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The role of civil society in investment treaty arbitration : status and prospects

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BIBLIOGRAPHY

Monographs

Alston, P., (ed.), *Non-State Actors and Human Rights*, Oxford, Oxford University Press, 2005.

F. Baetens (ed.), *Investment Law within International Law: Integrationist Perspectives*, Cambridge, Cambridge University press, 2013.

Benedek, W., et al. (eds.), *Economic globalisation and human rights*, Cambridge, Cambridge University press, 2007.

Beveridge, F., (ed.), *Globalization and International Investment*, Burlington, Ashgate, 2005.

Born, G., *International Commercial Arbitration, Volume II – International Arbitration Procedures*, Alphen aan den Rijn, Kluwer Law International, 2014.

Burgorgue-Larsen, L., and Úbeda de Torres, A., *The Inter-American Court of Human Rights: Case Law and Commentary*, Oxford, Oxford University Press, 2011.

Castanias, G., and Klonoff, R., *Federal Appellate Practice and Procedure*, Saint Paul, Thomson West, 2008.

Côté, C.E., *La participation des personnes privées dans le règlement des différends internationaux économiques : L'élargissement du droit de porter plainte à l'OMC*, Bruxelles, Bruylant, 2007.

Crawford, J., *Chance, Order, Change: The Course of International Law – General Course on Public International Law*, The Hague, Hague Academy of International Law, 2014.

Cros, G., Solberg, P., *Droit et la doctrine de la justice*, Paris, Librairie Felix Alcan, 1936.

Dam-De Jong, D.A., *International Law and Governance of Natural Resources in Conflict and Post-Conflict Situations*, Leiden, E.M. Meijers Instituut, 2013.

Delmas-Marty, M., *Les forces imaginantes du droit : Le relatif et l'universel*, Paris, les Éditions du Seuil, 2004.

Dorneau-Josette, P., and Lambert Abdelgawad, E. (eds.), *Quel filtrage des requêtes par la Cour européenne des droits de l'homme?*, Strasbourg, Council of Europe Publishing, 2011.

Dougals, Z., *The International Law of Investment Claims*, Cambridge, Cambridge University Press, 2012.

Douglas, Z., et al. (eds.), *The Foundations of International Investment Law*, Oxford, Oxford University Press, 2014.

Dolzer, R., and Schreuer, C., *Principles of International Investment Law*, Oxford, Oxford University Press, 2012.

Echandi, R., and Sauvé, P. (eds.), *Prospects in International Investment Law and Policy*, Cambridge, Cambridge University Press, 2013.

Fastenrath, U., et al. (eds.), *From Bilateralism to Community Interest: Essays in Honour of Bruno Simma*, Oxford, Oxford University Press, 2011.

Field, R., et al., *Civil Procedure: Materials for a Basic Course*, New York, Foundation Press, 2007.

Florini, A., (ed.) *The Third Force: The Rise of Transnational Civil Society*, Washington D.C., Carnegie Endowment for International Peace, 2012.

Francioni, F., (ed.), *Access to Justice as a Human Right*, Oxford, Oxford University Press, 2007.

Guinchard, S., et al. (eds.), *Droit processuel. Droit commun et droit comparé du procès équitable*, Paris, Dalloz, 2007.

Hazard, G., et al., *Pleading and Procedure: State and Federal Cases and Materials*, New York, Foundation Press, 1999.

Hodson, L., *NGOs and the Struggle for Human Rights in Europe*, Oxford, Hart Publishing, 2011.

Klager, R., *'Fair and Equitable Treatment' in International Investment Law*, Cambridge, Cambridge University Press, 2011.

Klausegger, C., et al. (eds.), *Austrian Arbitration Yearbook*, Vienna, Manz C.H. Beck Stampfli, 2009.

Kulick, A., *Global Public Interest in International Investment Law*, Cambridge, Cambridge University Press, 2012.

Lauterpacht, H., *International Law and Human Rights*, London, Stevens & Sons Ltd., 1950.

Leary, D., and Pisupati, B. (eds.), *The Future of International Environmental Law*, New York, United Nations University, 2010.

Lindblom, A.K., *Non-Governmental Organizations in International Law*, Cambridge, Cambridge University Press, 2006.

Christoffersen, J., and Rask Madsen, M. (eds.), *The European Court of Human Rights between Law and Politics*, Oxford, Oxford University Press, 2011.

Majlessi, M., *A Balancing Act: A Framework For Participation Of Non- State Actors In The World Trade Organization*, McGill University Institute of Comparative Law, Montreal, 2008.

Merrills, J., *International Dispute Settlement*, Cambridge, Cambridge University Press, 1998.

Meron, T., *The Humanization of International Law*, Leiden, The Hague Academy of International Law, 2006.

Oakley, J., and Amar, V., *American Civil Procedure: A Guide to Civil Adjudication in US Courts* (2009), Alphen aan den Rijn, Kluwer Law International, 2009.

Paulsson, J., *Denial of Justice in International Law*, Cambridge, Cambridge University Press, 2005.

Pasqualucci, J.M., *The Practice and Procedure of the Inter-American Court of Human Rights*, Cambridge, Cambridge University Press, 2003.

Paparinskis, M., *Basic Documents on International Investment Protection*, Oxford, Hart Publishing, 2012.

Paparinskis, M., *International Minimum Standard and International Law-Making*, Oxford, Oxford University Press, 2013.

Permanent Court of Arbitration (ed.), *Multiple Party Actions in International Arbitration*, Oxford, Oxford University Press, 2008.

Popović, D., *The Emergence of the European Human Rights Law*, The Hague, Eleven International Publishing, 2011.

Rayfuse, R., and Scott, S. (eds.), *International Law in the Era of Climate Change*, Cheltenham, Edward Elgar, 2012.

Sampson, G., and Bradnee Chambers, W., (eds.), *Trade, Environment, and the Millennium*, New York, United Nations University Press, 2002.

Rosenne, S., *Intervention in the International Court of Justice*, Dordrecht, Martinus Nijhoff, 1993.

Salacuse, J.W., *The Law of Investment Treaties*, Oxford University Press, 2010.

Sancin, V., (ed.), *International Environmental Law: Contemporary Concerns and Challenges*, Ljubljana, Zalžoba, 2012.

Sarkar, R., *International Development Law: Rule of Law, Human Rights, and Global Finance*, Oxford, Oxford University Press, 2009.

Schill, S., (ed.) *International Investment Law and Comparative Public Law*, Oxford, Oxford University Press, 2010.

Schneiderman, D., *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise*, Cambridge, Cambridge University Press, 2008.

Shea, D., *The Calvo Clause: A Problem of Inter-American and International Law and Diplomacy*, Minneapolis, University of Minnesota Press, 1955.

Schrijver, N., and Weiss, F., (eds.), *International Law and Sustainable Development*, Leiden, Martinus Nijhoff, 2004.

Schrijver, N., *Sovereignty over Natural Resources: Balancing Rights and Duties in an Interdependent World*, Groningen, Rijksuniversiteit Groningen, 1995.

Sen, A., *Development As Freedom*, New York, Knopf, 1999.

Sornarajah, S., *The International Law on Foreign Investment*, Cambridge, Cambridge University Press, 2010.

Stiglitz, J., *Making globalisation work*, New York, Norton & Co, 2006.

Taithe, A., *L'eau. Un bien? Un droit?*, Paris, UNICOMM, 2008.

Yvon-Thériault, J., *La Société Civile, Ou, La Chimère Insaisissable*, Montreal, Québec/Amérique, 1985.

