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The Role of the Domestic Law of the Host State in Determining the *ratione materiae* Jurisdiction of Investment Treaty Tribunals: The Partial Revival of the Localisation Theory

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Curriculum Vitae

Reza Eftekhar (Dezfool, 18 July 1986) took his bachelor's degree in law from Shahid Beheshti University of Tehran (*cum laude*). Reza took his LL.M. degree in International Commercial Law from Shahid Beheshti University of Tehran (*cum laude*).

From 2008 until 2013, Reza was the chief legal adviser of Teyf Sharif Consultants Co. (Tehran) in telecommunications regulation, international contracts, and dispute settlement. Since 2013, Reza has been a legal adviser at the Iran-United States Claims Tribunal in The Hague, the Netherlands. In October 2015, he became an external Ph.D. candidate at Law School of Leiden University where he conducted his research under the supervision of Professor Eric de Brabandere.

Sources

Cases

Investment Arbitrations Cases

Abaclat and Others v. Argentine Republic, ICSID Case No. ARB/07/5 (formerly *Giovanna a Beccara and Others v. The Argentine Republic*), Decision on Jurisdiction and Admissibility, 04 August 2011.

Accession Mezzanine Capital L.P. and Danubius Kereskedőház Vagyonkezelő Zrt. v. Hungary, ICSID Case No. ARB/12/3, Award, 17 April 2015.

Achmea B.V. v. The Slovak Republic, UNCITRAL, PCA Case No. 2008-13 (formerly *Eureko B.V. v. The Slovak Republic*), Award on Jurisdiction, Arbitrability and Suspension, 26 October 2010.

ADC Affiliate Limited and ADC & ADMC Management Limited v. The Republic of Hungary, ICSID Case No. ARB/03/16, Award of the Tribunal, 02 October 2006.

Adriano Gardella S.p.A. v. Côte d'Ivoire, ICSID Case No. ARB/74/1, Award, 29 August 1977.

AES Corporation v. The Argentine Republic, ICSID Case No. ARB/02/17, Decision on Jurisdiction, 26 April 2005.

Aguas del Tunari, S.A. v. Republic of Bolivia, ICSID Case No. ARB/02/3, Decision on Respondent's Objections to Jurisdiction, 21 October 2005.

Alasdair Ross Anderson et al. v. Republic of Costa Rica, ICSID Case No. ARB (AF)/07/3, Award, 19 May 2010.

Alpha Projektholding GmbH v. Ukraine, ICSID Case No. ARB/07/16, Award, 08 November 2010.

Alps Finance and Trade AG v. The Slovak Republic, UNCITRAL, Award, 05 March 2011.

Ambiente Ufficio S.p.A. and others v. Argentine Republic, ICSID Case No. ARB/08/9 (formerly *Giordano Alpi and others v. Argentine Republic*), Decision on Jurisdiction and Admissibility, 08 February 2013.

Amco Asia Corporation and others v. Republic of Indonesia, ICSID Case No. ARB/81/1, Award, 20 November 1984.

Amco Asia Corporation and others v. Republic of Indonesia, ICSID Case No. ARB/81/1, *Ad hoc* Committee Decision on the Application for Annulment, 16 May 1986.

Antoine Goetz et consorts v. République du Burundi, ICSID Case No. ARB/95/3, Award, 10 February 1999.

Apotex Inc. v. The Government of the United States of America, ICSID Case No. UNCT/10/2, Award on Jurisdiction and Admissibility, 14 June 2013.

Asian Agricultural Products v. Democratic Republic of Sri Lanka, ICSID Case No ARB/87/3, Final Award, 27 June 1990.

Azurix Corp. v. The Argentine Republic, ICSID Case No. ARB/01/1, Decision on Jurisdiction, 08 December 2003.

Azurix Corp. v. The Argentine Republic, ICSID Case No. ARB/01/12, Award, 14 July 2006.

Azurix Corp. v. The Argentine Republic, ICSID Case No. ARB/01/12, Decision on the Application for Annulment of the Argentine Republic, 01 September 2009.

Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan, ICSID Case No. ARB/03/29, Decision on Jurisdiction, 14 November 2005.

Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan, ICSID Case No. ARB/03/29, Award, 27 August 2009.

Bayview Irrigation District et al. v. United Mexican States, ICSID Case No. ARB(AF)/05/1, Award, 19 June 2007.

Bear Creek Mining Corporation v. Republic of Peru, ICSID Case No. ARB/14/21, Award, 30 November 2017.

Biwater Gauff (Tanzania) Ltd. v. United Republic of Tanzania, ICSID Case No. ARB/05/22, Award, 24 July 2008.

BP Exploration Company (Libya) Limited v. Government of the Libyan Arab Republic, 10 October 1973 and 01 August 1974 (1979) 53 ILR.

Camuzzi International S.A. v. The Argentine Republic, ICSID Case No. ARB/03/2, Decision on Objection to Jurisdiction, 11 May 2005.

CDC Group plc v. Republic of Seychelles, ICSID Case No. ARB/02/14, Decision on Annulment, 29 June 2005.

Cervin Investissements S.A. and Rhone Investissements S.A. v. Republic of Costa Rica, ICSID Case No. ARB/13/2, Award, 07 March 2017.

Ceskoslovenska Obchodni Banka, A.S. v. The Slovak Republic, ICSID Case No. ARB/97/4, Decision of the Tribunal on Objections to Jurisdiction, 24 May 1999.

Ceskoslovenska Obchodni Banka, A.S. v. The Slovak Republic, ICSID Case No. ARB/97/4, Decision of the Tribunal on Respondent's Further and Partial Objection to Jurisdiction, 1 December 2000.

Chemtura Corporation v. Government of Canada, UNCITRAL (formerly *Crompton Corporation v. Government of Canada*), Award, 2 August 2010.

Chevron Corporation (USA) and Texaco Petroleum Company (USA) v. The Republic of Ecuador, UNCITRAL, PCA Case No. 34877, Interim Award, 01 December 2008.

Chevron Corporation and Texaco Petroleum Company v. The Republic of Ecuador, PCA Case No. 34877, Partial Award on the Merits, 30 March 2010.

Churchill Mining PLC and Planet Mining Pty Ltd v. Republic of Indonesia, ICSID Case No. ARB/12/14 and 12/40, Decisions on Jurisdiction, 24 February 2014.

Churchill Mining PLC and Planet Mining Pty Ltd v. Republic of Indonesia, ICSID Case No. ARB/12/14 and 12/40, Award, 06 December 2016.

CME Czech Republic B.V. v. The Czech Republic, UNCITRAL, Partial Award, 13 September 2001.

CME Czech Republic B.V. v. The Czech Republic, UNCITRAL, Final Award, 14 March 2003.

CME Czech Republic B.V. v. The Czech Republic, UNCITRAL, Separate Opinion on the issues at the quantum phases of *CME v. Czech Republic* by Ian Brownlie, C.B.E., Q.C., 14 March 2003.

CMS Gas Transmission Company v. Argentine Republic, ICSID Case No. ARB/01/8, Decision on Objections to Jurisdiction, 17 July 2003.

CMS Gas Transmission Company v. Argentine Republic, ICSID Case No. ARB/01/8, Award, 12 May 2005.

CMS Gas Transmission Company v. The Republic of Argentina, ICSID Case No. ARB/01/8, Decision of the ad hoc Committee on the Application for Annulment of the Argentine Republic, 25 September 2007.

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic, ICSID Case No. ARB/97/3, Award, 21 November 2000.

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic, ICSID Case No. ARB/97/3 (formerly *Compañía de Aguas del Aconquija, S.A. and Compagnie Générale des Eaux v. Argentine Republic*), Decision on Annulment, 03 July 2002.

Consortium RFCC v. Kingdom of Morocco, ICSID Case No. ARB/00/6, Award, 22 December 2003.

Continental Casualty Company v. The Argentine Republic, ICSID Case No. ARB/03/9, Decision on Jurisdiction, 22 February 2006.

Cortec Mining Kenya Limited, Cortec (Pty) Limited and Stirling Capital Limited v. Republic of Kenya, ICSID Case No. ARB/15/29, Award of the Tribunal, 22 October 2018.

Desert Line Projects LLC v. The Republic of Yemen, ICSID Case No. ARB/05/17, Award, 06 February 2008.

Daimler Financial Services AG v. Argentine Republic, ICSID Case No. ARB/05/1, Award, 22 August 2012.

Daimler Financial Services AG v. Argentine Republic, ICSID Case No. ARB/05/1, Decision on Annulment, 07 January 2015.

David Minnotte and Robert Lewis v. Republic of Poland, ICSID Case No. ARB(AF)/10/1, Award, 16 May 2014.

Duke Energy International Peru Investments No. 1 Ltd. v. Republic of Peru, ICSID Case No. ARB/03/28, Decision on Annulment, 01 March 2011.

Eastern Sugar B.V. (Netherlands) v. The Czech Republic, SCC Case No. 088/2004, Partial Award, 27 March 2007.

El Paso Energy International Company v. The Argentine Republic, ICSID Case No. ARB/03/15, Decision on Jurisdiction, 27 April 2006.

El Paso Energy International Company v. The Argentine Republic, ICSID Case No. ARB/03/15, Award, 31 October 2011.

Emilio Agustín Maffezini v. The Kingdom of Spain, ICSID Case No. ARB/97/7, Decision of the Tribunal on Objections to Jurisdiction, 25 January 2000.

Emmis International Holding, B.V., Emmis Radio Operating, B.V., MEM Magyar Electronic Media Kereskedelmi és Szolgáltató Kft. v. The Republic of Hungary, ICSID Case No. ARB/12/2, Award, 16 April 2014.

Empresas Lucchetti, S.A. and Lucchetti Peru, S.A. v. The Republic of Peru, ICSID Case No. ARB/03/4, Decision on Annulment, 05 September 2007.

EnCana Corporation v. Republic of Ecuador, LCIA Case No. UN3481, UNCITRAL (formerly *EnCana Corporation v. Government of the Republic of Ecuador*), Partial Award on Jurisdiction, 27 February 2004.

EnCana Corporation v. Republic of Ecuador, LCIA Case No. UN3481, UNCITRAL (formerly *EnCana Corporation v. Government of the Republic of Ecuador*), Partial Dissenting Opinion of Horacio A. Grigera Naon, 30 December 2005.

EnCana Corporation v. Republic of Ecuador, LCIA Case No. UN3481, UNCITRAL (formerly *EnCana Corporation v. Government of the Republic of Ecuador*), Award, 03 February 2006.

Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic, ICSID Case No. ARB/01/3 (also known as *Enron Creditors Recovery Corp. and Ponderosa Assets, L.P. v. The Argentine Republic*), Decision on Jurisdiction, 14 January 2004.

Enron Creditors Recovery Corporation (formerly Enron Corporation) and Ponderosa Assets, L.P. v. Argentine Republic, ICSID Case No. ARB/01/3, Decision on Jurisdiction (Ancillary Claim), 02 August 2004.

Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic, ICSID Case No. ARB/01/3, Award, 22 May 2007.

Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic, ICSID Case No. ARB/01/3, Decision on the Application for Annulment of the Argentine Republic, 30 July 2010.

Eureko B.V. v. Republic of Poland, UNCITRAL, Partial Award, 19 August 2005.

Fedax N.V. v. The Republic of Venezuela, ICSID Case No. ARB/96/3, Award, 09 March 1998.

Fraport AG Frankfurt Airport Services Worldwide v. The Republic of the Philippines, ICSID Case No. ARB/03/25, Dissenting Opinion of Mr. Bernardo M. Cremades, 19 July 2007.

Fraport AG Frankfurt Airport Services Worldwide v. The Republic of the Philippines, ICSID Case No. ARB/03/25, Award, 16 August 2007.

Fraport AG Frankfurt Airport Services Worldwide v. The Republic of the Philippines, ICSID Case No. ARB/03/25, Decision on the Application for Annulment of Fraport AG Frankfurt Airport Services Worldwide, 23 December 2010.

Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines, ICSID Case No. ARB/11/12, Award, 10 December 2014.

Gami Investments, Inc. v. The Government of the United Mexican States, UNCITRA, Final Award, 15 November 2004.

Gas Natural SDG, S.A. v. The Argentine Republic, ICSID Case No. ARB/03/10, Decision of the Tribunal on Preliminary Questions on Jurisdiction, 17 June 2005.

Generation Ukraine, Inc. v. Ukraine, ICSID Case No. ARB/00/9, Award, 16 September 2003.

Gustav F W Hamester GmbH & Co KG v Republic of Ghana, ICSID Case No ARB/07/24, Award, 18 June 2010.

Helnan International Hotels A/S v. The Arab Republic of Egypt, ICSID Case No. ARB/05/19, Award, 03 July 2008.

Helnan International Hotels A/S v. Arab Republic of Egypt, ICSID Case No. ARB/05/19, Decision of the *Ad hoc* Committee on Annulment, 14 June 2010.

HICEE B.V. v. The Slovak Republic, UNCITRAL, PCA Case No. 2009-11, Partial Award, 23 May 2011.

Hochtief AG v. The Argentine Republic, ICSID Case No. ARB/07/31, Decision on Jurisdiction, 24 October 2011.

Hochtief AG v. The Argentine Republic, ICSID Case No. ARB/07/31, Decision on Liability, 29 December 2014.

Hussein Nuaman Soufraki v. The United Arab Emirates, ICSID Case No. ARB/02/7, Award, 07 July 2004.

Hussein Nuaman Soufraki v. The United Arab Emirates, ICSID Case No. ARB/02/7, Decision of the *ad hoc* Committee on the Application for Annulment of Mr Soufraki, 05 June 2007.

IBM World Trade Corporation v. República del Ecuador, ICSID Case No. ARB/02/10, Decision on Jurisdiction and Competence, 22 December 2003.

ICS Inspection and Control Services Limited v. The Argentine Republic, PCA Case No. 2010-9, Award on Jurisdiction, 10 February 2012.

Impregilo S.p.A. v. Islamic Republic of Pakistan, ICSID Case No. ARB/03/3, Decision on Jurisdiction, 22 April 2005.

Inceysa Vallisoletana S.L. v. Republic of El Salvador, ICSID Case No. ARB/03/26, Award, 02 August 2006.

Inmaris Perestroika Sailing Maritime Services GmbH and Others v. Ukraine, Decision on Jurisdiction, 08 March 2010.

International Thunderbird Gaming Corporation v. The United Mexican States, UNCITRAL, Separate Opinion of Thomas Wälde, 01 December 2005.

International Thunderbird Gaming Corporation v. The United Mexican States, UNCITRAL, Arbitral Award, 26 January 2006.

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, Decision on Jurisdiction and Admissibility, 24 September 2008.

Ioannis Kardassopoulos v. The Republic of Georgia, ICSID Case No. ARB/05/18, Decision on Jurisdiction, 06 July 2007.

Iurii Bogdanov, Agurdino-Invest Ltd. and Agurdino-Chimia JSC v. Republic of Moldova, SCC, Arbitral Award, 22 September 2005.

Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt, ICSID Case No. ARB/04/13, Decision on Jurisdiction, 16 June 2006.

Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt, ICSID Case No. ARB/04/13, 06 November 2008.

Jan Oostergetel and Theodora Laurentius v. The Slovak Republic, UNCITRAL, Final Award, 23 April 2012.

Joseph Charles Lemire v. Ukraine, ICSID Case No. ARB/06/18, Decision on Jurisdiction and Liability, 14 January 2010.

Kiliç İnşaat İthalat İhracat Sanayi Ve Ticaret Anonim Şirketi v. Turkmenistan, ICSID Case No. ARB/10/1, Award, 02 July 2013.

Klöckner Industrie-Anlagen GmbH and others v. United Republic of Cameroon and Société Camerounaise des Engrais, ICSID Case No. ARB/81/2 (Klöckner I), Decision on Annulment, 03 May 1985.

KT Asia Investment Group B.V. v. Republic of Kazakhstan, ICSID Case No. ARB/09/8, Award, 17 October 2013.

Lanco International Inc. v. The Argentine Republic, ICSID Case No. ARB/97/6, Preliminary Decision: Jurisdiction of the Arbitral Tribunal, 08 December 1998.

L.E.S.I. S.p.A. and ASTALDI S.p.A. v. République Algérienne Démocratique et Populaire, ICSID Case No. ARB/05/3, Decision, 12 July 2006.

LIAMCO v. The Government of the Libyan Arab Republic, Award, 12 April 1977 (1981) Yearbook of Commercial Arbitration.

Libananco Holdings Co. Limited v. Republic of Turkey, ICSID Case No. ARB/06/8, Award, 02 September 2011.

Liman Caspian Oil BV and NCL Dutch Investment BV v. Republic of Kazakhstan, ICSID Case No. ARB/07/14, Award (Excerpts), 22 June 2010.

Loewen Group, Inc. and Raymond L. Loewen v. United States of America, ICSID Case No. ARB(AF)/98/3, Award, 26 June 2003.

Luigiterzo Bosca v. Lithuania, UNCITRAL, Award, 17 May 2013.

Malicorp Ltd v Arab Republic of Egypt, ICSID Case No ARB/08/18, Award, 07 February 2011.

Mamidoil Jetoil Greek Petroleum Products Societe S.A. v. Republic of Albania, ICSID Case No. ARB/11/24, Award, 30 March 2015.

Maritime International Nominees Establishment v. Republic of Guinea, ICSID Case No. ARB/84/4, Decision on Annulment, 22 December 1999.

Marvin Roy Feldman Karpa v. United Mexican States, ICSID Case No. ARB(AF)/99/1 (also known as *Marvin Feldman v. Mexico*), Award, 16 December 2002.

Merrill and Ring Forestry L.P. v. Canada, ICSID Case No. UNCT/07/1, Award, 31 March 2010.

Metal-Tech Ltd. v. Republic of Uzbekistan, ICSID Case No. ARB/10/3, Award, 04 October 2013.

Metalpar S.A. and Buen Aire S.A. v. The Argentine Republic, ICSID Case No. ARB/03/5, Decision on Jurisdiction, 27 April 2006.

Metalpar S.A. and Buen Aire S.A. v. The Argentine Republic, ICSID Case No. ARB/03/5, Award on the Merits, 06 June 2008.

Mobil Cerro Negro Holding, Ltd., Mobil Cerro Negro, Ltd., Mobil Corporation and others v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/07/27, Decision on Annulment, 09 March 2017.

Mondev International Ltd. v. United States of America, ICSID Case No. ARB(AF)/99/2, Award, 11 October 2002.

MTD Equity Sdn. Bhd. and MTD Chile S.A. v. Republic of Chile, ICSID Case No. ARB/01/7, Award, 25 May 2004.

MTD Equity Sdn. Bhd. and MTD Chile S.A. v. Republic of Chile, ICSID Case No. ARB/01/7, Decision on Annulment, 21 March 2007.

Mytilineos Holdings SA v. The State Union of Serbia & Montenegro and Republic of Serbia, UNCITRAL, Partial Award on Jurisdiction, 08 September 2006.

Mytilineos Holdings SA v. The State Union of Serbia & Montenegro and Republic of Serbia, UNCITRAL, Dissenting Opinion from the Arbitral Award on Jurisdiction by Dobrosav Mitrović, 06 September 2006.

National Grid plc v. The Argentine Republic, UNCITRAL, Decision on Jurisdiction, 20 June 2006.

National Grid plc v. The Argentine Republic, UNCITRAL, Award, 03 November 2008.

Noble Energy, Inc. and Machalpower Cia. Ltda. v. The Republic of Ecuador and Consejo Nacional de Electricidad, ICSID Case No. ARB/05/12, Decision on Jurisdiction, 05 March 2008.

Nykomb Synergetics Technology Holding AB v. The Republic of Latvia, SCC, Arbitral Award, 16 December 2003.

Occidental Exploration and Production Company v. The Republic of Ecuador, LCIA Case No. UN3467, Final Award, 01 July 2004.

Parkerings-Compagniet AS v. Republic of Lithuania, ICSID Case No. ARB/05/8, Award, 11 September 2007.

Patrick Mitchell v. Democratic Republic of Congo, ICSID Case No. ARB/99/7, Decision on Annulment, 01 November 2007.

Perenco Ecuador Ltd. v. The Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador), ICSID Case No. ARB/08/6, Decision on Remaining Issues of Jurisdiction and on Liability, 12 September 2014.

Petrobart Limited v. The Kyrgyz Republic, SCC Case No. 126/2003, Award, 13 February 2003.

Philippe Gruslin v. Malaysia, ICSID Case No. ARB/99/3, Award, 27 November 2000.

Petroleum Development Ltd v. Sheikh of Abu Dhabi (Abu Dhabi Case) (1951) 18 ILR.

Phoenix Action, Ltd. v. The Czech Republic, ICSID Case No. ARB/06/5, Award, 15 April 2009.

Plama Consortium Limited v. Republic of Bulgaria, ICSID Case No. ARB/03/24, Decision on Jurisdiction, 08 February 2005.

