

MUTHUCUMARASWAMY SORNARAJAH

SELECTED BIBLIOGRAPHIES (as at September 2019)

BOOKS

1. *The Misery of International Law* with Margot Salomon and John Linarelli (Oxford University Press, 2018).
2. *Resistance and Change in International Law on Foreign Investment* (Cambridge University Press, 2015).
3. *Good Faith in International Investment Law* edited with Andrew Mitchell and Tania Voon (Oxford University Press, 2015).
4. *China, India and International Trade Law* edited with Jiangyu Wang (Cambridge University Press, 2010).

Elaborated in a journal article with Jiangyu Wang, 'China, India, and International Law: A Justice Based Vision Between the Romantic and Realist Perceptions' (*Asian Journal of International Law*, forthcoming).

5. *The Settlement of Foreign Investment Disputes* (Kluwer International, 2000).
6. *International Law on Foreign Investment* (Cambridge University Press, 2018).

Reviewed in the British Yearbook of International Law, American Journal of International Law, International and Comparative Law Quarterly, the European Journal of International Law (Review Article), the Modern Law Review, the Journal of the International Bar Association, the New York Journal of International Law and Politics, Yale Journal of International Law Global Law Books, American Journal of International Arbitration and Journal of Natural Resources Law.

Second Edition reviewed in the British Yearbook of International Law, American Review of International Arbitration and World Trade Review (2005) 324-32.

7. *Law of International Joint Ventures* (Longman, 1992).

Reviewed in the International and Comparative Law Quarterly and Asian Business Law Journal.

8. *International Commercial Arbitration: The Problem of State Contracts* (Longman, 1990).

Reviewed in the British Yearbook of International Law (by Professor DW Bowett, Whewell Professor of International Law, University of Cambridge), International and Comparative Law Quarterly (by M Footer, University College, London) and Journal of International Arbitration (by Dr J Werner, Editor of the Journal).

9. *The Pursuit of Nationalized Property* (Martinus Nijhoff, 1986).
Reviewed in the British Yearbook of International Law, International and Comparative Law Quarterly and Annuaire Francaise de Droit International.
10. *The South-West Dam Dispute: The Legal and Political Issues* (ed) (University of Tasmania, 1984).
Also delivered a course of ten lectures on *Instrumental International Law* at the Xiamen Academy of International Law at Xiamen, China in July 2008. This Academy is modelled on the Hague Academy of International Law.

CHAPTERS IN BOOKS

11. 'Legal Protection of Foreign Investment By Home and Host States' in Lin Heng Lye (ed), *Current Legal Issues in the Internationalization of Business Enterprises* (Butterworths, 1995).
12. 'Bilateral Investment Treaties' in Derrick Wilde, *International Transactions* (Law Book Company, 1994).
13. 'Nationalisation of Foreign Property' in Derrick Wilde, *International Transactions* (Law Book Company, 1994).
14. 'Contractual Techniques for the Protection of Foreign Investment' in PK Ho (ed), *Current Developments in Foreign Investments* (Butterworths, 1992).
15. 'Nationality Laws of Singapore' in Asser Institute for International Law, *Nationality Laws in Asia* (The Hague, 1990) 422-52.
16. 'Confiscatory Orders and Embargoes' in Koh Kheng Lian (ed), *Current Developments in International Banking and Corporate Financial Operations* (Butterworths, 1989).
17. 'International Commercial Arbitration in Hong Kong and Singapore' in Joseph Norton (ed), *Yearbook of International Financial and Economic Law 1996* (Springer, 1996) 249-69.
18. 'The Compensation Provision in the European Energy Charter' in Thomas Walde (ed), *The European Energy Charter* (Centre for Petroleum Studies, University of Dundee and Kluwer International, 1997).
19. 'Foreign Investment and International Environmental Law' in United Nations Environment Programme, *UNEP's New Way Forward: Environmental Law and Sustainable Development* (Report, 1995) 283-97.