Treves, T., et al. (eds.), *Civil Society, International Courts, and Compliance Bodies*, The Hague, Asser Press, 2005.

I. Tudor, *The Fair and Equitable Treatment Standard in the International Law of Foreign Investment*, Oxford, Oxford University Press, 2008.

Tully, S., *Corporations and International Lawmaking*, Boston/Leiden, Martinus Nijhoff, 2007.

Waibel, M., et al. (eds), *The Backlash against Investment Arbitration*, Alphen aan den Rijn, Kluwer Law International, 2010.

Wood (ed.), A.W., *Hegel: Elements of the Philosophy of Right*, Cambridge, Cambridge University Press, 1991.

Zuckerman, A., *Butterworths Civil Procedure*, London, Lexis Nexis, 2003.

Articles

Akpan, G., *Litigation Problems that Arise from Natural Resources Exploitation in Foreign Courts: Impediments to Justice*, 20 *Journal of Energy and Natural Resources Law* 55 (2002).

Alvarado, L., *Prospects and Challenges in the Implementation of Indigenous Peoples' Human Rights in International Law: Lessons from the Awas Tingni v. Nicaragua*, 24 *Arizona Journal of International and Comparative Law* 609 (2007).

Amouroux, M., *La société civile globale: une «chimère insaisissable» à l'épreuve de la reconnaissance juridique*, 12:02 *Lex Electronica* (2007).

Anaya, J., and Grossman, C., *The Case of Awas Tingni v. Nicaragua: A New Step in the International Law of Indigenous Peoples*, 19 *Arizona Journal of International and Comparative Law* 1 (2002).

Anderson, K., *What NGO Accountability Means: And Does Not Mean*, 103 *American Journal of International Law* 170 (2009).

Barstow Magraw, D., and Baker, L., *Globalization, Communities and Human Rights: Community-Based Property Rights and Prior Informed Consent*, 35 *Denver Journal of International Law* 413 (2007).

Bastin, L., *Amici Curiae in Investor-State Arbitration: Eight Recent Trends*, 30:1 *Kluwer Law International* 126 (2014).

Ben Hamida, W., *L'arbitrage Etat-investisseur cherche son équilibre perdu: Dans quelle mesure l'Etat peut produire des demandes reconventionnelles contre l'investisseur privé?*, 7 *International Law FORUM* 261 (2005).

Bevilacqua, T., *Voluntary Intervention and Other Participation of Third Parties in Ongoing International Arbitrations: A Survey of the Current State of Play*, 01(4) *World Arbitration and Mediation Review* 507 (2007).

Boecher, N., *Third Party Petitions as a Means of Protecting Voluntarily Isolated Indigenous Peoples*, 10 *Sustainable Development Law and Policy* 58 (2009).

Bogdandy, A., and Venzke, I., *On the Functions of International Courts: An Appraisal in Light of Their Burgeoning Public Authority*, 26 *Leiden Journal of International Law* 49 (2013).

Bonafe, B., *Interests of a Legal Nature Justifying Intervention before the ICJ*, 25 *Leiden Journal of International Law* 739 (2012).

Born, G., *A New Generation of International Adjudication*, 61 Duke Law Journal 775 (2012).

Boyle, A., *Human Rights and the Environment: Where Next?*, 23 European Journal of International Law 613 (2012).

Brower, C., and Blanchard, S., *What's in a Meme? The Truth about Investor-State Arbitration: Why It Need Not, and Must Not, Be Repossessed by States*, 52 Columbia Journal of Transnational Law 689 (2014).

Buckley, R., and Blyschak, P., *Guarding the Open Door: Non-party Participation Before the International Centre for Settlement of Investment Disputes*, 22 Banking and Financial Law Review 353 (2007).

Charnovitz, S., *Participation of Non Governmental Organizations in the World Trade Organization*, 17 University of Pennsylvania Journal of International Economic Law 331 (1996).

Charnovitz, S., *The Illegitimacy of Preventing NGO Participation*, 36 Brooklyn Journal of International Law 891 (2011).

Christakis, T., *Quel remède à l'écèlement de la jurisprudence CIRDI sur les investissements en Argentine? La décision du comité ad hoc dans l'affaire CMS c. Argentine*, Revue générale de droit international (2007).

Collins, D., *Alternative Dispute Resolution for Stakeholders in International Investment Law*, 15 Journal of International Economic Law 673 (2012).

Côté, C.E., *Obstacles et ouvertures processuelles pour les acteurs privés défendant des intérêts non commerciaux dans l'interprétation des accords de l'OMC*, 50 Les Cahiers de droit 207 (2009).

Cummings, S., *The Internationalization of Public Interest Law*, 57 Duke Law Journal 891 (2008).

Daniel Amado, J., *From Investors' Arbitration to Investment Arbitration: A Mechanism for Allowing the Participation of Host State Populations in the Settlement of Investment Conflicts*, University of Cambridge Faculty of Law Research Paper No. 8/2014 (2014).

De Brabandere, E., *NGOs and the "Public Interest": the Legality and Rationale for Amicus Curiae Interventions in International Economic and Investment Disputes*, 12 Chicago Journal of International Law 85 (2011).

De Brabandere, E., *State-Centrism and Human Rights Obligations: Challenging 'Stateless' Approaches towards Direct Corporate Responsibility*, International Law Association – Research Seminar on Non-state Actors (March 2009).

Del Felice, C., *Transnational Activism and Free Trade. Exploring the Emancipatory Potentials of Global Civil Society*, 23 *Voluntas* 302 (2012).

Del Vecchio, A., *International Courts and Tribunals, Standing*, Max Planck Encyclopedia of Public International Law (2010).

Dumberry, P., *L'entreprise, sujet de droit international? Retour sur la question à la lumière des développements récents du droit international des investissements*, *Revue générale de droit international* (2004).

Enabulele, A. O., *Reflections on the ECOWAS Community Court Protocol and the Constitutions of member States*, 12 *International Community Law Review* 111 (2010).

Engle, K., *On Fragile Architecture: the UN Declaration on the Rights of Indigenous Peoples in Context of Human Rights*, 22 *European Journal of International Law* 141 (2011).

Eynde, L. v. d., *An Empirical Look at the Amicus Curiae Practice of Human Rights NGOs Before the European Court of Human Rights*, 31:3 *Netherlands Quarterly of Human Rights* 271 (2013).

Fortier Y., and Drymer, S., *Third-Party Intervention and Document Discovery*, 4 *The Journal of World Investment* 473 (2003).

Francioni, F., *Access to Justice, Denial of Justice and International Investment Law*, 20 *European Journal of International Law* 729 (2009).

Garcia, R., *A Democratic Theory of Amicus Curiae*, 35 *Florida State University Law Review* 315 (2008).

Gao, H., *Amicus Curiae in WTO Dispute Settlement: Theory and Practice*, 1 *China Rights Forum* 51 (2006).

Gavouneli, M., *A Human Right to Groundwater*, 13 *International Community Law Review* 305 (2011).

Helton, T., *Introduction to the IACtHR Report on Indigenous and Tribal Rights over their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System*, 35 *American Indian Law Review* 257 (2010).

Hitoshi Mayer, L., *NGO Standing and Influence in Regional Human Rights Courts and Commissions*, 36 *Brooklyn Journal of International Law* 911 (2011).

Ishikawa, T., *Third Party Party Participation in Investment Treaty Arbitration*, 59 *International and Comparative Law Quarterly* 373 (2010).

Kagan, J., *Making Free Trade Fair: How the WTO Could Incorporate Labor Rights and Why It Should*, 43 *Georgetown Journal of International Law* 195 (2011).