Plama Consortium Limited v. Bulgaria, ICSID Case No. ARB/03/24, Award, 27 August 2008.

Pope & Talbot Inc. v. The Government of Canada, UNCITRAL, Interim Award, 26 June 2000.

PSEG Global, Inc., The North American Coal Corporation, and Konya Ingin Elektrik Üretim ve Ticaret Limited Sirketi v. Republic of Turkey, ICSID Case No. ARB/02/5, Award, 19 January 2007.

Quiborax S.A., Non Metallic Minerals S.A. and Allan Fosk Kaplún v. Plurinational State of Bolivia, ICSID Case No. ARB/06/2, Decision on Jurisdiction, 27 September 2012.

Revere Copper and Brass, Inc v Overseas Private Investment Corporation, Award, 24 August 1978, AAA Case No. 16/10/0137/76, 17 ILM.

Robert Azinian, Kenneth Davitian, & Ellen Baca v. The United Mexican States, ICSID Case No. ARB (AF)/97/2, Award, 01 November 1999.

Ronald S. Lauder v. The Czech Republic, UNCITRAL, Final Award, 03 September 2001.

RosInvestCo UK Ltd. v. The Russian Federation, SCC Case No. V079/2005, Award on Jurisdiction, October 2007.

Ruler of Qatar v. International Maritime Oil Company (1953) 20 ILR.

Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. v. Republic of Kazakhstan, ICSID Case No. ARB/05/16, Award, 29 July 2008.

Saba Fakes v. Republic of Turkey, ICSID Case No. ARB/07/20, Award, 14 July 2010.

Saipem S.p.A. v. The People's Republic of Bangladesh, ICSID Case No. ARB/05/07, Decision on Jurisdiction and Recommendation on Provisional Measures, 21 March 2007.

Saipem S.p.A. v. The Peoples Republic of Bangladesh, ICSID Case No. ARB/05/07, Award, 30 June 2009.

Salini Costruttori S.p.A. and Italstrade S.p.A. v. Kingdom of Morocco, ICSID Case No. ARB/00/4, Decision on Jurisdiction, 23 July 2001.

Salini Costruttori S.p.A. and Italstrade S.p.A. v. The Hashemite Kingdom of Jordan, ICSID Case No. ARB/02/13, Decision on Jurisdiction, 15 November 2004.

Saluka Investments B.V. v. The Czech Republic, UNCITRAL, Partial Award, 17 March 2006.

Sapphire International Petroleum Ltd. v. National Iranian Oil Company (NIOC) (1964) 13 ICLQ.

Saudi Arabia v. Arabian American Oil Company (Aramco) (1963) 27 ILR.

SAUR International SA v Republic of Argentina, ICSID Case No ARB/04/4, Decision on Jurisdiction and Liability, 06 June 2012.

SGS Société Générale de Surveillance S.A. v. The Republic of Paraguay, ICSID Case No. ARB/07/29, Decision on Jurisdiction, 12 February 2010.

Siemens A.G. v. The Argentine Republic, ICSID Case No. ARB/02/8, Decision on Jurisdiction, 03 August 2004.

Siemens A.G. v. The Argentine Republic, ICSID Case No. ARB/02/8, Award, 17 January 2007.

Southern Pacific Properties (Middle East) Limited v. Arab Republic of Egypt, ICSID Case No. ARB/84/3, Decision on Jurisdiction, 14 April 1988.

Southern Pacific Properties (Middle East) Limited v. Arab Republic of Egypt, ICSID Case No. ARB/84/3, Award, 20 May 1992.

Suez, Sociedad General de Aguas de Barcelona S.A., and InterAguas Servicios Integrales del Agua S.A. v. The Argentine Republic, ICSID Case No. ARB/03/17, Decision on Jurisdiction, 16 May 2006.

Suez, Sociedad General de Aguas de Barcelona, S.A. and Vivendi Universal, S.A. v. Argentine Republic, ICSID Case No. ARB/03/19, Decision on Jurisdiction, 03 August 2006.

Suez, Sociedad General de Aguas de Barcelona, S.A. and Vivendi Universal, S.A. v. Argentine Republic, ICSID Case No. ARB/03/19 (formerly *Aguas Argentinas, S.A., Suez, Sociedad General de Aguas de Barcelona, S.A. and Vivendi Universal, S.A. v. Argentine Republic*), Decision on Liability, 30 July 2010.

Técnicas Medioambientales Tecmed, S.A. v. The United Mexican States, ICSID Case No. ARB (AF)/00/2, Award, 29 May 2003.

Teinver S.A., Transportes de Cercanías S.A. and Autobuses Urbanos del Sur S.A. v. The Argentine Republic, ICSID Case No. ARB/09/1, Decision on Jurisdiction, 21 December 2012.

Tenaris S.A. and Talta - Trading e Marketing Sociedade Unipessoal Lda. v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/11/26, Award, 29 January 2016.

Texaco Overseas Petroleum Company and California Asiatic Oil Company v. The Government of the Libyan Arab Republic, Award on Merits, 19 January 1977 (1979) 53 ILR.

The Rompetrol Group N.V. v. Romania, ICSID Case No. ARB/06/3, Decision on Respondent's Preliminary Objections on Jurisdiction and Admissibility, 18 April 2008.

Tidewater Inc., Tidewater Investment SRL, Tidewater Caribe, C.A., et al. v. The Bolivarian Republic of Venezuela, ICSID Case No. ARB/10/5, Award, 13 March 2015.

Tokios Tokelés v. Ukraine, ICSID Case No. ARB/02/18, Decision on Jurisdiction, 29 April 2004.

Total S.A. v. The Argentine Republic, ICSID Case No. ARB/04/01, Decision on Liability, 27 December 2010.

Tradex Hellas S.A. v. Republic of Albania, ICSID Case No. ARB/94/2, Decision on Jurisdiction, 24 December 1996.

Vigotop Limited v. Hungary, ICSID Case No. ARB/11/22, Award, 1 October 2014.

Vladimir Berschader and Moïse Berschader v. The Russian Federation, SCC Case No. 080/2004, Award, 21 April 2006.

Vladislav Kim and others v. Republic of Uzbekistan, ICSID Case No. ARB/13/6, Decision on Jurisdiction, 08 March 2017.

Waste Management Inc v. United Mexican States, Decision on Jurisdiction, 26 June 2002.

Waste Management, Inc. v. United Mexican States, ICSID Case No. ARB (AF)/00/3, Award, 30 April 2004.

Wena Hotels Ltd. v. Arab Republic of Egypt, ICSID Case No. ARB/98/4, Award, 08 December 2000.

Wena Hotels Ltd. v. Arab Republic of Egypt, ICSID Case No. ARB/98/4, Decision (Annulment Proceeding), 05 February 2002.

White Industries Australia Limited v. The Republic of India, UNCITRAL, Final Award, 30 November 2011.

William Nagel v. The Czech Republic, SCC Case No. 049/2002, Final Award, 09 September 2003.

Wintershall AG v. The Government of Qatar (Ad hoc tribunal), Partial Award, 05 February 1988 (1989) 28(4) ILM.

World Duty Free Company v Republic of Kenya, ICSID Case No. ARB/00/7, Award, 04 October 2006.

Yaung Chi Oo Trading Pte. Ltd. v. Government of the Union of Myanmar, ASEAN I.D. Case No. ARB/01/1, Award, 31 March 2003.

Yukos Universal Limited (Isle of Man) v. Russian Federation, PCA Case No. AA 227, Final Award, 18 July 2014.

IUSCT Cases

Amoco International Finance Corporation v. The Government of the Islamic Republic of Iran, National Iranian Oil Company, National Petrochemical Company and Kharg Chemical Company Limited, IUSCT Case No. 56, Award No. 310-56-3, 14 July 1987, 15 Iran-USCTR, p 189.

Economy Forms Corp. v. Iran et al, IUSCT Case No. 165, Award No. 55-165-1, 13 June 1983, 3 Iran-USCTR, p 42.

Harnischfeger Corp. v. Ministry of Roads & Transportation, IUSCT Case No. 180, Award No. 144-180-3, Partial Award, 13 July 1984, 7 Iran-USCTR, p 90.

Mobil Oil et al v. Iran et al, IUSCT Case No. 74, 76, 81 & 150, Award No. 311-74/76/81/150-3, 14 July 1987, 16 Iran-USCTR, p 3.

SeaCo Inc. v. The Islamic Republic of Iran, The Iranian Meat Organization and others, IUSCT Case No. 260, Award No. 531-260-2, 25 June 1992, 28 Iran-USCTR, p 198.

Other Arbitral Cases

Bank of New York and Trust Company et al. (USA v. Germany) 8 RIAA 42.

George W Cook (USA) v. United Mexican States (1927) IV RIAA 213.

George Rodney Burt (USA v. UK) 6 RIAA 93.

ICC Award No. 5717 (1990) ICC Bull. No. 2.

Norwegian Shipowner's Claims (Norway v. USA), (1922) RIAA.

Rio Grande Irrigation and Land Company (UK v. USA) 6 RIAA 131.

**PCIJ and ICJ Cases (Judgments, Advisory Opinions,
Concurring/Dissenting/Individual/Separate Declarations/Opinions)**

Aegean Sea Continental Shelf (Greece v. Turkey), Judgment, I.C.J. Rep. 1978 (19 December 1978) p 3.

Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Preliminary Objections, Judgment, I.C.J. Rep. 2007 (24 May 2007) p 582.

Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Judgment, I.C.J. Rep. 2010 (30 November 2010) p 639.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. Spain), Judgment, Merits, Second Phase, I.C.J. Rep. 1970 (05 February 1970) p 3.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. Spain), Judgment, Merits, Second Phase, I.C.J. Rep. 1970 (05 February 1970) p 3, Separate Opinion of Judge Gros.

Certain German Interests in Polish Upper Silesia (Germany v. Poland), Judgment, P.C.I.J. Rep. Series A, No. 7, 1926 (25 May 1926).

Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France), Judgment, I.C.J. Rep. 2008 (04 June 2008) p 177.

Competence of the General Assembly for the Admission of a State to the United Nations, Advisory Opinion, I.C.J. Rep. 1950 (03 March 1950) p 4.

Consistency of Certain Danzig Legislative Decrees with Constitution of Free City, Advisory Opinion, P.C.I.J. Rep. Series A/B, No. 65, 1935 (04 December 1935).

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada v. United States of America), Judgment, I.C.J. Rep. 1984 (12 October 1984) p 246.

Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy), Judgment, I.C.J. Rep. 1989 (20 July 1989) p 15.

