

Teil II

## Friedensvölkerrecht

### § 12 Wirtschaftsvölkerrecht

#### A. Wirtschaftliche Kooperation und Völkerrecht

**Vertiefende Literatur zu A.:** *P. Behrens*, Elemente eines Begriffs des Internationalen Wirtschaftsrechts, *RabelsZ* 50 (1986), 483; *S. Cho*, *The Social Foundations of World Trade*, 2015; *M. Cremona* u. a. (Hg.), *Reflections on the Constitutionalisation of International Economic Law*, 2014; *D. C. Dicke/T. Oppermann*, *Fundamental Principles Governing the International Economic Order*, 1988; *P. Fischer*, *Das internationale Wirtschaftsrecht – Versuch einer Systematik*, *GYIL* 19 (1976), 143; *S. Langer*, *Grundlagen einer internationalen Wirtschaftsverfassung*, 1995; *L. Martin* (Hg.), *The Oxford Handbook of the Political Economy of International Trade*, 2015; *K. M. Meessen*, *Zu den Grundlagen des internationalen Wirtschaftsrechts*, *AöR* 110 (1985), 398; *E.-J. Mestmäcker*, *Staatliche Souveränität und offene Märkte*, *RabelsZ* 52 (1988), 205; *K. A. Schachtschneider* (Hg.), *Rechtsfragen der Weltwirtschaft*, 2002; *W. Shan/P. Simons/D. Singh* (Hg.), *Redefining Sovereignty in International Economic Law*, 2008; *P.-T. Stoll*, *Le droit international économique face aux défis de la mondialisation*, *RGDIP* 113 (2009), 273; *T. Vollmöller*, *Die Globalisierung des öffentlichen Wirtschaftsrechts*, 2001; *S. Zamora*, *Is There Customary International Economic Law?*, *GYIL* 32 (1989), 9.

#### B. Welthandelsrecht

**Vertiefende Literatur zu B.: Allgemein.** *D. Alessandrini*, *Developing Countries and the Multilateral Trade Regime*, 2010; *M. Beise*, *Die Welthandelsorganisation (WTO)*, 2001; *Y. Bonzon*, *Public Participation and Legitimacy in the WTO*, 2014; *P. van den Bossche*, *The Law and Policy of the World Trade Organization*, 2005; *J. Cameron/K. Campbell* (Hg.), *Dispute Resolution in the World Trade Organisation*, 1998; *D. Cass*, *The Constitutionalization of the World Trade Organization*, 2005; *C. Conrad*, *Processes and Production Methods (PPMs) in WTO Law*, 2014; *G. Cook*, *A Digest of WTO Jurisprudence on Public International Law Concepts and Principles*, 2015; *D. Coppens*, *WTO Disciplines on Subsidies and Countervailing Measures*, 2014; *C. Correa*, *Trade Related Aspects of Intellectual Property Rights*, 2007; *ders.* (Hg.), *Research Handbook On The Protection Of Intellectual Property Under WTO Rules*, 2010; *ders.* (Hg.), *Research Handbook On The Interpretation And Enforcement Of Intellectual Property Under WTO Rules*, 2010; *T. Cottier*, *Dispute Settlement in the World Trade Organization*, *CMLR* 35 (1998), 325; *N. Diebold*, *Non-Discrimination in International Trade in Services: ‘Likeness’ in WTO/GATS*, 2014; *T. Ebner*, *Streitbeilegung im Welthandelsrecht: Maßnahmen zur Vermeidung von Jurisdiktionskonflikten*, 2005; *B. v. Engelhardt*, *Die Welthandelsorganisation (WTO) und demokratische Legitimität*, 2016; *T. Epps/M. Trebilcock* (Hg.), *Research Handbook On The WTO And Technical Barriers To Trade*, 2013; *I. Feichtner*, *The Law and Politics of WTO Waivers*, 2011; *D. Gervais*, *Intellectual Property, Trade and Development*, 2007; *Y. Gouhua u. a.*, *WTO Dispute Settlement Understanding*, 2005; *G. N. Horlick*, *World Trade Organization and International Trade Law*, 2014; *J. Jackson*, *The Jurisprudence of GATT and the WTO*, 2000; *ders.*, *The Changing Fundamentals of International Law and Ten Years of the WTO*, *JIEL* 8 (2005), 3; *J. Klick/F. Tesón*, *Global Justice and Trade*, in: *Car-*

