## CONTENTS

List of contributors viii Table of cases xvii Preface xxvii Foreword xliii

PART I International investment and armed conflict

1

- 1 The protection of investments in armed conflicts 3 CHRISTOPH SCHREUER
- 2 The interaction between investment law and the law of armed conflict in the interpretation of full protection and security clauses 21 GLEIDER I. HERNÁNDEZ
- 3 International criminal responsibility of transnational corporate actors doing business in zones of armed conflict 51

PHILIPP AMBACH

PART II International investment and human rights 83

- Investment tribunals and human rights treaties: a sociological perspective
  85
  MOSHE HIRSCH
- 5 The interaction of international investment arbitration and the rights of indigenous peoples 106 JUDITH LEVINE
- 6 The protection against expropriations in Venezuela: a right to property in theory? 129 LEONIE TIMMERS

## CONTENTS

 7 International human rights and the interpretation of international investment treaties: constitutional considerations 164

N. JANSEN CALAMITA

PART III International investment and sustainable development 185

- 8 International investment agreements and the emerging green economy: rising to the challenge 187
  MARKUS W. GEHRING AND AVIDAN KENT
- 9 The role of international investment agreements in fostering sustainable development 217
  WOLEGANG ALSCHNER AND ELISABETH TUERK
- Reservations, corporate social responsibility and other mechanisms in support of sustainable development in Canada's Model Foreign Investment Promotion and Protection Agreement 232

PIERRE-OLIVIER SAVOIE .

11Deciding international investment agreement applicability:<br/>the development argument in investment240

DIANE A. DESIERTO

PART IV International investment, trade and developing countries 257

- 12 International investment law and trade: the relationship that never went away 259
   MARY E. FOOTER
- 13 Reviewing the administration of domestic regulation in WTO and investment law: the international minimum standard as 'one standard to rule them all'? 298 ANASTASIOS GOURGOURINIS
- 14 Are investment treaty standards flexible enough to meet the needs of developing countries? 330URSULA KRIEBAUM

vi

## CONTENTS

15 Relevance of the host state's development status in investment treaty arbitration 341

MARIA GRITSENKO

PART V International investment and the European Union 353

The investment regime under Article 207 of the TFEU – a legal conundrum: the scope of 'foreign direct investment' and the future of intra-EU BITs 355

FRIEDL WEISS AND SILKE STEINER

- 17 International investment and the European Union: an uneasy relationship 375
  THOMAS HENQUET
- 18 The new EU competence in foreign direct investment and intra-EU investment treaties: does the emperor have new clothes? 387

RUMIANA YOTOVA

## PART VI Outlook: international investment in the twenty-first century 415

19 International investment dispute settlement in the twenty-first century: does the preservation of the public interest require an alternative to the arbitral model? 417

NICOLAS HACHEZ AND JAN WOUTERS

- 20 Non-investment obligations in investment treaty arbitration: towards a greater role for states? 450
   VID PRISLAN
- Fragmentation, consolidation and the future relationship between international investment law and general international law 482

RALPH ALEXANDER LORZ

Index 494