Given recent seismic upheavals in the world’s money markets, an updated edition of an authoritative, reliable textbook on the international law of foreign investment has rarely been so timely. Sornarajah’s classic text surveys how international law has developed to protect foreign investments by multinational actors and to control any misconduct on their part. It analyses treaty-based methods, examining the effectiveness of bilateral and regional investment treaties. It also considers the reverse flow of investments from emerging industrialising powers such as China and Brazil and explores the retreat from market-oriented economics to regulatory controls. By offering thought-provoking analysis of not only the law, but related developments in economics and political sciences, Sornarajah gives immediacy and relevance to the discipline. This book is required reading for all postgraduate and undergraduate international law students specialising in the law of foreign investments.

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THE INTERNATIONAL LAW ON FOREIGN INVESTMENT

THIRD EDITION

M. Sornarajah
To Ramanan
Contents

Preface to the third edition  page xv
Preface to the second edition  xvii
Preface to the first edition  xviii
Table of cases  xix
List of abbreviations  xxx

1  Introduction  1
   1. The definition of foreign investment  8
      1.1 The distinction between portfolio investment and foreign direct investment  8
      1.2 Definition of foreign investment in investment treaties  10
      1.3 The evolution of the meaning of the term ‘investment’  11
   2. The history of the international law on foreign investment  19
      2.1 The colonial period  19
      2.2 The post-colonial period  21
   3. An outline of the book  29

2  The shaping factors  33
   1. The historical setting  36
      1.1 State responsibility for injuries to aliens  36
         1.1.1 The natural resources sector  38
         1.1.2 The plantation sector  41
         1.1.3 The manufacturing sector  42
         1.1.4 The financial sector  44
         1.1.5 Intellectual property  44
   2. Conflicting economic theories on foreign investment  47
      2.1 The classical theory on foreign investment  48
      2.2 The dependency theory  53
      2.3 The middle path  55
   3. Actors in the field of foreign investment  60
      3.1 The multinational corporation  61
      3.2 State corporations  63
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3 International institutions</td>
<td>65</td>
</tr>
<tr>
<td>3.4 Non-governmental organisations</td>
<td>67</td>
</tr>
<tr>
<td>3.5 Other actors</td>
<td>68</td>
</tr>
<tr>
<td>3.6 Sovereign wealth funds</td>
<td>68</td>
</tr>
<tr>
<td>4. Risks in foreign investment</td>
<td>69</td>
</tr>
<tr>
<td>4.1 Ideological hostility</td>
<td>71</td>
</tr>
<tr>
<td>4.2 Nationalism</td>
<td>71</td>
</tr>
<tr>
<td>4.3 Ethnicity as a factor</td>
<td>73</td>
</tr>
<tr>
<td>4.4 Changes in industry patterns</td>
<td>74</td>
</tr>
<tr>
<td>4.5 Contracts made by previous regimes</td>
<td>75</td>
</tr>
<tr>
<td>4.6 Onerous contracts</td>
<td>76</td>
</tr>
<tr>
<td>4.7 Regulation of the economy</td>
<td>77</td>
</tr>
<tr>
<td>4.8 Human rights and environmental concerns</td>
<td>77</td>
</tr>
<tr>
<td>4.9 The law-and-order situation</td>
<td>79</td>
</tr>
<tr>
<td>5. Sources of the international law on foreign investment</td>
<td>79</td>
</tr>
<tr>
<td>5.1 Treaties</td>
<td>79</td>
</tr>
<tr>
<td>5.2 Custom</td>
<td>82</td>
</tr>
<tr>
<td>5.3 General principles of law</td>
<td>85</td>
</tr>
<tr>
<td>5.4 Judicial decisions</td>
<td>87</td>
</tr>
<tr>
<td>3 Controls by the host state</td>
<td>88</td>
</tr>
<tr>
<td>1. Regulation of entry</td>
<td>97</td>
</tr>
<tr>
<td>1.1 Guarantees against expropriation</td>
<td>99</td>
</tr>
<tr>
<td>1.2 Guarantees relating to dispute settlement</td>
<td>102</td>
</tr>
<tr>
<td>1.3 Tax and non-tax incentives to foreign investors</td>
<td>103</td>
</tr>
<tr>
<td>1.4 Screening of foreign investment entry</td>
<td>104</td>
</tr>
<tr>
<td>1.5 Requirements of local collaboration</td>
<td>106</td>
</tr>
<tr>
<td>1.6 Capitalisation requirements</td>
<td>108</td>
</tr>
<tr>
<td>1.7 Requirements relating to environmental protection</td>
<td>109</td>
</tr>
<tr>
<td>1.8 Requirements relating to export targets</td>
<td>111</td>
</tr>
<tr>
<td>1.9 Requirements relating to local equity</td>
<td>112</td>
</tr>
<tr>
<td>1.10 Other requirements</td>
<td>115</td>
</tr>
<tr>
<td>1.11 Regulation and expropriation</td>
<td>115</td>
</tr>
<tr>
<td>2. New forms of foreign investment</td>
<td>116</td>
</tr>
<tr>
<td>2.1 The joint venture</td>
<td>116</td>
</tr>
<tr>
<td>2.2 The production-sharing agreement</td>
<td>118</td>
</tr>
<tr>
<td>3. Constraints on control: customary international law</td>
<td>119</td>
</tr>
<tr>
<td>3.1 State responsibility for injuries to aliens</td>
<td>120</td>
</tr>
<tr>
<td>3.2 The conflict between the United States and Latin American states</td>
<td>124</td>
</tr>
<tr>
<td>3.3 The content of the international minimum standard</td>
<td>128</td>
</tr>
<tr>
<td>3.4 State responsibility and developing states</td>
<td>130</td>
</tr>
<tr>
<td>3.5 The ‘noble synthesis’</td>
<td>131</td>
</tr>
</tbody>
</table>
3.6 Damage to property in the course of civil disturbances 134
3.7 Validity of conditions on foreign investment 136
   3.7.1 Regulations on screening of foreign investments 137
   3.7.2 Local equity requirements 138
   3.7.3 Export requirements 141
4. Conclusion 142

4 The liability of multinational corporations and home state measures 144
   1. Obligations of multinational corporations 145
      1.1 The obligation not to interfere in domestic politics 148
      1.2 Obligations relating to human rights 149
      1.3 Liability for violations of environmental norms 152
      1.4 The obligation to promote economic development 154
   2. Extraterritorial control by home states 155
      2.1 State responsibility of home states for failure to control
          multinational corporations 157
      2.2 The existing rules on state responsibility 157
      2.3 The duty to control nationals abroad 164
      2.4 State responsibility and the duty to provide remedies
          to victims 169
   3. Conclusion 170

