



Alternativas de reparación en el arbitraje internacional de inversiones -Un debate entre la teoría y la práctica- [

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text (article)

Analítica

An analysis of the alternatives of compensation in relation to international investment disputes is relevant, because a pecuniary award is not always the appropriate remedy to solve disputes arising between investors and States. This is the case because States may be increasingly interested in opting for a different type of compensation. Furthermore, it is still not clear whether arbitral tribunals have recognised alternative types of awarding damages in respect of international investments disputes. This analysis comprises two principal components, the first, is to identify whether or not the tribunals may render an award that not only demands the payment of a sum of money but also considers some other means of compensation. The second, centres on how compliance with these non-pecuniary awards may be demanded. Our approach to these two principal components will always revolve around the idea of respecting the sovereignty of the State, bearing in mind that the execution of an arbitral award, which obliges the State to refrain from or to perform an act in its territory, relies precisely on the sovereignty of the State to execute it.

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