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978-1-107-13852-0 - The Formation and Identification of Rules of Customary International Law in International Investment Law

Patrick Dumberry

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THE FORMATION AND
IDENTIFICATION OF RULES OF
CUSTOMARY INTERNATIONAL LAW
IN INTERNATIONAL
INVESTMENT LAW

Rules of customary international law provide basic legal protections to foreign investors doing business abroad. These rules remain of fundamental importance today despite the growing number of investment treaties containing substantive investment protection. In this book Patrick Dumberry provides a comprehensive analysis of the phenomenon of custom in the field of international investment law. He analyses two fundamental questions: how customary rules are created in this field and how they can be identified. The book examines the types of manifestation of State practice which should be considered as relevant evidence for the formation of customary rules and to what extent they are different from those existing under general international law. The book also analyses the concept of States' *opinio juris* in investment arbitration. Offering guidance to actors called upon to apply customary rules in concrete cases, this book will be of significant importance to those involved in investment arbitration.

PATRICK DUMBERRY is an associate professor at the University of Ottawa, Faculty of Law (Civil Law Section), Canada.

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À mes enfants Ophélie et Florent

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FOREWORD

MICHAEL WOOD¹

Customary international law remains the bedrock of international law. Its merits and demerits as compared with that other great source of the law, treaties, have often been discussed. It used to be thought in some quarters that custom would cease to be important as treaties multiplied. In recent years, a number of writers have expressed the view that custom had become irrelevant in modern international law² But that was never a realistic view. As noted by Dinstein, ‘every once in a while, custom has a tendency to leap to the fore even within special fields of international law where it seemed to have ceded primacy to treaties long ago, thereby reminding the international legal profession that it is not just barely alive but is still pulsating with some intensity’.³ Even when whole areas of international law are codified in widely accepted international conventions, customary international law continues to play a vital role, as can be seen from the recent case-law of international and national courts and tribunals.

This book addresses the question of customary international law in the specific field of international investment law, and does so in a largely practical manner. It should be of great assistance to all those practising in this field, but it is equally of interest to those looking more generally at the formation and identification of rules of customary international law. As noted by d’Aspremont, ‘the scholarship on international investment law has remained bereft of theoretical reflection on the sources of investment

¹ Barrister, 20 Essex Street, London; Member of the International Law Commission and Special Rapporteur for the topic ‘Identification of customary international law’.

² See, *inter alia*: N.C.H. Dunbar, ‘The Myth of Customary International Law’, *Australian YIL* 8 (1983), p. 1; J. Patrick Kelly, ‘The Twilight of Customary International Law’, *Virginia JIL* 40 (2000), p. 449; J.L. Goldsmith and E.A. Posner, *The Limits of International Law* (Oxford: Oxford University Press, 2005).

³ Y. Dinstein, ‘The Interaction between Customary International Law and Treaties’, *Rec. des cours* 322 (2006), p. 262.

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law’.⁴ He says that ‘international investment law has now reached a stage of its development where the doctrine of sources can no longer be left in limbo and needs to be critically explored’ in order for this field of law to ‘rest on solid bases in terms of sources’.⁵ This is the aim of the present book.

One of the most notable features of international investment law is the overwhelming importance of treaties. Thus, more than 3,000 treaties containing provisions on investment protection have been signed by States. Treaties have become the dominant source of international law in this area. Why should one bother then with custom in this context? In my First Report as the International Law Commission (ILC) Special Rapporteur, I explained the basic reasons why custom remains important in contemporary international law:

Even in fields where there are widely accepted ‘codification’ conventions, the rules of customary international law continue to govern questions not regulated by the conventions and continue to apply in relations with and between non-parties. Rules of customary international law may also fill possible lacunae in treaties, and assist in their interpretation.⁶

The present book shows that this is the case in the field of international investment law. Customary rules remain important in contemporary international investment law despite the fact that existing investment protection rules are now overwhelmingly found in bilateral and multi-lateral treaties.