Karamanian, S., *The Place of Human Rights in Investor-State Arbitration*, 17 *Lewis & Clark Law Review* 423 (2013).

Kemp, D., et al., *Mining, Water, and Human Rights: Making the Connection*, 10 *Journal of Cleaner Production* 1553 (2010).

Kim, K., and Mitchenson, J., *Voluntary Third-Party Intervention in International Arbitration for Construction Disputes: A Contextual Approach to Jurisdictional Issues*, 30:4 *Journal of International Arbitration* 407 (2013).

Kingsbury, B., and Schill, S., *Investor-State Arbitration as Governance: Fair and Equitable Treatment, Proportionality and the Emerging Global Administrative Law*, NYU School of Law, Public Law Research Paper No. 09-46 (2009).

Krislov, S., *The Amicus Curiae Brief: From Friendship to Advocacy*, 72:04 *The Yale Law Journal* 694 (1963).

Laptiskaya, J., *ECtHR, Russia and Chechnya: Two is not Company and Three is definitely a Crowd*, 43 *New York Journal of International Law* 479 (2010).

Ledo, C., *Contaminación ambiental y pobreza en Bolivia: El caso de la periferia sur de Cochabamba*, 18 *Revista Brasileira de Ciências Ambientais* 25 (2010).

Lemieux, D., *Judicial Deference in Canadian Administrative Law: The Pragmatic And Functional Approach*, *Pushpanathan v. Canada*, 54 *Administrative Law Review* 757 (1998).

Letnar Čerňič, J., *Corporate Obligations under the Human Right to Water*, 39 *Denver Journal of International Law* 303 (2011).

Livingstone, M., *Party Autonomy in International Commercial Arbitration: Popular Fallacy or Proven Fact?*, 25:5 *Journal of International Arbitration* 529 (2008).

Logister, L., *Global Governance and Civil Society. Some Reflections on NGO Legitimacy*, 03:2 *Journal of Global Ethics* 165 (2007).

Lynch, G., *Becoming Indigenous in the Pursuit of Justice: the African Commission on Human and People's Rights and the Endorois*, 111 *African Affairs* 24 (2011).

Macklem, P., and Morgan, E., *Indigenous Rights in the Inter-American System: The Amicus Brief of the Assembly of First Nations in *Awas Tingni v. Republic of Nicaragua**, 22 *Human Rights Quarterly* 569 (2000).

Marrella, F., *On the Changing Structure of International Investment Law: the Human Right to Water and ICSID Arbitration*, 12 International Community Law Review 335 (2010).

Maupin, J., *Public and Private in International Investment Law: An Integrated Systems Approach*, (2014) 54:2 Virginia Journal of International Law (forthcoming 2014).

Mohamed, Abdelsalam A., *Individual and NGO Participation in Human Rights Litigation before the African Court of Human and Peoples' Rights: lessons from the European and Inter-American Courts of Human Rights*, 43 Journal of African Law 201 (1999).

Moltke, K., Mann, H., *Misappropriation of Institutions: Some Lessons from the Environmental Dimension of the NAFTA Investor-State Dispute Settlement Process*, 01 International Environmental Agreements: Politics, Law and Economics 103 (2001).

Moore, A., *Are Amici Curiae the Proper Response to the Public's Concerns on Transparency in Investment Arbitration*, 05 the Law and Practice of International Courts and Tribunals 257 (2006).

Muchlinski, P., *The Changing Face of Transnational Business Governance: Private Corporate Law Liability and Accountability of Transnational Groups in a Post-Financial Crisis World*, 18:2 Indiana Journal of Global Legal Studies 665 (2011).

Nienaber, A., *The African Human Rights System and HIV-Related Human Experimentation: Implications of Zimbabwe Human Rights NGO Forum v Zimbabwe*, 9 African Human Rights Law Journal 524 (2009).

Orelana, M., *Saramaka People v. Suriname*, 102 American Journal of International Law 841 (2008).

Palchetti, P., *Opening the ICJ to Third States: Intervention and Beyond*, 6 Max Planck Yearbook of United Nations Law 139 (2002).

Pasqualucci, J., *International Indigenous Land Rights: A Critique of the Jurisprudence of the Inter-American Court of Human Rights in Light of the United Nations Declaration on the Rights of Indigenous Peoples*, 27 Wisconsin International Law Journal 51 (2009).

Petersmann, E., *Human Rights, Constitutionalism and the World Trade Organization: Challenges for World Trade Organization Jurisprudence and Civil Society*, 19 Leiden Journal of International Law 633 (2006).

Petrova, V., *At the Frontier for the Rush for Blue Gold: Water Privatization and the Human Right to Water*, 31 Brooklyn Journal of International Law 577 (2006).

Pogge, T., *Recognized and Violated by International Law: the Human Rights of the Global Poor*, 18 *Leiden Journal of International Law* 717 (2005).

Protopsaltis, P., *La mise en oeuvre des Principes directeurs de l'OCDE à l'intention des entreprises multinationales: Réflexions sur le nouveau mandat des Points de contact nationaux*, 7 *Forum du droit international* 251 (2005).

Ryder, B., *A Court in Need and a Friend Indeed: An analysis of the Arguments of the Amicus Curiae in the Quebec Secession Reference*, 10 *Forum Constitutionnel* 01 (1998).

Samra, H., *Five Years Later: The CMS Award Placed in the Context of the Argentine Financial Crisis and the ICSID Arbitration Boom*, 38 *Miami Inter-American Law Review* 667 (2007).

Sands, P., *Turtles and Torturers: the Transformation of International Law*, 33 *New York Journal of International Law and Politics* 527 (2001).

Sands, P. and Mackenzie, R., *International Courts and Tribunals, Amicus Curiae*, *Max Planck Encyclopedia of Public International Law* (2008).

Schicho, L., *Attribution and State Entities: Diverging Approaches in Investment Arbitration*, 12:2 *The Journal of World Investment & Trade: Law, Economics, Politics* 283 (2011).

Shany, Y., *No Longer a Weak Department of Power? Reflections on the Emergence of a New International Judiciary*, 20 *The European Journal of International Law* 73 (2009).

Shelton, D., *The Participation of Nongovernmental Organizations in International Judicial Proceedings*, 88:4 *The American Journal of International Law* 611 (1994).

Shelton, D., *The International Court of Justice and Non-Governmental Organizations*, 9 *International Community Law Review* 139 (2007).

Sergio, P., *Social Capital in the Arbitration Market*, 25:2 *European Journal of International Law* 388 (2014).

Simma, B., *Foreign Investment Arbitration: A place for human rights?*, 60 *International and Comparative Law Quarterly* 573 (2011).

Sornarajah, M., *A Law for Need or a Law for Greed?: Restoring the Lost Law in the International Law of Foreign Investment*, 06 *International Environmental Agreements* 329 (2006).

Stone, J., *Arbitrariness, the Fair and Equitable Treatment Standard, and the International Law of Investment*, 25:1 *Leiden Journal of International Law* 77 (2012).

Supnik, K., *Making Amends: Amending the ICSID Convention to Reconcile Competing Interests in International Investment Law*, 59 Duke Journal of International Law 343 (2009).

Sing'Oei, K., *Engaging the Leviathan: National Development, Corporate Globalisation and the Endorois' Quest to Recover their Herding Grounds*, 18 International Journal on Minority and Group Rights 515 (2011).

Van Duzer, A., *Enhancing the Procedural Legitimacy of Investor-State Arbitration through Transparency and Amicus Curiae Participation*, 52 McGill Law Journal 681 (2007).

