Acknowledgments

In May 2013, during my appointment as a Marie Curie Post-doctoral Fellow at Maastricht University in the Netherlands, I was invited to present a paper on proportionality analysis in international investment law and arbitration at the British Institute for International and Comparative Law (BIICL), in London. In preparing my presentation, I soon realized that there seemed to be an almost unchallenged consensus as to the pros of using proportionality analysis in international investment law and arbitration. I started wondering whether the use of such concept – of domestic origin, but having successfully migrated to several domestic, regional and international regimes – could be woven into international investment law and arbitration, and/or whether there could be alternatives. Without questioning the benefits of proportionality analysis in various fields of law, I wondered whether, in addition to certain merits, such methodology also presented pitfalls, and whether alternative methodologies were available.

In September 2013, I moved to New York City as I was awarded an Emile Noël Postdoctoral fellowship at the Jean Monnet Center for International and Regional Economic Law, New York University (NYU). The intense interdisciplinary environment of the Center fueled my interest in the topic. I started investigating the application of the concept of proportionality in various areas of international and regional economic law. If proportionality was successful in a number of legal fields, could it also be successful in international investment law and arbitration? In the migration of constitutional ideas from one field to another, context matters, and what can be successful in one field, may not be as successful in another.

At Lancaster University, where I am currently a Professor of International Economic Law, I developed the idea of writing a book on the use of proportionality, reasonableness and standards of review in international investment law and arbitration. While a number of books have focused on the use of proportionality in various fields of law, none of them has included reasonableness as a possible alternative; moreover – to date – the linkage between proportionality and/or reasonableness, on the one hand, and standards of review, on the other, has not been addressed.
in full. Far from having a mere theoretical relevance, the migration of constitutional ideas from the domestic realm to the international one can have a profound impact on the field. Therefore, such migration deserves to be investigated for both its theoretical and practical implications. This book seeks to address the question as to whether proportionality, reasonableness and standards of review can improve the quality of legal reasoning, thus helping to solve the alleged ‘legitimacy crisis’ of the field, and aiding in the development of international investment law in conformity with public international law.

This book is part of a tetralogy of literary works dedicated to the interplay between international investment law and other fields of law, such as public health law (V. Vadi, Public Health in International Investment Law and Arbitration (Routledge 2012)), cultural heritage law (V. Vadi, Cultural Heritage in International Investment Law and Arbitration (CUP 2014)) and comparative law (V. Vadi, Analogies in International Investment Law and Arbitration (CUP 2016)). It focuses on some aspects of the interplay between constitutional law and international law. In particular, it explores the migration of constitutional ideas – such as proportionality, reasonableness and standards of review – to international investment law and arbitration. While these books can be read together in order to gather some complementary views of the complex mosaic of international investment governance, each one can also be read separately, having its own aims and objectives.

Scientific Evidence in WTO Law and International Investment Arbitration: Converging Parallels?, in L. Gruszczynski and W. Werner (eds), *Deference in International Courts and Tribunals* (OUP 2014) 152–72. While the book relies on these earlier works, its sheer length makes it a better format for a sustained exploration of the subject.

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