This book concerns the *formation* and the *identification* of rules of customary international law. The International Law Association (ILA) examined this question in 2000 (focusing on the issue of formation), in the context of public international law as a whole.⁷ More recently, the ILC

⁴ Jean d’Aspremont, ‘International Customary Investment Law: Story of a Paradox’, in T. Gazzini and E. de Brabandere (eds.), *International Investment Law: The Sources of Rights and Obligations* (Leiden; Boston: Martinus Nijhoff, 2012), p. 8.

⁵ *Id.*

⁶ International Law Commission, ‘First Report on Formation and Evidence of Customary International Law’, by Michael Wood, Special Rapporteur, Sixty-fifth session, Geneva, 6 May–7 June and 8 July–9 August 2013, UN doc. A/CN.4/663, 17 May 2013, p. 20 [hereinafter referred to as ILC, First Report, 2013], p. 15. See also O. Sender and M. Wood, ‘Custom’s Bright Future: The Continuing Importance of Customary International Law’, in C.A. Bradley (ed.), *Custom’s Future: International Law in a Changing World* (Cambridge University Press, forthcoming 2016).

⁷ International Law Association, ‘Statement of Principles Applicable to the Formation of General Customary International Law’, Final Report of the Committee on the Formation of Customary Law, Conference Report London (2000).

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decided in 2012 to include the topic ‘Formation and Evidence of Customary International Law’ in its programme of work.⁸ As ILC Special Rapporteur, I have so far produced three reports (2013, 2014 and 2015).⁹ These have been debated by the Commission, and the Drafting Committee has provisionally adopted a set of 16 draft conclusions.¹⁰ It is expected that the Commission itself will consider these draft conclusions, together with commentaries, at its session in 2016.

Why is it important to study the methodology for the determination of rules of customary international law? In the First Report, I noted that ‘in order to determine whether a rule of customary international law exists, it is necessary to consider both the requirements for the formation of a rule of customary international law, and the types of evidence that establish the fulfilment of those requirements’.¹¹ In other words, the basic questions at the centre of any analysis regarding the existence of a customary norm are (1) how these rules are actually created and (2) how they can be identified. The present book provides a first attempt to answer these fundamental questions in the field of investment arbitration. The book will provide all those involved in investor-State arbitration (arbitrators, investors, States) guidance for assessing the validity and soundness of claims regarding the customary status of any given rule.

This book is in many ways complementary to the work of the ILC on the topic ‘Identification of customary international law’. In the Second Report, I raised the question whether ‘there are different approaches to the formation and evidence of customary international law in different

⁸ The Commission later changed the title of the topic to ‘Identification of customary international law’, since it was felt that to enter directly into questions of formation would lead the Commission into areas beyond the intended scope of the topic, which is what Article 38.1(d) of the ICJ Statute refers to as the ‘determination’ of rules of law.

⁹ ILC, First Report, 2013; International Law Commission, ‘Second Report on Identification of Customary International Law’, by Michael Wood, Special Rapporteur, Sixty-sixth session, Geneva, 5 May–6 June and 7 July–8 August 2014, A/CN.4/672, p. 13 [hereinafter referred to as ILC, Second Report, 2014]; International Law Commission, ‘Third Report on Identification of Customary International Law’, by Michael Wood, Special Rapporteur, Sixty-seventh session, Geneva, 4 May–5 June and 6 July–7 August 2014, A/CN.4/682 [hereinafter referred to as ILC, Third Report, 2015].

¹⁰ International Law Commission, ‘Text of the Draft Conclusions Provisionally adopted by the Drafting Committee, Sixty-seventh session, Geneva, 4 May–5 June and 6 July–7 August 2014, 14 July 2015, A/CN.4/L.869 [hereinafter referred to as ILC, Draft Conclusions, 2015]. See also the 2014 and 2015 reports of the Chairman of the Drafting Committee, available on the Commission’s website <http://legal.un.org/ilc/>.

¹¹ ILC, First Report, 2013, p. 6.