20. 'International Law and the South West Dam Case' in Muthucumaraswamy Sornarajah (ed), *The South West Dam Dispute: Legal and Political Issues* (University of Tasmania, 1983) 23-36.
21. 'The WTO Dispute Settlement Mechanism: An ASEAN Perspective' in *Round Table on ASEAN and Trade* (Institute of South East Asian Studies, 1996).
22. 'The Enforcement of Arbitral Awards Made in Foreign Investment Disputes' in Teo Keang Sood (ed), *Problems of International Litigation* (Singapore, 1997).
23. 'Relating Discourse of State Responsibility and Prescriptive Jurisdiction: The Provision of Civil Recourse for Certain Harms Caused by Corporate Nationals Abroad' in Craid Scott (ed), *Torture as Tort* (Hart Publishing, 2001).
24. 'Taking of Property' in *UNCTAD Series on Issues in International Investment Agreements* (Report, 2000) UN Publication No. E.00.II.D.4.
25. 'Jurisdictional Issues in Electronic Commerce' in Singapore Academy of Law, *Leading the Law and Lawyers into the New Millennium* (Butterworths, 2000) 89-118.
26. 'Dispute Resolution in International Economic Law: The Developing Country Perspectives' in Asif Qureshi (ed), *Perspectives on International Economic Law* (Kluwer, 2002).
27. 'State Contracts' in *UNCTAD Series on Issues in International Investment Agreements* (Report, 2005).
28. 'National Courts and International Commercial Arbitration: Conflict or Confluence?' published in a collection of articles by the Singapore Academy of Law (2005).
29. 'Expansionary Trends in International Investment Arbitration' (paper presented at the Columbia-Sorbonne Conference in International Investment Law (New York, 2005).
30. 'Investment Treaties of the ASEAN States' in Desmond Tan (ed), *A Free Trade Agreement for ASEAN* (Institute of Asian Studies, 2006).
31. 'Legitimate Expectations in International Investment Law' in British Institute of International Law, *Investment Treaty Law* (Volume 2, 2007) 165-84.
32. 'The Future of ASEAN Investment Treaties' with Arumugam Rajenthiran in Desmond Tan (ed), *Block by Block: Building an ASEAN Community* (Institute of Asian Studies, 2007).
33. 'The Defence of Necessity' in Michael Moser (ed), *Investor-State Arbitration: The Lessons for Asia* (Jurisnet, 2008) 135-48.
34. 'China, India and Foreign Investment' in Muthucumaraswamy Sornarajah and Jiangyu Wang (ed), *China, India and the International Economic Order* (Cambridge University Press, 2010).

35. 'Introductory Chapter to China, India and International Trade' with Jiangyu Wang in Muthucumaraswamy Sornarajah and Jiangyu Wang (ed), *China, India and the International Economic Order* (Cambridge University Press, 2010).
36. 'The Retreat of Neo-Liberalism in Investment Treaty Arbitration' in Catherine Rogers and Roger Alford (eds), *Developments in Investment Arbitration* (Oxford University Press, 2009).
37. 'Why No to Transnational Law' in David Cole (ed), *Essays in Transnational Law* (London, 2010).
38. 'The Normlessness in International Investment Law: The Ravage and Retreat of Neo-Liberalism' in *Yearbook of International Investment Law* (New York, 2010).
39. 'The Return of the International Law of Development' in Caslav Pechota (ed), *Law and Development in Asia* (Routledge, 2012).
40. 'Revolution or Evolution in International Investment Law: The Descent into Normlessness' in Chester Brown and Kate Mills (eds), *Evolution in Investment Treaty Law and Arbitration* (Cambridge University Press, 2012).
41. 'Asian Practice in Investment Treaties and Investment Arbitration' in Luke Nottage and Vivienne Bath (eds), *Investment Law and Arbitration in Asia* (Routledge, 2012).
42. 'The Case against a Regime for International Investment Law' in Leon Trakman (ed), *Controversies in International Investment Law* (Oxford University Press, 2013).
43. 'Polemic on International Investment Law' with Leon Trakman in Leon Trakman (ed), *Controversies in International Investment Law* (Oxford University Press, 2013).
44. 'The Return of the NIEO' in Philippe Sands, Sharif Bhyiyan and Nico Schrijver (eds), *International Law and Developing Countries: Essays in Honour of Kamal Hossain* (Brill, 2014).
45. 'The Past, Present and Future of the International Law on Foreign Investment' in Wenhua Shan (ed), *China and International Investment Law* (Martinus Nijhoff, 2014) 24-57.
46. 'Denial of Benefits in International Investment Law' in Andrew Mitchell, Muthucumaraswamy Sornarajah and Tania Voon (eds), *Good Faith in International Investment Law* (Oxford University Press, 2015).
47. 'Developing Countries in the Investment Treaty System: A Law for Need or a Law for Greed?' in Stephan Schill et al (eds), *International Investment Law and Development: Bridging the Gap* (Edward Elgar Publishing, 2015).

