

Notes

- 1 Canadian Centre for Policy Alternatives (2015) *NAFTA Chapter 11 Investor-State Disputes*. Available at : https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/01/NAFTA_Chapter11_Investor_State_Disputes_2015.pdf Two new disputes were made public since the publication of this report.
- 2 Data retrieved from the following UNCTAD website in June 2016: <http://investmentpolicyhub.unctad.org/ISDS/FilterByCountry>
- 3 The consolidated version of all chapters, annexes and declarations of the Comprehensive Economic and Trade Agreement (CETA) is available here: http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf
- 4 Quoted in Eric Frei « Schiedsrechtsexperte : TTIP-Gerichtshof würde wenig ändern », *Der Standard*, 2nd November 2015, <http://derstandard.at/2000024886097/TTIP-Gerichtshof-wuerde-wenig-aendern>, translation : Pia Eberhardt
- 5 European Commission internal report about a meeting with Chevron on ISDS in TTIP, dated 29th April 2014. Obtained through an access to documents requests via the EU's information disclosure regulation. On file with CEO.
- 6 Quoted in Kenn, Kip (2013): Landmark Canada/ EU trade agreement could have major implications for miners, Mineweb, 23 October.
- 7 Corporate Europe Observatory/Transnational Institute (2012): Profiting from Injustice. How law firms, arbitrators and financiers are fuelling an investment arbitration boom, chapter 4; van Harten, Gus 2012: Arbitrator Behaviour in Asymmetrical Adjudication: An Empirical Study of Investment Treaty Arbitration, *Osgoode Hall Law Journal* 50:1, 211-268.
- 8 UNCTAD (2016) *Investment Dispute Settlement Navigator* Available on <http://investmentpolicyhub.unctad.org/ISDS?status=1000> (consulted on 21st May 2016)
- 9 Tienhaara, Kyla (2010): Regulatory Chill and the Threat of Arbitration. A View from Political Science.
- 10 Quoted in Greider, William (2001): The Right and US Trade Law. Invalidating the 20th Century, *The Nation*, 17 November.
- 11 IIAPP 2011: SD Myers v Canada (NAFTA Chapter 11).
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- 13 Corporate Europe Observatory/Council of Canadians/Transnational Institute (2013): The right to say no. EU-Canada trade agreement threatens fracking bans.
- 14 CCPA, CEO, Friends of the Earth Europe, German NGO Forum on Environment and Development, TNI (2016) *Investment Court System put to the test. New EU proposal will perpetuate investors' attack on health and environment* Available on : <http://corporateeurope.org/international-trade/2016/04/eu-investment-proposal-won-t-prevent-corporate-attacks-health>
- 15 <http://globalarbitrationreview.com/news/article/34783/nafta-panel-admits-amicus-briefs-pharma-case/>
- 16 Trew, Stuart (2013): Eli Lilly's NAFTA lawsuit should prompt rethink of investor 'rights' deals, 30 August.
- 17 Canadian Centre for Policy Alternatives (2015) *NAFTA Chapter 11 Investor-State Disputes*. Available at : https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/01/NAFTA_Chapter11_Investor_State_Disputes_2015.pdf Two new disputes were made public since the publication of this report.
- 18 See note 16.
- 19 UNCTAD (2016) *Investment Dispute Settlement Navigator* Available on <http://investmentpolicyhub.unctad.org/ISDS?status=1000> (consulted on 21st May 2016)
- 20 UNCTAD (2016) *Investment Dispute Settlement Navigator* Available on <http://investmentpolicyhub.unctad.org/ISDS?status=1000> (consulted on 21st May 2016)
- 21 All conversions in this paper are based on a conversion rate of July 2016 (1€ = US\$1.109).
- 22 PowerShift/TNI/SOMO, "The German Nuclear Phase-Out Put to the Test in International Investment Arbitration? Background to the new dispute Vattenfall v. Germany (II)", 2013, p. 3, <http://power-shift.de/wordpress/wp-content/uploads/2012/06/TNI-PowerShift-Somo-Paper-Vattenfall-ICSID-case-updated-2013.pdf>
- 23 IISD, "The State of Play in Vattenfall v. Germany II: Leaving the German public in the dark", 2014, <http://www.iisd.org/sites/default/files/publications/state-of-play-vattenfall-vs-germany-ii-leaving-german-public-dark-en.pdf>
- 24 CCPA, CEO, Friends of the Earth Europe, German NGO Forum on Environment and Development, TNI (2016) *Investment Court System put to the test. New EU proposal will perpetuate investors' attack on health and environment* Available on : <http://corporateeurope.org/international-trade/2016/04/eu-investment-proposal-won-t-prevent-corporate-attacks-health>
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- 27 Data retrieved from the following Government of Canada website in July 2016: http://w03.international.gc.ca/Commerce_International/Commerce_Sector-Secteur.aspx?lang=eng
- 28 Corporate Europe Observatory/Transnational Institute (2014): Profiting from Crisis. How corporations and lawyers are scavenging profits from Europe's crisis countries
- 29 UNCTAD (2014) *Investor-State Dispute Settlement: an Information Note on the United States and the European Union*, IIA Issue Notes, Number 2, June, http://unctad.org/en/PublicationsLibrary/webdiaepcb2014d4_en.pdf
- 30 Data retrieved from the following Government of Canada website in July 2016: http://w03.international.gc.ca/Commerce_International/Commerce_Indicator-Indicateur.aspx?lang=eng
- 31 The list of countries sued by EU investors for Financial and insurance activities includes: Cyprus, Austria, Cameroon, Mauritius, Ukraine, Greece, Russia, Poland, Slovakia, Georgia, Macedonia, Korea, Venezuela, Kyrgyzstan, Indonesia, Peru, Sri Lanka, Kazakhstan, Argentina, Czech Republic, Turkey, Tunisia, Estonia, Burundi, Malaysia.
- 32 Data compiled from <http://investmentpolicyhub.unctad.org/ISDS>
- 33 Data retrieved from the following Government of Canada website in July 2016: http://w03.international.gc.ca/Commerce_International/Commerce_Sector-Secteur.aspx?lang=eng
- 34 According to the ICSID website (<https://icsid.worldbank.org/apps/ICSIDWEB/cases/Pages/AdvancedSearch.aspx?eco=101>), 575 cases were pending or concluded. 145 of them related to the oil, gas and mining sector.
- 35 Whittington, Les (2010): Canadian mining firms worst for environment, rights: Report, *The Star*, 19 October.
- 36 Quoted in Kenn, Kip (2013): Landmark Canada/ EU trade agreement could have major implications for miners, Mineweb, 23 October.
- 37 Quoted in Kenn, Kip (2013): Landmark Canada/ EU trade agreement could have major implications for miners, Mineweb, 23 October.
- 38 Friends of the Earth Europe (2014): *Dirty Deals: How trade talks threaten to undermine EU climate policies and bring tar sands to Europe*, 9.
- 39 Pembina Institute, *Oilsands 101: Climate Impacts*.