modity u. a. (Hg.), *Global Justice and International Economic Law*, 2012, 217; *M. Koehler*, *Das Allgemeine Übereinkommen über den Handel mit Dienstleistungen*, 1999; *M. Krajewski*, *National Regulation and Trade Liberalization in Services*, 2003; *J. Kurtz*, *The WTO and International Investment Law*, 2016; *Y.-S. Lee*, *Safeguard Measures in World Trade Law*, 2004; *J. Lina-relli* (Hg.), *Research Handbook On Global Justice And International Economic Law*, 2013; *G. Marceau*, *A History of Law and Lawyers in the GATT/WTO*, 2015; *A. Matoo/R. Stern/ G. Zanini* (Hg.), *A Handbook on International Trade in Services*, 2007; *P. Mavroidis*, *Trade in Goods*, 2. Aufl. 2012; *J. McMahon/M. G. Desta* (Hg.), *Research Handbook On The WTO Agri-culture Agreement*, 2012; *N. Mizulin/H. Zhu*, *Non-tariff Barriers and Private Conduct: The Case of Labelling*, *EYIEL* 6 (2015), 137; *F. Müller*, *Schutzmaßnahmen gegen Warenimporte unter der Rechtsordnung der WTO*, 2006; *M. Nettesheim/G. Sander* (Hg.), *WTO-Recht und Globalisierung*, 2003; *M. Panizzon*, *Good Faith in the Jurisprudence of the WTO*, 2006; *R. Pa-voni*, *Mutual Supportiveness as a Principle of Interpretation and Law-Making: A Watershed for the ‘WTO-and-Competing-Regimes’ Debate?*, *EJIL* 21 (2010), 649; *E-U. Petersmann*, *The GATT/WTO Dispute Settlement System*, 1997; *ders.*, *Welthandelsrecht als Freiheits- und Ver-fassungsordnung*, *ZaöRV* 65 (2005), 543; *F. Piérola*, *The Challenge of Safeguards in the WTO*, 2014; *A. Reinisch*, *Der Streit um das Forum – oder – Was gehört eigentlich vor WTO-Panels?*, *RIW* (2002), 449; *S. Simon*, *Liberalisierung von Dienstleistungen der Daseinsvorsorge im WTO- und EU-Recht*, 2009; *C. Struck*, *Product Regulations and Standards in WTO Law*, 2014; *C. Tietje*, *Normative Grundstrukturen der Behandlung nicht-tarifärer Handelshemmnisse in der WTO/GATT-Rechtsordnung*, 1998; *C. VanGrassstek*, *The History and Future of the World Trade Organization*, 2013; *M. Yilmaz*, *Domestic Judicial Review of Trade Remedies*, 2013.