48. 'International Investment Law as Development Law: The Obsolescence of a Fraudulent System' (2016) *European Yearbook of International Economic Law* 209-31.
49. 'Cycles of Change in the International Law on Foreign Investment', *Yearbook of International Investment Law 2017* (forthcoming).

ARTICLES

International law

50. 'State Responsibility and Bilateral Investment Treaties' (1986) 20 *Journal of World Trade Law* 79-98.
51. 'Towards an International Antitrust Law' (1982) 22 *Indian Journal of International Law* 1-31.
52. 'Problems in Applying the Restrictive Theory of Sovereign Immunity' (1982) 31 *International and Comparative Law Quarterly* 661-85.
53. 'Extraterritoriality of US Antitrust Laws – Conflict and Compromise' (1982) 31 *International and Comparative Law Quarterly* 127-49.
54. 'Extraterritorial Jurisdiction of US Antitrust Laws: The New Approach' (1981) 3 *Lloyd's Commercial and Maritime Law Quarterly* 365-71.
55. 'The Myth of International Contract Law' (1981) 15 *Journal of World Trade Law* 187-217.
56. 'Compensation for Expropriation: The Emergence of New Norms' (1979) 13 *Journal of World Trade Law* 108-31.
57. 'The Supremacy of the Renegotiation Clause in International Contracts' (1988) 5 *Journal of International Arbitration* 97-114.
58. 'Protection of Foreign Investment in the APEC Region' (1995) *Journal of World Trade*.
59. 'ICSID Involvement in Asian Foreign Investment Disputes' (1994) 4 *Asian Yearbook of International Law*.
60. 'The New International Economic Order, Bilateral Investment Treaties and the Investment Laws of ASEAN' (1985) 27 *Malaya Law Review* 440-58.
61. 'Power and Justice in Foreign Investment Arbitration' (1997) 14 *Journal of International Arbitration* 103-40.
63. 'Extraterritorial Jurisdiction over Transnational Fraud' (1998) 2 *Singapore*

Journal of International and Comparative Law.

64. 'Admission, Establishment and Legal Standards of Treatment of Foreign Investment' (2000) *Commonwealth Law Bulletin*.
65. 'Chronique de Jurisprudence Australienne' (1988) 115 *Journal de Droit International* 147-63.
66. 'The Deportation of Migrants and Aliens from Australia' (1985) 35 *International and Comparative Law Quarterly* 498-521.
67. 'Asian Approaches to International Humanitarian Law' (1984) 9 *Australian Yearbook of International Law* 238.
68. 'Self-Determination and Humanitarian Intervention' (1981) 11 *Georgia Journal of International and Comparative Law* 45-77.
69. 'The Framework for an Indian Ocean Peace Zone' (1971) 12 *Indian Journal of International Law* 543-63.
70. 'Self-determination: Its Continuing Validity' (Rene Cassin Institute of Human Rights, Strasburg, 1974).
71. 'Extraterritorial Jurisdiction over Crimes in Singapore, Malaysia and the Commonwealth' (1987) 29 *Malaya Law Review* 200-18.
72. 'Power and Justice in International Law' (1996) 1 *Singapore Journal of International and Comparative Law*.
73. 'Globalisation and Crime across Borders' (1999) 40 *Singapore Journal of Legal Studies* 221.
74. 'Violence and Terrorism in International Law' (1999) 93 *Proceedings of the American Society of International Law* 79.
75. 'Internet and Developing Countries' (2001) 95 *ASIL Proceedings* 173-5.
76. "'A Law for Greed or a Law for Need? The Current State of the International Law on Foreign Investment' (2006) 6 *International Environmental Agreements* 329 (Springer, 2006) (paper was delivered as a keynote address on Foreign Investment and the Environment at the Free University of Amsterdam).
77. 'Host State Responses to Investment Treaty Arbitration' (paper delivered at the Conference on Investment Arbitration, Taipei, 28 November 2007) published in *Asia and International Trade*.
78. 'The Bush Doctrine and the Use of Force' (2007) 11 *Singapore Yearbook of International Law*.
79. 'The Law for Need or the Law for Greed' (2007) *International Agreements* 329-57.

