

Instructions for Authors

Scope

The Journal of World Investment & Trade (JWIT) is a double-blind peer-reviewed journal that focuses on the legal aspects of foreign investment relations in a broad sense. This encompasses the law of bilateral, multilateral, regional and sectoral investment treaties, investor-State dispute settlement, and domestic law relating to foreign investment, but also relevant trade law aspects, such as services, public procurement, trade-related investment measures, and intellectual property, both under the WTO framework and preferential trade agreements. In addition, the Journal aims to embed foreign investment law in its broader context, including its interactions with international and domestic law, both private and public, including general public international law, international commercial law and arbitration, international environmental law, human rights, sustainable development, as well as domestic constitutional and administrative law. The Journal is institutionally independent and ideologically neutral. It is not attached to specific national jurisdictions, but has a global outreach. It covers both the mainstream of foreign investment law and investment law's frontiers. It offers a place for the publication of scholarly studies dealing with fundamental and systematic problems of foreign investment relations and their solutions, but also welcomes analyses of current topics, such as international and domestic policy trends, relevant case law, and country- or industry-specific case studies, including in the natural resources and energy sectors. It is open to doctrinal analysis as well as theoretical, conceptual, and interdisciplinary approaches, including law and economics analysis, empirical analysis, historical analysis, political science analysis, or normative analysis. It aims to address scholars, government officials, members of international and non-governmental organizations, and legal practitioners in both capital-exporting and capital-importing countries.

Ethical and Legal Conditions

The publication of a manuscript in a peer-reviewed work is expected to follow standards of ethical behaviour for all parties involved in the act of publishing: authors, editors, and reviewers. Authors, editors, and reviewers should thoroughly acquaint themselves with Brill's publication ethics, which may be downloaded here: brill.com/page/ethics/publication-ethics-cope-compliance.

Online Submission

JWIT uses online submission only. Authors should submit their manuscript online via the Editorial Manager (EM) online submission system at: editorialmanager.com/jwit. A detailed instruction manual can be found online at brill.com/sites/default/files/editorial_manager_authors_manual.pdf. First-time users of EM need to register first. Go to the website and click on the "Register Now" link in the login menu. Enter the information requested. During registration, you can fill in your username and password. If you should forget your Username and Password, click on the "send login details" link in the



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login section, and enter your e-mail address exactly as you entered it when you registered. Your access codes will then be e-mailed to you.

Prior to submission, authors are encouraged to read the “Instructions for Authors.” When submitting via the website, you will be guided stepwise through the creation and uploading of the various files.

A revised document is uploaded the same way as the initial submission. The system automatically generates an electronic (PDF) proof, which is then used for reviewing purposes. All correspondence, including the editor’s request for revision and final decision, is sent by e-mail.

Double-blind Peer Review

JWIT uses a double-blind peer review system, which means that manuscript author(s) do not know who the reviewers are, and that reviewers do not know the names of the author(s). When you submit your article via Editorial Manager, you will be asked to submit a separate title page that includes the full title of the manuscript, the names and complete contact details of all authors, the abstract, keywords, and any acknowledgement texts. This page will not be accessible to the reviewers. All other files (manuscript, figures, tables, etc.) should not contain any information concerning author names, institutions, etc. The names of these files and the document properties should also be anonymised.

File Format

You should only upload source files as .doc (or similar files), and not .pdf files.

Contact Address

For any questions or problems relating to your manuscript please contact: jwt@mpi.lu. For eventual questions about Editorial Manager, authors can also contact the Brill EM Support Department at support-em@brill.com.

Submission Requirements

Language

Articles are published in English. American or British English may be used, but spelling should be consistent throughout. As *JWIT* does not make use of a copy editor, authors whose mother tongue is not English, are strongly urged to have a native speaker check their manuscript prior to submission.

Types of Contributions

JWIT accepts articles in the following categories:

- Articles;
- Notes/Current Developments (Case Law, Legislation, Treaties, Policy);
- Case Comments
- Book Reviews and Book Review Essays;

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- Symposium or Special Issues.

Length

The length for manuscripts can vary. On an indicative basis, manuscript length should be as follows:

- Articles: approx. 10,000–15,000 words (including footnotes);
- Notes/Current Developments: 5,000–8,000 words (including footnotes);
- Book Reviews: 1,500–2,000 words (for regular book reviews);
- Book review essays 5,000–8,000 words (for)
- Case Comments: 3,500 words (including footnotes);
- Symposium or Special Issues: comprising several thematically consistent articles with an introductory piece.