**Zu V.4. und 5.** *F. Abbott/C. Breining-Kaufmann/T. Cottier* (Hg.), *International Trade and Hu-man Rights*, 2006; *P. Aerni* u. a., *Climate Change and International Law: Exploring the Link-ages Between Human Rights, Environment, Trade and Investment*, *GYIL* 53 (2010), 139; *H. Andersen*, *Protection of Non-Trade Values in WTO Appellate Body Jurisprudence*, *JIEL* 18 (2015), 383; *L. Bartels*, *Article XX of GATT and the Problem of Extraterritorial Jurisdiction: The Case of Trade Measures for the Protection of Human Rights*, *JWT* 36 (2002), 353; *ders.*, *Trade and Human Rights*, *MPEPIL* (3/2013); *E. Brown Weiss/J. Jackson/N. Bernasconi-Oster-walder* (Hg.), *Reconciling Environment and Trade*, 2. Aufl. 2008; *G. Van Calster/D. Prévost* (Hg.), *Research Handbook On Environment, Health And The WTO*, 2013; *T. Cottier/J. Pau-welyn/E. Birgi Bonanomi* (Hg.), *Human Rights and International Trade*, 2005; *K. Faßbender*, *Welthandelsrecht und Menschenrechte – ein Gegensatz?*, *JZ* 2006, 1100; *C. Feddersen*, *Der ordre public in der WTO*, 2002; *I. Feichtner*, *Power and Purpose of Ecolabelling*, *GYIL* 57 (2014), 255; *K. Gallagher* (Hg.), *Handbook On Trade And The Environment*, 2008; *M. Hilf/ S. Hörmann*, *Die WTO – Eine Gefahr für die Verwirklichung von Menschenrechten?*, *AVR* 43 (2005), 397; *P. Hilpold*, *Human Rights and WTO Law: From Conflict to Coordination*, *AVR* 45 (2007), 484; *R. Howse*, *Non-tariff Barriers and Climate Policy*, *EYIEL* 6 (2015), 3; *S. Jo-seph*, *Blame it on the WTO? A Human Rights Critique*, 2011; *H. Lim*, *Trade and Human Rights: What’s at Issue?*, *JWT* 35 (2001), 275; *A. Lindroos/M. Mehling*, *From Autonomy to In-tegration? International Law, Free Trade and the Environment*, *NorJIL* 77 (2008), 253; *E.-U. Petersmann*, *From “Negative” to “Positive” Integration in the WTO: Time for “Mainstreaming Human Rights” into WTO Law*, *CMLR* 37 (2000), 1363; *ders.*, *Human Rights, Internati-onal Economic Law and ‘Constitutional Justice’*, *EJIL* 19 (2008), 769; *S. Puth*, *WTO und Um-welt: Die Produkt-Prozess-Doktrin*, 2003; *ders.*, *Der Umweltschutz im Recht der WTO*, 2005; *M. Schurmans*, *Sustainable Development is Emerging as a Core Tenet of WTO Case Law*, *EEELR* 24 (2015), 28; *H. R. Trüeb*, *Umweltrecht in der WTO*, 2001; *J. Watson*, *The WTO and the Environment*, 2013; *A. Ziegler/B. Boie*, *The Relationship between International Trade Law and International Human Rights Law*, in: *De Wet/Vidmar* (Hg.), *Hierarchy in International Law*, 2012, 272.