Wälde, T., *Procedural Challenges in Investment Arbitration under the Shadow of the Dual Role of the State: Asymmetries and Tribunals' Duty to Ensure, Pro-actively, the Equality of Arms*, 26:1 Arbitration International 3 (2010).

Wells-Sheffer, M., *Bilateral Investment Treaties: A Friend or Foe to Human Rights?*, 39 Denver Journal of International Law 483 (2012).

Zimmermann, A., *International Courts and Tribunals, Intervention in Proceedings*, Max Planck Encyclopedia of Public International Law (2006).

Treaties, Charters, Declarations, and Rules

1899 The Hague Convention for the Pacific Settlement of International Disputes of 1899, entered into force 4 September 1900 (187 CTS 410).

1907 The Hague Convention for the Pacific Settlement of International Disputes of 1907, entered into force 26 January 1910 (36 Stat. 2199, 1 Bevans 577, 205 Consol. T.S. 233).

1928 Convention on Asylum, entered into force 21 May 1929, OAS Official Records, OEA/Ser.X/I. Treaty Series 34.

1945 Statute of the International Court of Justice, entered into force 26 June 1945, Can. T.S. 1945 No. 7.

1948 Havana Charter for an International Trade Organization, signed 24 March 1948, 1948 CAN. T.S. No. 32.

1948 General Agreement on Tariffs and Trade, entered into force 01 January 1948, 61 Stat. A-11, T.I.A.S. 1700, 55 U.N.T.S. 194.

1948 American Declaration of the Rights and Duties of Man, O.A.S. Res. XXX, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OAS/Ser.L/V/I.4 Rev. 9 (2003); 43 AJIL Supp. 133.

1948 Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), dated 10 December 1948.

1949 Convention Relative to the Treatment of Prisoners of War, dated 12 August 1949, 75 U.N.T.S. 135.

1950 ECHR for the Protection of Human Rights and Fundamental Freedoms, dated 04 November 1950, 213 U.N.T.S. 221.

1958 U.N. Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 21 U.S.T. 2517, 330 U.N.T.S. 3.

1965 Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, 17 U.S.T. 1270, 575 U.N.T.S. 159.

1966 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, at 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> (accessed 15 December 2013).

1966 UN General Assembly, Optional Protocol to the International Covenant on Civil and Political Rights, 19 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3bf0.html> last accessed 6 March 2014)

1969 United Nations, Vienna Convention on the Law of Treaties, entered into force 27 January 1980, United Nations, Treaty Series, vol. 1155, at 331.

1972 Declaration of the United Nations Conference on the Human Environment, dated 16 June 1972, U.N. Doc. A/Conf.48/14/Rev. 1(1973); 11 ILM 1416 (1972).

1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, entry into force 15 December 1975, 1037 UNTS 151; 27 UST 37; 11 ILM 1358 (1972) ('UNESCO Convention').

1977 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted 16 November 1977 (revised in 2000), available at: <http://www.ilo.org/dyn/normlex/en/f?p=1000:61:0> (last accessed 01 December 2013).

1978 ICJ Rules of Court, entered into force 01 July 1978.

1978 American Convention on Human Rights, O.A.S. Treaty Series No. 36, 1144 U.N.T.S.123, entered into force 18 July 1978.

1979 UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, available at: <http://www.refworld.org/docid/3ae6b3970.html> (last accessed 26 February 2014).

1981 Organization of African Unity, African Charter on Human and Peoples' Rights ('Banjul Charter'), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

1982 United Nations Convention on the Law of the Sea, entered into force 16 November 1994, 1833 UNTS 3; 21 ILM 1261 (1982).

1985 UN Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live : resolution / adopted by the General Assembly, dated 13 December 1985, A/RES/40/144.

1986 U.N. Declaration on the Right to Development, U.N. GAOR, 41st Sess., Doc. A/RES/41/128.

1986 ECHR on the Recognition of the Legal Personality of International Non-Governmental Organisations, entered into force 01 January 1991, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/124.htm> (last accessed 01 December 2013).

1988 ILO Declaration on Fundamental Principles and Rights at Work, dated June 1988, available at: <http://www.refworld.org/docid/425bbdf72.html> (last accessed 28 February 2014).

1989 ILO Indigenous and Tribal Peoples Convention, C169, dated 27 June 1989, C169, entered into force 5 September 1991.

1989 UN General Assembly, Convention on the Rights of the Child, dated 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (accessed 15 December 2013).

1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, entered into force 05 May 1992, 1673 UNTS 126; 28 ILM 657 (1989).

1990 Organization of African Unity (OAU), African Charter on the Rights and Welfare of the Child, dated 11 July 1990, CAB/LEG/24.9/49 (1990), available at: <http://www.refworld.org/docid/3ae6b38c18.html> (last accessed 26 February 2014).

1992 Agenda 21, Programme of Action for Sustainable Development, U.N. GAOR, 46th Sess., Agenda Item 21, UN Doc A/Conf.151/26 (1992).

1992 Rio Declaration on Environment and Development, entry into force 13 June 1992, UN Doc. A/CONF.151/26 (vol. I); 31 ILM 874 (1992).

1993 North-American Free Trade Agreement, entered into force 01 January 1994, ILM 289, 605 (1993), available at: <https://www.nafta-sec-alena.org/Default.aspx?tabid=97&language=en-US>

1993 North American Agreement on Labor Cooperation, entered into force 01 January 1994, 32 I.L.M. 1499 (1993).

1993 North American Agreement on Environmental Cooperation, entered into force 01 January 1994, 32 ILM 1482 (1993).

1994 UN General Assembly, United Nations Framework Convention on Climate Change, A/RES/48/189.

1994 Marrakesh Agreement Establishing the World Trade Organization, entry into force 15 April 1994, 1867 U.N.T.S. 154, 33 I.L.M. 1144.

1994 Understanding on Rules and Procedures Governing the Settlement of Disputes, Annex 2 to the Marrakesh Agreement Establishing the WTO, 33 ILM 1197.

1994 Statute of the Central American Court of Justice, entered into force 02 February 1994, 34 I.L.M 921 (1995).

1998 Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights, entry into force June 9 1998, OAU Doc. OAU/LEG/EXP/AFCHPR/PROT (III).

1998 Kyoto Protocol to the United Nations Framework Convention on Climate Change, entry into force 16 February 2005, UN Doc FCCC/CP/1997/7/Add.1, Dec. 10, 1997; 37 ILM 22 (1998).

1999 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, entered into force 30 October 2011, 2161 UNTS 447; 38 ILM 517 (1999).

1999 Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, entry into force 24 February 2004, 2244 UNTS 337; 38 ILM 1 (1999).

2000 Rules of Procedure of the Inter-American Court of Human Rights, available at: <http://www.cidh.org/basicos/english/basic20.RulesCourt.pdf>.

2001 International Law Commission, 'Draft Articles on Responsibility of States for Internationally Wrongful Acts' (November 2001), available at: http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf (last accessed 01 September 2013).

2001 Council of Europe, European Charter on Water Resources, dated 17 October 2001, available at: <https://wcd.coe.int/ViewDoc.jsp?id=231615> (last accessed 26 February 2014).

2001 Stockholm Convention on Persistent Organic Pollutants, entered into force 17 May 2004, 2256 UNTS 119; 40 ILM 532 (2001).

2003 African Union, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, dated 11 July 2003, available at: <http://www.refworld.org/docid/3f4b139d4.html> (last accessed 26 February 2014).

2003 NAFTA Free Trade Commission, 'Statement of the Free Trade Commission on Non-disputing Party Participation' (7 October 2003), available at: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/Nondisputing-en.pdf> (last accessed 01 July 2013).

