YEARBOOK ON INTERNATIONAL INVESTMENT LAW & POLICY 2013–2014

EDITED BY
Andrea K. Bjorklund

OXFORD UNIVERSITY PRESS
# TABLE OF CONTENTS

*Submission Policy*  xxv  
*Contributors*  xxvii  
*Foreword by Louis T. Wells*  xxxiii  
*Preface by the Editorial Committee*  xxxvii  

## PART ONE

   Michael V. Gestrin  
   Lise Johnson and Lisa Sachs  
   Ian A. Laird, Borzu Sabahi, Frédéric G. Sourgens, Nicholas J. Birch, Kabir Duggal, and Joanna Coyne  

## PART TWO

*British Institute of International and Comparative Law*  
*Introduction*  155  
N. Jansen Calamita
Table of Contents

4. The Principle of Proportionality and the Problem of Indeterminacy in International Investment Treaties 157
   N. Jansen Calamita

5. Proportionality, Reasonableness, and Standards of Review in Investment Treaty Arbitration 201
   Valentina Vadi

6. Role of Investors' Legitimate Expectations in Defense of Investment Treaty Claims 229
   Claudia Annacker

PART THREE

General Articles

   Jürgen Kurtz

8. Jurisprudential Interaction between ICSID Tribunals and the International Court of Justice 305
   Jure Zrilić

9. The Migration of Constitutional Ideas: The Strange Case of Proportionality in International Investment Law and Arbitration 337
   Valentina Vadi

10. Inconsistency in Investor-State Awards and the Role of State Interpretations: The Example of the Mexican Sweetener Trio of Cases under NAFTA 361
    Céline Lévesque

11. States Strike Back—Old and New Ways for Host States to Defend against Investment Arbitrations 401
    Lars Markert and Catharine Titi

12. Revisiting the Countermeasures Defense in Investor-State Disputes: Approach and Analogies 437
    Preeti Bhagnani

13. The Political Economy of Crises and the International Law of Necessity after the Great Recession 473
    Alberto Alvarez-Jimenez
   Maninder Malli

15. Do Investment Promotion Agencies Promote Bilateral Investment Treaties?  529
   Jason Yackee

16. The Trend toward Open Contracting: Applicability and Implications for International Investment Agreements  553
   Lindsey Marchessault and Michael Jarvis

17. New Regulations on Foreign Acquisitions of Land in Brazil and Argentina  569
   Martin Delaroche

PART FOUR

Special Section: Winning Memorials from the 2013 Foreign Direct Investment International Moot Competition (FDI Moot)

18. Winning Claimant Memorial: National Law University, Delhi  621

19. Winning Respondent Memorial: University of Buenos Aires  655