

Table of Contents

ENDORSEMENT	i
APPROVAL	ii
STATEMENT OF ANTI-PLAGIARISM	iii
Table of Contents	iv
PREFACE	vii
ABSTRACT	ix
<i>INTISARI</i>	x
CHAPTER I	1
A. Background	1
B. Research Question	7
C. Research Objective	7
D. Research Benefit	8
E. Originality of Research	9
CHAPTER II	16
A. Environmental Protection Principles	16
a. Sovereignty over Natural Resources and the Responsibility Not to Cause Damage to the Environment of Other States or to Areas Beyond National Jurisdiction	17
b. Preventive Principle	18
c. Principle of Co-operation	20
d. Precautionary Principle	22
e. Principle of Sustainable Development	23
f. Polluter-pays Principle	26
g. Principle of Common but Differentiated Responsibility	27
B. Investor-State Dispute Settlement	29
a. International Centre for Settlement of Investment Dispute (ICSID)	30
C. Treaty Interpretation	35
D. Arbitral Tribunal Approaches to Public Policy Issues in ISDS	36
a. Sole Effect Doctrine	37
b. Substantial Deprivation Standard	37
c. Appropriation Approach	38
d. Police Powers Doctrine	38



E.	Intersection of International Investment and Environmental Protection	39
CHAPTER III	43
A.	Type of Legal Research	43
B.	Type of Data	44
a.	Primary Source	44
b.	Secondary Source	45
c.	Tertiary Source	46
C.	Data Collection Method	46
D.	Data Analysis / Analytical Approach	47
CHAPTER IV	49
A.	Environmental Protection under the ICSID Convention	49
a.	Environmental Protection through Treaty Interpretation of the ICSID Convention	50
b.	Worlds Apart: ICSID Convention as Procedural Treaty and Environmental Protection Principles.....	54
c.	Incorporation of Environmental Protection through Procedural Mechanisms	55
i.	Constitution of conciliator and arbitrator	55
ii.	Applicable law	57
iii.	Counterclaims	60
d.	Conclusion	62
B.	Environmental Protection Principles in <i>Rockhopper v Italy</i>	63
a.	Background of the Case	63
b.	The Proceedings in <i>Rockhopper</i>	68
c.	The Analysis of the Discussion of Environmental Protection Principles in the Final Award and Separate Opinion	68
C.	Environmental Protection Principles in <i>Perenco v Ecuador</i>	76
a.	Background of the Environmental Counterclaims.....	76
b.	Background of the Investment Dispute	78
c.	The Proceedings in <i>Perenco</i>	80
d.	The Analysis of the Discussion of Environmental Protection Principles in the Interim Decision of Environmental Counterclaims.....	81
D.	Comparison Outcome: <i>Rockhopper</i> and <i>Perenco</i>	90
a.	Principles Engaged by the Tribunals	91
b.	Harm	94
c.	Applicable laws	95
d.	Counterclaims	97
e.	Experts Involved.....	98