This book explores the potential of the current investor–state dispute settlement (ISDS) mechanism to materialise the responsibility of foreign investors through the states’ counterclaims and defences at the jurisdictional, merits, and quantum phases. In doing so, it seeks to incorporate the recent developments of ISDS in both international and domestic laws of certain jurisdictions on corporate responsibility, including the parent company’s due diligence and legal effects of corporations’ voluntary commitments. The book also reflects the interests and perspectives of the victims who suffered loss and injury due to investors’ conduct. The author demonstrates that the current system does have the inherent potential to advance responsible investment, even though reforms are needed to overcome its limitations. Fully utilising this potential to reflect investor responsibility in the international investment agreement–based dispute settlement mechanisms will help to develop practices based on greater due diligence and responsible business conduct.

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CORPORATE ENVIRONMENTAL RESPONSIBILITY IN INVESTOR–STATE DISPUTE SETTLEMENT

The Unexhausted Potential of Current Mechanisms

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Nagoya University
Cambridge University Press & Assessment
978-1-316-51397-2 — Corporate Environmental Responsibility in Investor-State Dispute Settlement: The Unexhausted Potential of Current Mechanisms
Tomoko Ishikawa
Frontmatter

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www.cambridge.org
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ACKNOWLEDGEMENTS

My appreciation goes to many people for their support with this book project. First and foremost, I would like to thank Yarik Kryvoi, Elizabeth Whitsitt, Ondřej Svoboda, Rajesh Sharma, and Geraldine Rebeca Fischer for their invaluable comments and suggestions on chapters of and issues discussed in the manuscript. I thank the anonymous reviewers who provided immensely helpful advice on the book proposal and the first draft of several chapters. Valuable research assistance came from Arjun Solanki, Hotaru Tokunaga, Abhay B. Bhandari, Li Yingru, Abdoul Koanda, and Marie N’Guessan. Responsibility remains solely with the author. I also thank the editorial team at Cambridge University Press, especially Joe Ng and Gemma Smith, for their support and guidance. This project was funded by the Japan Society for the Promotion of Science (grant number 18K01275), without which the production of the book would not have been possible.

In-class discussions with my students, who shared stories and experiences concerning transnational corporations’ activities in their home countries including Nigeria, Côte d’Ivoire, Burkina Faso, Mozambique, Mongolia, and Sri Lanka, were a great source of inspiration. Some arguments of this book were shared and tested in conferences and a study group meeting, and I thank Wang Guiguo, CIarb YMG, and Professor Takashi Uchida (who was my supervisor for Japanese civil law at Tokyo University) for giving me these opportunities in spite of the disruptions caused by the pandemic.

Stone walls do not a prison make, as Lovelace said, and I am indebted to friends in many parts of the world for reminding me of this and for their encouragement and support. Among them, Miriam Embury in England for helping me keep in good spirits during the more trying times of the pandemic. Lastly, I thank my loving family for their encouragement and a constant reminder of what is important in life (Naoki Ishikawa), continued belief in me (Coe), understanding for the reduction in movie nights (Kan), and making me smile (all).
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