5 Bilateral investment treaties 172
   1. Introductory survey 175
   2. Treaties of friendship, commerce and navigation 180
   3. Reasons for making bilateral investment treaties 183
   4. Features of bilateral investment treaties 187
      4.1 The statement of the purpose of the treaty 188
      4.2 Definitions 190
         4.2.1 Investments 190
         4.2.2 Limitation on the definition of investment 194
         4.2.3 Portfolio investments 196
         4.2.4 Corporate nationality and the protection of
             shareholders 197
      4.3 Standard of treatment 201
         4.3.1 National standard of treatment 201
         4.3.2 Fair and equitable standard 204
         4.3.3 Most-favoured-nation treatment 204
         4.3.4 Full protection and security 205
      4.4 Performance requirements 205
      4.5 Repatriation of profits 206
      4.6 Nationalisation and compensation 207
         4.6.1 Compensation for destruction during wars and
             national emergencies 213
## Contents

4.7 Protection of commitments 215  
4.8 Dispute resolution 216  
4.9 Arbitration and the exhaustion of local remedies 219  
4.9.1 Arbitration between states 221  
4.9.2 Subrogation 222  
4.10 Safeguard provisions and exceptions 222  
4.11 Succession of governments and bilateral investment treaties 224  
5. New concerns in bilateral investment treaties 224  
5.1 Environmental concerns 225  
5.2 Human rights 227  
5.3 Economic development 229  
5.4 International concerns 230  
5.5 Regulatory space and bilateral treaties 231  
5.6 Bilateral investment treaties and customary international law 232  
6. Conclusion 234  
6. Multilateral instruments on foreign investment 236  
1. The international norms on multinational corporations 238  
2. The Draft Codes on Multinational Corporations 242  
2.1 Description of the UNCTC Draft Code 242  
2.1.1 The preamble 243  
2.1.2 Definition 243  
2.1.3 Respect for national sovereignty 243  
2.1.4 Renegotiation of contracts 244  
2.1.5 Non-interference in domestic affairs 244  
2.1.6 Abstention from corrupt practices 246  
2.1.7 Economic and other controls 247  
2.1.8 Disclosure of information 248  
2.1.9 Treatment of transnational corporations 248  
3. The outstanding issues 249  
3.1 The relevance of international law 249  
3.2 Non-interference in domestic affairs 250  
3.3 Permanent sovereignty and international obligations 252  
4. The regional agreements 253  
4.1 NAFTA 253  
4.2 The ASEAN agreements 254  
5. The Multilateral Agreement on Investment 257  
6. The WTO and foreign investment 262  
6.1 Investment in the Uruguay Round 263  
6.2 GATS 263  
6.3 TRIPS 265  
6.4 TRIMS 266
7. An investment regime under the WTO 267
   7.1 The definition of investment 267
   7.2 Definition and preservation of regulatory control 268
   7.3 Definition of investor 269
   7.4 Treatment standards 269
      7.4.1 Most-favoured-nation treatment 270
   7.5 Performance requirements 271
   7.6 Expropriation 271
   7.7 Balance-of-payment safeguards 272
   7.8 Dispute resolution 272
8. The right to regulate foreign investment 273
9. Conclusion 275

7 Settlement of investment disputes: contract-based arbitration 276
   1. Contractual devices for foreign investment protection 279
      1.1 The essential clauses 281
         1.1.1 The stabilisation clause 281
         1.1.2 Choice-of-law clause 284
         1.1.3 Arbitration clause 286
      2. The internationalisation of state contracts 289
         2.1 The origin of the theory of internationalisation 289
         2.2 The ICSID Convention and international law 299
         2.3 The continued relevance of contract-based arbitration 300
         2.4 Lex mercatoria and state contracts 302
         2.5 Umbrella clauses and internationalisation 304
         2.6 Arbitration based on investment legislation 304
   3. Conclusion 305
8 Treaty-based investment arbitration: jurisdictional issues 306
   1. Jurisdiction ratione materiae 308
      1.1 The definition of investment 308
      1.2 Economic development as a characteristic of investment 313
      1.3 Does portfolio investment qualify as investment? 314
      1.4 Pre-contractual expenses as investment 316
      1.5 The qualification of investment as subject to local laws and regulations 317
      1.6 Good faith limitations 318
      1.7 Investments ‘approved in writing’ 319
      1.8 The time factor 319
      1.9 Negotiations 320
      1.10 The ‘fork in the road’ and waiver 320
      1.11 Most-favoured-nation clause 322
      1.12 Exhaustion of local remedies 322
2. The investor as claimant
  2.1 Natural persons 323
  2.2 Juridical person: corporate nationality 323
  2.3 Locally incorporated company 324
  2.4 The wholly owned company 325
  2.5 The migration of companies 325
  2.6 Shopping for jurisdiction 327
  2.7 Round-tripping and corporate nationality 328
  2.8 Denial of benefits 329
  2.9 Protection of minority shareholders 329

3. Conclusion 330

9 Causes of action: breaches of treatment standards 332
  1. The customary international law standards 334
  2. The violation of national treatment standards 335
     2.1 Performance requirements and national treatment 342
     2.2 National treatment and infant industries 343
     2.3 Subsidies, grants and national treatment 344
     2.4 Ethnicity and national treatment 344
     2.5 Conclusion 344
  3. International minimum standard treatment 345
  4. Fair and equitable standard of treatment 349
     4.1 Violation of legitimate expectations 354
     4.2 Denial of justice 357
     4.3 Due process and administrative irregularity 358
  5. Full protection and security 359
  6. Conclusion 360

10 The taking of foreign property 363
  1. What constitutes taking? 364
     1.1 New forms of taking 367
     1.2 The ideas of property
        1.2.1 Forced sales of property 376
        1.2.2 Forced sales of shares 377
     1.3 Privatisation and forced sales 380
        1.3.1 Indigenisation measures 380
        1.3.2 Interference with property rights 382
     1.4 Evolving US and European notions of property 383
     1.5 The impact on international law 386
     1.6 Survey of authorities 389
  2. The exercise of management control over the investment 400
     2.1 Cancellation of permits and licences 402
     2.2 Takings by agents and mobs 404
     2.3 Excessive taxation 405
Contents

2.4 Expulsion of the foreign investor 405
2.5 Freezing of bank accounts 406
2.6 Exchange controls 406

3. Illegal takings 406
3.1 The taking must be for a public purpose 407
3.2 Discriminatory taking 409
3.3 Takings in violation of treaties 410

