

## INDEX

- Abaclat*, 240  
*Abengoa*, 174, 179  
 Access, 23  
*Aconquija/Vivendi*, 122, 173, 178  
 Aguilar Alvarez, Guillermo, 56  
 Alfonsín, Raúl, 46  
 amicable settlement, 122–4, 164, 174  
 anthropology, 15–25, 33  
 Argentina  
   Aerolíneas Argentinas, 264  
   amicable settlements, 173, 176  
   Audio-Visual Communication Law, 273  
   contractual breaches, 238  
   coordination among agencies, 207  
   dispute prevention, 120, 217  
   economic crisis, 49, 83, 94, 174, 233, 241  
   economic reforms, 46  
   effects of IIAs in the Executive, 262  
   emergency measures, 234–5  
   external counsel, 189–92  
   financial effects of IIAs, 178  
   IIA compliance review, 232  
   IIAs as bargaining tools, 236, 241  
   ISDS defense, 121, 151  
   legislative debates, 46, 99, 122, 127, 134, 174, 189, 234–41, 262, 271, 273–4  
   minority shareholders, 236  
   negotiation of IIAs, 44, 46, 88, 94, 109, 150–2  
   privatisations, 46–8, 99, 212, 235–6  
   Protection of Rural Lands Law, 273  
   public officials, 118–19, 221  
   renegotiation of public contracts, 173, 235, 236, 237  
   sovereign debt renegotiation, 239  
   transparency, 211, 268  
   YPF, 266  
 Aspe, Pedro, 55  
*Azurix*, 178  
 Balbín, Carlos, 192  
 Belgium, 53  
 Brazil, 59, 187, 213  
 Bretton Woods, 83, 90  
 Burawoy, Michael, 25  
 Cairn, 243  
 Calvo Doctrine, 49, 68  
 Canada, 181  
 causality  
   social, 34  
 Cavallo, Domingo, 47, 84, 102, 150  
 central state agencies, 39, 147–8, 152, 162, 165–6, 168, 171–2  
 Centre for Trade and Investment Law, 218, 222  
 China, 9, 187  
 Civil Society, 15, 22, 26, 28, 69, 94, 141, 211, 267  
*CME/Lauder*, 53, 109, 113, 123–4, 193, 247  
 Cold War, 42, 44, 46, 70, 224  
 Cooperation and Facilitation Investment Agreement, 213  
 cross-overs, 28, 141, 187, 192, 222–6  
 Cutler, Claire, 224  
 Czech Republic  
   coordination among agencies, 206–7, 210  
   dispute prevention, 219  
   economic reforms, 51, 101

- Czech Republic (cont.)  
 external counsel, 193–6  
 IIA compliance review, 231  
 ISDS defense, 125, 132  
 legislative debates, 92, 247–53,  
 269–71  
 model BIT, 53  
 negotiation of IIAs, 43, 54, 87–8,  
 152–4  
 privatisations, 50, 53, 124, 136  
 public officials, 115–16, 221  
 renewable energy regulation, 248–50  
 transparency, 211, 268  
 Velvet Revolution, 50  
 video lottery terminals regulation,  
 250–2  
 CzechInvest, 135, 154  
 Czechoslovakia, 50, 53, 84
- democracy, 12, 40, 44, 50–1, 78, 87, 92,  
 98, 130, 137, 171, 184  
 depoliticisation, 4, 11, 74, 76, 79, 82,  
 104, 128–9, 131–3, 150  
 Discourse Analysis, 21–2, 31  
 dispute prevention, 175, 186, 203–4,  
 207, 212
- Eastern Sugar*, 193, 247  
 Echeverría, Luis, 55  
 economic crisis, 44  
 educative programmes, 40, 76, 118, 120,  
 187, 217, 225, 229  
 effects  
 formal-institutional, 8–9, 35–7  
 governance, 25–32, 35–7  
 ideological-discursive, 7–8, 35–7  
 of investment treaties, 7–9  
 epistemology, 32  
 ethnography, 15–25, 34  
 of elites, 27  
 EU, 19, 45, 86, 159  
 expropriation, 41, 67, 168, 174,  
 264–7  
 extended case method, 18  
 external counsel, 136
- federal states, 19, 169, 216, 229  
 financial effects of IIAs, 162, 177  
 foreign direct investment, 52, 86, 154,  
 263  
 France, 53  
 free transfer, 61, 63, 65, 70
- Gandhi, Indira, 57  
 GATT, 55, 263  
 gender, 34  
 General Attorney's Office, 119, 121–2,  
 151–2, 158, 176, 189–90, 192, 208,  
 217, 221, 232, 268  
 Germany, 53  
 Global South, 18, 84, 112, 277  
 good governance  
 importance, 45  
 rationale, 3–5  
 governance sites, 26  
 Guglielmino, Osvaldo, 95, 189, 211
- Havel, Václav, 46  
*Houston*, 163, 173  
 human rights, 12, 269, 272, 274  
 hypothesis, 14–15
- ICSID, 53, 62, 70, 94, 122, 128–9, 163,  
 178, 192, 212, 234–5, 237–8, 240,  
 264, 268, 273–4  
 ideology, critique of, 38, 63, 105  
 IIAs as  
 articles of faith, 8, 75, 81, 83, 93, 103,  
 129  
 benign instruments, 75, 98, 100,  
 102–3  
 investors' bargaining chips, 122  
 learning experience, 109, 120  
 necessary lesser evil, 8, 38, 75, 87,  
 92–3, 96–7, 102–3, 129, 211  
 positive cultivating force, 76, 112,  
 129  
 source of foreign money, 83  
 symbolic tokens, 76, 101, 104, 129  
 undesirable constraints, 109
- India  
 Centre for Trade and Investment  
 Law, 199  
 Centre-State Investment Agreement,  
 180  
 coordination among agencies, 208