## C. Internationales Investitionsrecht

**Vertiefende Literatur zu C.:** *A. van Aaken*, Fragmentation of International Law: The Case of International Investment Law, *FYIL* 17 (2006), 91; *J. Alvarez*, The Public International Law Regime Governing International Investment, *RdC* 344 (2009), 193; *I. Alvik*, Contracting with Sovereignty: State Contracts and International Arbitration, 2011; *P. Behrens*, Towards the Constitutionalization of International Investment Protection, *AVR* 45 (2007), 152; *B. Beylage-Haarmann/L. Ghione*, „Privatisierung“ im Völkerrecht? Die Vermittlung von Rechtspositionen im Wirtschaftsvölkerrecht, *StudZR* 2011, 423; *C. Binder* u. a. (Hg.), *International Investment Law for the 21st Century* (= FS Schreuer), 2009; *R. Chen*, A Contractual Approach to Investor-State Regulatory Disputes, *Yale JIL* 40 (2015), 295; *E. De Brabandere*, Investment Treaty Arbitration as Public International Law, 2014; *H. Bubrowski*, Internationale Investitionsschiedsverfahren und nationale Gerichte, 2013; *W. Burke-White/A. v. Staden*, Investment Protection in Extraordinary Times: The Interpretation and Application of Non-Precluded Measures Provisions in Bilateral Investment Treaties, *VJIL* 48 (2007), 307; *J. Davis*, The Meaning of “Investment”: ICSID’s Travaux and the Domain of International Investment Law, *HarvILJ* 51 (2010), 257; *D. H. Deren*, Internationales Enteignungsrecht, 2015; *P. Donath*, Proliferation und Legitimation der internationalen Investitionsschiedsgerichtsbarkeit, 2016; *Z. Douglas* u. a. (Hg.), *The Foundations of International Investment Law: Bringing Theory into Practice*, 2014; *C. Dugan/N. Rubini/D. Wallace/B. Sabahi*, Investor-State Arbitration, 2008; *P. Dumberry*, The Formation and Identification of Rules of Customary International Law in International Investment Law, 2016; *P.-M. Dupuy/F. Francioni/E.-U. Petersmann* (Hg.), *Human Rights in International Investment Law and Arbitration*, 2009; *J. Fry/J. Repousis*, Towards a New World for Investor-State Arbitration Through Transparency, *NYUJILP* 48 (2016), 795; *I. Gätzschmann*, Die Meistbegünstigungsklausel in der WTO und im völkerrechtlichen Investitionsschutz, *StudZR* 2009, 241; *dies.*, Der vorläufige Rechtsschutz in Schiedsverfahren nach der ICSID-Konvention, 2015; *C. Giorgetti* (Hg.), *Litigating International Investment Disputes*, 2014; *G. van Harten*, Sovereign Choices and Sovereign Constraints: Judicial Restraint in Investment Treaty Arbitration, 2013; *S. Hindelang/M. Krajewski* (Hg.), *Shifting Paradigms in International Investment Law*, 2016; *N. Horn* (Hg.), *Arbitrating Foreign Investment Disputes*, 2004; *J. A. Kämmerer*, Der Schutz des Eigentums im Völkerrecht, in: *Deppenheuer* (Hg.), *Eigentum*, 2005, 131; *M. Kinnear* u. a. (Hg.), *Building International Investment Law: The First 50 Years of ICSID*, 2016; *R. Kreindler/R. Heinemann*, *Commercial Arbitration*, *International*, *MPEPIL* (5/2009); *A. Kulick*, Global Public Interest in International Investment Law, 2012; *C. McLachlan*, Investment Treaties and General International Law, *ICLQ* 57 (2008), 361; *M. Paparinskis*, Investment Arbitration and the Law of Countermeasures, *BYIL* 79 (2008), 264; *M. Perkams*, Enteignungsrecht, internationales, in: *Schöbener* (Hrsg.), *Völkerrecht*, 2014, 78; *A. Reinisch* (Hg.), *Classics In International Investment Law*, 2 Bde., 2014; *B. Sabahi*, Compensation and Restitution in Investor-State Arbitration, 2011; *G. Sacerdoti*, Bilateral Treaties and Multilateral Instruments on Investment Protection, *RdC* 269 (1997), 251; *ders.* (Hg.), *General Interests of Host States in International Investment Law* 2014; *J. Salacuse*, The Emerging Global Regime for Investment, *HarvILJ* 51 (2010), 427; *D. Sarooshi*, Investment Treaty Arbitration and the World Trade Organization: What Role for Systemic Values in the Resolution of International Economic Disputes?, *TexasILJ* 49 (2014), 445; *O. Schachter*, Compensation for Expropriation, *AJIL* 78 (1984), 121; *M. Schäfer*, Der Entschädigungsstandard im allgemeinen Völkerrecht, *RIW* 1998, 199; *S. Schill*, The Multilateralization of International Investment Law, 2009; *ders.*, Internationales Investitionsschutzrecht und Vergleichendes Öffentliches Recht, *ZaöRV* 71 (2011), 247; *W. Shan* (Hg.), *The Legal Protection of Foreign Investment: A Comparative Study*, 2012; *B. Simma*, Foreign Investment Arbitration: A Place for Human Rights?, *ICLQ* 60 (2011), 573; *J. Sprankling*, *The International Law of Property*, 2014; *S. Subedi*, *International Investment Law: Reconciling Policy and Principle*, 2. Aufl. 2012; *H. Theodorou*, *Investitions-*

schutzverträge vor Schiedsgerichten, 2001; *C. Tietje*, Grundstrukturen und aktuelle Entwicklungen des Rechts der Beilegung internationaler Investitionsstreitigkeiten, 2003; *K. Vandeveldede*, Bilateral Investment Treaties, 2010; *T. Weiler*, The Interpretation of International Investment Law: Equality, Discrimination and Minimum Standards of Treatment in Historical Context, 2013; *A. Wythes*, Investor–State Arbitrations: Can the “Fair and Equitable Treatment” Clause Consider International Human Rights Obligations?, *LJIL* 23 (2010), 241; *T. H. Yen*, The Interpretation of Investment Treaties, 2014.