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fields of international law' and 'to what degree, different weight may be given to different materials depending on the field in question'.¹² This book undertakes an analysis of this question in respect of international investment law. It considers whether the elements evidencing State practice in international investment law are different from those in other fields of international law. It shows that there may indeed be a number of noteworthy matters that may be peculiar to the formation and evidence of customary international law in international investment law.

On the one hand, the basic approach to the formation of customary rules in the field of international investment law is the same as the basic approach in other fields. Thus, the existence of any customary rule in international investment law requires evidence of *both* State practice and *opinio juris*. On the other hand, the author's conclusion is that some aspects related to the identification of customary rules are in fact different. Thus, some elements of practice have had a much more limited role in the field of investment arbitration compared to their role elsewhere. Also, the types of statements that are considered as evidence of State practice in this field are not always the same as those in other areas of international law. In fact, some statements examined in this book have a unique importance to the field of investment arbitration.

This is an important book that is likely to have a significant impact on existing scholarship regarding customary international law. It will have a long-lasting influence in the field of international investment law.

Sir Michael Wood
London,
October 2015

¹² ILC, Second Report, 2014, pp. 7–8. See also: ILC, Third Report, 2015, p. 7.

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PREFACE

Why write a book on custom? To this day I can still remember one of my first international law classes at the Université de Montréal in 1993 when Professor Jacques-Yvan Morin explained the mysterious way that customary rules emerge. He brilliantly told us that these rules emerge in the same way that footsteps through a field eventually transform into a pathway followed by all. It was only many years later that I discovered that the analogy was actually introduced by Professor Cobbett and later refined by Professor de Visscher:

On a pu comparer la lente constitution de la coutume internationale à la formation graduelle d'un chemin à travers un terrain vague. À l'origine on y relève des pistes multiples et incertaines, à peine visibles au sol. Puis, la majorité des usagers, pour quelque raison d'utilité commune, adopte un même parcours; un sentier unique se dégage qui, à son tour, fait place à un chemin reconnu désormais comme la seule voie régulière, sans que l'on puisse dire à quel moment précis cette dernière transformation s'est accomplie.¹

Ever since these early law school days I have remained fascinated by the phenomenon of the formation of customary rules. Back then, however, it never crossed my mind that some 20 years later I would actually write a book on the topic.

The idea of writing a book on custom emerged from my own experience as a lawyer. Before becoming a professor at the University of Ottawa in 2009, I practised law for about ten years in the field of international arbitration in Geneva (at Lalive and at Lenz & Steahelin), in Montreal (at Ogilvy Renault, now known as Norton Rose Fulbright) and in Ottawa (at Canada's Ministry of Foreign Affairs and International Trade, "Trade Law Bureau"). For the first time, in the context of these arbitration

¹ Charles de Visscher, *Théories et réalités en droit international public* (Paris: Pedone, 1953), pp. 182–184, referring to Pitt Cobbett, *Leading Cases on International Law* (London: Sweet and Maxwell, 5th edn., vol. 1, 1931–1937), p. 5.

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proceedings, I had to concretely apply the theoretical concept of customary international law that I had learned in law school to real facts in real cases. This is when I truly discovered the multifaceted complexity of the principle. At the time, I desperately looked for scholarly works examining the application of custom in the specific field of international investment law. No such work existed.

The situation is not entirely different today. No book on international investment law has ever specifically focused on custom. In fact, only a limited number of books and articles have been published on the more general issue regarding the sources of international investment law.² While a number of articles have examined some aspects of the phenomenon of custom in investment arbitration,³ none have systematically and thoroughly investigated the important preliminary issue of identifying the different types of relevant manifestations (or evidence) of State practice and *opinio juris*.