4. Conclusion 410

11 Compensation for nationalisation of foreign investments 412
1. The competing norms: the views of the capital-exporting states 413
1.1 The claim that ‘prompt, adequate and effective’ compensation must be paid 414
1.1.1 Treaties 415
1.1.2 Customary practice 417
1.1.3 General principles of law 418
1.1.4 Unjust enrichment 418
1.1.5 Acquired rights 419
1.1.6 Right to property 420
1.1.7 Foreign investment codes 424
1.1.8 Decisions of courts and tribunals 425
1.1.9 International courts 425
1.1.10 Awards of arbitral tribunals 429
1.1.11 National courts 440
1.1.12 Writings of publicists 441

2. The competing norms 443
2.1 The claim that it is permissible to deduct past excess profits from compensation 443
2.2 The claim that the taking is a ‘revindication’ for which no compensation is necessary 444
2.3 The claim that appropriate compensation should be paid 445
2.3.1 Categories of takings for which damages rather than compensation must be paid 447
2.3.2 Categories of lawful takings for which full compensation must be paid 447
2.3.3 Full compensation must be paid where there is a one-off taking of a small business 448
2.3.4 Full compensation need not be paid as part of a full-scale nationalisation of a whole industry 448
2.3.5 Partial compensation 449

3. Valuation of nationalised property 450

4. Conclusion 451
12 Defences to responsibility 453
   1. Treaty-based defences 455
      1.1 National security 457
      1.2 Economic crises and national security 458
      1.3 Necessity 461
      1.4 Force majeure 465
   2. Violation of the fair and equitable standard by the foreign investor 466
   3. Ius cogens, competing obligations and liability 469
      3.1 Transactions with undemocratic governments 470
      3.2 Investments in areas of secessionist claims 471
      3.3 Cultural property and foreign investment 471
      3.4 Environmental obligations 472
      3.5 Human rights considerations 472
   4. Conclusion 473

Bibliography 474
Index 494
Preface to the third edition

Since the second edition of this book, the international law on foreign investment has witnessed such enormous activity that a new edition is justified within five years. The number of arbitration awards based on investment treaties has increased, resulting in several books written solely on the subject of investment treaty arbitration. New works have appeared on several aspects of the law on foreign investment. This work has held the area of the law together without fragmenting it any further. The carving out of an international law on foreign investment itself may have furthered fragmentation in international law. Yet, the aim was to ensure that the base remained clearly in international law principles. That aim does not appear to have been preserved in many of the later works which sought to carve out further areas as free-standing ones. The original niche of this work remains unaffected. It seeks to establish the foundations of the law clearly in the international law rules on state responsibility and dispute resolution rather than approach it with the central focus on investment treaties and arbitration which seems to have attracted the practitioner more than the scholar.

It also has a focus that is different from that of the other works in the field. It is written from the perspective of development. The claim to neutrality of the works in the field cloaks the fact that they deal with an asymmetrical system of the law created largely to ensure investment protection. The fact that it does not follow this routine does not by itself make it a partial work. As before, the criticisms of this work have been made best by my students who have come from all over the world. I have taught courses based on this book in London, at the Centre for Transnational Legal Studies, in Toronto, at Osgoode Hall Law School, at Dundee at the Centre for Petroleum and Natural Resources Law and at my own home institution, the National University of Singapore, which, through its joint programme with the New York University Law School, attracts a global body of students. All possible criticisms that could be made of its central approach are reflected in the work. No criticism can be more valuable to an academic than those made by young minds coming fresh to the subject. In many ways, the stances that were taken in the first two editions seem to be justified in light of the global economic crisis and the retreat of some of the tenets of free market liberalisation that it is alleged to have brought about.

That the subject will continue to undergo rapid changes is very clear. Even as the preface is written, new developments are taking place. As I sat to write it, the Lisbon Treaty of the European Union came into effect giving the EU competence over investment policy and investment treaties. It is not possible in this edition to speculate what the effects of the Treaty
might be. States, particularly in Latin America, are pulling out of investment treaties and the ICSID Convention. The United States and South Africa have announced major reviews of their investment treaties. Some treaties are being made without an investor–state dispute-resolution provision. There is an evident retreat from the perception that investment protection is the only purpose of the investment treaty by the recognition of defences often on the basis of the relevance of the international law generally and of the international law on human rights and the environment in particular. In any event, the newer treaties are beginning to include concerns relating to labour rights, human rights and the environment. The impact of sovereign wealth funds as foreign investors has to be assessed. These changes are captured in this edition, but the manner in which they will take hold is still unclear.

As indicated in the previous editions, this area of the law is in constant change simply because different interests clash and outcomes differ based on constantly changing power balances. As a consequence, it is not an area to be studied by looking at only the language of the treaties and the awards interpreting them (the approach taken in the conventional texts on the subject), but in light of a variety of factors, among them the movement of power balances among states, the dominance and retreat of particular economic theories at given periods and the prevailing viewpoints within the arbitral community. This edition seeks to capture these changing factors which are responsible for the rapid developments that have taken place in the law.

As in the case of the previous editions, I thank those who have travelled the same path with me in the study of this exciting branch of international law. Working with those at the Division on Investment and Enterprise at UNCTAD, particularly with James Chan and Anna Joubin-Brett, has enabled me to keep abreast of the new developments that have taken place, especially in the economic aspects of the field. My academic friends, Peter Muchlinski, Frederico Ortino, Gus van Harten, Kerry Rittich, Karl Sauvant, Wenhua Shan, David Schneiderman, Kenneth Vandevelde, Jiangyu Wang and Jean Ho, have always been good sources of information, criticism and commentary, for which I am grateful. The work was first written at the Lauterpacht Centre for International Law at Cambridge. Its Directors, Sir Eli Lauterpacht and Professor James Crawford, have remained supportive. I thank also my graduate students, Huala Adolf, George Akpan, Lu Haitian and Adefolake Oyewande Adeyeye, who worked with me in aspects of this field.

I thank Finola O’Sullivan, Sinéad Moloney, Richard Woodham, Daniel Dunlavey and Martin Gleeson for the care taken over the production of my book.

The National University of Singapore has facilitated my research in every way I wished for. It has been a pleasure to be an academic at the NUS.

I commend to the readers of this work the excellent website run by Professor Andrew Newcombe of the University of Victoria, Canada, at http://ita.law.uvic.ca, which provides the texts of and other documents concerning investment treaty awards, and the equally excellent website run by Luke Peterson, www.iareporter.com, which reports on developments in the field. Both are free services of immense help to students of this field. Most of the arbitral awards cited in this work are to be found on these websites.

