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The Origins of International Investment Law

International investment law is a complex and dynamic field. Yet, the implications of its history are under-explored. Kate Miles examines the historical evolution of international investment law, assessing its origins in the commercial and political expansionism of dominant states during the seventeenth to early twentieth centuries and the continued resonance of those origins within modern foreign investment protection law. In particular, her exploration of the activities of the Dutch East India Company, Grotius' treatises, and pre-World War II international investment disputes provides insight into current controversies surrounding the interplay of public and private interests, the systemic design of investor-state arbitration, the substantive focus of principles, and the treatment of environmental issues within international investment law. In adopting such an approach, this book provides a fresh conceptual framework through which contemporary issues can be examined and creates new understandings of those controversies.

Kate Miles is a Fellow and College Lecturer in Law at Gonville and Caius College, Cambridge. She currently serves on the International Law Association's New Study Group on the Role of Soft Law Instruments in International Investment Law. She is also a Research Fellow of the Centre for International Sustainable Development Law, Montreal, and co-ordinates the International Investment Law Network for the Society of International Economic Law.

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List of abbreviations

BHP	Broken Hill Proprietary Co.
BIAC	Business and Industry Advisory Committee
BIT	Bilateral investment treaty
CDSE	Compañía del Desarrollo de Santa Elena
CERDS	Charter of Economic Rights and Duties of States
CERES	Coalition for Environmentally Responsible Economies
CISDL	Centre for International Sustainable Development Law
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CSR	Corporate social responsibility
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EHRR	European Human Rights Reports
EPFIs	Equator Principles Financial Institutions
FIELD	Foundation for International Environmental Law and Development
FOE	Friends of the Earth
GA	United Nations General Assembly
GAOR	United Nations General Assembly Official Records
GATT	General Agreement on Tariffs and Trade
ICC	International Chamber of Commerce
ICJ	International Court of Justice
ICJ Rep.	International Court of Justice Reports
ICSID	International Centre for the Settlement of Investment Disputes
ICSID Rep.	International Centre for the Settlement of Investment Disputes Reports

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IFC	International Finance Corporation
IISD	International Institute for Sustainable Development
ILM	International Legal Materials
ILR	International Law Reports
IMF	International Monetary Fund
MAI	Draft Multilateral Agreement on Investment
MMT	Methylcyclopentadienyl manganese tricarbonyl
MTBE	Methyl tertiary butyl ether
NAFTA	North American Free Trade Agreement
NGOs	Non-governmental organisations
NIEO	New International Economic Order
NIEO Declaration	Declaration of the Establishment of a New International Economic Order
OECD	Organisation for Economic Cooperation and Development
PCBs	Polychlorinated biphenyl
RIAA	Reports of International Arbitral Awards
SEA	Social and Environmental Assessment
SEIC	Sakhalin Energy Investment Company
SRII	Socially responsible institutional investment
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNCITRAL	United Nations Commission on International Trade Law
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UN Norms	United Nations Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
UNPRI	United Nations Principles for Responsible Investment
UNTS	United Nations Treaty Series
VOC	Verenigde Oostindische Compagnie; Dutch East India Company
WTO	World Trade Organisation

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- Convention for the Protection of the World Cultural and Natural Heritage, opened for signature 16 November 1972, (1972) 11 ILM 1358 (entered into force 17 December 1975).
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