Book Reviews, Case Comments, and Symposium/Special Issues

Book reviews, book review essays, and case comments are often commissioned by *JWIT*. If you are interested to write such a piece, we would therefore encourage interested authors to contact *JWIT* beforehand by email jwt@mpi.lu in order to make sure that the topic you wish to cover has not already been commissioned. In addition, there are specific author's guidelines for these genres.

To discuss the publication of Symposium or Special Issues, we would also ask you to contact *JWIT* beforehand to discuss details at jwt@mpi.lu.

Manuscript Structure

General

- Preferred font and size
 - Text: Times New Roman 12 pt
 - Footnotes: Times New Roman 10 pt
- Articles must be double-spaced or 1.5 lines throughout with wide margins.
- One space after each punctuation mark is sufficient, i.e. after a full stop (.), there should only be one space.
- The first sentence after a new heading is not indented; however, subsequent paragraphs should be indented.
- Do not refer in the text to other parts of the text using page numbers. Use section headings, numbers/letters, or a prose description of the part of the text to which you wish to refer.

Title Page

Authors must submit a separate title page including:

- the title of the manuscript,
- the author(s)' name(s)* and affiliation(s).



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The author's current and/or main affiliation should be given under the author's name: Professor of X, D, University of X, City 111101, USA; e-mail: name@site.edu. A full address is optional, but an active e-mail address is mandatory.

- an abstract and keywords

Anonymised Manuscript

The main file submitted by the author should contain the entire anonymised manuscript. Without providing any author details, this document should begin with the title of the manuscript, followed by the abstract and keywords. The file name should also be anonymised.

Abstract and Keywords

An abstract of a maximum of 150 words should be submitted, together with 3-8 keywords in alphabetical order.

Headings

For all headings use initial capitals for all words except prepositions and articles, unless the preposition contains five letters or more (e.g., Disputes Between an Employer and an Employee).

Headings should follow the following format:

1 Formal Requirements for the Proceedings

1.1 *Information and Consultation*

1.2 *The Proceedings*

1.2.1 Nature of the Proceedings

1.2.2.1 *Preliminary Proceedings*

Italics

Italics are used for emphasis, do not use bold or underline. *Italics* should be used sparingly. If used too often the emphasis will be weakened. Foreign and Latin words should be italicised.

All case names should be italicised. However, the word case should not be italicised: *Hermes v FHT Marketing* case.

Monetary Amounts

Do not use dollar signs; use USD (US dollars), SEK (Swedish Kronor), EUR (Euro), etc. Place the abbreviation directly before the amount it refers to: USD 100.

Numbers and Dates

- Spell out numbers from one to ten (except in pages, legislation, dates and other similar references).
- Use numerals for numbers 11 and higher. Also use numerals throughout for dates and times.



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- When referring to ranges of numbers, use both figures for ranges between ten and twenty, and thereafter use as few figures as possible, yet always at least two for the final number: e.g., 11–17 | 22–32 | 121–222 | 180–98 | 1488–90 | 1783–812
- For percentages, do not spell out the numbers and the word per cent. Example: 8 %, not “eight per cent”.
- Spell out fractions: two-thirds or three-quarters.
- Date format: 5 May 2018.

Quotations

- Short direct quotations should be enclosed in single quotation marks (‘ ’) and run on in the text; quotations within quotations are placed in double quotation marks (“ ”).
- Single quotation marks (‘ ’) are also used to distinguish words, concepts or short phrases under discussion.
- Where the quoted material begins with a capital but is being placed in the middle of a sentence and the letter should grammatically be lower case, place the letter in square brackets and change to lower case: As explicitly stated by the Contracting Parties ‘[a]ny discrimination based on nationality shall be prohibited’.
- Omission points/ellipses (...) (without round or square brackets around them):
 - Use to designate that the quoted material has omitted information (usually only in a sentence).
 - Should be styled as three spaced points (full stops), with a space before the first point and a space after the last point. No square or round brackets are used.
 - When used within quotations, omit all punctuation (including full stops) immediately prior to the omission points.
 - It is *unnecessary* to include omission points at the beginning of a quote if the first letter of the quoted material is in lower case. The lower-case letter denotes that the quote comes from the middle of a sentence.

Article 6 also states that the right to life ‘shall be protected by law’.

Article 50 states that the ‘...Covenant shall extend to all parts of federal states without any limitations or exceptions’.

Block Quotes

For larger sections of quoted text (*i.e.*, anything over three lines) use block quotes. Set these off from other text by adding a blank line above and below the section, and indent the block of text on the left and right by five points. These larger sections, or ‘block quotes’, should not be enclosed in quotation marks.