Thanga was there, as always. Ahila has now studied this area of the law. Ramanan and Vaishnavi have careers of their own. The book has grown up with them.
Preface to the second edition

The international law on foreign investment has witnessed an explosive growth since the last edition. The decade had witnessed a proliferation of bilateral and regional investment treaties, and a dramatic rise in litigation under such treaties. The attempt to fashion a multilateral instrument on investment within the World Trade Organization has given the debate on issues in the area a wider focus. This edition seeks to capture such developments.

In the course of the decade, I have had the good fortune of being involved actively in many facets of the operation of this area of the law. During such activity, I have acquired many friends who work in the area. My association with UNCTAD has brought me in contact with Karl Sauvant, Anna Joubin-Brett, Victoria Aranda and James Chan. It has also given me the opportunity to work with Arghyrios Fatouros, Peter Muchlinski and Kenneth Vandevelde, the academic leaders of this field. They have added much to my understanding of the law. The many hours of arguments with them, in various parts of the world, have added to the pleasure of studying this area of the law.

The first edition was written while I was a visiting fellow at the Lauterpacht Centre for International Law, University of Cambridge. The successive Directors of the Centre, Professor Sir Eli Lauterpacht and Professor James Crawford, have continued to encourage my efforts in this and other areas of international law.

My many students in Singapore and Dundee have always challenged me so that I was taught by them to know and remember that there are other ways in which the law could be looked at. To my critics, my answer would be that I am constantly made aware of their criticisms in the classroom. I have accommodated those criticisms in the text.

I thank Finola O’Sullivan, Alison Powell and Martin Gleeson for the care taken over the production of my book. My research student, Lu Haitian, prepared the bibliography. Thanga was there, as always. Ahila, Ramanan and Vaishnavi happily are now old enough to let their father alone.
Preface to the first edition

This book was written while I was on sabbatical leave from the National University of Singapore. I thank the Vice-Chancellor, the Council and Dean of the Faculty of Law for the generous terms on which I was granted the leave.

I spent the sabbatical year as a Visiting Fellow at the Research Centre for International Law of the University of Cambridge. I thank Eli Lauterpacht, the Director of the Centre, for many acts of kindness in making this year a happy and productive one.

I am grateful to Professor James Crawford, Whewell Professor of International Law at Cambridge, who read and commented on an early draft of this work, to Professor Detlev Vagts, Bemis Professor of International Law at Harvard, who enabled me to spend a month of research at the Harvard Law School and to Robin Pirrie, Fellow of Hughes Hall, Cambridge, who was helpful with his advice. I remain responsible for any errors and omissions.

As always, Thanga has been an unfailing source of strength. Ahila, Ramanan and Vaishnavi have given up time that should have been theirs.
Table of cases

AAPL see Asian Agricultural Products Ltd
Abu Dhabi Arbitration (1951) 18 *ILR* 144 290
AGIP v. Congo (1982) 21 *ILM* 726 431
Aguas del Tunari v. Republic of Bolivia, ICSID Case No. ARB/02/3 (Jurisdiction Award, 21 October 2005) 318, 325–7, 455
Aguaytia Energy v. Republic of Peru, ICSID Case No. ARB/06/13 337
Alabama Claim (1872) 1 Moore 495 159
Al-Adsani v. Kuwait (1996) 106 *ILR* 536 164, 165
Alcoa see United States v. Aluminium Company of America (Alcoa)
Aminoil v. Kuwait (1982) 21 *ILM* 976 38, 39, 75, 277, 282, 283, 293, 392, 405, 420, 431, 444, 448
Amphitrite v. R. [1921] 3 KB 300 284
AMT see American Machine Tools v. Zaire
Anglo-American Oil Company Case [1952] *ICJ Reports* 93 22, 277, 428
Anglo-Iranian Oil Company Ltd v. Jaffratre (The ‘Rose Mary’) [1953] 1 WLR 246 20
Aramco Arbitration (1958) 27 *ILR* 117 290
Argentine Bribery Case, ICC Case No. 1110 (1963) 434

xix
<table>
<thead>
<tr>
<th>Case</th>
<th>Year</th>
<th>Journal/Volume</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asurix v. Argentina, ICSID Case No. ARB/01/12 (Award, 14 July 2006)</td>
<td>2006</td>
<td>ICSID Reports</td>
<td>309</td>
</tr>
<tr>
<td>Attorney-General for Canada v. Cain [1906] AC 542 89</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banro American Resources Inc. and Société Aurifîce du Kivu et de Maniema SARL v. Democratic Republic of Congo, ICSID Case No. ARB/98/7 (Award, 1 September 2000)</td>
<td>2000</td>
<td></td>
<td>326–7</td>
</tr>
<tr>
<td>Barcelona Traction Case [1970]</td>
<td>1970</td>
<td>ICJ Reports</td>
<td>1 11, 37, 87, 105, 184, 190–4, 197, 198, 315, 324, 329, 362, 368, 377–9, 382, 394, 428</td>
</tr>
<tr>
<td>Bayinder Insaat Turizm Ticaret ve Sanayi v. Pakistan, ICSID Case No. ARB/03/29 (2005)</td>
<td>2005</td>
<td></td>
<td>309, 354</td>
</tr>
<tr>
<td>Bayview Irrigation District No. 11 v. United Mexican States, ICSID Case No. ARB(AF)/05/1 (19 January 2005)</td>
<td>2005</td>
<td></td>
<td>228</td>
</tr>
<tr>
<td>Baywater Irrigation District v. Mexico (NAFTA/ICSID), ICSID Case No. ARB(AF)/05/1 (Award, 19 June 2007)</td>
<td>2007</td>
<td></td>
<td>400</td>
</tr>
<tr>
<td>Beanal v. Freeport-McMoran, 969 F Supp 362 (ED La, 1997)</td>
<td>1997</td>
<td></td>
<td>147, 150, 165</td>
</tr>
<tr>
<td>Berschader v. Russia, SCC Case No. 080/2004 322</td>
<td>2004</td>
<td></td>
<td>322</td>
</tr>
<tr>
<td>Biloune and Marine Drive Complex Ltd v. Ghana Investment Centre (1990)</td>
<td>1990</td>
<td>ILR</td>
<td>184 43, 70, 295, 369, 393, 403, 405</td>
</tr>
<tr>
<td>Biwateer Gauuff (Tanzania) Ltd v. United Republic of Tanzania, ICSID Case No. ARB/05/22 (Award, 2 February 2007)</td>
<td>2007</td>
<td></td>
<td>228, 320, 356, 455, 466</td>
</tr>
<tr>
<td>Bosnia Genocide Case [1996]</td>
<td>1996</td>
<td>ICJ Reports</td>
<td>595 161</td>
</tr>
<tr>
<td>BP v. Libya (1977)</td>
<td>1977</td>
<td>ILR</td>
<td>296 293, 430, 434</td>
</tr>
<tr>
<td>Brickworks Ltd v. Warrigah Shire Council (1963)</td>
<td>1963</td>
<td>CLR</td>
<td>568 101</td>
</tr>
<tr>
<td>Campaña del Desarrollo de Santa Elena SA v. Republic of Costa Rica see Santa Elena v. Costa Rica</td>
<td></td>
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<tr>
<td>Cape plc v. Lubbe [2000]</td>
<td>2000</td>
<td>WLR</td>
<td>1545 151</td>
</tr>
<tr>
<td>CEMSA see Karpa (Marvin Roy Feldman) (CEMSA) v. United Mexican States</td>
<td></td>
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<tr>
<td>Champion Trading Company and Ameritrade International Inc. v. Egypt, ICSID Case No. ARB/02/9 (Award, 27 October 2006); (2006) IIC 57 323</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table of cases