80. 'Asian International Law: Where is It Now?' (2008) 14 *Asian Yearbook of International Law* 265-72.
81. 'The Primacy of Equality in International Law' (text of the Tun Suffian lecture) (2010) *The Lawyer*.
82. 'Sovereign Wealth Funds and International Investment Law' (2011) 1 *Asian Journal of International Law*.
83. 'Protection of Portfolio Investments' (2010) *ICSID Review*.
84. 'Revival of the International Law on Development' (2011) *UN Audio-Visual Library*.
85. 'Mutations of Neo-Liberalism in International Investment Law' (2011) 3 *Law, Trade and Diplomacy* 203.
86. 'Starting Anew in International Investment Law' (2012) *FDI Perspectives, Columbia-Vale Centre on Foreign Investment and Sustainable Development*.
87. 'Foreign Investment and Human Rights' (2012) *Global Policy*.
88. 'The Architecture of the New Investment Treaties' (2012) *Journal of World Investment and Trade*.

International commercial arbitration

89. 'Arbitration or Litigation' (1991) *Malayan Law Journal*.
90. 'The Climate of International Arbitration' (1991) 8 *Journal of International Arbitration* 47-86.
91. 'The UNCITRAL Model Law. A Third World Perspective' (1989) 6 *Journal of International Arbitration* 7-20.
92. 'The Enforcement of Foreign Arbitral Awards' (1988) *Malayan Law Journal*.
93. 'Stay of Litigation Pending Arbitration' (1994) *Singapore Academy of Law Journal*.
94. 'Report on Arbitration in Singapore' (published by the Institute for Socio-Economic Dispute Studies, Japan, 2001).

Criminal law

95. 'Common Intention and Murder under the Penal Codes' (1994) *Singapore Journal of Legal Studies*.
96. 'The Definition of Murder under the Penal Codes' (1994) *Singapore Journal*

- of Legal Studies* 1.
97. 'The Interpretation of the Penal Code' (1991) *Malaya Law Journal*.
 98. 'Defences to Strict Liability Offences in Malaysia and Singapore' (1985) 27 *Malaya Law Review* 27-52.
 99. 'Towards a Liberal View on Provocation' (1986) *Malayan Law Journal*.
 100. 'Migrants and the Criminal Law' (1984) *Migrants and the Law* 24-34.
 101. 'Excessive Self-Defence under the Criminal Codes' (1983) 7 *University of Tasmania Law Review* 156-173.
 102. 'Common Intention and Murder under the Criminal Codes' (1981) 59 *Canadian Bar Review* 727-49.
 103. 'Duress and Murder under the Criminal Codes' (1980) 30 *International and Comparative Law Quarterly* 660-81.
 104. 'Commonwealth Innovations in the Law of Provocation' (1975) 24 *International and Comparative Law Quarterly* 184-204.
 105. 'Excessive Self-Defence: Further Developments' (1975) 24 *International and Comparative Law Quarterly* 758-70.
 106. 'Reckless Murder in Commonwealth Law' (1975) 24 *International and Comparative Law Quarterly* 846-61.
 107. 'Excessive Self-Defence in Commonwealth Law' (1972) 21 *International and Comparative Law Quarterly* 758-70.
 108. 'Voluntary Intoxication as a Mitigatory Plea' (1972) 3 *Colombo Law Review* 68-76.
 109. 'Some Recent Trends in the Insanity Defence' (1972) 3 *Colombo Law Review* 43-55.
 110. 'The Doctrine of Continuing Provocation' (1971) 2 *Journal of Ceylon Law* 101-18.

Public law

111. 'Natural Justice, Fairness and Administrative Functions' (1979) 5 *University of Tasmania Law Review* 268-87.
112. 'Bills of Rights: The Commonwealth Debate' (1976) 9 *Comparative and International Law Journal of Southern Africa* 131-49.
113. 'The Attorney General's Powers of Prosecution' (1996) *Singapore Academy of Law Journal*.

Family law

114. 'Custody and Adoption: A Comparative Study' (1974) 7 *Comparative and International Journal of Southern Africa* 186-97.
115. 'Parental Custody: The Recent Trends' (1973) 90 *South African Law Journal* 131-49.
116. 'The Action for Breach of Promise of Marriage' (1966) 9 *Ceylon Journal of Historical and Social Studies* 177-204.

Books and Article on

117. *Alternative Visions in International Law on Foreign Investment: Essays in Honour of Muthucumaraswamy Sornarajah* (Chin Leng Lim (ed), Cambridge University Press, 2016).
118. Francesco Moreno 'The Persistent Objector in International Law: Reading Professor Sornarajah' (2016) 56 *Indian Journal of International Law* 349.