



Reports of Overseas Private Investment Corporation Determinations

Mark Kantor, Michael D. Nolan, Karl P. Sauvant

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This comprehensive two-volume work is a collection of determinations from OPIC, the US governmental political risk insurance provider, in the form of its Memoranda of Determinations from 1966 through to 2010.

An important part of international investment law and policy is the political risk insurance coverage provided to international investors by their home states and multilateral organizations such as the World Bank. These programs are of crucial importance to the growth of international investment flows and the development of international investment law. The insurance claim decisions and as a result this area of international law has received disproportionately little attention. This reference work is the first to make the underlying primary material available to the investment law, political risk and academic communities. The authors have made the claims determinations more accessible with the inclusion of headnote summaries for all determinations.

The determinations reflect the decisions of OPIC under US and international law and therefore have a significant impact on its future claims determinations. They reveal what types of claims have been honored for expropriation, political violence or convertibility/transferability restrictions. Users of political risk insurance worldwide will find this collection invaluable in understanding what events are and are not in fact covered, and deciding whether to obtain insurance coverage. These OPIC determinations will also contribute to the development of arbitral jurisprudence regarding government actions that are alleged to be in violation of investment protections found in investment treaties and investment law. They are additionally of interest in the context of the presentation and determination of future OPIC claims and decision making by other political risk insurance providers.

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