² T. Gazzini and E. de Brabandere (eds), *International Investment Law: The Sources of Rights and Obligations* (Leiden: Martinus Nijhoff, 2012); Patrick Juillard, 'L'évolution des sources du droit des investissements', *Rec. des cours* 250 (1994), pp. 9–216; M. Hirsch, 'Sources of International Investment Law', ILA Study Group on the Role of Soft Law Instruments in International Investment Law (2011) (also in: Andrea K. Bjorklund and August Reinisch (eds.), *International Investment Law and Soft Law* (Cheltenham: Elgar, 2012); Florian Grisel, 'The Sources of Foreign Investment Law', in: Z. Douglas, J. Pauwelyn and J.E. Viñuales (eds.), *The Foundations of International Investment Law: Bringing Theory into Practice* (Oxford: Oxford University Press, 2014), pp. 213–233; Claire Crépet Daigremont, 'Les sources du droit international des investissements', in: C. Leben (ed.) *Droit international des investissements et l'arbitrage transnational* (Paris: Pedone, 2015).

³ Stephen M. Schwebel, 'Investor-State Disputes and the Development of International Law: The Influence of Bilateral Investment Treaties on Customary International Law', *ASIL Proc.* 98 (2004), pp. 27–30; Steffen Hindelang, 'Bilateral Investment Treaties, Custom and a Healthy Investment Climate – The Question of whether BITs Influence Customary International Law Revisited', *J. World Invest. & Trade* 5 (2004), pp. 789–809; Andreas F. Lowenfeld, 'Investment Agreements and International Law', *Columbia JTL* 42 (2003), p. 123–130; Bernard Kishoiyian, 'The Utility of Bilateral Investment Treaties in the Formulation of Customary International Law', *Northwestern J. Int'l L.* 14(2) (1993), pp. 327–375; Cai Congyan, 'International Investment Treaties and the Formation, Application a Transformation of Customary International Law Rules', *Chinese JIL* 7 (2008), pp. 659–679; Abdullah Al Faruque, 'Creating Customary International Law through Bilateral Investment Treaties: a Critical Appraisal', *Indian JIL* 44 (2004), p. 292–318; Tarcisio Gazzini, 'The Role of Customary International Law in the Field of Foreign Investment', *J. World Invest. & Trade* 8 (2007), pp. 691–715; Jean d'Aspremont, 'International Customary Investment Law: Story of a Paradox', in T. Gazzini and E. de Brabandere (eds), *International Investment Law: The Sources of Rights and Obligations* (Leiden: Martinus Nijhoff, 2012), pp. 5–47; José Enrique Alvarez, 'A BIT on Custom', *N.Y. U. J. Int'l L. & Pol* 42 (2009), pp. 17–80.

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In 2011, when I started thinking about these questions I realized that even *before* examining the question of which specific rules of custom should be recognized in investment arbitration, one should first consider two very basic *preliminary* questions: (1) how these customary rules are actually created, and (2) how they can be identified. No comprehensive study has analysed these fundamental questions in the field of investment arbitration. The objective of this book is to fill this void.

My belief in the contemporary relevance of these questions was reinforced by the fact that the International Law Commission (ILC) decided in 2012 to include the topic of the 'Formation and Evidence of Customary International Law' in its programme of work and appointed Sir Michael Wood as its Special Rapporteur. While I was writing this book, the ILC Special Rapporteur published his first (2013⁴), second (2014⁵), and third (2015⁶) reports. The ILC Drafting Committee adopted its draft conclusions in 2015.⁷ As noted by ILC Special Rapporteur Wood, 'in order to determine whether a rule of customary international law exists, it is necessary to consider both the requirements for the formation of a rule of customary international law, and the types of evidence that establish the fulfilment of those requirements'.⁸ In his Second Report, ILC Special Rapporteur Wood also noted the importance of determining whether or not 'there are different approaches to the formation and evidence of customary international law in different fields of international law' and 'to what degree, different weight may be given to different materials depending on the field in question'.⁹ The purpose of this book is to

⁴ International Law Commission, 'First Report on Formation and Evidence of Customary International Law', by Michael Wood, Special Rapporteur, Sixty-fifth session, Geneva, 6 May–7 June and 8 July–9 August 2013, UN doc. A/CN.4/663, 17 May 2013, p. 8 [hereinafter referred to as ILC, First Report, 2013].

