

CONTENTS

<i>Foreword</i>	ix
Rosalyn Higgins	
<i>Preface</i>	xv
Todd Weiler, Freya Baetens	

PART ONE

WHERE PUBLIC MEETS PRIVATE

<i>Introduction</i>	3
Emmanuel Gaillard	
<i>Human Rights & Investment Tribunals Jurisprudence Along the Private/Public Divide</i>	5
Moshe Hirsch	
<i>Public or Private Dispute Settlement? The Culture Clash in Investment Treaty Arbitration and its Impact on the Role of the Arbitrator</i>	23
Stephan W. Schill	
<i>The Transnational Law of Contracts: What it Can and What it Cannot Achieve</i>	45
Giuditta Cordero-Moss	
<i>Codification of the New Lex Mercatoria through the Internet: The TransLex Principles at www.trans-lex.org</i>	79
Klaus Peter Berger	
<i>Thinking about BITs and BIT Arbitration: The Legitimacy Crisis that Never Was</i>	107
Devashish Krishan	

PART TWO

FIELD-SPECIFIC APPLICATIONS

<i>Introduction Memories of Thomas Wälde</i>	153
Detlev F. Vagts	
<i>Arbitration to Settle Private War-Damage Claims? The Eritrea-Ethiopia Claims Commission Revisited</i>	155
Hans van Houtte	
<i>Foreign Direct Investment for Development: The United Nations Code of Conduct and the Search for Balance in International Investment Rules</i>	179
Karl P. Sauvant	
<i>Negotiated Settlement of Public Infrastructure Disputes</i>	199
Mark Kantor	
<i>International Corporate Social Responsibility and International Law</i> ...	223
Peter Muchlinski	
<i>The Legal Landscape of International Energy Investment After the 2008 Global Financial Crisis</i>	245
Robert Pritchard	
<i>Investor-State Mediation: Reflections on its Feasibility from a Process Perspective</i>	275
Ximena Bustamante	

PART THREE

INTERNATIONAL ECONOMIC LAW IN A WIDER CONTEXT

<i>Introduction</i>	305
R. Daniel Vock	
<i>International Investment Law Regime and the Rule of Law as a Pre-condition for International Development</i>	309
Nicholas J. Birch, Borzu Sabahi, Ian Laird	

<i>An Historical Analysis of the Function of the Minimum Standard of Treatment in International Investment Law</i>	335
Todd Weiler	
<i>States, Sanctions and Soft Law: An Analysis of Differing Approaches to Business and Human Rights Frameworks</i>	383
Stéphane Brabant, Anna Kirk and Jonathan Proust	
<i>Positivism, New Haven Jurisprudence, and the Fragmentation of International Law</i>	411
Tai-Heng Cheng	
<i>Beyond Fragmentation</i>	439
Andrea K. Bjorklund and Sophie Nappert	

APPENDICES: TRANSCRIPTS MEMORIAL SYMPOSIUM FOR
PROFESSOR THOMAS WÄLDE

Appendix A: Part I	483
<i>Roundtable on Cross-Cutting Issues on Energy & Natural Resources and Development—Part 1</i>	
Moderators: Arif Ali and Timothy McCrum	
Contributors: William Fox, Elizabeth Bastida, Ibibia Worika, Christian Pielow, Andrey Konoplyanik, Borzu Sabahi, Graham Coop	
Appendix A: Part II	495
<i>Roundtable on Cross-Cutting Issues on Energy & Natural Resources and Development (continued)</i>	
Moderators: Arif Ali and Timothy McCrum	
Contributors: William Fox, Elizabeth Bastida, Ibibia Worika, Christian Pielow, Andrey Konoplyanik, Borzu Sabahi, Graham Coop	
Appendix B: <i>Special Presentation on Foreign Investment and the Work of the UN’s Special Representative on Business & Human Rights</i>	513
Moderator: Stéphane Brabant	
Contributors: Peter Muchlinski, Lorenzo Cotula, Andrea Shemberg	
Appendix C: <i>Roundtable: What does the Future Hold for International Arbitration?</i>	526
Moderator: Tim Nelson	
Contributors: Hew Dundas, Bart Legum, Mark Feldman, Sophie Nappert	

Appendix D: <i>Reflections upon the Idea of International Judicial Review</i>	542
Moderator: Robert Voltera	
Contributors: Stephan Schill, Ian Laird, Todd Weiler, Klaus Reichert	
Appendix E: <i>Roundtable on the Question of Convergence in International Law</i>	557
Moderator: Kaj Hober	
Contributors: Federico Ortino, Melaku Desta, Tai-Heng Cheng and Mark Kantor	
Appendix F: <i>Closing Remarks</i>	574
Philip Andrews-Speed	
Index	577