

Preface

This book is a result of a two-year research project carried out at the British Institute of International and Comparative Law since 2006. The project was funded by Deloitte, Lovells, Macquarie Bank and the UK Department of Constitutional Affairs (now part of the Ministry of Justice), to whom we are very grateful.

The topic of damages has long been a poor relation in international law: the only dedicated treatise on the subject by Marjorie Whiteman (itself a compilation of the relevant international decisions with some analytical commentary) was published in the late 1930s. The need has therefore been acute for an up-to-date, comprehensive and in-depth work that would deal with compensation issues. This is particularly true for international investment law, which has seen, in the past two decades, a continual and remarkable increase in the number of damages claims brought by foreign investors against host States under international investment treaties.

The research project was initiated by Dr Federico Ortino, then Senior Research Fellow at the Institute, and carried forward principally by Dr Sergey Ripinsky, who undertook most of the research and writing. Kevin Williams provided input concerning the jurisprudence of the Iran–US Claims Tribunal throughout the book and prepared Annex 2. He also contributed the first draft of the section on ‘Indirect Investment: The Flow-Through of Damage’ and participated in the revision of chapters 4–8. Dr Ortino advised on the overall structure, provided the first drafts of sections ‘Causation and Remoteness’ and ‘Contributory Fault’ and participated in revising parts of chapters 4–7.

Throughout its course, the research was supervised by an Advisory Committee, which included Michael Davison, Zachary Douglas, Professor Vaughan Lowe, Professor Peter Muchlinski, Mark Patterson, Simon de Quidt, Professor M Sornarajah, Professor Gillian Triggs, Sir Arthur Watts and Gavin Winbanks. We are grateful to the Advisory Committee members, and especially to Professor Vaughan Lowe, for providing valuable suggestions and criticisms. We also acknowledge the initial suggestions for this research project (which is intended to be part of a wider research project on damages in international law) from the Public International Law Section of the Institute’s Advisory Board led (until December 2004) by HE Judge Rosalyn Higgins and (since January 2005) by Sir Michael Wood, as well as the comprehensive scientific proposal prepared by Dr Silvia Borelli. The activities of the Institute’s Investment Treaty Forum were an additional source of inspiration and assistance.

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We hope that the book proves to be a valuable resource for all those interested in international investment law and related fields.

Sergey Ripinsky
Kevin Williams

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