Judging the State in International Trade and Investment Law

Sovereignty Modern, the Law and the Economics

Leïla Choukroune
Editor

Springer
Contents

1 Introduction: Judging the State in International Trade and Investment Law – Why, How and What for? ..................... 1
Leïla Choukroune

Part I International Trade: The WTO and Beyond

2 Judging the Judges or Judging the Members?: Pathways and Pitfalls in the Appellate Body Appointment Process ........ 11
Arthur E. Appleton

3 WTO, State and Legal Capacity Building: An Indian Narrative ................................................................. 33
James J. Nedumpara

4 States’ Regulatory Autonomy to Protect Societal Values by Legitimate Regulatory Distinctions: Finding the Balance in the WTO Agreement on Technical Barriers to Trade Through Adjudication ............................................................ 53
Denise Prévost

Part II Investment Litigation at a Crossroad

5 Investor-State Arbitration Distorted: When the Claimant Is a State ................................................................. 77
Julien Chaisse and Dini Sejko

6 Claims and Counterclaims Under Asian Multilateral Investment Treaties ....................................................... 105
Trisha Mitra and Rahul Donde

7 Determination of Indirect Expropriation and Doctrine of Police Power in International Investment Law: A Critical Appraisal ...... 127
Prabhash Ranjan and Pushkar Anand
Part III  International Law’s Local Experiments and Global Challenges

8  Role of Indian Judiciary in the Realm of International Trade and Investment Law ........................................ 155
  Amal K. Ganguli

9  Human Rights in International Investment Disputes: Global Litigation as International Law Re-Unifier ................. 179
  Leïla Choukroune

Part IV  Conclusion

10 Sovereignty Modern ................................................................. 219
    Leïla Choukroune