## D. Internationales Währungs- und Finanzrecht

**Vertiefende Literatur zu D.:** *K. Boon*, “Open for Business”: International Financial Institutions, Post-Conflict Economic Reform, and the Rule of Law, *NYUJILP* 39 (2007), 513; *M. Darrow*, Between Light and Shadow: The World Bank, The International Monetary Fund and International Human Rights Law, 2003; *E. Denters*, Law and Policy of IMF Conditionality, 1996; *D. Desierto*, Public Policy in International Economic Law, 2015; *S. Gadinis*, Three Pathways to Global Standards: Private, Regulator, and Ministry Networks, *AJIL* 109 (2015), 1; *F. Gianviti*, The Reform of the International Monetary Fund (Conditionality and Surveillance), *IntLawyer* 34 (2000), 107; *T. Giegerich* (Hg.), Internationales Wirtschafts- und Finanzrecht in der Krise, 2011; *M. Giovanoli* (Hg.), International Monetary Law, 2000; *M. Giovanoli*, The Reform of International Financial Architecture After the Global Crisis, *NYUJILP* 42 (2009), 81; *L. Gramlich*, Eine neue internationale „Finanzarchitektur“ oder: Der IMF in der Krise?, *AVR* 38 (2000), 399; *R. Grote/T. Marauhn* (Hg.), The Regulation of International Financial Markets: Perspectives for Reform, 2006; *H. J. Hahn*, Währungsrecht, 2. Aufl. 2010; *B. Kempen*, Die Zukunft des Internationalen Währungsfonds, *ZEuS* 2000, 13; *A. Kern/R. Dhumale* (Hg.), Research Handbook On International Financial Regulation, 2012; *R. Lastra*, The Reform of the International Financial Architecture, 2001; *dies.*, Legal Foundations of International Monetary Stability, 2006; *dies.*, International Financial and Monetary Law, 2. Aufl. 2015; *F. A. Mann/C. Proctor*, The Legal Aspect of Money, 7. Aufl. 2012; *M. Ragazzi*, Financial Institutions, International, *MPEPIL* (9/2009); *M. Meng-Papantoni*, Legal Aspects of the Memoranda of Understanding in the Greek Debt Crisis, *ZEuS* 18 (2015), 3; *T. Porter*, Transnational Financial Regulation after the Crisis, 2014; *E. Reimer*, Internationales Finanzrecht, in: *Isensee/Kirchhof* (Hg.), *Handbuch des Staatsrecht XI*, 3. Aufl. 2013, § 250; *D. Ruddigkeit*, Das Mandat des IWF: Zur Kooperationspflicht internationaler Organisationen und Rechtsregime in der Weltfinanzarchitektur, 2013; *P. Savona*, The New Architecture of the International Monetary System, 2000; *H. Scott*, International Finance: Law and Regulation, 2004; *B. Steinhauer*, Die Auslegung, Kontrolle und Durchsetzung mitgliedstaatlicher Pflichten im Recht des Internationalen Währungsfonds und der Europäischen Gemeinschaft, 1997; *C. Tietje*, Architektur der Weltfinanzordnung, 2011; *F. Vischer*, Geld- und Währungsrecht im nationalen und internationalen Kontext, 2010; *J. Walsh*, Institution-based Financial Regulation: A Third Paradigm, *HarvILJ* 49 (2008), 381; *N. Walter*, Lehren aus der Krise: ein neuer Ordnungsrahmen für robustere Finanzsysteme, *FS Möschel*, 2011, 969; *C. Zimmermann*, A Contemporary Concept of Monetary Sovereignty, 2013.