Free Zones of Upper Savoy and the District of Gex (France v. Switzerland), Judgment, P.C.I.J. Rep. Series B, No. 46, 1932 (07 June 1932).

Greco-Bulgarian Communities, Advisory Opinion, P.C.I.J. Rep. Series B, No. 17, 1930 (31 July 1930).

Land, Island and Maritime Frontier Dispute (El Salvador v. Honduras: Nicaragua intervening) Application to Intervene, Judgment, I.C.J. Rep. (1990) (13 September 1990) p 92.

Legality of Use of Force (Serbia and Montenegro v. Belgium), Preliminary Objections, Judgment, I.C.J. Rep. 2004 (15 December 2004) p 279.

North Sea Continental Shelf (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands), Judgment, I.C.J. Rep. 1969 (20 February 1969) p 3.

Nottebohm (Liechtenstein v. Guatemala), 2nd Phase Judgment, I.C.J. Rep. 1955 (06 April 1955) p 4.

Panevezys-Saldutiskis Railway Case (Estonia v. Lithuania), Judgment, P.C.I.J. Rep. Series A/B, No. 76, 1939 (28 February 1939).

Payment in Gold of Brazilian Federal Loans Contracted in France (France v. Brazil), Judgment, P.C.I.J. Rep. Series A, No. 21, 1929 (12 July 1929).

Payment of Various Serbian Loans Issued in France (France v. Yugoslavia), Judgment, P.C.I.J. Rep. Series A, No. 20, 1929 (12 July 1929).

Temple of Preah Vihear (Cambodia v. Thailand) (Merits) Judgment, I.C.J. Rep. 1962 (15 June 1962) p 6, Dissenting Opinion of Judge Spender.

Territorial Dispute (Libyan Arab Jamahiriya v. Chad), Judgment, I.C.J. Rep. 1994 (03 February 1994) p 6.

The Electricity Company of Sofia and Bulgaria (Belgium v. Bulgaria) Judgment, (Preliminary Objection) P.C.I.J. Rep. Series A/B, No. 77, 1939 (04 April 1939).

Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in Danzig Territory, Advisory Opinion, P.C.I.J. Rep. Series B, No. 44, 1932 (04 February 1932).

WTO Cases

United States - Standards for Reformulated and Conventional Gasoline, Brazil and Venezuela v United States, Report of the Appellate Body, WT/DS2/AB/R, WT/DS4/AB/R, Report No AB-

1996-1, Doc No 96-1597, ITL 013 (WTO 1996), DSR 1996:I, 3, 29th April 1996, World Trade Organization [WTO].

United States - Anti-Dumping Act of 1916, United States v European Communities, Report of the Panel, WT/DS136/R, Doc No 00-1257, ITL 023 (WTO 2000), DSR 2000:X, 4593, 31ST March 2000, World Trade Organisation [WTO].

United States — Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany, Report of the Appellate Body, WT/DS213/AB/R, Report No AB-2002-4, Doc No 02-6520, 28th November 2002, World Trade Organization [WTO].

ECR & ECHR Cases

Joined Cases C-369/96 Jean-Claude Arblade, Arblade & Fils SARL and C-376/96 Bernard Leloup, Serge Leloup, Sofrage SARL [1999] ECR I-8453.

Kopecký v Slovakia, Merits, App no 44912/98, ECHR 2004-IX, [2004] ECHR 446, (2005) 41 EHRR 43, IHRL 3571 (ECHR 2004), 28th September 2004, European Court of Human Rights [ECHR]; Grand Chamber [ECHR].

Municipal Courts Cases

Singapore Courts

Government of the Lao People's Democratic Republic v. Sanum Investments Ltd, Judgment of the Singapore High Court, 20 January 2015, [2015] SGHC 15.

South African Courts

Van Zyl and Others v. Government of Republic of South Africa and Others (170/06), 20 September 2007, [2007] ZASCA 109 [64], available on the SAFLII website: <www.saflii.org/za/cases/ZASCA/2007/109.html>.

Swedish Courts

The Czech Republic v. CME Czech Republic B.V., Challenge of Arbitral Award, Judgement of Svea Court of Appeal, 15 May 2003.

UK Courts

Air Foyle Ltd v Center Capital Ltd [2003] 2 Lloyd's Rep.

Bank of Africa Ltd v Cohen [1909] 2 Ch.

Bonhams 1793 Ltd v. Lawson et al [2015] EWHC (Comm).

Glencore International AG v Metro Trading International Inc [2001] 1 Lloyd's Rep.

In Re Bonacina [1912] 2 Ch 394 (CA).

Macmillan Inc v Bishopsgate Investment Trust plc (No 3) [1996] 1 WLR.

Reuter (RJ) Co Ltd v Mulhens [1954] Ch 50 at 95, 96, [1953] 2 All ER 1160.

Tinsley v Milligan [1994] 1 AC.

US Courts

Beverly Beach Properties, Inc. v. Nelson, 68 So. 2d 604 (Fla. 1953) (dictum), cert. denied, 348 U.S. 816 (1954).

Bowles v. R.G. Dun-Bradstreet Corp., 25 Del. Ch. 32, 12 A.2d 392 (Ch. 1940).

Doherty v. McDowell, 276 Fed. 728 (D. Me. 1921).

Iron City Say. Bank v. Isaacsen, 158 Va. 609, 164 S.E. 520 (1932).

Kilgour v. New Orleans Gas Light Co., 14 Fed. Cas. 468, No. 7764 (C.C.D. La. 1875).

Lockwood v. United States Steel Corp., 209 N.Y. 375, 103 N.E. 697 (1913).

The WD Fairway (No 3) [2009] 2 Lloyd's Rep.

Municipal Laws

Austrian's International Private Law Act (IPRG) of 1978

Belgian Code of Private International Law of 2004

Costa Rica Organic Law of the Central Bank 1995

Dutch Civil Code of 1838

French Civil Code of 1803

German Introductory Act to the Civil Code of 1994

Iranian Act of Aggravating the Punishment for the Crimes of Embezzlement, Bribery, and Fraud of 1988

Iranian Civil Code of 1928

Italian Law on Private International Law of 1995

Republic of the Philippines Constitution of 1987

Republic of Philippines Anti-Dummy Law of 1936

Spanish Civil Code of 1889

Swiss Federal Act on Private International Law of 1987

US Restatement (Second) on Conflict of Laws

Bibliography

Books

M Bartels, *Contractual Adaptation and Conflict Resolution* (Kluwer Law and Taxation Publishers 1985).

HG Beale (ed), *Chitty on Contracts* (Vol. 1, 28th edition, Sweet & Maxwell 1999).

T Begic, *Applicable Law in International Investment Disputes* (Eleven International Publishing 2005).

HC Black, *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern* (West Publishing Co 1968).

N Blackaby & C Partasides (eds), *Redfern and Hunter on International Arbitration* (OUP 2015).

EM Borchard, *The Diplomatic Protection of Citizens Abroad or the Law of International Claims* (The Banks Law Publishing Company 1915).

GB Born, *International Arbitration: Law and Practice* (Wolters Kluwer 2012).

ED Brabandere, *Investment Treaty Arbitration as Public International Law: Procedural Aspects and Implications* (CUP 2014).

JL Brierly, *The Law of Nations: An Introduction to the International Law of Peace* (Clarendon Press 1963).

G Bucheler, *Proportionality in Investor-State Arbitration* (OUP 2015).

M Bulajic, *Principles of International Development Law: Progressive Development of the Principles of International Law Relating to the New International Economic Order* (Vol. 38, Series: Nijhoff Law Specials, 1986).

JG Collier, *Conflict of Laws* (CUP 2001)

L Collins *et al* (eds), *Dicey, Morris and Collins on the Conflict of Laws* (14th edn, Sweet & Maxwell 2006).

WL Craig, WW Park and J Paulsson, *Annotated Guide to the 1998 ICC Arbitration Rules with Commentary* (Ocean Publication Inc. 1998).

J Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (CUP 2002).

J Crawford (ed), *Brownlie's Principles of Public International Law* (8th Edition, OUP 2012).

B Demirkol, *Judicial Acts and Investment Treaty Arbitration* (CUP 2018).

Y Derains and EA Schwartz, *A Guide to the New ICC Rules of Arbitration* (Kluwer Law International 2005).

M Dixon, *Textbook on International Law* (OUP 2013).

R Dolzer & C Schreuer, *Principles of International Investment Law* (OUP 2012).

R Dolzer & M Stevens, *Bilateral Investment Treaties* (Martinus Nijhoff Publishers 1995).

Z Douglas, *International Law of Investment Claims* (CUP 2009).

R Gardiner, *Treaty Interpretation* (2nd edn, OUP 2015).

T Gazzini, *Interpretation of International Investment Treaties* (Hart Publishing 2016).

J Hepburn, *Domestic Law in International Investment Arbitration* (OUP 2017).

AW Heringa, *Constitutions Compared: An Introduction to Comparative Constitutional Law* (4th edn, Intersentia 2016).

J Hill & MN Shuilleabhain (eds), *Clarkson & Hill's Conflict of Laws* (OUP 2016).

International Centre for Settlement of Investment Disputes (ICSID), *History of the ICSID Convention* (Vol. 2, ICSID 1968).

CW Jenks, *The Prospects of International Adjudication* (Stevens & Sons 1964)

P Jessup, *Transnational Law* (Yale University Press 1956).

HE Kjos, *Applicable Law in Investor-State Arbitration: The Interplay Between National and International Law* (OUP 2013).

R Jennings & A Watts (eds), *Oppenheim's International Law* (Vol. 1, 9th edn, Longman 1992).

H Lauterpacht, *Development of International Law by the International Court* (Stevens & Sons Limited 1958).

AP Llamzon, *Corruption in International Investment Arbitration* (OUP 2014).

C McLachlan, L Shore & Matthew Weiniger, *International Investment Arbitration: Substantive Principles* (OUP 2017).

Lord McNair, *The Law of Treaties* (Clarendon Press 1961).

M McParland, *The Rome I Regulation on the Law Applicable to Contractual Obligations* (OUP 2015).

S Montt, *State Liability in Investment Treaty Arbitration: Global Constitutional and Administrative Law in the BIT Generation* (Hart Publishers 2009).

P Muchlinski, *Multinational Enterprises and the Law* (OUP 2007).

A Newcombe & L Paradell, *Law and Practice of Investment Treaties: Standards of Treatment* (Kluwer Law International 2009).

PM North & JJ Fawcett (eds), *Cheshire and North's Private International Law* (13th edn, Butterworths 1999).

J Paulsson, *Denial of Justice in International Law* (CUP 2005).