⁵ International Law Commission, 'Second Report on Identification of Customary International Law', by Michael Wood, Special Rapporteur, Sixty-sixth session, Geneva, 5 May–6 June and 7 July–8 August 2014, A/CN.4/672, p. 13 [hereinafter referred to as ILC, Second Report, 2014].

⁶ International Law Commission, 'Third Report on Identification of Customary International Law', by Michael Wood, Special Rapporteur, Sixty-seventh session, Geneva, 4 May–5 June and 6 July–7 August 2014, A/CN.4/682 [hereinafter referred to as ILC, Third Report, 2015].

⁷ International Law Commission, 'Text of the Draft Conclusions Provisionally adopted by the Drafting Committee', Sixty-seventh session, Geneva, 4 May–5 June and 6 July–7 August 2014, 14 July 2015, A/CN.4/L.869 [hereinafter referred to as ILC, Draft Conclusions, 2015].

⁸ ILC, First Report, 2013, p. 6. ⁹ ILC, Second Report, 2014, pp. 7–8.

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PREFACE

provide the answer to these questions in the field of investment arbitration.

Specifically, this book aims to offer guidance to actors on how to identify rules of customary international law in the field of investor-State arbitration. It will therefore provide arbitrators with indispensable (yet currently scarcely available) tools to enhance their ability to solve disputes between foreign investors and States. Above all, this book intends to show that customary rules remain fundamentally important in contemporary international investment law despite the fact that existing investment protection rules are now overwhelmingly found in bilateral and multilateral investment treaties.

*Patrick Dumberry
Montreal
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Many thanks to all the people at Cambridge University Press (Elizabeth Spicer, Karthik Orukaimani, Mary Bongiovi, Emma Collison, Fleur Jones) for their patience and support in the revision process for the publication of this book.

Most importantly, I would like to dedicate this book to my parents and my children. I would like to first express my gratitude to my parents for their unconditional support throughout my life. I also wish to thank my

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Patrick Dumberry

Montreal

May 2015

ABBREVIATIONS

<i>ABAJ</i>	American Bar Association Journal
<i>AFDI</i>	Annuaire français de droit international
<i>AJIL</i>	American Journal of International Law
<i>Alabama L.Rev</i>	Alabama Law Review
<i>American Rev. Int'l Arb</i>	American Review of International Arbitration
<i>American University ILR</i>	American University International Law Review
<i>American University LR</i>	American University Law Review
<i>Arb. Int'l</i>	Arbitration International
<i>Arbitration & ADR</i>	Arbitration & Alternative Dispute Resolution
<i>ASA Bull.</i>	Bulletin of the Association Suisse de l'Arbitrage
<i>ASDI</i>	Annuaire Suisse de droit international
<i>ASIL Proc.</i>	American Society of International Law Proceedings
<i>Australian YIL</i>	Australian Yearbook of International Law
<i>Austrian RIEL</i>	Austrian Review of International & European Law
<i>BITs</i>	Bilateral investment treaties
<i>British IICL</i>	British Institute of International and Comparative Law
<i>British YIL</i>	British Yearbook of International Law
<i>Brook. J. Int'l L</i>	Brooklyn Journal of International Law
<i>Brooklyn L.R</i>	Brooklyn Law Review
<i>Cal. L. Rev</i>	California Law Review
<i>Cal. W.Int'l J</i>	California Western International Law Journal
<i>Cambridge J Intl Comp L</i>	Cambridge Journal of International and Comparative Law
<i>Canadian YIL</i>	Canadian Yearbook of International Law
<i>Chicago L.Rev.</i>	Chicago Law Review
<i>Chinese JIL</i>	Chinese Journal of International Law
<i>Columbia JTL</i>	Columbia Journal of Transnational Law
<i>Duke L.J.</i>	Duke Law Journal
<i>Duke J Comp & IL</i>	Duke Journal of Comparative & International Law
<i>EJIL</i>	European Journal of International Law
<i>EJIL Talks!</i>	European Journal of International Law: Talks!
<i>FET</i>	Fair and equitable treatment