Chevreau Case (1931) 27 AJIL 153 347
Chevreau Case (1933) 27 AJIL 160 124
Chinn (Oscar) Case (1934) PCIJ Series A/B No. 64 132, 356, 407
Chorzow Factory Case (1928) PCIJ Series A No. 17 44, 85, 87, 122, 191, 410, 425, 433, 435, 438, 439, 450
CME v. Czech Republic, UNCITRAL Arbitration Proceedings (Award, 14 March 2003) 353, 359, 373, 393, 396, 403
Commonwealth Aluminium Corporation v. Attorney-General [1976] Qd 231 100
Compania de Aguas del Aconquijia and Vivendi Universal SA v. Argentine Republic, ICSID Case No. ARB/97/3 (Annulment Decision, 3 July 2003) 300, 321
Continental Casualty Company v. Argentine Republic, ICSID Case No. ARB/03/9 (Award, 5 September 2008) 464
Corfu Channel Case [1949] ICJ Reports 4 163
Corn Products International Inc. v. Mexico, ICSID Case No. ARB/04/1 (Decision, 15 January 2008) 473
Crude Oil Windfall Tax Case see United States v. Ptasynski
CSOB see Ceskoslovenská Obchodní Banka v. Slovakia
Czarnikow Ltd v. Rolimpex [1979] AC 351 284

Dagi v. BHP [1997] 1 VR 428 151
De Jaeger v. Attorney-General of Natal [1907] AC 326 97
De Sabla v. Republic of Panama (1934) 28 AJIL 602 366, 389
Desert Line Projects LLC v. Yemen, ICSID Case No. ARB/05/17 (Award, 6 February 2008) 359
Diallo v. Congo, ICJ (Judgment, 24 May 2007) 28, 37, 87, 198, 324, 329, 378
Dillingham-Moore v. Murphyores (1979) 136 CLR 1 110–9 –10
Doe (John) et al. v. Exxon Mobil et al. (‘Doe I’), Civ No. 01-1357 (DDC) 245
Doe (John) v. Unocal (‘Doe I’), 963 F Supp 880 (CD Cal., 1997) 147, 150, 165, 166, 167
East Timor Case [1995] ICJ Reports 139 470
Eastern Greenland Case (1933) PCIJ Series A/B No. 5 101
Elf Aquitaine v. NIOC (1982) 11 YCA 112 294
Elkin v. United States, 142 US 65 (1892) 89
### Table of cases

- **Empresa Luchetti SA v. Peru** (2005) 20 *ICSID Rev* 319
- **EnCana Corporation v. Ecuador**, London Court of International Arbitration Case No. UN3481 (UNCITRAL) (27 February 2004) 399
- **Enron Corporation and Ponderosa Assets LP v. Argentine Republic**, ICSID Case No. ARB/01/3 354, 457, 460, 461, 462
- **Ethyl Corporation v. Canada** (Ethyl Case) (1999) 38 *ILM* 708 25, 93, 356, 373, 388, 395
- **Eureko BV v. Republic of Poland** (Netherlands–Poland BIT Ad Hoc Award, 23 November 2006) 360
- **Feldman v. Mexico** see **Karpa (Marvin Roy Feldman) v. United Mexican States Foreign Investment Review Act** (FIRA) Case, GATT BISD (30th Supp) (7 February 1984) 137
- **Foresti (Piero), de Carli (Laura) and others v. Republic of South Africa**, ICSID Case No. ARB(AF)/07/3 73, 382
- **Fortino v. Quasar Company**, 950 F 2d 389 (1991) 181
- **Fraport AF Frankfurt Airport Services v. Republic of the Philippines**, ICSID Case No. ARB/03/25 (Award, 16 August 2007) 43, 76, 93, 114, 190–201, 295, 300, 318, 390
- **Fraser Island sandmining dispute** see **Dillingham-Moore v. Murphyores French Nuclear Test Case** [1974] *ICJ Reports* 253 101
- **Fuji v. Kodak, WTO** (Decision, 5 December 1997) 273
- **Funnekotter (Bernardus Henricus) v. Republic of Zimbabwe**, ICSID Case No. ARB/05/6 (Award, 22 April 2009) 215, 364, 365
- **Gabcikovo–Nagyamaros Case** [1997] *ICJ Reports* 7 399, 462
- **Gami Investments v. Mexico**, NAFTA (Final Award, 15 November 2004); (2004) 44 *ILM* 811 316, 341, 355
- **Gelbtrunk (Rosa) v. Salvador** (1902) *Foreign Relations of 1902* 877 124–5
- **Generation Ukraine v. Ukraine** (Award, 16 September 2003); (2005) 44 *ILM* 404 329, 468
- **Glamis Gold Ltd v. United States**, NAFTA/UNCITRAL (Award, 8 June 2009) 357
- **Goetz (Antoine) v. Burundi**, ICSID Case No. ARB/95/3; (1999) 15 *ICSID Rev* 457; (2001) 26 *YCA* 24 393, 402, 403, 467
- **Goldberg (David) Case** (1930) 2 *UNRIAA* 901 407
- **Goldenberg and Sons v. Germany** (1928) *AD* 452 126, 430
- **Grand River Enterprises Six Nations v. United States**, UNCITRAL Arbitration Proceedings (Decision on Objections to Jurisdiction, 20 July 2006) 400
Grueslin (Philip) v. Malaysia (2000) 5 ICSID Reports 483 194, 319, 459
Gudmundson v. Iceland (1960) 30 ILR 253 392
Guinea v. Republic of Congo, ICJ (Judgment, 24 May 2007) 324