2004 United States bilateral investment treaty model, available at: <http://www.ustr.gov/sites/default/files/U.S.%20model%20BIT.pdf> (last accessed 12 November 2013).

2006 Draft Principles Governing the Administration of Justice Through Military Tribunals, U.N. Doc. E/CN.4/2006/58 at 4 (2006), available at: <http://www2.ohchr.org/english/bodies/subcom/57/docs/ecn4sub2-2005-9-E-final.doc> (last accessed 01 December 2013).

2007 United Nations Declaration on the Rights of Indigenous Peoples, GA Res. 61/295, 13 September 2007.

2007 UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at: <http://www.refworld.org/docid/45f973632.html> (last accessed 26 February 2014).

2008 EC-CARIFORUM Economic Partnership Agreement, entered into force 30 October 2008 (L 289/I/3), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:289:0003:1955:EN:PDF> (last accessed 01 December 2013).

2009 Central American Free Trade Agreement, entered into force 01 January 2009, available at: http://www.ustr.gov/sites/default/files/uploads/agreements/cafta/asset_upload_file328_4718.pdf (last accessed 12 November).

2009 Rules of Procedure of the Inter-American Commission on Human Rights, available at: <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>.

2009 *Acuerdo de Libre Comercio Chile – Perú*, entered into force 01 March 2009, available at: http://www.direcon.gob.cl/wp-content/uploads/2011/11/TLC-Chile-Per%C3%BA_Parte2.pdf (last accessed 12 November 2013).

2009 Canada-Peru Free Trade Agreement, entered into force 10 August 2009, available at: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/peru-perou/peru-toc-perou-tdm.aspx> (last accessed 20 October 2013).

2009 European Union, Charter of Fundamental Rights of the European Union, entry into force 01 December 2009, 2012/C 326/02.

2010 Rules of Procedure of the African Commission on Human and Peoples' Rights, available at: http://www.achpr.org/files/instruments/rules-of-procedure-2010/rules_of_procedure_2010_en.pdf.

2011 ACHPR Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, adopted in 24 October 2011, available at: <http://www.achpr.org/instruments/fair-trial/?prn=1> (last accessed 01 December 2013).

2012 US Model Rules of Procedure for Dispute Settlement (2012), available at: <http://www.ustr.gov/trade-agreements/free-trade-agreements/korus-fta/model-rules-of-procedure-for-dispute-settlement> (last accessed 30 July 2014).

2013 SIAC Arbitration Rules, 5th Edition of 01 April 2013, available at: http://www.siac.org.sg/our-rules/rules/siac-rules-2013#siac_rule24 (last accessed 01 December 2013).

2013 AAA

2014 ECtHR Rules of Court, entered into force on 1 January 2014, available at: http://www.echr.coe.int/documents/rules_court_eng.pdf (last accessed 01 December 2013).

Cases

ACHPR

Amnesty International v. Zambia, Decision of 5 May 1999, ACHPR (212/98).

Civil Liberties Organization and others v. Nigeria, Decision of 7 May 2001, ACHPR (75/2011).

Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, Decision of 4 February 2010, ACHPR (276/2003).

Social and Economic Rights Action Centre (SERAC) and Another v. Nigeria, Decision of 13 October 2001, ACHPR (60/2001).

Tanganyika Law Society & Legal and Human Rights Centre v. United Republic of Tanzania, Order of 22 September 2011, ACHPR (09/2011).

Zimbabwe Human Rights NGO Forum v. Zimbabwe, Decision of 11 May 2006, ACHPR (128/2006).

ECtHR

Malone v. United Kingdom, [1984] ECtHR (8691/79).

Ashingdane v. United Kingdom, [1985] ECtHR (8225/78).

Lingen v. Austria, [1986] ECtHR (9815/82).

Monell and Morris v. United Kingdom, [1987] ECtHR (9562/81; 9818/82).

Soering v. United Kingdom, [1989] ECtHR (14038/88).

Brannigan and McBride v. United Kingdom, [1993] ECtHR (14553/89; 14554/89).

Asselbourg and others and Greenpeace-Luxembourg v. Luxembourg, [1999] ECtHR (29121/95).

Association Ekin v. France, [2000] ECtHR (39288/98).

Case of Association for the Defence of Human Rights in Romania – Helsinki Committee on Behalf of Ionel Garcea v. Romania, [2015] ECtHR (2959/11).

Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania, [2014] ECtHR (47848/08).

Conka and others v. Belgium, [2001] ECtHR (51564/99).

Isayeva, Yusupova, and Bazayeva v. Russia, [2005] ECtHR (7947/00-57948/00-57949/00).

Masaev v. Moldova, [2005] ECtHR (6303/05).

Opuz v. Turkey, [2009] ECtHR (33401/02).

Muñoz Díaz v. Spain, [2009] ECtHR (49151/07).

Trepashkin v. Russia (no. 2), [2010] ECtHR (14248/05).

IACtHR

Moiwana Community v. Suriname, Judgement of 15 June 2005, Inter-American Court of Human Rights (series C) No. 124 (2005).

Saramaka People v. Suriname, Judgement of 28 November 2007, Inter-American Court of Human Rights (series C) No. 72 (2007).

The Mayagna (Sumo) Awas Tingni Community v. Republic of Nicaragua, Judgment of 31 August 2001, Inter-American Court of Human Rights (series C) No. 79 (2001).

Castillo-Petruzzi et al. v. Peru, Judgment of 30 May 1999, Inter-American Court of Human Rights (series C) No. 52 (1998).

Yatama v. Nicaragua, Judgement of 23 June 2005, Inter-American Court of Human Rights (series C) No. 52 (2005).

ICJ/PCIJ

Mavrommatis Palestine Concessions, PCIJ Series A, n°2 (30 August 1924) 12.

Reparation for injuries suffered in the service of the Nations, Advisory Opinion, [1949] ICJ Rep 174.

Asylum Case (Colombia v. Peru), [1950].

South-West Africa Cases; Advisory Opinion Concerning the International Status, [1950].

Aerial Incident of 27 July 1955 (Israel v. Bulgaria) [1959].

On the Legal Consequences for States of the Continued Presence of South Africa in Namibia, Advisory Opinion, 21 June [1971].

Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain) [1970].
Continental Shelf (Tunisia v. Libyan Arab Jamahiriya), [1981].

Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) [1988].

Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy), [1989].

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America), [1989].

Land, Island and Maritime Frontier Dispute (El Salvador v. Honduras), [1990].

Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, [1996].

Land and Maritime Boundary between Cameroon and Nigeria Case (Cameroon v Nigeria) [1999].

Pulau Ligitan and Pulau Sipadan Case (Indonesia/Malaysia) [2001].

Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), [2002].

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, [2003].

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, [2008].

Territorial and Maritime Dispute (Nicaragua v. Colombia), [2011].

Case Concerning Ahmadou Sadio Diallo, (Guinea v. the Democratic Republic of the Congo) [2012].

WTO / GATT

United States - Restrictions on Imports of Tuna, GATT Panel Report, 3 September 1991, unadopted, BISD 39S/155.

United States — Restrictions on Imports of Tuna, GATT Panel Report, 16 June 1994, unadopted, DS29/R.

United States—Import Prohibition of Certain Shrimp and Shrimp Products, WT/DS58, (15 May 1998).

European Communities: Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R (12 March 2011).

United States: Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismut Carbon Steel Products Originating in the United Kingdom, WT/DS138/AB/R (10 May 2000).

European Communities — Trade Description of Sardine, WT/ DS231/AB/R, (23 October 2002).

