

Cambridge University Press & Assessment 978-1-316-51279-1 — National Governance and Investment Treaties Josef Ostřanský, Facundo Pérez Aznar Table of Contents More Information

## CONTENTS

	A =1	······································	
		knowledgements xviii t of Abbreviations xx	
1	Na	tional Governance and Investment Treaties 1	
	Intr	oduction 1	
	1.1	The Argument in a Nutshell Investment: Investment Treaties between Constraint and Empowerment 3	
	1.2	Investigating Investment Treaties' Governance Effects: Situating the Discussion 11	
	1.3	Comparative Extended Case Studies: Methodology 17	
	1.4	Understanding Investment Treaties' Governance Effects: A Conceptual Framework 25	
	1.5	A Few Remarks on Epistemology 32	
	1.6	A Typology of IIAs' Impact: Ideological-Discursive and Formal-Institutional 35	
	1.7	Chapter Outline 37	
2	Situ	uating the Engagements with the Investment Treaty Regime	
	in Argentina, the Czech Republic, India, and Mexico 42		
	Intr	oduction 42	
	2.1	The Political and Economic Climate during the First IIA Negotiations 43	
	2.2	Political and Public Debate at the Time of Conclusion of the First IIAs 60	
	Con	clusion 70	
	PA	RT I Discursive and Ideological Effects of Investment Treaties on National Governance	
3	Na	rratives of Progress and Economic Development 81	
	3.1	IIAs as Articles of Faith: IIAs as a Tool for Economic Development 81	
	3.2	Emergence of the Narrative: 'Getting Foreign Money' 83	



Cambridge University Press & Assessment 978-1-316-51279-1 — National Governance and Investment Treaties Josef Ostřanský, Facundo Pérez Aznar Table of Contents More Information

xvi		CONTENTS
		3.3 Persistence of the Narrative: Investment Protection and Trade Liberalisation Link in Mexico 85
		3.4 Three Variations on the Theme of Progressive Economic Development Natural, Necessary, and Benign Character of IIAs 87
		3.5 Cultural Aspects of IIAs: Symbolic Tokens of Political Affinity Conclusion 103
	4	Narratives of Education and Constraint: IIAs as Discipline and Pedagogy 105
		4.1 Learning Good Governance through Constraint 106
		4.2 IIAs as Investors' Bargaining Chips 122
		4.3 IIAs and Reputational Concerns: 'Never Be an Easy Target' 124
		4.4 IIAs and the End of Politics? Realising the Ordoliberal Utopia 128
		Concluding Snapshots of the Reach of IIA Narratives within National Governance 134
		PART II Formal and Informal Institutional Effects of Investment Treaties on National Governance
	5	The State's Institutional Rearrangements and International
		Investment Agreements 147
		5.1 Relations between the Central State Agencies: The Horizontal Axis 147
		5.2 Relations between the Central and Local State Agencies: The Vertical Axis 165
		Conclusion 183
	6	Defending the State in ISDS and Preventing Disputes 186
		6.1 Constraint and Empowerment through Investment Disputes 186
		6.2 Defending the State in ISDS 188
		6.3 ISDS Coordination among State Agencies: Governance Practices between Formality and Informality 202
		6.4 Dispute Prevention and Training Initiatives 212
		6.5 The Blurring of the Public–Private Divide through ISDS Defence and Professional Crossovers 222
		Conclusion 225
	7	International Investment Agreements and National
		Lawmaking (Part 1): Four Country Snapshots 227
		Introduction 227
		7.1 Parameters of IIA Compliance Review Mechanisms 229
		7.2 The IIA Argument in Lawmaking in Four Country Snapshots 233



Cambridge University Press & Assessment 978-1-316-51279-1 — National Governance and Investment Treaties Josef Ostřanský, Facundo Pérez Aznar Table of Contents More Information

CONTENTS xvii

- 8 International Investment Agreements and National Lawmaking (Part 2): Multifaceted Uses of IIA Arguments in Lawmaking 260
  - 8.1 IIAs and National Lawmaking beyond Country Snapshots 260
  - 8.2 Cross-Cutting Uses of IIA Arguments in Lawmaking 261
  - 8.3 Peculiar Uses of IIA Arguments in Lawmaking 272

Conclusion: Beyond Good Governance Reform and Regulatory Chill 275

Conclusion: Empowering Stability and Constraining Transition? 279

Index 287