Hawaii Housing Authority v. Midkiff, 467 US 229 (1984) 423
Himpurna v. Indonesia (2000) 25 YCA 13 228, 301, 302, 465, 466
Holiday Insns v. Morocco (1980) 51 BYIL 123 198, 324
Home Missionary Society Case (1920) 6 UNRIAA 42 126, 135, 167
Hubco v. WAPDA (Pakistan Civil Appeal Nos. 1398 and 1399 of 1999), 16 Arb Intl (No. 4, 2000) 439 228, 302

INA Corporation v. Iran (1985) 8 Iran–US CTR 373 434–5
Inceysa Vallisoletana v. El Salvador, ICSID Case No. ARB/03/26 (Jurisdiction Award, 2 August 2006) 317, 318
Indonesia (Republic of) v. Newmont (unreported ad hoc award under UNCITRAL Rules, 2009) 225
International Bank of Washington v. OPIC (1972) 11 ILM 1216 110, 230
International Thunderbird Gaming Corporation v. United Mexican States, NAFTA/UNCITRAL (Award, 26 January 2006) 348, 354, 468
Ioannis Kardassopoulos v. Georgia, ICSID Case No. ARB/05/18 (Jurisdiction Award, 6 July 2007) 318

James v. United Kingdom (1986) 8 EHRR 123 385, 408, 422, 423
Jan de Nul Dredging International NV v. Arab Republic of Egypt, ICSID Case No. ARB/04/13 (Jurisdiction Award, 16 June 2006) 313, 319
Janes Claim (1926) 4 UNRIAA 82 130
John Doe v. Mobil see Doe (John) et al. v. Exxon Mobil et al. (‘Doe I’)
John Doe v. Unocal see Doe (John) v. Unocal (‘Doe I’)
Joy Mining Machinery v. Egypt, ICSID Case No. ARB/03/11 (2004) 309

Kahler v. Midland Bank [1950] AC 24 286
Table of cases

Klockner v. Cameroon (1983) 2 ICSID Reports 16 324
Kozacioglu v. Turkey (European Court of Human Rights, Application No. 2334/03, Judgment of 19 February 2009) 187–224
Kugele v. Polish State [1931–2] AD 69 402

La Brea y Parinas (1968) 7 ILM 1201 444
Land Sale to Aliens Case (1973) 77 ILR 433 106
Lauder v. Czech Republic, UNCITRAL Arbitration Proceedings (Final Award, 3 September 2001) 353, 359, 368, 382, 393, 403
Le Courturier v. Rey [1910] AC 262 191
Lemenda Trading Co. Ltd v. African Middle East Petroleum Co. Ltd [1988] 1 All ER 513 247
LESI SpA and Astaldi SpA v. Algeria, ICSID Case No. ARB/05/3 313
LG&E v. Argentina, ICSID Case No. ARB/02/1 (Award, 3 October 2006) 354, 458, 460, 462, 463, 464
Libyan American Oil Company (Liamco) v. Libya (1981) 20 ILM 1 288, 408, 430–1
Link-Trading Joint Stock Company v. Republic of Moldova, UNCITRAL (Final Award, 18 April 2002); (2002) IIC 154 399
Lithgow v. United Kingdom (1986) 8 EHRR 329 422–3, 440–1
Lockeberie Case see Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libya v. UK and Libya v. US) (Judgment, 27 February 1998)
Loewen v. United States (2003) 42 ILM 811 102, 341, 357, 394
Loizidou v. Turkey (1996) 108 ILR 443 161

Malaysian Historical Salvors SDN BHD v. Malaysia, ICSID Case No. ARB/05/10 (Award, 17 May 2007) 155, 309, 311–14, 317
Mavrommatis Palestine Concessions Case (1929) PCJ Series A No. 2 122, 158
Middle East Cement Shipping and Handling Co. v. Egypt, ICSID Case No. ARB/99/6 (12 April 2002); (2002) 7 ICSID Reports 2 317, 334, 359, 368, 373, 393, 403
Military and Paramilitary Activities In and Against Nicaragua see Nicaragua v. United States Mitchell (Patrick) v. Congo, ICSID Case No. ARB/99/7 (Award, 1 November 2006) 106, 155, 189, 309, 313
# Table of cases xxv

<table>
<thead>
<tr>
<th>Mobil Oil Case</th>
<th>Doe (John) et al. v. Exxon Mobil et al. (‘Doe I’)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MTD Equity v. Republic of Chile (2007)</td>
<td>ICSID Reports 6 354, 356</td>
</tr>
<tr>
<td>Murphyres Ltd v. Commonwealth (1976)</td>
<td>136 CLR 1 402, 403</td>
</tr>
<tr>
<td>Mutasa v. Attorney-General [1979]</td>
<td>3 All ER 257 441</td>
</tr>
<tr>
<td>National Grid v. Argentina (unreported)</td>
<td>464</td>
</tr>
<tr>
<td>Nationalization of Gulf Oil in Bolivia (1969)</td>
<td>8 ILM 264 444</td>
</tr>
<tr>
<td>Neer Claim (1926)</td>
<td>4 UNRIAA 60 122, 124, 130, 347, 348, 352, 354, 468</td>
</tr>
<tr>
<td>Nicaragua v. United States [1986]</td>
<td>ICIJ Reports 14 82, 83, 161, 164, 166, 180, 184, 221, 457</td>
</tr>
<tr>
<td>NIS v. Ukraine</td>
<td>see Western NIS Enterprise Fund v. Ukraine; ICSID Case No. ARB/04/2 (Order, 16 March 2006)</td>
</tr>
<tr>
<td>North American Dredging Company of Texas v. United Mexican States (Mexico/USA General Claims Commission Award, 31 March 1926); (1926)</td>
<td>4 UNRIAA 26 321</td>
</tr>
<tr>
<td>Norwegian Ship Owners’ Claims (1922)</td>
<td>1 UNRIAA 307 433</td>
</tr>
<tr>
<td>Nottebohm Case [1955]</td>
<td>ICIJ Reports 4 323</td>
</tr>
<tr>
<td>Oil Fields of Texas v. Iran (1982)</td>
<td>1 Iran–US CTR 347 101</td>
</tr>
<tr>
<td>Oil Platforms Case [1996]</td>
<td>ICIJ Reports 8 181, 457</td>
</tr>
<tr>
<td>Ok Tedi Mining Case (unreported)</td>
<td>147</td>
</tr>
<tr>
<td>Olguin v. Paraguay, ICSID Case No. ARB/98/5 (Final Award, 26 July 2001)</td>
<td>468</td>
</tr>
<tr>
<td>Oppenheimer v. Cattermole (Inland Revenue Commissioner) [1975]</td>
<td>1 All ER 538 106, 409</td>
</tr>
<tr>
<td>Osthoff v. Hofele, 1 US Ct Rest App 111 (1950)</td>
<td>377</td>
</tr>
<tr>
<td>Panevežys–Salutiskis Railway Case (1939)</td>
<td>PCIJ Series A/B No. 76 121, 122, 124</td>
</tr>
<tr>
<td>Pantechniki SA Contractors &amp; Engineers v. Republic of Albania, ICSID Case No. ARB/07/21 (Award, 30 July 2009)</td>
<td>309, 359</td>
</tr>
<tr>
<td>Parkerings-Compagniet AS v. Republic of Lithuania, ICSID Case No. ARB/05/8 (Award, 11 September 2007)</td>
<td>354</td>
</tr>
<tr>
<td>Patrick Mitchell</td>
<td>see Mitchell (Patrick) v. Congo</td>
</tr>
<tr>
<td>Pelletier Claim, in C. C. Hyde, International Law (1945), p. 1640 159</td>
<td></td>
</tr>
<tr>
<td>Peña-Irala v. Filartiga, 630 F 2d 876 (2nd Cir., 1980)</td>
<td>151</td>
</tr>
<tr>
<td>Penn Central v. New York City, 438 US 104 (1978)</td>
<td>385</td>
</tr>
</tbody>
</table>
Table of cases