JF Poudret & S Besson, translated by SV Berti & A Ponti, *Comparative Law of International Arbitration* (Sweet & Maxwell 2007).

E Rabel, *The Conflict of Laws: A Comparative Study* (Vol. IV, University of Michigan Law School 1958).

JW Salacuse, *The Three Laws of International Investment: National, Contractual, and International Frameworks for Foreign Capital* (OUP 2013).

M Sasson, *Substantive Law in Investment Treaty Arbitration: The Unsettled Relationship between International Law and Municipal Law* (Kluwer Law International 2017).

A Sayed, *Corruption in International Trade and Commercial Arbitration* (Kluwer Law International 2004).

C Schreuer *et al*, *The ICSID Convention: A Commentary* (CUP 2009).

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

I Sinclair, *The Vienna Convention on the Law of Treaties* (Manchester University Press 1984).

M Sornarajah, *The International Law on Foreign Investment* (4th edn, CUP 2017).

M Tushnet, *Advanced Introduction to Comparative Constitutional Law* (Edward Edgar Publishing Limited 2014)

UNCTAD, *Bilateral Investment Treaties 1995-2006: Trends in Investment Rulemaking* (United Nations 2007).

UNCTAD, *Scope and Definitions* (United Nations 2011).

TR van Dervort, *International Law and Organization* (Sage Publications 1998).

R Youngs, *English, French & German Comparative Law* (Routledge 2014)

Book Chapters

Y Banifatemi 'The Law Applicable in Investment Treaty Arbitration' in K Yannaca-Small (ed), *Arbitration under International Investment Agreements* (OUP 2010).

AK Bjorklund, 'Applicable Law in International Investment Disputes' in C Giorgetti (ed), *Litigating International Investment Disputes: A Practitioner's Guide* (Brill 2014).

M Blessing, 'Regulations in Arbitration Rules on Choice of Law' in AJ van den Berg (ed), *Planning Efficient Arbitration Proceedings: The Law Applicable in International Arbitration* (Kluwer Law International 1996).

E Gaillard, 'The Extent of Review of the Applicable Law in Investment Treaty Arbitration,' in E Gaillard & Y Banifatemi (eds) *Annulment of ICSID Awards, IAI International Arbitration Series No. 1* (Juris Publishing 2004).

F Grisel, 'The Sources of Foreign Investment Law', in Z Douglas, J Pauwelyn, JE Viñuales (eds), *The Foundations of International Investment Law* (OUP 2014).

MN Kinnear, 'Treaties as Agreements to Arbitrate: International Law as the Governing Law' in AJ van den Berg (ed) *International Arbitration 2006: Back to Basics?* (Kluwer Law International 2007).

U Kriebaum, 'Illegal Investments' in C Klausegger *et al* (eds), *Austrian Arbitration Yearbook 2010* (Beck, Sta'impfli & Manz 2010).

P Lalive, 'Concluding Remarks', in E Gaillard and Y Banifatemi (eds), *Annulment of ICSID Awards* (Juris Publishing 2004).

C Lévesque, 'Investment and Water Resources: Limits to NAFTA' in MC Cordonier Segger, M Gehring, A Newcombe, R Buckley, A Zieglerstating (eds), *Sustainable Development in World Investment Law* (Kluwer Law International 2011).

RB Lillich, 'The Law Governing Disputes under Economic Development Agreements: Re-Examining the Concept of Internationalisation' in RB Lillich & CN Brower (eds), *International Arbitration in the Twenty-First Century, Towards Judicialization and Uniformity* (Transnational Publishers 1994).

C McLachlan, 'Investment Treaty Arbitration: The Legal Framework' in AJ van den Berg (ed), *50 Years of the New York Convention, ICCA International Arbitration Conference* (Kluwer Law International 2009).

A Parra, 'Applicable Law in Investor-State Arbitration' in M Rovine (ed), *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers* (Martinus Nijhoff Publishers 2007).

S Rose-Ackerman, 'The Challenge of Poor Governance and Corruption, in Global Crisis, Global Solutions' in B Lombord (ed), *Global Crises, Global Solutions: Costs and Benefits* (CUP 2004).

C Schreuer, 'Interaction of International Tribunals and Domestic Courts in Investment Law' in Arthur W. Rovine (ed), *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers* (Martinus Nijhoff Publishers 2010).

O Spiermann, 'Applicable Law' in P Muchlinski, F Ortino, and C Schreuer (eds), *The Oxford Handbook of International Investment Law* (OUP 2008).

A Verdross, 'The Status of Foreign Private Interests Stemming from Economic-Development Agreements with Arbitration Clauses' in M Bender (ed), *Selected Readings on Protection by Law of Private Foreign Investment* (The Southwestern Legal Foundation, International and Comparative Law Center 1964).

T Wälde, 'A Requiem for the 'New International Economic Order': The Rise and Fall of Paradigms in International Economic Law' in G Hafner, G Loibl, A Rest, L Sucharipa-Behrmann & K Zemanek (eds), *Liber Amicorum Professor Ignaz Seidl-Hohenveldern in Honour of his 80th Birthday* (Kluwer Law International 1998).

P Weil, 'The State, the Foreign Investor, and International Law: The No Longer Stormy Relationship of a *Ménage à Trois*' in S Schlemmer-Schulte and KY Tung (eds) *Liber Amicorum Ibrahim F.I. Shihata* (Kluwer Law International 2001).

Articles

KM Al-Jumah, 'Arab State Contract Disputes: Lessons from the Past' (2002) 17(3) Arab Law Quarterly.

JF Armesto, 'Different Systems for the Annulment of Investment Awards' (2011) 26(1) ICSID Rev-FILJ.

SKB Asante, 'The Stability of Contractual Relations in the Transnational Investment Process' (1979) 28(3) ICLQ.

L Atsegbua, 'International Arbitration of Oil Investment Disputes: The Severability Doctrine and Applicable Law Issues Revisited' (1993) 5 African Journal of International & Comparative Law.

MB Ayad, 'Harmonization of Custom, General Principles of Law, and Islamic Law in Oil Concessions' (2012) 29(5) J Int'l Arb.

M Blessing, 'Mandatory Rules of Law versus Party Autonomy in International Arbitration' (1997) 14(4) J Int'l Arb.

A Broches, 'Observations on the Finality of ICSID Awards' (1991) 6(2) ICSID Rev-FILJ.

CN Brower & S Blanchard, 'From "Dealing in Virtue" to "Profiting from Injustice": The Case Against "Re-Statification" of Investment Dispute Settlement' (2014) 55 Harvard International Law Journal Online.

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

CN Brower & S Melikian, "'We Have Met The Enemy And He Is US!' Is the Industrialized North 'Going South' on Investor-State Arbitration?" (2015) 31(1) Arb Int'l.

A Carlevaris, 'The Conformity of Investments with the Law of the Host State and the Jurisdiction of International Tribunals' (2008) 9(1) The Journal of World Investment & Trade.

JP Commission, 'Precedent in Investment Treaty Arbitration—A Citation Analysis of a Developing Jurisprudence' (2007) 24(2) J Int'l Arb.

FG Dawson, 'The Influence of Andres Bello on Latin-American Perceptions of Non-Intervention and State Responsibility' (1987) 57 BYIL.

Z Douglas, 'Nothing if Not Critical for Investment Treaty Arbitration: Occidental, Eureko and Methanex' (2006) 22(1) *Arbitration International*.

Z Douglas, 'The Hybrid Foundations of Investment Treaty Arbitration' (2003) 74 *BYIL*.

Z Douglas, 'The Plea of Illegality in Investment Treaty Arbitration' (2014) 29(1) *ICSID Rev-FILJ*.

AS El-Kosheri and TF Riad, 'The Law Governing A New Generation of Petroleum Agreements: Changes in the Arbitration Process' (1986) 2 *ICSID Rev-FILJ*.

G Fitzmaurice, 'The General Principles of International Law Considered from the Standpoint of the Rule of Law' (1957) 92 *Collected Courses of the Hague Academy of International Law*.

G Fitzmaurice, 'The Law and Procedure of the International Court of Justice 1951-1954: Treaty Interpretation and Other Treaty Points' (1957) 33 *BYIL*.

E Gaillard & Y Banifatemi, 'The Meaning of "and" in Article 42(1), Second Sentence, of the Washington Convention: The Role of International Law in the ICSID Choice of Law Process' (2003) 18(2) *ICSID Rev-FILJ*.

G Guillaume, 'The Use of Precedent by International Judges and Arbitrators' (2011) 2(1) *Journal of International Dispute Settlement*.

V Heiskanen, 'And/Or: The Problem of Qualification in International Arbitration' (2010) 26(4) *Arb Int'l*.

V Heiskanen, '*Menage a` trois*? Jurisdiction, Admissibility and Competence in Investment Treaty Arbitration' (2013) 29(1) *ICSID Rev-FILJ*.

J Hepburn, 'In Accordance with Which Host State Laws? Restoring the 'Defence' of Investor Illegality in Investment Arbitration' (2014) 5(3) *Journal of International Dispute Settlement*.

JN Hyde, 'Economic Development Agreements' (1962) 105 *Collected Courses of the Hague Academy of International Law*.

VC Igbokwe, 'Determination, Interpretation and Application of Substantive Law in Foreign Investment Treaty Arbitrations' (2006) 23(4) *J Int'l Arb*.

VC Igbokwe, 'Developing Countries and the Law Applicable to International Arbitration of Oil Investment Disputes: Has the Last Word been Said?' (1997) 14(1) *J Int'l Arb*.

G Kaufmann-Kohler, 'Arbitral Precedent: Dream, Necessity or Excuse?: The 2006 Freshfields Lecture' (2007) 23(3) *Arb Int'l*.

G Kaufmann-Kohler, 'The Arbitrator and the Law: Does He/She Know it? Apply It? How? And a Few More Questions' (2005) 21(4) Arb Int'l.

C Knahr, 'Investments "in accordance with the host state law"' (2007) 4(5) TDM.

G Knuts, 'Jura Novit Curia and the Right to Be Heard – An Analysis of Recent Case Law' (2012) 28(4) Arb Int'l.

K Kunzer, 'Developing a Model Bilateral Investment Treaty' (1983) 15 Law & Policy of International Business.

E Kwakwa, 'Emerging International Development Law and Traditional International Law - Congruence or Cleavage?' (1987) 17 The Georgia Journal of International and Comparative Law.

CB Lamm, BK Greenwald & KM Young, 'From World Duty Free to Metal-Tech: A Review of International Investment Treaty Arbitration Cases Involving Allegations of Corruption' (2014) 29(2) ICSID Rev-FILJ.