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LIST OF ABBREVIATIONS

FTA	Free Trade Agreement
FTC	Free Trade Commission
FTC Note	Free Trade Commission Notes of Interpretation of 31 July 2001
<i>Ga. J. Int'l & Comp L.</i>	Georgia Journal of International and Comparative Law
<i>GEO. L.J.</i> ,	Georgetown Law Journal
<i>Geo. Wash. Int'l L. Rev</i>	George Washington International Law Review
<i>German YIL</i>	German Yearbook of International Law
<i>Harvard ILJ</i>	Harvard International Law Journal
<i>Hofstra L Rev</i>	Hofstra Law Review
<i>Howard L.J</i>	Howard Law Journal
<i>I.L.S.A. J.I.L</i>	International Law Students Association Journal of International Law
ICJ	International Court of Justice
ICJ Rep.	International Court of Justice Reports of Judgments, Advisory Opinions and Orders
ICJ Statute	Statute of the International Court of Justice
<i>ICLQ</i>	International and Comparative Law Quarterly
<i>ICSID Rev</i>	International Centre for Settlement of Investment Disputes Review – Foreign Investment Law Journal
ICSID	International Centre for Settlement of Investment Disputes
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Tribunal for the Former Yugoslavia
IISD	International Institute for Sustainable Development
ILA	International Law Association
ILA, Final Report	International Law Association, 'Statement of Principles Applicable to the Formation of General Customary International Law', Final Report of the Committee on the Formation of Customary Law, Conference Report London (2000)
ILC	International Law Commission
ILC, First Report, 2013	International Law Commission, 'First Report on Formation and Evidence of Customary International Law', by Michael Wood, Special Rapporteur, Sixty-fifth session, Geneva, 6 May-7 June and 8 July-9 August 2013, UN doc. A/CN.4/ 663, 17 May 2013
ILC, Second Report, 2014	International Law Commission, 'Second Report on Identification of Customary International Law', by

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	Michael Wood, Special Rapporteur, Sixty-sixth session, Geneva, 5 May-6 June and 7 July-8 August 2014, UN doc. A/CN.4/672
ILC, Memorandum, 2013	International Law Commission, 'Formation and Evidence of Customary International Law, Elements in the Previous Work of the ILC that Could be Particularly Relevant to the Topic', Memorandum by the Secretariat, Sixty-fifth session Geneva, 5 May-7 June and 8 July-9 August 2013, UN doc. A/CN.4/659, p. 17
ILC, Third Report, 2015	International Law Commission, 'Third Report on Identification of Customary International Law', by Michael Wood, Special Rapporteur, Sixty-seventh session, Geneva, 4 May-5 June and 6 July-7 August 2014, A/CN.4/682
ILC, Articles on State Responsibility	Titles and Texts of the Draft Articles on Responsibility of States for Internationally Wrongful Acts Adopted by the Drafting Committee on Second Reading, 26 July 2001
ILC, Commentaries	Commentaries to the Draft Articles on Responsibility of States for Internationally Wrongful Acts Adopted by the International Law Commission at its Fifty-Third Session (2001), November 2001
ILM	International Legal Materials
ILR	International Legal Reports
<i>Ind. J. Global Legal Stud</i>	Indiana Journal of Global Legal Studies
<i>Indian J Int'l L</i>	Indian Journal of International Law
<i>Int'l L</i>	International Lawyer
<i>Int Rev Red Cross</i>	International Review of the Red Cross
<i>Israel L.Rev</i>	Israel Law Review
<i>Italian YIL</i>	Italian Yearbook of International Law
<i>J. Int'l Arb.</i>	Journal of International Arbitration
<i>J. Int Disp Settl</i>	Journal of International Dispute Settlement
<i>J. Int'l Econ. L</i>	Journal of International Economic Law
<i>J. World Invest. & Trade</i>	Journal of World Investment & Trade
<i>J. World Trade</i>	Journal of World Trade
<i>Journal CEPMLP</i>	Journal of the Centre of Energy, Petroleum and Mineral Law and Policy
<i>J.P.L.</i>	Journal of Public Law
<i>L. & Bus. Rev. Am.</i>	Law and Business Review of the Americas
<i>Law & Pol'y Int'l Bus</i>	Law and Policy in International Business

