



VALE COLUMBIA CENTER
ON SUSTAINABLE INTERNATIONAL INVESTMENT
A JOINT CENTER OF COLUMBIA LAW SCHOOL AND
THE EARTH INSTITUTE AT COLUMBIA UNIVERSITY

Call for Papers

Sustainable Development and International Investment Law: Bridging the Divide

We have seen a significant increase over the past decade in the number of investment treaties and treaty-based disputes, each contributing to the vast and evolving international investment regime, and each with important implications for sustainable development.

The proliferation of treaties stems from host states wanting to attract foreign investment and all of its potential associated benefits for development (i.e. job creation, broader tax base, improvement in infrastructure, technology and skill transfer etc.); the assumption has been that the investor protections afforded in these treaties will facilitate the flow of investment and the associated benefits. However, the rapid growth in the number of treaty-based claims filed by investors reflects investors' increased willingness to safeguard their investments from any adverse state conduct. In addition to cases based on states' wrongful conduct, a wide variety of domestic measures relevant to sustainable development, such as legitimate fiscal and industrial policy, environmental protection, and access to essential services, have also been challenged under the agreements. Such claims by investors, whether successful or not, can cause a state to think twice before adopting legitimate regulations, suggesting that treaties may in fact impede states' policy space to promote sustainable development domestically. Investment treaties, therefore, can be seen to represent both a tool and a challenge for sustainable development.

The Vale Columbia Center on Sustainable International Investment (VCC) is issuing this call for papers to explore how to “bridge the divide” between achieving necessary protections of foreign investors while promoting the sustainable development of the host state. In this regard, the call for papers aims to foster analysis and ongoing discussion on ways in which sustainable development norms (broadly defined) can and/or do manifest themselves in international investment law. Topics that might be addressed by submissions include:

- An assessment of the investment treaty standards in relation to sustainable development
- The application of international law generally to investment disputes, and its implications for sustainable development
- Different approaches to investment treaty drafting to accommodate and further sustainable development

- Treaty interpretation techniques which encourage integration of norms related to sustainable development (including, but not limited to Article 31(3) of the Vienna Convention on the Law of Treaties)
- Standards of review in investment law
- A comparative analysis of investment law with other legal regimes that face similar issues relating to sustainable development (e.g. trade, human rights)
- The application of stabilization clauses in investment law
- Approaches to determining jurisdiction and admissibility of claims as they relate to the sustainable development
- Legal mechanisms for creating more sustainable partnerships between foreign investors and host states

Submissions are also welcomed on other topics not addressed above, but that otherwise relate to the theme of the call for papers.

Papers submitted will be considered for publication in the *Yearbook on International Investment Law & Policy*. Those interested in making a submission should submit an abstract no longer than 500 words. Finished papers and drafts are also welcome.

Abstracts should be emailed to Rahim Moloo, Senior Research Fellow, VCC (rahim.moloo@nyu.edu), and Lise Johnson, Lead Investment Law & Policy Researcher, VCC (lisejjohnson@gmail.com) by August 15, 2012. Finished papers will be due by October 31, 2012.