Phaiton Energy Company v. Pertamina Perusahaan Tambang Minyak Negara (unreported) 301, 302, 465
Phoenix Action Ltd v. The Czech Republic (Award, 19 April 2009) ICSID Case No. ARB/06/5 307, 308, 313, 318, 319, 327, 328, 361, 399, 469
Pinochet Case see R. v. Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No. 3)
Plama Consortium Ltd v. Republic of Bulgaria, ICSID Case No. ARB/03/24 (Award, 27 August 2008) 318, 322, 329
Poemann v. Kulmbache Spinneri AG, US Ct Rest App 701 (1952) 377
Qatar Arbitration (1953) 20 ILR 534 290
Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libya v. UK and Libya v. US) (Judgment, 27 February 1998) 161
R. v. Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte (No. 3) (unreported) 148, 151, 164
R. v. North and East Devon Health Authority, ex parte Coughlan [2001] QB 203 355
R. v. Secretary of State for Foreign Affairs, ex parte Pirbhai (1984) 129 SJ 56 441
Revere Copper and Brass Inc. v. Overseas Private Investment Corporation (OPIC) (1978) 56 ILR 258 52, 201, 294, 391–2
RFCC Consortium v. Kingdom of Morocco, ICSID Case No. ARB/00/6 (Award, 22 December 2003) 337
Roberts Claim (1926) 4 UNRIA 77 122, 130, 347
‘Rose Mary’, The see Anglo-Iranian Oil Company Ltd v. Jaffrate
RSM Production Corporation v. Grenada, ICSID Case No. ARB/05/14 (Award, 13 March 2009) 309, 317, 465
Saipem v. Bangladesh, ICSID Case No. ARB/06/07 (Decision, 30 June 2009) 302, 309
Salini Costruttori SpA v. Kingdom of Morocco, ICSID Case No. ARB/00/4 (Jurisdiction Award, 23 July 2001); (2001) 42 ILM 577 309, 310, 313
Saluka Investments BV v. Czech Republic (UNCITRAL Partial Award, 17 March 2006) 347, 354, 359, 375, 398
Sambaggio Case, 10 UNRIAA 534 125, 135, 167
Sancteti v. Mayor and Commonality and Citizens of the City of London [2008] EWCA Civ 1283 28, 182
Saréi v. Rio Tinto, 221 F Supp 2d 1116 (CD Cal., 2002) 151
Schmidt v. Secretary of State for Home Affairs [1969] 2 Ch 149 89
Schufeldt Claim (1930) 5 AD 179; (1930) UNRIAA 1079; (1930) 24 AJIL 799 126, 158, 289, 407, 430
S. D. Myers v. Canada see Myers (S. D.) v. Canada
Sempra Energy International v. Argentine Republic, ICSID Case No. ARB/02/16 354, 457, 460, 461, 462–3
Serbian Loans Case (1929) PCIJ Series A No. 20 286, 290
Settebello v. Banco Totta e Acores [1985] 2 All ER 1025; [1985] 1 WLR 1050 76–7, 284
SGS Société Générale de Surveillance SA v. Pakistan (unreported, 2004) 177, 304, 309, 465
SGS Société Générale de Surveillance SA v. Republic of the Philippines, ICSID Case No. ARB/02/06 (Award, 29 June 2004) 216, 300, 304, 309
Shaffer v. Heitner, 433 US 188 (1977) 89
Shott v. Iran (1989) 23 Iran–US CTR 351 114
Shott v. Iran (1990) 24 Iran–US CTR 203 43
Siemens v. Argentine Republic, ICSID Case No. ARB/02/8 (Award, 6 February 2007) 322, 339, 355, 464
Smith (Walter Fletcher) Case (1930) 24 AJIL 384 407
Sociedad Minera el Teniente SA v. Aktiengesellschaft Nordeutsche Affinerie (1973) 12 ILM 251 440
Société de Grands Travaux de Marseille v. People’s Republic of Bangladesh (1980) 5 YCA 177 75, 230
Soufraki v. United Arab Emirates, ICSID Case No. ARB/02/07 (Award, 7 July 2004) 323
Southern Pacific Properties (Middle East) Ltd (SPP) v. Egypt (1992) 8 ICSID Rev 328; (1983) 22 ILM 752 72, 99, 100–1, 102, 231, 283, 287, 300, 304, 361, 390, 396, 471
xxviii  Table of cases


Sporrong and Lönnroth v. Sweden (1983) 5 ECHR 35 385

SPP v. Egypt see Southern Pacific Properties (Middle East) Ltd (SPP) v. Egypt


Starret Housing Corporation v. Iran (1987) 16 Iran–US CTR 112 386, 448

Sultana Begum v. Returning Officer for the London Borough of Tower Hamlets [2006] EWCA Civ 733 355


Tadic Case (1997) 36 ILM 908 161


Tecmed v. Mexico, ICSID Case No. ARB(AF)/00/2; (2006) 10 ICSID Reports 54 356, 368, 374, 388, 396, 398, 403

Telenor Mobile Communications AS v. Republic of Hungary, ICSID Case No. ARB/04/15 (Jurisdiction Award, 13 September 2006) 322