<i>Law & Prac Int'l Cts & Tribunals</i>	Law and Practice of International Courts and Tribunals
<i>Leiden J. Int'l L.</i>	Leiden Journal of International Law
<i>Max Planck Yrbk. UNL</i>	Max Planck Yearbook of United Nations Law
<i>McGill LJ</i>	McGill Law Journal
<i>Mealey's Int'l Arb. Rep</i>	Mealey's International Arbitration Report
<i>Melbourne JIL</i>	Melbourne Journal of International Law
<i>Michigan JIL</i>	Michigan Journal of International Law
<i>Michigan State JIL</i>	Michigan State Journal of International Law
<i>Michigan LR</i>	Michigan Law Review
<i>Minnesota JIL</i>	Minnesota Journal of International Law
MFN	Most-Favored-Nation
MST	Minimum standard of treatment
NAFTA	North American Free Trade Agreement
<i>N.Y.U. J. Int'l L. & Pol</i>	New York University Journal of International Law and Politics
<i>Nordic JIL</i>	Nordic Journal of International Law
<i>North Carolina JIL & Comm Reg</i>	North Carolina Journal of International Law & Commercial Regulation
<i>Northwestern J. Int'l L & Bus</i>	Northwestern Journal of International Law & Business
<i>Netherlands ILR</i>	Netherlands International Law Review
NYBIL	Netherlands Yearbook of International Law
OECD	Organisation for Economic Co-operation and Development
OJLS	Oxford Journal of Legal Studies
P.C.I.J.	Permanent Court of International Justice
<i>Penn State ILR</i>	Penn State International Law Review
<i>Rec. des cours</i>	Collected Courses of the Hague Academy of International Law
RBDI	Revue belge de droit international
RGDIP	Revue générale de droit international public
RQDI	Revue québécoise de droit international
<i>Santa Clara J. Int'l L</i>	Santa Clara Journal of International Law
<i>Singapore YB Int'L</i>	Singapore Yearbook of International Law
<i>Sri Lanka J. Int'l L</i>	Sri Lanka Journal of International Law
SSRN	Social Science Research Network
<i>Stanford JIL</i>	Stanford Journal of International Law
<i>Suffolk Transnat'l L. Rev.</i>	Suffolk Transnational Law Review
<i>Sw. J. Int'l L.</i>	Southwestern Journal of International Law
TDM	Transnational Dispute Management Journal
<i>Texas ILJ</i>	Texas International Law Journal

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<i>U. Cin. L. Rev</i>	University of Cincinnati Law Review
U.N.	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNTS	United Nations Treaty Series
UNRIAA	United Nations Reports of International Arbitral Awards
<i>U. Pa. J. Int’l Econ. L</i>	University of Pennsylvania International Economic Law
<i>Univ. Pennsylvania LR</i>	Univ. Pennsylvania Law Review
<i>UCLA L. Rev</i>	<i>UCLA Law Review</i>
US	United States
<i>Vand. J. Transnat’l L.</i>	Vanderbilt Journal Transnational Law
<i>Virginia JIL</i>	Virginia Journal of International Law
<i>Washington L.R.</i>	Washington Law Review
<i>W. Arb & Med Rev</i>	World Arbitration and Mediation Review
<i>Yale Human Rights & Dev.</i>	Yale Human Rights & Development Law Journal
<i>Yale JIL</i>	Yale Journal of International Law
<i>Yale LJ</i>	Yale Law Journal
<i>Yb Int’l Invest. L. & Pol.</i>	Yearbook of International Investment Law and Policy
<i>Yearbook ILC</i>	Yearbook of the International Law Commission
<i>ZaöRV</i>	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht