

Contents

Abbreviations and Acronyms	vii
Acknowledgements <i>Armand de Mestral</i>	xiii
Foreword <i>Oonagh Fitzgerald</i>	xv
Introduction <i>Armand de Mestral</i>	1
 Part One	
1 Investor-State Arbitration between Developed Democratic Countries <i>Armand de Mestral</i>	9
 Part Two	
2 The European Commission Proposal for an Investment Court System: Out with the Old, In with the New? <i>Céline Lévesque</i>	59
3 An Experienced, Developed Democracy: Canada and Investor-State Arbitration <i>Charles-Emmanuel Côté</i>	89
4 Listening to Investors (and Others): <i>Audi Alteram Partem</i> and the Future of International Investment Law <i>David Schneiderman</i>	131
5 Does Canadian Law Provide Remedies Equivalent to NAFTA Chapter 11 Arbitration? <i>Armand de Mestral and Robin Morgan</i>	155
6 The Impact of the NAFTA Experience on Canadian Policy Concerning Investor-State Arbitration <i>Armand de Mestral and Lukas Vanhonnaeker</i>	187

Part Three

- | | | |
|----|--|-----|
| 7 | Investor-State Dispute Settlement in US Law, Politics and Practice:
The Debate Continues | 217 |
| | <i>David A. Gantz</i> | |
| 8 | A History of Investment Arbitration and Investor-State Dispute Settlement in Germany | 259 |
| | <i>Marc Bungenberg</i> | |
| 9 | Spain and Investment Arbitration: The Renewable Energy Explosion | 285 |
| | <i>Carmen Otero García-Castrillón</i> | |
| 10 | Central European Perspectives on Investor-State Arbitration:
Practical Experiences and Theoretical Concerns | 309 |
| | <i>Csongor István Nagy</i> | |
| 11 | The European Union and Investor-State Dispute Settlement:
From Investor-State Arbitration to a Permanent Investment Court | 333 |
| | <i>August Reinisch</i> | |
| 12 | Investor-State Arbitration Policy and Practice in Australia | 377 |
| | <i>Luke Nottage</i> | |
| 13 | Debates in Japan Over Investor-State Arbitration with Developed States | 431 |
| | <i>Shotaro Hamamoto</i> | |
| 14 | Investor-State Arbitration in South Korean International Trade Policies:
An Uncertain Future, Trapped by the Past | 447 |
| | <i>Younsik Kim</i> | |

Part Four

- | | | |
|----|--|-----|
| 15 | Risks of a Selective Approach to Investor-State Arbitration | 485 |
| | <i>Hugo Perezcano</i> | |
| 16 | Limiting the Participation of Developed States: Impacts on Investor-State Arbitration | 501 |
| | <i>Ucheora Onwuamaegbu</i> | |

Part Five

- | | | |
|----|---|-----|
| 17 | Investor-State Arbitration and Its Discontents: Options for the Government of Canada | 517 |
| | <i>Armand de Mestral</i> | |

- | | |
|---------------------|-----|
| Contributors | 529 |
|---------------------|-----|