Thailand — Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H Beams from Poland, WT/DS122/AB/R (5 April 2001).

United States — Final Countervailing Duty Determination with respect to certain Softwood Lumber from Canada, WT/ DS257/AB/R (17 February 2004).

Mexico — Tax Measures on Soft Drinks and Other Beverages, WT/DS30824 /AB /R (6 March 2006).

Brazil — Measures Affecting Imports of Retreaded Tyres, WT/DS332/AB/R (3 December 2007).

ICSID

ADC Affiliate Limited and ADC & ADMC Management Limited v. The Republic of Hungary (ICSID Case No. ARB/03/16).

AES-Tisza Erőmű Kft v. The Republic of Hungary (ICSID Case No. ARB/07/22).

Aguas del Tunari, S.A. v. The Republic of Bolivia (ICSID Case no. ARB/02/3).

Aguas Argentinas, S.A., Suez, Sociedad General de Aguas de Barcelona, S.A. and Vivendi Universal, S.A. v. The Argentine Republic (ICSID Case no. ARB/03/19).

Asian Agricultural Products Ltd. v. Republic of Sri Lanka (ICSID Case No. ARB/87/3).

Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (ICSID Case No. ARB/03/29).

Bernhard von Pezold and Others v. Republic of Zimbabwe (ICSID Case No. ARB/10/15).

Biwater Gauff (Tanzania) Ltd v. United Republic of Tanzania (ICSID Case No. ARB/05/22).

Burlington Resources Inc. v. Republic of Ecuador (ICSID Case No. ARB/08/5).

CMS Gas Transmission Company v. The Republic of Argentina, (ICSID Case No. ARB/01/8).

Compania del Desarrollo de Santa Elena, SA v. Republic of Costa Rica (ICSID Case No. ARB/96/1).

Compania de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic (ICSID Case No. ARB/97/3).

Electrabel S.A. v. Republic of Hungary (ICSID Case No. ARB/07/19).

El Paso Energy International Company v. The Argentine Republic (ICSID Case No. ARB/03/15).

Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic (ICSID Case No. ARB/01/3).

Emilio Agustín Maffezini v. The Kingdom of Spain (ICSID Case No. ARB/97/7).

Ioannis Kardassopoulos v. The Republic of Georgia (ICSID Case No. ARB/05/18).

Ioan Micula, Viorel Micula, S.C. European Food S.A, S.C. Starmill S.R.L. and S.C. Multipack S.R.L. v. Romania (ICSID Case No. ARB/05/20).

LG&E Energy Corp., LG&E Capital Corp., and LG&E International, Inc .v. Argentine Republic (ICSID Case No. ARB/02/1).

Mr. Patrick Mitchell v. Democratic Republic of the Congo (ICSID Case No. ARB/99/7).

MTD Equity Sdn. Bhd. and MTD Chile SA v. Republic of Chile (ICSID Case No. ARB/01/7).

Pac Rim Cayman LLC v. Republic of El Salvador (ICSID Case No. ARB/09/12).

Parkerings-Compagniet AS v. Republic of Lithuania (ICSID Case No. ARB/05/8).

Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay (ICSID Case No. ARB/10/7).

Piero Foresti, Laura de Carli and others v. Republic of South Africa (ICSID Case No. ARB(AF)/07/1).

PSEG Global, Inc. and Konya Ingin Elektrik Üretim ve Ticaret Limited Sirketi v. Republic of Turkey (ICSID Case No. ARB/02/5).

Robert Azinian, Kenneth Davitian, & Ellen Baca v. The United Mexican States (ICSID Case No. ARB (AF)/97/2).

Saipem S.p.A. v. The People's Republic of Bangladesh (ICSID Case No. ARB/05/7).

Sempra Energy International v. The Argentine Republic (ICSID Case No. ARB/02/16).

Southern Pacific Properties (Middle East) Ltd. v. Arab Republic of Egypt (ICSID Case No. ARB/84/3).

Tecnicas Medioambientales TECMED SA v. Mexico (ICSID Case No. ARB (AF)/00/2).

TECO Guatemala Holdings, LLC v. Republic of Guatemala (ICSID Case No. ARB/10/23).

The Renco Group, Inc. v. The Republic of Peru (ICSID Case No. UNCT/13/1).

Toto Construzioni Generali S.P.A. v. Republic of Lebanon (ICSID Case No. ARB/07/12).

Unglaube v. Republic of Costa Rica (ICSID Case No. ARB/08/1, ARB/09/20), Award of 16 May 2012.

Vattenfall AB, Vattenfall Europe AG, Vattenfall Europe Generation AG v. Federal Republic of Germany (ICSID Case No. ARB/09/6).

Waguih Elie George Siag and Clorinda Vecchi v. The Arab Republic of Egypt (ICSID Case No. ARB/05/15).

NAFTA Chapter XI

Apotex Holdings Inc. and Apotex Inc. v. United States of America, ICSID (Additional Facility) Case No. ARB(AF)/12/1.

Apotex Inc. v. the United States, UNCITRAL (2013).

Bilcon of Delaware Inc. et al. v. Government of Canada, PCA Case No. 2009-04.

Corn Products International Inc. v. Mexico (ICSID Case No. ARB(AF)/04/01).

Chemtura Corporation v. Government of Canada, UNCITRAL (2010).

Ethyl Corporation v. The Government of Canada, UNCITRAL (1998).

Glamis Gold, Ltd v. United States of America, UNCITRAL (2009).

Grand River Enterprises Six Nations, Ltd., et al. v. United States of America, UNCITRAL (2011).

Loewen Group, Inc. and Raymond L. Loewen v. United States of America, ICSID Case No. ARB(AF)/98/3.

Metalclad Corporation v. United Mexican States, UNCITRAL (2000).

Methanex Corporation v. United States, UNCITRAL (2005).

Merrill & Ring Forestry L.P. v. The Government of Canada, UNCITRAL (2010).

Mondev International Ltd v. United States of America , ICSID (Additional Facility) Case No. ARB(AF)/99/2.

Pope & Talbot Inc. v. Government of Canada, UNCITRAL (2000).

United Parcel Service v. Canada, UNCITRAL (2007).

SD Myers v. The Government of Canada, UNCITRAL (2002).

Marvin Roy Feldman Karpa v. United Mexican States, (ICSID Case No. ARB(AF)/99/1).

Vito G. Gallo v. The Government of Canada, UNCITRAL (2011).

Waste Management, Inc. v. United Mexican States, (ICSID Case No. ARB(AF)/00/3).

PCA

Achmea B.V. v. The Slovak Republic, UNCITRAL, PCA Case No. 2008-13.

Chevron Corporation and Texaco Petroleum Corporation v. The Republic of Ecuador, PCA Case No. 2009-23.

Hulley Enterprises Limited (Cyprus) v. The Russian Federation, PCA Case No. AA 226.

Philip Morris Asia Limited v. The Commonwealth of Australia, PCA Case No. 2012-12.

Romak SA (Switzerland) v. Uzbekistan, PCA Case No. AA280.

Saluka Investments BV v. Czech Republic, PCA IIC 210 (2006).

Veteran Petroleum Limited (Cyprus) v. The Russian Federation, PCA Case No. AA 228.

Yukos Universal Limited (Isle of Man) v. The Russian Federation, PCA Case No. AA 227.

Other Jurisdictions

Australia

Murphyores Inc Pty Ltd v. Commonwealth (1976) 136 CLR 1; [1976] HCA 20.

Canada

The United Mexican States v. Metalclad Corporation, 2001 BCSC 664 (02 May 2001).

