign Direct Investment
Jason Yackee
15. Bilateral Investment Treaties and Foreign Direct Investment: Correlation Versus Causation
Emma Aisbett
16. Why Do Developing Countries Sign BITs?
Deborah L. Swenson

PART III: Exploring the Impact of Double Taxation Treaties on Foreign Direct Investment Flows

17. Do Bilateral Tax Treaties Promote Foreign Direct Investment?
Bruce A. Blonigen and Ronald B. Davies
18. The Effects of Bilateral Tax Treaties on U.S. FDI Activity
Bruce A. Blonigen and Ronald B. Davies
19. The Impact of Endogenous Tax Treaties on Foreign Direct Investment: Theory and Empirical Evidence
Peter Egger, Mario Larch, Michael Pfaffermayr and Hannes Winner
20. Host-Country Governance, Tax Treaties and U.S. Direct Investment Abroad
Henry J. Louie and Donald J. Rousslang
21. Tax Treaties for Investment and Aid to Sub-Saharan Africa: A Case Study
Allison D. Christians
22. It's All in the Timing: Assessing the Impact of Bilateral Tax Treaties on U.S. FDI Activity
Daniel L. Millimet and Abdullah Kumas
23. Do Double Taxation Treaties Increase Foreign Direct Investment to Developing Countries?
Eric Neumayer

PART IV: Exploring the Impact of Tax and Investment Treaties on Foreign Direct Investment Flows

24. The Effect of Tax and Investment Treaties on Bilateral FDI Flows to Transition Economies
Tom Coupé, Irina Orlova and Alexandre Skiba

Selected Bibliography on Bilateral Investment Treaties and Double Taxation Treaties
Lisa E. Sachs

Index