- dispute prevention, 173, 219  
 economic crisis, 58  
 economic reforms, 58, 84, 91, 101  
 external adjustment, 110  
 external counsel, 196–9  
 IIA compliance review, 232  
 legislative debates, 108, 242, 245–6,  
 262–4  
 model BIT, 96, 110, 161, 179, 218,  
 244  
 negotiation of IIAs, 43, 60, 154–6  
 public officials, 222  
 taxation disputes, 241–6  
 informal practices, 14, 32, 139, 141–2,  
 145, 148, 182, 202, 204, 216, 219,  
 225  
 internalisation  
   of International Law, 6–7  
   rearrangements by, 7, 148, 150–7  
   through external adjustment, 7  
   through internak accomodation, 7  
 International Monetary Fund, 47–8, 51,  
 54, 58, 84, 112, 233  
 international responsibility, 169, 275  
 international trade law, 56, 65, 187, 261  
 interviews, 20, 24, 32  
 Invest India, 218  
 investment treaties' rationales, 3–5  
 ISDS reform, 10, 112  
 Italy, 48, 53  
  
 Japan, 52  
 Jessop, Bob, 144, 205  
  
 Klaus, Václav, 46, 51, 93  
  
 Law Commission of India, 110, 161  
 LG&E, 235  
 liberalisation, 47, 50, 52, 54, 58, 63, 65,  
 101, 103, 234, 261–2  
 local governments, 133–4, 164  
 López Obrador, Andrés Manuel, 256  
  
 Macri, Mauricio, 110, 152, 192  
 Marcus, George E., 26  
 Marks, Susan, 77  
 media, 15, 28, 69, 72, 90, 94, 125, 196  
 Menem, Carlos, 47, 83, 233  
  
 MERCOSUR, 213  
*Metalclad*, 174, 179, 274  
 methodology, 17–25  
 methods, 20  
 Mexico  
   coordination among agencies, 208–9  
   dispute prevention, 216  
   education campaigns, 176  
   energy reform, 256–8  
   external counsel, 114, 199–202  
   financial effects of IIAs, 179  
   fructose disputes, 256  
   IIA compliance review, 232  
   legislative debates, 67, 255, 267  
   local governments, 57, 174  
   negotiation of IIAs, 44, 85–6, 89,  
   156–7  
   privatisations, 55  
   public officials, 117, 222  
   Supreme Court of Justice, 179, 255,  
   267  
   Victims General Act, 274  
 multi-sitedness, 25  
  
 NAFTA, 19, 55–6, 69, 71, 85, 89, 92,  
 156, 183, 254, 266  
 narrativisation, 30–2, 38, 76, 78  
 negotiation of IIAs, 149  
 neoliberalism, 10–11, 83  
 non-discrimination, 100, 239, 261–4  
  
 OECD, 51, 159, 213  
 Organization of American States, 27,  
 215  
  
 participant observation, 23  
 Partido de la Revolución Democrática,  
 67  
 Partido Revolucionario Institucional,  
 107  
 perceptions, 14  
 performativity, 30  
 Peronism, 46, 83  
 Perrone, Nicolás, 165, 204  
 positionality, 33  
 positivism  
   in social sciences, 33–4  
 Poulsen, Lauge Skovgaard, 63, 92

- privatisations, 51, 54, 166, 188, 212  
 protection by local legislation, 45, 64
- Ranjan, Prabhash, 91  
 Rao, P. V. Narasimha, 58  
 reactivity, 32  
 reflexivity, 33  
 regulatory chill, 9–10, 14, 140, 227, 229,  
 253, 258, 260, 262, 270, 275  
*Repsol*, 266  
 Rosatti, Horacio, 189  
 Rule of Law, 1, 3–5, 11–12, 40, 45, 82,  
 100, 103, 128, 137, 187, 203–4, 211
- Salinas de Gortari, Carlos, 54, 156  
*Saluka*, 52–3, 123, 135  
 Sattorova, Mavluda, 13–14, 16, 203, 273  
*Saur*, 176  
 Sepúlveda Amor, Bernardo, 68  
 Serra, Jaime, 56  
 Shaffer, Gregory, 25, 187  
 Shekhar Singh, Chandra, 58  
 Singh, Manmohan, 58  
 Šnábl, Radek, 1–2, 123, 193, 199, 223, 252  
 Socio-Legal Studies, 16–25, 28, 33  
 South Korea, 213  
 Spain, 48, 68  
 spillover thesis, 5, 9, 11–14, 17, 74,  
 113–14, 133, 140, 182, 227–8, 258,  
 267, 275
- stability, 64, 106  
 Sweden, 53, 84  
 Switzerland, 53, 68
- Teinver*, 264  
 Thompson, John B., 77
- UK, 53, 89, 156  
 UNCITRAL, 10, 18, 112,  
 161, 210  
 UNCTAD, 25, 214  
 Unión Cívica Radical, 238  
 unitary states, 19, 166, 170, 182  
 united states, 45, 47, 85, 130
- Valenta, Ivo, 2, 251  
 Vodafone, 243
- Washington Consensus, 44, 47, 70, 91,  
 104  
*Waste Management*, 209  
*White Industries*, 60, 108, 110, 196, 241,  
 264  
 workshop, 23  
 World Bank, 47–8, 52, 83–4, 90, 112,  
 128–9, 212, 214  
 WTO, 56, 59, 62, 213, 216,  
 254–5, 258
- Zedillo, Ernesto, 57