Contents

Foreword XI List of Contributors XIV

PART 1

The Growing Role of International Courts and Jurisdictions: The Permanent Court of International Justice, the International Court of Justice, and Beyond

- 1 Introduction 3 Rui de Moura Ramos
- 2 From Absence to Abundance: Tracing the Development and Impact of International Courts 10 Miguel de Serpa Soares
- 3 The Cases Where the International Court of Justice Lacked Jurisdiction:
 A Brief Analysis and Commentary 23
 Rita Teixeira and Ricardo Bastos
- 4 Energy at Sea and the Jurisprudence of the International Court of Justice 38

Dimitra Papageorgiou and Eva Tzavala

PART 2 International Inspection and Control Mechanisms

- 5 An Overview of the International Inspection and Control Mechanisms 59 Fernando Loureiro Bastos
- 6 The UEFA Financial Control Body 74

 José Cunha Rodrigues

PART 3 European and Other Regional Courts of Human Rights

- 7 Introduction 85
 Ireneu Cabral Barreto
- 8 The European Court of Human Rights as the European Constitutional Court 89 Paulo Pinto de Albuquerque
- 9 The African Court on Human and People's Rights and its Position in the International and African Judicial Architectures 98 José Pina-Delgado
- Cultural Rights and a Right to Cultural Identity before the European Court of Human Rights: Present Approaches and Future Challenges 136

 Laura-Maria Crăciunean
- The Influence of Inter-American Human Rights Law on the Jurisprudence of the Brazilian Supreme Federal Court 163 Adriana Ramos Costa and Eleonora Mesquita Ceia
- Comparing and Discussing the Different Approaches to Remedies for Child Victims before the European Court of Human Rights and the Inter-American Court of Human Rights 190 Francesca Capone
- 13 The International Criminal Court and Human Rights: Achievements and Challenges 206 Ondřej Svaček
- 14 Brazil and the Inter-American System for the Protection of Human Rights: Conventionality Control on the Criminal Lawsuit no. 470 222

 Alex Ian Psarski Cabral, Cristiane Helena de Paula Lima Cabral and Mario Lúcio Quintão Soares

PART 4

Dispute Resolution Mechanisms Concerning International Trade and Investment, in Particular within the WTO and ICSID

- Investor-State Dispute Settlement in the European Perspective:

 Recent Developments 247

 Dário Moura Vicente
- 16 Dispute Resolution under the Energy Charter Treaty 264 Alejandro Carballo
- Understanding the Interaction between the WTO Regime and International Investment Regime: Reversing the Approach 276

 Ozge Varis
- 18 Legal Certainty during EU Accession: What Can a Foreign
 Investor in a Future Member State Legitimately Expect? 290
 Sadie Blanchard
- Dispute Resolution Mechanisms Concerning International Trade and Investment, in Particular within WTO and ICSID. A Dual Coverage in the Services Sector 306

 Carmen Saugar Koster
- 20 The WTO Dispute Settlement System and Renewable Energy Subsidies: The Case of Feed-in Tariffs 319 Paolo Davide Farah and Elena Cima
- Evidence and the Principle of Good Faith in Investment Arbitration: Finding Meaning in Public International Law 347 Emily Sipiorski
- 22 Challenges of Investor-State Dispute Settlement Mechanism in TTIP 363

 Jerzy Menkes and Magdalena Słok-Wódkowska

PART 5 International Commercial Arbitration

- The Confluence of Transnational Rules and National Directives as the Legal Framework of Transnational Arbitration 383

 Luís de Lima Pinheiro
- The Challenges of Taking Evidence in International Commercial Arbitration: The Problem of Legal Privileges 432

 Tatjana Shterjova

PART 6 The Court of Justice of the European Union

- 25 Introduction 449 Fausto de Quadros
- 26 The Court of Justice of the European Union 451 Maria José Rangel de Mesquita
- Infringement Procedure and the Court of Justice as an EU Law's
 Assurer: Member States' Infringements Concerning Failure to
 Transpose Directives and the Principle of an Effective Judicial
 Protection 468

 Joana Covelo de Abreu
- 28 The United Nations Sanctions Regimes and a Judicialized European Union Perspective 476
 Mateus Kowalski and Sofia Machado

PART 7 Domestic Courts as International Jurisdictions?

- 29 Introduction 497 Catherine Kessedjian
- 30 Limits on Jurisdiction of Domestic Courts to Grant Civil Damages for International Law Violations 500

 Peter D. Trooboff

- Corporate Group Structures and the Limits of Personal Jurisdiction.

 US/European Comparative Remarks 516

 Rui Pereira Dias
- 32 Towards Judicial Accountability in the Business & Human Rights Field? 528 Humberto Cantú-Rivera

PART 8
Postscript

33 The Judicial and Constitutional Challenges of Legal Globalisation 547 Miguel Poiares Maduro

Index 565