P Landolt, 'Arbitrators' Initiatives to Obtain Factual and Legal Evidence' (2012) 28(2) Arb Int'l.

RP Lazo, 'The No of Tokyo Revisited: Or How Developed Countries Learned to Start Worrying and Love the Calvo Doctrine' (2015) 30(1) ICSID Rev-FILJ.

C Leben, 'La Théorie Du Contrat d'Etat Et L'évolution Du Droit International Des Investissements' (2004) 302 Collected Courses of the Hague Academy of International Law.

AFM Maniruzzaman, 'Choice of Law in International Contracts, Some Fundamental Conflict of Laws Issues' (1999) 16(4) J Int'l Arb.

AFM Maniruzzaman, 'International Arbitrator and Mandatory Public Law Rules in the Context of State Contracts: An Overview' (1990) 7(3) J Int'l Arb.

AFM Maniruzzaman, 'International Development Law as Applicable Law to Economic Development Agreements: A Prognostic View' (2001) 20 Wisconsin International Law Journal.

AFM Maniruzzaman, 'State Contracts in Contemporary International Law: Monist versus Dualist Controversies' (2001) 12(2) Eur. J. Int'l L.

FA Mann, 'State Contracts and State Responsibility' (1960) 54 AJIL.

FA Mann, 'The Law Governing State Contracts' (1944) 21 BYIL.

FA Mann, 'The Proper Law of Contracts Concluded by International Persons' (1959) 35 BYIL.

P Mayer, 'Mandatory Rules of Law in International Arbitration' (1986) 2 Arb Int'l.

C McLachlan, 'The Principle of Systematic Integration and Article 31(3)(c) of the Vienna Convention' (2005) 54 ICLQ 279.

Lord McNair, 'The General Principle of Law Recognized by Civilized Nations' (1957) 33 BYIL.

R Moloo, 'A Comment on the Clean Hands Doctrine in International Law' (2011) 8(1) TDM.

HAG Naon, 'Arbitration in Latin America: Overcoming Traditional Hostility' (1989) 5(2) Arb Int'l.

T Obersteiner, 'In Accordance with Domestic Law' Clauses: How International Investment Tribunals Deal with Allegations of Unlawful Conduct of Investors' (2014) 31(2) J Int'l Arb.

FN Pagani, JIG Cueto, 'Tidewater v. Venezuela: Property Rights Capable of Expropriation in a Company Operating under Short-Term Contracts' (2015) 32(4) J Int'l Arb.

J Paulsson, 'Arbitration without Privity' (1995) 10(2) ICSID Rev-FILJ.

J Paulsson, 'Third World Participation in International Investment Arbitration' (1987) 2(1) ICSID Rev-FILJ.

J Pauwelyn, 'The Role of Public International Law in the WTO: How Far Can We Go?' (2001) 95(3) AJIL.

SI Pogany, 'Economic Development Agreements' (1992) 7(1) ICSID Rev-FILJ.

M Polkinghorne & SM Volkmer, 'The Legality Requirement in Investment Arbitration' (2017) 34(2) J Int'l Arb.

LS Poulsen, 'Political Risk Insurance and Bilateral Investment Treaties: A View from Below' (02 August 2010) Columbia FDI Perspectives. See <http://www.vcc.columbia.edu/content/political-risk-insurance-and-bilateral-investment-treaties-view-below.>>

G Sacerdoti, 'Investment Arbitration under ICSID and UNCITRAL Rules: Prerequisites, Applicable Law, Review of Awards' (2004) 19(1) ICSID Rev-FILJ.

JW Salacuse, 'BIT by BIT: The Growth of Bilateral Investment Treaties and Their Impact on Foreign Investment in Developing Countries' (1990) 24(3) The International Lawyer.

JW Salacuse, 'The Treatification of International Investment' (2007) 13(1) *Law and Business Review of the Americas*.

O Schachter, 'The Evolving International Law of Development' (1976) 15 *Columbia Journal of Transnational Law*.

C Schreuer, 'Calvo's Grandchildren: The Return of Local Remedies in Investment Arbitration' (2005) 4(1) *The Law & Practice of International Courts and Tribunals*.

C Schreuer, 'Investment Arbitration - A Voyage of Discovery' (2005) 2(5) *TDM*.

C Schreuer, 'Jurisdiction and Applicable Law in Investment Treaty Arbitration' (2014) 1(1) *McGill Journal of Dispute Resolution*.

C Schreuer, 'The Relevance of Public International Law in International Commercial Arbitration: Investment Disputes' online: <www.univie.ac.at/intlaw/pdf/csunpublpaper_1.pdf>.

C Schreuer & U Kriebaum, 'At What Time Must Legitimate Expectations Exist?' in J Werner & A Heydar Ali, *A Liber Amicorum: Thomas Walde: Law Beyond Conventional Thought* (CMP Publishing 2009).

SM Schwebel, 'International Arbitration: Three Salient Problems' (1987) 3(3) *Arb Int'l*.

C Schreuer & M Weiniger, 'Conversations Across Cases - Is there a Doctrine of Precedent in Investment Arbitration?' (2008) 3 *TDM*.

M Sornarajah, 'The Climate of International Arbitration' (1991) 8(2) *J Int'l Arb*.

M Sornarajah, 'Power and Justice in Foreign Investment Arbitration' (1997) 14(3) *J Int'l Arb*.

St. John's Law Review, 'Situs of Intangible Property in Conflict of Laws' (2013) 30(2) *St. John's Law Review*

C Staker, 'Public International Law and the Lex Situs Rule in Property Conflicts and Foreign Expropriations' (1987) 58 *BYBIL*.

PB Stephan, 'International Investment Law and Municipal Law: Substitutes or Complements?' (2014) 9(4) *CMLJ*.

JC Thomas & HK Dhillon, *Applicable Law under International Investment Treaties* (2014) 26 *SAC LJ*.

A Verdross, 'The Status of Foreign Private Interests Stemming from Economic Development Agreement with Arbitration Clauses' (1958) 9 *Österreichische Zeitschrift für öffentliches Recht*, N.F.

A Verdross, 'Quasi-International Agreements and International Commercial Transactions (1964) 18 *Yearbook of World Affairs*.

J Voss, 'The Protection and Promotion of European Private Investment in Developing Countries-An Approach Towards A Concept For A European Policy on Foreign Investment: A German Contribution' (1981) 18(3) *Common Market Law Review*.

TW Wälde, 'The "Umbrella" Clause in Investment Arbitration: A Comment on Original Intentions and Recent Cases' (2005) 6(2) *Journal of World Investment & Trade*.

BA Wortley, 'Observations on the Public and Private International Law Relating to Expropriation' (1956) 5(4) *The American Journal of Comparative Law*.

B Wortmann, 'Choice of Law by Arbitrators: The Applicable Conflict of Laws System' (1998) 14(2) *Arb Int'l*.

Reports

J Crawford, 'Second Report on State Responsibility' (1999) 2(2) *YB ILC*, A/CN.4/SER.A/1999/Add.1 (Part 1).

M Giuliano & P Lagarde, 'Report on the Convention on the Law Applicable to Contractual Obligations' (1980) No. C 282/1 *Official Journal*.

ILA Final Report on Ascertaining the Contents of the Applicable Law in International Commercial Arbitration (2008).

Report of the International Law Commission on the Work of Its Eighteenth Session, Geneva, 4 May-19 July 1966 (1966) (Vol. II) *YB ILC*.

UNCTAD, 'Special Update on Investor-State Dispute Settlement: Facts and Figures' (United Nations 2017).

UNCTAD, 'IIA Issues Note: Recent Developments in the International Investment Regime' (United Nations 2018)

UNCTAD, 'Investor-State Dispute Settlement: Review of Developments in 2017' (United Nations 2018)

UNCTAD, 'World Investment Report 2008: Transnational Corporations and the Infrastructure Challenge' (United Nations 2008).

UNCTAD, 'World Investment Report 2017: Investment and the Digital Economy' (United Nations 2017).

International Conventions, Treaties, and International Instruments

Bilateral Investment Treaties

Albania

Agreement between the Kingdom of Spain and the Republic of Albania on the Promotion and Reciprocal Protection of Investments, signed on 05 June 2003, entered into force on 14 January 2004.

Argentina

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Argentina for the Promotion and Protection of Investments, signed on 11 December 1990, entered into force on 19 February 1993.

Agreement between the Government of the Argentine Republic and the Government of the Republic of France for Reciprocal Protection and Promotion of Investments, signed on 03 July 1991, entered into force on 03 March 1993.

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Argentine Republic, signed on 20 October 1992, entered into force on 01 October 1994.

Armenia

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Armenia for the Promotion and Protection of Investments, signed on 27 May 1993, entered into force on 11 July 1996.

Australia

Agreement between Australia and the Islamic Republic of Pakistan on the Promotion and Protection of Investments, signed on 07 February 1998, entered into force on 14 October 1998.

Austria

Agreement between the Republic of Austria and Malaysia for the Promotion and Protection of Investments, signed on 12 April 1985, entered into force on 01 January 1987.

Agreement between the Republic of Austria and the State of Kuwait for the Encouragement and Reciprocal Protection of Investments, signed on 16 November 1996, entered into force on 22 September 1998.

Agreement between the Republic of Austria and the Republic of the Philippines for the Promotion and Reciprocal Protection of Investments, signed on 11 April 2002, entered into force on 01 December 2003.

Agreement for the Promotion and Protection of Investment between the Government of the Republic of Austria and the Government of the Kyrgyz Republic, signed on 22 April 2016, not yet entered into force.

Belarus

Agreement between the Government of the Lebanese Republic and the Government of the Republic of Belarus on the Promotion and Reciprocal Protection of Investments, signed on 19 June 2001, entered into force on 29 December 2002.

Belgo-Luxemburg Union

Investment Guarantee Agreement between Malaysia and the Belgo-Luxemburg Union, signed on 22 November 1979, entered into force on 08 February 1982.

Agreement between the Government of the Kingdom of Thailand and the Belgo-Luxemburg Economic Union on the Reciprocal Promotion and Protection of Investments, signed on 12 June 2002, entered into force on 19 September 2004.

Agreement between The Belgium-Luxembourg Economic Union, on the one hand, and Montenegro, on the other hand, on the Reciprocal Promotion and Protection of Investments, signed on 16 February 2010, not yet in force.

Bosnia and Herzegovina

Agreement on Reciprocal Promotion and Protection of Investments between the Government of the Islamic Republic of Iran and the Government of Bosnia and Herzegovina, signed on 27 July 1996, entered into force on 02 June 2009.

Bulgaria

Agreement between The Government of the People's Republic of Bulgaria and The Government of the Republic of Cyprus on Mutual Encouragement and Protection of Investments, signed on 12 November 1987, entered into force on 18 May 1988.

Cambodia

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of Cambodia and the Kingdom of the Netherlands, signed on 23 June 2003, entered into force on 01 March 2006.

Canada

Agreement between the Government of Canada and the Government of the Republic of Ecuador for the Promotion and Reciprocal Protection of Investments, signed on 29 April 1996, entered into force on 06 June 1997 (subsequently terminated).

Agreement between the Government of the Republic of Croatia and the Government of Canada for the Promotion and Protection of Investments, signed on 03 February 1997, entered into force on 30 January 2001.

Agreement between the Government of Canada and the Government of the Republic of Costa Rica for the Promotion and Protection of Investments, signed on 18 March 1998, entered into force on 29 September 1999.

Agreement between the Government of Canada and the Government of the People's Republic of China for the Promotion and Reciprocal Protection of Investments, signed on 09 September 2012, entered into force on 01 October 2014.

Agreement between Canada and Mongolia for the Promotion and Protection of Investments, signed on 08 August 2016, entered into force on 24 February 2017.

China

Agreement on Reciprocal Promotion and Protection of Investment between the Government of the People's Republic of China and the Government of the Islamic Republic of Iran, signed on 22 June 2000, entered into force on 01 July 2005.

Agreement between the Government of the People's Republic of China and the Government of the Republic of Cote D'Ivoire on the Promotion and Protection of Investments, signed on 30 September 2002, not yet entered into force.

Agreement between the Government of Canada and the Government of the People's Republic of China for the Promotion and Reciprocal Protection of Investments, signed on 09 September 2012, entered into force on 01 October 2014.

Colombia

Agreement between the Government of the Republic of Colombia and the Government of the Republic of Turkey Concerning the Reciprocal Promotion and Protection of Investments, signed on 28 July 2014, not yet entered into force.

Costa Rica

Agreement between the Government of Canada and the Government of the Republic of Costa Rica for the Promotion and Protection of Investments, signed on 18 March 1998, entered into force on 29 September 1999.

Agreement between the Swiss Confederation and the Republic of Costa Rica on the Promotion and the Reciprocal Protection of Investments, signed on 01 August 2000, entered into force on 19 November 2002.

Cote D'Ivoire

Agreement between the Government of the People's Republic of China and the Government of the Republic of Cote D'Ivoire on the Promotion and Protection of Investments, signed on 30 September 2002, not yet entered into force.

Croatia

Agreement between the Government of the Republic of Croatia and the Government of Canada for the Promotion and Protection of Investments, signed on 03 February 1997, entered into force on 30 January 2001.

The Agreement between the Government of the Republic of Croatia and the Government of the Republic of Indonesia on the Promotion and Protection of Investments, signed on 10 September 2002, not yet entered into force.

Cyprus

Agreement between The Government of the People's Republic of Bulgaria and The Government of the Republic of Cyprus on Mutual Encouragement and Protection of Investments, signed on 12 November 1987, entered into force on 18 May 1988.

Agreement between the Government of the Republic of Cyprus and the Government of the Hungarian People's Republic on Mutual Promotion and Protection of Investments, signed on 25 May 1989, entered into force on 25 May 1990.

Czech

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Czech and Slovak Federal Republic for the Promotion and Protection of Investments with Protocol, signed on 10 July 1990, entered into force on 26 October 1992.

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic, signed on 29 April 1991, entered into force on 01 October 1992.

Ecuador

Agreement between the Government of Canada and the Government of the Republic of Ecuador for the Promotion and Reciprocal Protection of Investments, signed on 29 April 1996, entered into force on 06 June 1997 (subsequently terminated).

Egypt

Agreement between The Government of The Republic of Finland and The Government of The Arab Republic of Egypt on The Promotion and Protection of Investments, signed on 03 March 2004, entered into force on 05 February 2005.

El Salvador

Agreement for the Reciprocal Promotion and Protection of Investments signed between the Republic of EI Salvador and the Kingdom of Spain, signed on 14 February 1995, entered into force on 20 February 1996.

Finland

Agreement between The Government of The Republic of Finland and The Government of The Arab Republic of Egypt on The Promotion and Protection of Investments, signed on 03 March 2004, entered into force on 05 February 2005.

France

Agreement between the Government of the Argentine Republic and the Government of the Republic of France for Reciprocal Protection and Promotion of Investments, signed on 03 July 1991, entered into force on 03 March 1993.

Germany

Treaty between the Federal Republic of Germany and Pakistan for the Promotion and Protection of Investments, signed on 25 November 1959, entered into force on 28 April 1962.

Agreement Between the Federal Republic of Germany and the Federation of Malaya Concerning the Promotion and Reciprocal Protection of Investments, signed on 22 December 1960, entered into force on 06 July 1963.

Treaty between the Federal Republic of Germany and the Kingdom of Swaziland concerning the Encouragement and Reciprocal Protection of Investments, signed on 05 April 1990, entered into force on 07 August 1995.

Agreement between the Federal Republic of Germany and the Republic of the Philippines for the Promotion and Reciprocal Protection of Investments, signed on 18 April 1997, entered into force on 01 February 2000.

Ghana

Agreement between the Government of the Republic of Mauritius and the Government of the Republic of Ghana for the Promotion and Reciprocal Protection of Investments, signed on 18 May 2001, not yet entered into force.

Agreement between the Government of the Republic of Ghana and The Government the Republic of Guinea for the Promotion and Protection of Investments, signed on 18 May 2001, not yet entered into force.

Agreement between the Government of the Republic of India and the Government of the Republic of Ghana for the Reciprocal Promotion and Protection of Investments, signed on 05 August 2002, not yet entered into force.

Guinea

Agreement between the Government of the Republic of Ghana and The Government the Republic of Guinea for the Promotion and Protection of Investments, signed on 18 May 2001, not yet entered into force.

Hungary

Agreement between the Kingdom of the Netherlands and the Hungarian People's Republic for the Encouragement and Reciprocal Protection of Investments, signed on 02 September 1987, entered into force on 01 June 1988.

Agreement between the Government of the Republic of Cyprus and the Government of the Hungarian People's Republic on Mutual Promotion and Protection of Investments, signed on 25 May 1989, entered into force on 25 May 1990.

Indonesia

The Netherlands and Indonesia: Agreement on Economic Cooperation, signed on 07 July 1968, entered into force on 17 July 1971.

Agreement between the Government of The Republic of Indonesia and the Government of the Republic of India for the Promotion and Protection of Investments, signed on 10 February 1999, entered into force on 22 January 2004.

The Agreement between the Government of the Republic of Croatia and the Government of the Republic of Indonesia on the Promotion and Protection of Investments, signed on 10 September 2002, not yet entered into force.

India

Agreement between the Government of The Republic of Indonesia and the Government of the Republic of India for the Promotion and Protection of Investments, signed on 10 February 1999, entered into force on 22 January 2004.

Agreement between the Government of the Kingdom of Thailand and The Government of the Republic of India for the Promotion and Protection of Investments, signed on 10 July 2000, entered into force on 13 July 2001.

Agreement between the Government of the Republic of India and the Government of the Republic of Ghana for the Reciprocal Promotion and Protection of Investments, signed on 05 August 2002, not yet in force.

Treaty between The Republic of Belarus and The Republic of India on Investments, signed on 24 September 2018, not yet entered into force.

Iran

Agreement on Reciprocal Promotion and Protection of Investments between the Government of the Islamic Republic of Iran and the Government of Bosnia and Herzegovina, signed on 27 July 1996, entered into force on 02 June 2009.

Agreement on Reciprocal Promotion and Protection of Investments between the Government of the Republic of Turkey and the Government of the Republic of Iran, signed on 21 December 1996, entered into force on 13 April 2005.

Agreement between the Government of the Lebanese Republic and the Government of the Islamic Republic of Iran on The Reciprocal Promotion and Protection of Investments, signed on 28 October 1997, entered into force on 14 May 2000.

Agreement on Reciprocal Promotion and Protection of Investments between the Government of the Italian Republic and the Government of the Islamic Republic of Iran, signed on 10 March 1999, entered into force on 08 August 2003.

Agreement on Reciprocal Promotion and Protection of Investment between the Government of the People's Republic of China and the Government of the Islamic Republic of Iran, signed on 22 June 2000, entered into force on 01 July 2005.

Agreement on the Promotion and Reciprocal Protection of Investments between the Kingdom of Spain and the Islamic Republic of Iran, signed on 29 October 2002, entered into force on 13 July 2004.

Agreement between the Slovak Republic and the Islamic Republic of Iran for the Promotion and Reciprocal Protection of Investments, signed on 19 January 2016, not yet entered into force.

Agreement between Japan and the Islamic Republic of Iran on Reciprocal Promotion and Protection of Investment, signed on 05 February 2016, entered into force on 26 April 2017.

Iraq

The Protocol between the Governments of the State of Kuwait and the Republic of Iraq on the Promotion of the Movement of Capital and Investments between the Two Countries, signed on 25 October 1964, entered into force on 07 June 1966.

Italy

Agreement on Reciprocal Promotion and Protection of Investments between the Government of the Italian Republic and the Government of the Islamic Republic of Iran, signed on 10 March 1999, entered into force on 08 August 2003.

Japan

Agreement between Japan and the Islamic Republic of Iran on Reciprocal Promotion and Protection of Investment, signed on 05 February 2016, entered into force on 26 April 2017.

Kazakhstan

Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on the Promotion and Protection of Investments, signed on 02 June 1997, entered into force on 08 September 1997.

Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Kazakhstan on the Promotion and Reciprocal Protection of Investments, signed on 25 October 2004, entered into force on 01 August 2006.

Kuwait

The Protocol between the Governments of the State of Kuwait and the Republic of Iraq on the Promotion of the Movement of Capital and Investments between the Two Countries, signed on 25 October 1964, entered into force on 07 June 1966.

Agreement between the Republic of Austria and the State of Kuwait for the Encouragement and Reciprocal Protection of Investments, signed on 16 November 1996, entered into force on 22 September 1998.

Kyrgyzstan

Agreement for the Promotion and Protection of Investment between the Government of the Republic of Austria and the Government of the Kyrgyz Republic, signed on 22 April 2016, not yet entered into force.

Lebanon

Agreement between the Government of the Lebanese Republic and the Government of the Islamic Republic of Iran on The Reciprocal Promotion and Protection of Investments, signed on 28 October 1997, entered into force on 14 May 2000.