Temple of Preah Vihear Case [1982] ICJ Reports 1 298


Thai Tobacco Case (1991) 37 GATT BISD 200 227

Thunderbird v. Mexico see International Thunderbird Gaming Corporation v. United Mexican States

Tokios Tokelēs v. Ukraine, ICSID Case No. ARB/02/18 (Jurisdiction Award, 29 April 2004) 318, 327, 328

Tokyo Suikosha v. Tokyo Masonic Lodge Association (1966) 53 ILR 1 385

Too (Emmanuel) v. United States (1989) 23 Iran–US CTR 378 393

Trade SA v. Republic of Turkey, ICSID Case No. ARB(AF)/07/2 (ECT) (Award, 13 August 2009) 318


Trail Smelter Case (1941) 35 AJIL 684 159

Tza Yap Shum v. Peru, ICSID Case No. ARB/07/6 (Decision on Jurisdiction and Competence, 19 June 2009) 28, 205, 322


United Parcel Services of America Inc. (UPS) v. Canada see UPS v. Canada

United Postal Workers Union v. Canada see United Union of Postal Workers v. Canada Post Corporation

United States v. Aluminium Company of America (Alcoa), 148 F 2d 416 (2nd Cir., 1945) 155–6


United States v. Sabbatino, 374 US 398 (1964) 1

United States v. Venezuela (Upton Case), 9 UNRIAA 234 (1903) 134
### Table of cases

<table>
<thead>
<tr>
<th>Case</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unocal Case see Doe (John) v. Unocal (‘Doe I’)</td>
<td></td>
</tr>
<tr>
<td>Upton case see United States v. Venezuela (Upton Case)</td>
<td></td>
</tr>
<tr>
<td>Urenco Case (unreported) 75, 470</td>
<td></td>
</tr>
<tr>
<td>Vattenfall AB v. Federal Republic of Germany, ICSID Case No. ARB/09/6 (Request filed, 30 March 2009) 28, 182, 185</td>
<td></td>
</tr>
<tr>
<td>Velasquez Rodriguez (1988) 9 HRLJ 212 170</td>
<td></td>
</tr>
<tr>
<td>Vivendi Universal SA see Compania de Aguas del Aconquijia and Vivendi Universal SA v. Argentine Republic</td>
<td></td>
</tr>
<tr>
<td>Waste Management Inc. v. United Mexican States, ICSID Case No. ARB(AF)/98/2 (Final Award, 30 April 2004) 354, 358</td>
<td></td>
</tr>
<tr>
<td>Western NIS Enterprise Fund v. Ukraine, ICSID Case No. ARB/04/2 (Order, 16 March 2006) 320</td>
<td></td>
</tr>
<tr>
<td>Westinghouse v. Philippines (unreported) 76</td>
<td></td>
</tr>
<tr>
<td>World Duty Free Ltd v. Kenya, ICSID Case No. ARB/00/7 (Award, 4 October 2006) 147, 300, 455</td>
<td></td>
</tr>
<tr>
<td>Yeager v. Iran (1987) 17 Iran–US CTR 92 404</td>
<td></td>
</tr>
<tr>
<td>Youmans Claim (1926) 4 UNRIAIA 110 168</td>
<td></td>
</tr>
<tr>
<td>Yukon Lumber Case (1913) 6 UNRIAIA 17 126</td>
<td></td>
</tr>
<tr>
<td>Zaﬁro Claim (1925) 6 UNRIAIA 160 124, 168</td>
<td></td>
</tr>
<tr>
<td>Zhinvali Development Ltd v. Republic of Georgia, ICSID Case No. ARB/00/1 317</td>
<td></td>
</tr>
<tr>
<td>Zwach v. Kraus Brothers, 237 F 2d 255 (2nd Cir., 1956) 377</td>
<td></td>
</tr>
</tbody>
</table>
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC</td>
<td>Appeal Cases</td>
</tr>
<tr>
<td>AD</td>
<td>Annual Digest of Public International Law Cases</td>
</tr>
<tr>
<td>AJIL</td>
<td>American Journal of International Law</td>
</tr>
<tr>
<td>All ER</td>
<td>All England Reports</td>
</tr>
<tr>
<td>ALR</td>
<td>Australian Law Reports</td>
</tr>
<tr>
<td>ASIL Proceedings</td>
<td>American Society of International Law Proceedings</td>
</tr>
<tr>
<td>BYIL</td>
<td>British Yearbook of International Law</td>
</tr>
<tr>
<td>CLR</td>
<td>Commonwealth Law Reports</td>
</tr>
<tr>
<td>CMLR</td>
<td>Common Market Law Review</td>
</tr>
<tr>
<td>EHRR</td>
<td>European Human Rights Reports</td>
</tr>
<tr>
<td>EJIL</td>
<td>European Journal of International Law</td>
</tr>
<tr>
<td>F Supp</td>
<td>Federal Supplement</td>
</tr>
<tr>
<td>Hague Recueil</td>
<td>Hague Recueil des Cours</td>
</tr>
<tr>
<td>ICLQ</td>
<td>International and Comparative Law Quarterly</td>
</tr>
<tr>
<td>ICSID Rev</td>
<td>ICSID Review – Foreign Investment Law Journal</td>
</tr>
<tr>
<td>ILJ</td>
<td>International Law Journal</td>
</tr>
<tr>
<td>ILM</td>
<td>International Legal Materials</td>
</tr>
<tr>
<td>Iran–US CTR</td>
<td>Iran–United States Claims Tribunal Reports</td>
</tr>
<tr>
<td>JIA</td>
<td>Journal of International Arbitration</td>
</tr>
<tr>
<td>JIL</td>
<td>Journal of International Law</td>
</tr>
<tr>
<td>JWTL</td>
<td>Journal of World Trade Law</td>
</tr>
<tr>
<td>KB</td>
<td>King’s Bench Reports</td>
</tr>
<tr>
<td>LJ</td>
<td>Law Journal</td>
</tr>
<tr>
<td>LQR</td>
<td>Law Quarterly Review</td>
</tr>
<tr>
<td>LR</td>
<td>Law Review</td>
</tr>
<tr>
<td>MLR</td>
<td>Modern Law Review</td>
</tr>
<tr>
<td>PCIJ</td>
<td>Permanent Court of International Justice</td>
</tr>
<tr>
<td>SJ</td>
<td>Solicitors Journal</td>
</tr>
<tr>
<td>UNRIAA</td>
<td>United Nations Reports of International Arbitral Awards</td>
</tr>
<tr>
<td>WLR</td>
<td>Weekly Law Reports</td>
</tr>
<tr>
<td>YCA</td>
<td>Yearbook of Commercial Arbitration</td>
</tr>
</tbody>
</table>

xxx