Reference re Secession of Quebec, [1998] 2 S.C.R. 217.

Canada (Attorney General) v. S.D. Myers Inc. (F.C.), 2004 FC 38, [2004] 3 F.C.R. 368.

Dunsmuir v. New Brunswick, [2008] 1 S.C.R. 190, 2008 SCC 9.

India

Perumatty Grama Panchayat v. State of Kerala, High Court of Kerala, India, W.P. (C) No. 34292 of 2003, Judgement of 16 December 2003.

UK

Regina v. Bartle and the Commissioner of Police for the Metropolis ex parte Pinochet (No 1) [1998] 3 WLR 1456.

Regina v. Khan [1996] 3 WLR 162.

US

Schooner Exchange v. McFadden, 11 U.S. (7 Cranch.) 116 (1812).

Green v. Biddle, 21 U.S. (8 Wheat.) 1 (1823).

Ah How v. United States, 193 U.S. 65 (1904).

Consolidated Liquor Corp. v. Scotello & Nizzi, 21 N.M. 485, 155 Pac. 1089, 1093 (1916).

Westminster Sch. Dist. of Orange County v. Mendez, 161 F.2d 774, 775 (9th Cir. 1947).

Tribovich v. United Mine Workers, 404 U.S. 528, 92 S. Ct. 630 (1972).

United States v. Reserve Mining Co., 56 F.R.D. 408 (D. Minn. 1972).

University of California v. Bakke, 438 U.S. 265, 98 S.Ct. 2733 (1978).

F.W. Woolworth Co. v. Miscellaneous Warehousemen's Union, 629 F.2d (7th Cir. 1980).

Sagebrush Rebellion, Inc. v. Watt, 713 F.2d 525 (9th Cir. 1983).

Diamond v. Charles, 476 U.S. 54 (1986).

Harris v. Pemsley, 820 F.2d 592, (3d Cir. 1987).

Webster v. Reproductive Health Services (1989) 492 US 490.

Webster v Reproductive Health Services (1989) 492 US 490.

Newark Branch, NAACP v. Town of Harrison, 940 F.2d 792 (3d Cir. 1991).

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992).

Earth Island Institute v. Warren Christopher, 913 F. Supp. 559 (CIT 1995).

Ryan v. Commodity Futures Trading Commission, 125 F.3d (7th Cir. 1997).

Ashanga v. Texaco Inc., S.D.N.Y. Dkt. No. 94 Civ. 9266 (1998).

Jota v. Texaco, Inc., 157 F. 3d 153 - Court of Appeals, 2nd Circuit 1998.

Eldred et al. v. Ashcroft, 255 F.3d (D.C. Cir. 2001).

Boumediene v. Bush, 476 F.3d (D.C. Cir. 2006).

Domestic Legislation

Belgium

Code Judiciaire, 10 Octobre 1967, available at: <http://just.fgov.be/> (last accessed 01 December 2013).

USA

US Constitution, ratified 15 December 1791, available at: <http://www.law.cornell.edu/constitution> (last accessed 01 December 2013).

Federal Rules of Civil Procedure for the United States District Courts, as amended on 01 December 2013, available at: http://www.law.cornell.edu/rules/frcp/rule_24 (last accessed 01 December 2013).

California Code of Civil Procedure, available at: http://www.law.cornell.edu/wex/table_civil_procedure (last accessed 01 December 2013).

Canada

Ontario Rules of Civil Procedure [R.R.O. 1990, Reg. 194], last amended 04 March 2014, available at: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900194_e.htm (last accessed 01 December 2013).

Netherlands

Netherlands Arbitration Act, 01 December 1986 Code of Civil Procedure, available at: <http://www.jus.uio.no/lm/netherlands.arbitration.act.1986/1045.html> (last accessed 01 December 2013).

UK

Civil Procedure Rules, entry into force 13 November 2013, available at: <http://www.justice.gov.uk/courts/procedure-rules/civil/rules> (last accessed 01 December 2013).

Practice Directions and Standing Orders applicable to civil appeals, approved 8 October 2007, available at: <http://www.publications.parliament.uk/pa/ld199697/ldinfo/ld08judg/bluebook/bluebk-1.htm> (last accessed 01 December 2013).

Other Publications and Documents

Berne Declaration, Canadian Council for International Co-operation (2010). Human Rights Impact Assessment for Trade and Investment Agreements. Report of the Expert Seminar, June 23-24, 2010, Geneva, Switzerland, available online: http://www.srfood.org/images/stories/pdf/otherdocuments/report_hria-seminar_2010_eng.pdf.

Constitución Política del Estado (February 2009), *Gaceta Oficial del Estado Plurinacional de Bolivia*, available at: <http://www.gacetaoficialdebolivia.gob.bo/normas/view/36208> (last accessed 15 December 2013).

Constitution of the Republic of South Africa (No. 108 of 1996), available at: <http://www.gov.za/documents/constitution/1996/a108-96.pdf> (last accessed 15 December 2013).

Kimberly Protocol Certification Scheme Core Document, entry into force 01 January 2003, available at: <http://www.kimberleyprocess.com/en/kpcs-core-document> (last accessed 10 August 2013).

York University – Osgoode Hall Law School, Public Statement on The International Investment Regime, dated 31 August 2010, available at: http://www.osgoode.yorku.ca/public_statement (last accessed 01 December 2013).

Paulsson, J., and Petrochilos, G., Report: Revision of the UNCITRAL Arbitration Rules, 03 September 2006, available at: http://www.uncitral.org/pdf/english/news/arbrules_report.pdf (last accessed 01 December 2013).

European Union

Malmström, C., European Commission, ‘Investment in TTIP and beyond – the path for reform: Enhancing the right to regulate and moving from current ad hoc arbitration towards an Investment Court’, 5 May 2015, available at: http://trade.ec.europa.eu/doclib/docs/2015/may/tradoc_153408.PDF (last accessed 10 May 2015).

European Commission, ‘Commission Draft Text TTIP, Chapter II – Investment’, September 2015, available at: http://trade.ec.europa.eu/doclib/docs/2015/september/tradoc_153807.pdf (last accessed 1 October 2015).

UN Documents

UNCITRAL, Working Group II (Arbitration and Conciliation), 53rd session, 4-8 October 2010, (A/CN.9/WG.II/WP.159/Add.4), available at: http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html (last accessed 12 November 2013).

UNCITRAL, Working Group II (Arbitration and Conciliation) – ‘Settlement of commercial disputes: Revision of the UNCITRAL Arbitration Rules’, 45th session, 11-15 September 2006 (A/CN.9/WG.II/WP.143), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/V06/558/61/PDF/V0655861.pdf?OpenElement> (last accessed 01 December 2013).

UNCITRAL, Working Group II (Arbitration and Conciliation) – ‘Settlement of commercial disputes: Revision of the UNCITRAL Arbitration Rules’, 46th session, 5-9 February 2007 (A/CN.9/WG.II/WP.145/Add.1), available at: http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html#46thsession (last accessed 01 December 2013).

UNCITRAL, Working Group II (Arbitration and Conciliation) – ‘Settlement of commercial disputes: Revision of the UNCITRAL Arbitration Rules’, 47th session, 10-14 September 2007 (A/CN.9/WG.II/WP.147/Add.1), available at: http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html#47thsession (last accessed 01 December 2013).

UN Committee on Economic, Social and Cultural Rights (CESCR), ‘General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)’, 11 August 2000, E/C.12/2000/4, available at: <http://www.refworld.org/docid/4538838d0.html> (last accessed 17 December 2013).

UN General Assembly, Resolution 40/72, ‘Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law’, dated 11 December 1985, available at: <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/477/79/IMG/NR047779.pdf?OpenElement> (last accessed 01 September 2013).

UN General Assembly, Resolution 31/98, ‘Arbitration Rules of the United Nations Commission on International Trade Law’, dated 15 December 1976, available at: <http://www.uncitral.org/pdf/english/texts/arbitration/arb-rules/arb-rules.pdf> <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/477/79/IMG/NR047779.pdf?OpenElement> (last accessed 01 September 2013).

UN General Assembly, Resolution 55/56, ‘The role of diamonds in fuelling conflict’, dated 29 January 2001, available at: (last accessed 01 September 2013).

UN General Assembly, Resolution 64/292, ‘The Human Right to Water and Sanitation’, 28 July 2010, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292 (last accessed 01 September 2013).

UN Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, dated 21 March 2011, UN General Assembly A/HRC/17/31, available at: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (last accessed 02 February 2014).

UN Millennium Development Goals, available at: <http://www.un.org/millenniumgoals/envIRON.shtml> (last accessed 01 September 2013).

UNCTAD, ‘Denunciation of the ICSID Convention and BITs: Impact on Investor State Claims’, IIA Issues Note No. 2 (December 2010), available at: http://www.unctad.org/en/docs/webdiaeia20106_en.pdf (last accessed 15 December 2013).

UNCTAD, ‘Reform of Investor-State Dispute Settlement: In Search of a Roadmap’, IIA Issues Note No.2 (June 2013), available online at: http://unctad.org/en/PublicationsLibrary/webdiaepcb2013d4_en.pdf (last accessed 06 October 2014).

UNCTAD Investment Policy Hub, available at: <http://investmentpolicyhub.unctad.org/IIA> (last accessed 06 October 2014).

UN-Water Decade Programme on Advocacy and Communication, ‘The Human Right to Water and Sanitation: Milestones’ (2011), available at: http://www.un.org/waterforlifedecade/pdf/human_right_to_water_and_sanitation_milestones.pdf (last accessed 14 December 2013).

WTO Documents

Ministerial Conference, 'Doha Declaration on the TRIPS Agreement and Public Health', adopted on 14

November 2001, WT/MIN(01)/DEC/2, available at:
http://www.wto.org/english/tratop_e/trips_e/ta_docs_e/3_wtmin01dec2_e.pdf (last
accessed 10 August 2013).

General Council, 'Amendment of the Trips Agreement – Third Extension of the Period For The Acceptance By members Of The Protocol Amending the Trips Agreement', Decision of 05 December 2011, WT/L/829.

General Council, Waiver Concerning Kimberley Process Certification Scheme for Rough Diamonds, Decision of 14 December 2012, WT/L/876.

Internet Websites and Articles

ACHPR: <http://www.african-court.org/en/index.php/2012-03-04-06-06-00/finalised-cases-closed/22-recent-judgements/250-recent-dec> (last accessed 14 September 2012).

BBC, *Peru cancels Tia Maria copper mine after protest* (9 April 2011), available at: <http://www.bbc.co.uk/news/world-latin-america-13025971> (last accessed 01 April 2013).

CBC News, *Quebec denies TransCanada approval to resume work in Cacouna: Environment ministry says it's not persuaded pipeline company will respect noise levels to protect belugas*, 15 October 2014, available at: <http://www.cbc.ca/news/canada/montreal/quebec-denies-transcanada-approval-to-resume-work-in-cacouna-1.2799981> (last accessed 05 January 2015).

Earthjustice, *Victories: Bechtel Drops Case in Bolivia Water Case*, available at: http://www.earthjustice.org/our_work/victory/?issue=®ion=&office=27410256 (last accessed 21 November 2013).

FIDH, *La FIDH condena represion y violencia para resolver conflicto minero en Islay* (8 April 2011), available at: http://www.fidh.org/IMG/Article_PDF/Article_a9491.pdf (last accessed 01 April 2013).

HRW, *NAFTA Labor Accord Ineffective: Future Trade Pacts Must Avoid Pitfalls*, 16 April 2001, available at: <http://www.hrw.org/news/2001/04/15/nafta-labor-accord-ineffective> (last accessed 01 December 2013).

IISD, *Bolivian water dispute settled, Bechtel forgoes compensation*, Investment Treaty News (January 2006), available at: www.iisd.org/pdf/2006/itm_jan20_2006.pdf (last accessed 21 November 2013).

Lamy, P., *Civil society is influencing the WTO agenda*, 04 October 2007, available at: http://www.wto.org/english/news_e/sppl_e/sppl73_e.htm (last accessed 10 August 2013).

Lamy, P., *La place et le rôle du droit de l'OMC dans l'ordre juridique international*, 19 May 2006, online: http://www.wto.org/french/news_f/sppl_f/sppl26_f.htm (last accessed 10 August 2013).

Mann, H., *The Final Decision in Methanex v United States: Some New Wine in Some New Bottles*, IISD (August 2005), available at: http://www.iisd.org/pdf/2005/commentary_methanex.pdf (last accessed 21 November 2013).

Mental Disability Advocacy Center, *European Court Reaffirms NGOs Standing to Secure Justice for Victims of State Abuse*, 25 March 2015, available at: <http://www.mdac.info/en/news/european-court-reaffirms-ngos-standing-secure-justice-victims-state-abuse> (last accessed 1 February 2016).

Olivet, C. and Eberhardt, P., *Profiting from injustice: How law firms, arbitrators and financiers are fuelling an investment arbitration boom*, (November 2012), Transnational Institute and Corporate Europe Observatory, available at: <http://www.tni.org/sites/www.tni.org/files/download/profitfrominjustice.pdf> (last accessed 06 October 2014).

Parliamentary Assembly, Recommendation 1606 (2003), *Areas where the European Convention on Human Rights cannot be implemented*, 23 June 2003, available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17112&lang=en> (last accessed 1 February 2016).

Sanchez Gomez, L., and Terhorst, P., *Cochabamba Bolivia: Public-Collective Partnership after the Water War*, available at: <http://www.tni.org/sites/www.tni.org/archives/books/watercochabamba.pdf> (last accessed 01 December 2013).

Triantafyllou, E., *A More Expansive Role For Amici Curiae In Investment Arbitration?*, Kluwer Arbitration Blog, 11 May 2009, available at: <http://kluwerarbitrationblog.com/blog/2009/05/11/a-more-expansive-role-for-amici-curiae-in-investment-arbitration/> (last accessed 06 October 2014).

Von Moltke, K., *A Model International Investment Agreement for the Promotion of Sustainable Development*, IISD (November 2004), available at: www.iisd.org/pdf/2004/trade_model_inv.pdf (last accessed 10 December 2013).

Warren, E., *The Trans-Pacific Partnership clause everyone should oppose*, Washington Post, 25 February 2015, available at: http://www.washingtonpost.com/opinions/kill-the-dispute-settlement-language-in-the-trans-pacific-partnership/2015/02/25/ec7705a2-bd1e-11e4-b274-e5209a3bc9a9_story.html (last accessed 1 March 2015).

World Bank Data, available at: <http://data.worldbank.org/country/ecuador> (last accessed 12 December 2012).

World Bank Inspection Panel website, available at: <http://ewebapps.worldbank.org/apps/ip/Pages/AboutUs.aspx> (last accessed 01 December 2013)

World Bank, 'Bolivia – Highlights: Indigenous Peoples, Poverty and Human Development in Latin America', available at: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/0,,contentMDK:20505835~pagePK:146736~piPK:14683~theSitePK:258554,00.html> (last accessed 30 July 2014).