Agreement between the Government of the Lebanese Republic and the Government of the Republic of Belarus on the Promotion and Reciprocal Protection of Investments, signed on 19 June 2001, entered into force on 29 December 2002.

Malaysia

Agreement Between the Federal Republic of Germany and the Federation of Malaya Concerning the Promotion and Reciprocal Protection of Investments, signed on 22 December 1960, entered into force on 06 July 1963.

Investment Guarantee Agreement between Malaysia and the Belgo-Luxemburg Union, signed on 22 November 1979, entered into force on 08 February 1982.

Agreement between the Republic of Austria and Malaysia for the Promotion and Protection of Investments, signed on 12 April 1985, entered into force on 01 January 1987.

Mauritius

Agreement between the Government of the Republic of Mauritius and the Government of the Republic of Ghana for the Promotion and Reciprocal Protection of Investments, signed on 18 May 2001, not yet entered into force.

Mongolia

Agreement between Canada and Mongolia for the Promotion and Protection of Investments, signed on 08 August 2016, entered into force on 24 February 2017.

Montenegro

Agreement between The Belgium-Luxembourg Economic Union, on the one hand, and Montenegro, on the other hand, on the Reciprocal Promotion and Protection of Investments, signed on 16 February 2010, not yet in force.

Netherlands

The Netherlands and Indonesia: Agreement on Economic Cooperation, signed on 07 July 1968, entered into force on 17 July 1971.

Agreement on Reciprocal Encouragement and Protection of Investments between the Kingdom of the Netherlands and the Republic of Turkey, signed on 27 March 1986, entered into force on 01 November 1989.

Agreement between the Kingdom of the Netherlands and the Hungarian People's Republic for the Encouragement and Reciprocal Protection of Investments, signed on 02 September 1987, entered into force on 01 June 1988.

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic, signed on 29 April 1991, entered into force on 01 October 1992.

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Argentine Republic, signed on 20 October 1992, entered into force on 01 October 1994.

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of Cambodia and the Kingdom of the Netherlands, signed on 23 June 2003, entered into force on 01 March 2006.

Pakistan

Treaty between the Federal Republic of Germany and Pakistan for the Promotion and Protection of Investments, signed on 25 November 1959, entered into force on 28 April 1962.

Agreement between Australia and the Islamic Republic of Pakistan on the Promotion and Protection of Investments, signed on 07 February 1998, entered into force on 14 October 1998.

Philippines

Agreement between the Federal Republic of Germany and the Republic of the Philippines for the Promotion and Reciprocal Protection of Investments, signed on 18 April 1997, entered into force on 01 February 2000.

Agreement between the Republic of Austria and the Republic of the Philippines for the Promotion and Reciprocal Protection of Investments, signed on 11 April 2002, entered into force on 01 December 2003.

Portugal

BIT between the Portuguese Republic and the Government of the Republic of Venezuela, signed on 17 June 1994, entered into force on 07 October 1995.

Russia

Agreement between the Government of the Kingdom of Thailand and the Government of the Russian Federation on the Promotion and Reciprocal Protection of Investments, signed on 17 October 2002, not yet entered into force.

Slovakia

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Czech and Slovak Federal Republic for the Promotion and Protection of Investments with Protocol, signed on 10 July 1990, entered into force on 26 October 1992.

Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic, signed on 29 April 1991, entered into force on 01 October 1992.

Agreement between the Slovak Republic and the Islamic Republic of Iran for the Promotion and Reciprocal Protection of Investments, signed on 19 January 2016, not yet entered into force.

Spain

Agreement for the Reciprocal Promotion and Protection of Investments signed between the Republic of El Salvador and the Kingdom of Spain, signed on 14 February 1995, entered into force on 20 February 1996.

Agreement on the Promotion and Reciprocal Protection of Investments between the Kingdom of Spain and the Islamic Republic of Iran, signed on 29 October 2002, entered into force on 13 July 2004.

Agreement between the Kingdom of Spain and the Republic of Albania on the Promotion and Reciprocal Protection of Investments, signed on 05 June 2003, entered into force on 14 January 2004.

Swaziland

Treaty between the Federal Republic of Germany and the Kingdom of Swaziland concerning the Encouragement and Reciprocal Protection of Investments, signed on 05 April 1990, entered into force on 07 August 1995.

Sweden

Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Kazakhstan on the Promotion and Reciprocal Protection of Investments, signed on 25 October 2004, entered into force on 01 August 2006.

Switzerland

Agreement between the Swiss Confederation and the Republic of Costa Rica on the Promotion and the Reciprocal Protection of Investments, signed on 01 August 2000, entered into force on 19 November 2002.

Thailand

Agreement between the Government of the Kingdom of Thailand and The Government of the Republic of India for the Promotion and Protection of Investments, signed on 10 July 2000, entered into force on 13 July 2001.

Agreement between the Government of the Kingdom of Thailand and the Belgo-Luxemburg Economic Union on the Reciprocal Promotion and Protection of Investments, signed on 12 June 2002, entered into force on 19 September 2004.

Agreement between the Government of the Kingdom of Thailand and the Government of the Russian Federation on the Promotion and Reciprocal Protection of Investments, signed on 17 October 2002, not yet entered into force.

Turkey

Agreement on Reciprocal Encouragement and Protection of Investments between the Kingdom of the Netherlands and the Republic of Turkey, signed on 27 March 1986, entered into force on 01 November 1989.

Agreement between the Republic of Turkey and Turkmenistan Concerning the Reciprocal Promotion and Protection of Investments, signed on 02 May 1992, entered into force on 13 March 1997.

Agreement on Reciprocal Promotion and Protection of Investments between the Government of the Republic of Turkey and the Government of the Republic of Iran, signed on 21 December 1996, entered into force on 13 April 2005.

Agreement between the Government of the Republic of Colombia and the Government of the Republic of Turkey Concerning the Reciprocal Promotion and Protection of Investments, signed on 28 July 2014, not yet entered into force.

Turkmenistan

Agreement between the Republic of Turkey and Turkmenistan Concerning the Reciprocal Promotion and Protection of Investments, signed on 02 May 1992, entered into force on 13 March 1997.

United Kingdom

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Czech and Slovak Federal Republic for the Promotion and

Protection of Investments with Protocol, signed on 10 July 1990, entered into force on 26 October 1992.

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Argentina for the Promotion and Protection of Investments, signed on 11 December 1990, entered into force on 19 February 1993.

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Armenia for the Promotion and Protection of Investments, signed on 27 May 1993, entered into force on 11 July 1996.

Uzbekistan

Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on the Promotion and Protection of Investments, signed on 02 June 1997, entered into force on 08 September 1997.

Venezuela

BIT between the Portuguese Republic and the Government of the Republic of Venezuela, signed on 17 June 1994, entered into force on 07 October 1995.

Model BITs

Indian Model BIT (2003).

Netherlands Model BIT (2004).

Model BIT of the Government of the United Kingdom of Great Britain and Northern Ireland (2008).

US Model Bilateral Investment Treaty (2012).

Model Text for the Indian Bilateral Investment Treaty (2015).

Netherlands Model Investment Agreement (2018).

Treaties with Investment Provisions

North American Free Trade Agreement (NAFTA), adopted on 17 December 1992, entered into force 01 January 1994, 107 Stat 2057, CTS 1994 No. 2.

Trade and Economic Co-Operation Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Cuba, signed on 05 July 2000, entered into force on 01 January 2001.

United States – Singapore Free Trade Agreement, signed on 06 May 2003, entered into force 01 January 2004.

Comprehensive Economic and Trade Agreement (CETA) between Canada, of the One Part, and the European Union And Its Member States, signed on 30 October 2016, not yet entered into force.

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), signed on 08 March 2018, not yet entered into force.

International Conventions

African Union Convention on Preventing and Combating Corruption, signed on 11 July 2003, entered into force 05 August 2006 (2004) 43 ILM.

Civil Law Convention on Corruption, signed on 04 November 1999, entered into force on 01 November 2003, 2246 UNTS 3.

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), adopted on 04 November 1950, entered into force on 03 September 1953, 213 UNTS 222.

Convention on Certain Questions Relating to the Conflict of Nationality Laws, signed on 12 April 1930, entered into force on 01 July 1937, 179 UNTS 89.

Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), adopted on 18 March 1965, entered into force on 14 October 1966, 575 UNTS 159.

Criminal Law Convention on Corruption, signed on 27 January 1999, entered into force 01 July 2002, 2216 UNTS 225.

Energy Charter Treaty (ECT), adopted on 17 December 1994, entered into force on 16 April 1998, 2080 UNTS 100.

European Convention on Nationality, signed on 06 November 1997 in Strasbourg, entered into force on 01 March 2000, 2135 UNTS 123.

Inter-American Convention against Corruption, signed on 29 March 1996, entered into force on 06 March 1997, (1996) 35 ILM.

OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, signed on 21 November 1997, entered into force on 17 December 1997 (1998) 37 ILM.

Vienna Convention on the Law of Treaties (VCLT), signed on 23 May 1969, entered into force, 27 January 1980, 1155 UNTS 331.

United Nations Convention against Corruption, signed on 31 October 2003, entered into force on 14 December 2005, 2349 UNTS 41.

UN General Assembly Documents

‘Charter of Economic Rights and Duties of States’ GA Res 3281, XXIX, 12 December 1974.

‘Declaration on the Establishment of a New International Economic Order’ GA Res 3201, S-VI, 01 May 1974.

‘Permanent Sovereignty over Natural Resources’ GA Res 1803, XVII, 14 December 1962.

‘United Nations Declaration against Corruption and Bribery in International Commercial Transactions’ GA Res 51/191, 16 December 1996.

Other International Instruments

Declaratory Statement of Petroleum Policy in Member Countries, Resolution No. xvr.90 (1968) OPEC Conference, OPEC Official Resolutions and Press Releases, 1960-1990.

Draft United Nations Code of Conduct on Transnational Corporations (1984) 23(3) ILM.

Harvard Draft Convention on International Responsibility of States for Injuries to Aliens (1961) 55(3) AJIL.

ILC Draft Articles on Diplomatic Protection (2006) 2(2) YB ILC 22.

ILC Draft Articles on Responsibility of States for Internationally Wrongful Acts (2001) 2(2) YB ILC 26.

OECD, ‘1967 Draft Convention on Protection of Foreign Property’ Draft Convention on the Protection of Foreign Property and Resolution of the Council of the OECD on the Draft Convention (1967) 13-15,
www.oecd.org/investment/internationalinvestmentagreements/39286571.pdf.

UNIDROIT Principles of International Commercial Contracts 2016.