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Abbreviations and Acronyms in the Text

- Stick to commonly accepted abbreviations and acronyms. Abstain from creating new and unfamiliar ones, and, in general, avoid their overuse in the text.
- Write out the full term or name of any abbreviation or acronym at its first use, followed by the abbreviation or acronym in parentheses: e.g., bilateral investment treaty (BIT). The abbreviation should be used throughout the rest of the text. You do not need to write out the full term for very commonly known abbreviations, such as eg, ie, etc.
- Do not punctuate abbreviations or acronyms with full stops.
- Do not use a full stop to punctuate the ‘v’ representing versus in case names (*Oyal v Turkey*).

Capitalisation

- Use ‘Claimant’, ‘Respondent’, ‘Tribunal’, ‘ad hoc Committee’ for a particular case; and ‘Award’, ‘Decision’ or ‘Order’ for a particular case document. Use lower case if referring to multiple cases/case documents or if making reference to the term in the generic sense. Also use lower case if you are referring to a tribunal in connection with a specific case name, e.g., the *Siemens* tribunal.
- ‘State’ or ‘States’ always capitalised if referring to a nation-State/country, either specifically or generically (e.g. the State of France, the State party to the dispute, investor–State dispute). Government capitalised if referring to a specific government (e.g. the French Government), but not capitalised if making reference to the term ‘government’ in the generic sense.

Footnotes and References

JWIT uses footnotes (not endnotes or a bibliography) based on the Oxford Standard for the Citation of Legal Authorities (OSCOLA). This includes

- OSCOLA 4th edition (law.ox.ac.uk/published/OSCOLA_4th_edn.pdf); and
- OSCOLA 2006: Citing International Law (see law.ox.ac.uk/published/OSCOLA_2006_citing_international_law.pdf).
- A Quick Reference Guide to OSCOLA is available at law.ox.ac.uk/published/OSCOLA_4th_edn_Hart_2012QuickReferenceGuide.pdf.

In accordance with OSCOLA, the excessive use of commas and full stops should be avoided. As little punctuation as possible should be used. References should adhere to the specifications below in accordance with the Publisher’s requirements. Any omissions will be returned to the author for completion.

General Indications

- All footnotes should end with a full stop.
- When in doubt, provide all information – it is easier and faster to cut them than to hunt down minutiae.



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- If there is only one footnote in a sentence, the footnote should follow all punctuation. However, when there is more than one footnote, the footnotes should be placed after the idea, quote, article, etc., *except* for the last footnote, which should follow all punctuation.
 - Article 6 can be said to predate the Covenant by many years.¹²
 - Both case law¹³ and customary practice illustrate this point.¹⁴
- Pincites come at the end of the citation. Page numbers stand alone, without 'p' or 'pp'. The following abbreviations should be used:
 - para = paragraph
 - paras = paragraphs
 - pt = part
 - ch = chapter
- Page ranges should be separated by an en dash: 26-46.
- et seq is preferred to ff.
- Signals should not be italicised in footnotes. Signals (for example: see - see also - cf - but see etc.) should not be separated from the rest of the citation by a comma:
See also *Rispoli v Italy*, European Court of Human Rights ...
- Give the author's name as it appears in the publication. The first name precedes the surname. In principle, the full first name should be provided (unless not given in the publication). Middle names, however, may be abbreviated:
Kevin D Johnson, 'title of article'... not KD Johnson, 'title of article'
- When there are more than three authors or editors, give the name of the first author or editor followed by 'and others'.

Abbreviations in Footnotes

- Accepted abbreviations for law reports, case names, journals and footnotes at the end of the style guide OSCOLA 2006: Citing International Law at <http://opil.ouplaw.com/fileasset/MPEPIL%20list%20of%20abbreviations.pdf>
- Otherwise define at first mention.
- Page: numbers only
- Paragraph(s): para; paras
- Section: s
- Chapter: ch
- Volume: vol
- Number: no
- Article: art
- Rule: r

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References and Cross References (n and ibid)

- When referring to a previously cited work use the following format: author's surname (n and the number of the footnote in which the work was first cited):
Rosenne (n 8)
- When referring to a previously cited work but referring to a different page than what was originally cited indicate the page referred to:
Crawford (n 8) 25
- When referring to a work cited *immediately above* the citation in question, and referring to the same page, use the following: *ibid* (do not italicise) Remember: use *ibid* only for immediately preceding references, otherwise, use (n ...).
- In cases referring to a work cited immediately above, but referring to a different page or paragraph number, use *ibid* and the page number, e.g., *ibid* 25.
- Please use Microsoft Word's cross reference function to make sure that references to previous footnotes remain correct despite possible changes. To create a cross reference, indicate the necessary info—eg, Rosenne (n followed by a blank space. Then, on the References tab, click the cross-reference button. A dialog box appears. Select footnotes as the reference type and choose the footnote to which you are referring. Leave the check mark in the 'Insert as hyperlink' check box. Press 'Insert'. The number of the footnote referred to will appear after the info previously entered, eg Rosenne (n 8. Close with a parenthesis. When you finalise your manuscript, make sure to update all cross-references. You can do so by first pressing ctrl + A to select all footnotes and then press F9.

Journal Articles

Use journal abbreviations as given under OSCOLA.

Anton Author, 'The Title of the Article' (2019) 1 Journal Title 120.

Jan Paulsson, 'Arbitration Without Privity' (1995) 10 ICSID Rev-FILJ 232, 238.

Thomas Wälde and Abba Kolo, 'Environmental Regulation, Investment Protection and "Regulatory Taking" in International Law' (2001) 50 ICLQ 811.

Ole Spiermann, 'Humanitarian Intervention as a Necessity and the Threat or Use of *Jus Cogens*' (2002) 71(4) Nordic JIL 530-34.

Books

Anton Author, *The Title of the Book* (Publisher 2019) 120.

Anton Author (ed), *The Title of the Book* (Publisher 2019) 120.

Andrew Newcombe and Lluís Paradell, *Law and Practice of Investment Treaties. Standards of Treatment* (Wolters Kluwer 2009) 35-48.

Karl P Sauvart (ed), *Appeals Mechanism in International Investment Disputes* (OUP 2008).



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Chapters in Books

Anton Author, 'The Title of the Article in the Book' in Anton Editor (ed), *The Title of the Book* (Publisher 2019) 120.

Friedl Weiss, 'Trade and Investment' in Peter Muchlinski, Federico Ortino and Christoph Schreuer (eds), *The Oxford Handbook of International Investment Law* (OUP 2008) 182-223.

Note: When pinpointing to a specific page, please also provide the chapter's starting page.

Press Releases

European Commission Press Release, 'EU and Canada Conclude Negotiations on Trade Deal' (18 October 2013) <http://europa.eu/rapid/press-release_IP-13-972_en.htm> accessed 25 September 2014

Newspaper Articles

Anton Author, 'The Title of the Article' *The Journal* (city and date of publication) page number.

Charles N Brower, 'A Crisis of Legitimacy' *Nat'l LJ* (Washington, DC, 7 October 2002) B9

Website/Internet References

For journal articles, books, case law, newspaper articles, and other documents accessed via the Internet simply cite as normal adding the URL (website address) in angle brackets (including <http://>) and with the date the material was accessed in parentheses.

Sundaresh Menon, 'International Arbitration: The Coming of a New Age for Asia', *21st ICCA Congress* (Singapore 2012) paras 43-46 <www.arbitration-icca.org/media/0/13398435632250/ags_opening_speech_icca_congress_2012.pdf> accessed 28 May 2018.

Joerg Risse and Max Oehm, 'European Court of Justice Stops Investment Arbitration in Intra-EU Disputes' (*Global Arbitration News*, 7 March 2018) <<https://globalarbitrationnews.com/ecj-stops-investment-arbitration-intra-eu/>> accessed 28 May 2018.

Alison Smale, 'Germans and Austrians Protest EU Trade Talks with US and Canada' *New York Times* (17 September 2016) <www.nytimes.com/2016/09/18/world/europe/germans-and-austrians-protest-eu-trade-talks-with-us-and-canada.html> accessed 28 May 2018.

If the material does not lend itself to the above-mentioned citation format provide the following information in this order:

- The author's first name followed by the author's surname (if relevant) *and/or* issuing institution, group, etc. (if relevant).
- Title of document in single quotation marks ('').
- Additional information, publisher, year in parentheses.
- URL (website address) in angle brackets including <http://>.
- Date the material was accessed.



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Case Law

The following information should be contained in this order:

- Case name in italics, including the ‘v’.
- Parties to the case if *not* included in case name, in parentheses.
- Issuing court or body, unless this is obvious from the Reference number (e.g., ICSID Case No ARB/10/12) or the case reporter (e.g., ICJ Reports).
- Reference or application number (if applicable).
- Indication of the decision name or type, for example, judgment, award, advisory opinion, dissenting opinion, order, etc.
- Date of judgment/decision/etc. in round parentheses.
- Specific page(s) or paragraph(s) referred to (if applicable).
- Include official reporter, if available; internet references to the official website of a deciding body or administering institution is not necessary.
- The second time a decision is cited, please use a short form and a reference to where the case was first cited.

International Court of Justice/Permanent Court of International Justice

Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v Belgium) (Provisional Measures) [2000] ICJ Rep 182.

Arrest Warrant of 11 April 2000 (n 4) 185.

Ahmadou Sadio Diallo (Republic of Guinea v Democratic Republic of the Congo) (Compensation) [2012] ICJ Rep 324, paras 61-63.

Case Concerning the Factory at Chorzara (Germany v Poland) (Merits) PCIJ Rep Series A No 17.

European Court of Human Rights

Regent Company v Ukraine App No 773/03 (ECtHR, 3 April 2008) para 14.

Velikova v Bulgaria ECHR 2000-VI 1, para 92.

Inter-American Court of Human Rights

The Case of the Mayagna (Sumo) Awas Tingni Community v Nicaragua (31 August 2001) Inter-American Court of Human Rights Series C No 79, para 164.

World Trade Organization Dispute Settlement Body

WTO, *Brazil: Measures Affecting the Imports of Retreaded Tyres*, Report of the Panel (12 June 2007) WT/DS332/R, para 7.

WTO, *Korea: Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, Report of the Appellate Body (11 December 2000) WT/DS161/AB/R, para 164.

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United States — Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMs) of One Megabit or Above from Korea (WT/DS99) [1999] 2 DSR 519, 521.

European Court of Justice

CJEU, Case 26/62, *Van Gend en Loos* [1963] ECR 1, 28.

CJEU, Case C-473/93, *Commission v Luxemburg* [1996] ECR I-3207, para 37.

Investor-State Arbitration Tribunal

Pac Rim Cayman LLC v The Republic of El Salvador, ICSID Case No ARB/09/12, Decision on the Respondent's Jurisdictional Objections (1 June 2012) paras 4.3-4.5.

Limited Liability Company Amto v Ukraine, SCC Arb No 080/2005, Final Award (26 March 2008).

Romak SA v The Republic of Uzbekistan, PCA Case No AA280, UNCITRAL, Award (26 November 2009) paras 241-48.

Treaties, Legislation, etc.

The following information should be given in this order:

- Full title;
- Date of adoption, signature, entry into force (as appropriate) in round parentheses;
- Reference.
- An informal/shortened title may be given in parentheses before the pinpoint reference, and used in subsequent references.

Charter of the United Nations (signed 26 June 1945, entered into force 24 October 1945)
1 UNTS 16.

Energy Charter Treaty (Annex I of the Final Act of the European Energy Charter Conference)
(signed 17 December 1994, entered into force 16 April 1998) (1995) 34 ILM 373.

Agreement between the Republic of France and the Republic of Austria on the Reciprocal
Promotion and Protection of Investments (signed 12 March 1999, entered into force 16 October
2000) (France–Austria BIT) art 11.

Reports

Author(s) name (if applicable), 'Title' (edition publisher year) pinpoint citation. Italicise title if the report has been published as a book (*i.e.* it has an ISBN number).

International Bank for Reconstruction and Development, 'Report of the Executive Directors on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States' (18 March 1965) paras 5–6.

UNCTAD, *World Investment Report 2012: Towards a New Generation of Investment Policies* (United Nations 2012).



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Martti Koskenniemi, 'Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law – Report of the Study Group of the International Law Commission' (2006) UN Doc A/CN.4/L.682.

Publication

Proofs

Upon acceptance, a PDF of the article proofs will be sent to each author by e-mail to check carefully for factual and typographic errors. Authors are responsible for checking these proofs and are strongly urged to make use of the Comment & Markup toolbar to note their corrections directly on the proofs. At this stage in the production process only minor corrections are allowed. Alterations to the original manuscript at this stage will result in considerable delay in publication and, therefore, are not accepted unless charged to the author. Proofs should be returned promptly.

E-offprints

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Publication Agreement

By submitting a manuscript, the author agrees to enter into a publication agreement if and when the article is accepted for publication. For that purpose the author needs to sign the License to Publish, which will be sent with the first proofs of the manuscript.

Open Access

Should the author wish to publish the article in Open Access he/she can choose the Brill Open option. This allows for non-exclusive Open Access publication under a Creative Commons license in exchange for an Article Publication Charge (APC), upon signing a special Brill Open Consent to Publish Form. More information on Brill Open can be found on brill.com/brilopen.