

South Carolina Journal of International Law and Business

Volume 8
Issue 1 *Fall*

Article 1

2011

Table of Contents - Issue 1

Follow this and additional works at: <https://scholarcommons.sc.edu/scjilb>



Part of the [Business Law, Public Responsibility, and Ethics Commons](#), and the [International Law Commons](#)

Recommended Citation

(2011) "Table of Contents - Issue 1," *South Carolina Journal of International Law and Business*: Vol. 8 : Iss. 1 , Article 1.

Available at: <https://scholarcommons.sc.edu/scjilb/vol8/iss1/1>

This Article is brought to you by the Law Reviews and Journals at Scholar Commons. It has been accepted for inclusion in South Carolina Journal of International Law and Business by an authorized editor of Scholar Commons. For more information, please contact digres@mailbox.sc.edu.

SOUTH CAROLINA JOURNAL OF INTERNATIONAL LAW & BUSINESS

VOLUME 8

FALL 2011

ARTICLES

THE SETTLEMENT OF INVESTOR STATE DISPUTES AND CHINA: NEW
DEVELOPMENTS ON ICSID JURISDICTION

Jane Y. Willems

CANADA AND INVESTMENT TREATY ARBITRATION: THREE
PROMINENT ISSUES—ICSID RATIFICATION, CONSTITUENT
SUBDIVISIONS, AND HEALTH AND ENVIRONMENTAL REGULATION

Barry Leon, Andrew McDougall & John Siwiec

A CASE STUDY IN TANZANIA: POLICE ROUND-UPS AND DETENTION
OF STREET CHILDREN AS A SUBSTITUTE FOR CARE & PROTECTION

Sheryl L. Buske

STUDENT NOTES

RUSSIA'S LACK OF AMERICAN-STYLE AGENCY PRINCIPLES: A
PRIMARY CAUSE OF CORPORATE GOVERNANCE PROBLEMS TODAY

C. Keith Marshall, Jr.

AN ANALYSIS OF SOUTH CAROLINA'S INCENTIVES TO THE BOEING
COMPANY

Amanda S. Kuker

The *South Carolina Journal of International Law & Business* (US ISSN 1936-4334) is a student-edited legal journal published in affiliation with the University of South Carolina. The Journal is published twice a year. The current annual subscription price is \$65.00 for an individual and \$75.00 for an institution and is payable in advance.

SUBMISSIONS INFORMATION

The *South Carolina Journal of International Law & Business* welcomes the submission of articles from scholars, practitioners, business leaders, government officials, and jurists on topics relating to recent developments in international law and business. The Journal also welcomes the submission of shorter works such as book reviews, commentaries, and bibliographies by qualified authors. The Journal does not consider submissions from students not on the Journal's staff.

In selecting a submission for publication, the Journal considers its originality, meaningfulness, and thoroughness. Submissions must conform with *The Bluebook: A Uniform System of Citation* (19th ed. 2010) and the *Texas Law Review Manual on Usage & Style* (12th ed. 2011). Submissions should be in Microsoft Word format, double-spaced, and footnoted appropriately. Additionally, submissions should have numbered pages.

The Journal prefers submission through the ExpressO electronic submission service. Alternatively, submissions may be emailed to Submissions@scjilb.org or sent via post to

Submissions
South Carolina Journal of International Law & Business
USC School of Law
701 Main Street
Columbia, South Carolina 29208

When submitting via email or post, the author should include a curriculum vitae or resume listing educational and employment history and previous publications.

The Journal promptly reviews submissions on a rolling basis. Expedited review may be available for authors facing strict acceptance deadlines from other publications. The author should email the submission and include in the subject line "expedited review." The body of the email should include the author's name, the title of the manuscript, the names of other publications from which the author has received offers, and the relevant deadline. The journal does not guarantee it will make a selection decision prior to the author's deadline. Regrettably, the Journal is unable to perform expedited reviews during May or December.

COPYRIGHT © 2011 by the *South Carolina Journal of International Law & Business*

SOUTH CAROLINA JOURNAL OF INTERNATIONAL LAW & BUSINESS

VOLUME 8

FALL 2011

CONTENTS

ARTICLES

- THE SETTLEMENT OF INVESTOR STATE
DISPUTES AND CHINA NEW DEVELOPMENTS
ON ICSID JURISDICTION *Jane Y. Willems* 1
- CANADA AND INVESTMENT TREATY
ARBITRATION: THREE PROMINENT ISSUES—
ICSID RATIFICATION, CONSTITUENT
SUBDIVISIONS, AND HEALTH AND
ENVIRONMENTAL REGULATION *Barry Leon,
Andrew McDougall &
John Siwiec* 63
- A CASE STUDY IN TANZANIA: POLICE
ROUND-UPS AND DETENTION OF STREET
CHILDREN AS A SUBSTITUTE FOR CARE
AND PROTECTION *Sheryl L. Buske* 87

STUDENT NOTES

- RUSSIA'S LACK OF AMERICAN-STYLE
AGENCY PRINCIPLES: A PRIMARY
CAUSE OF CORPORATE GOVERNANCE
PROBLEMS TODAY *C. Keith Marshall, Jr.* 131
- AN ANALYSIS OF SOUTH CAROLINA'S
INCENTIVES TO THE BOEING COMPANY *Amanda S. Kuker* 165

SOUTH CAROLINA JOURNAL OF INTERNATIONAL LAW & BUSINESS

VOLUME 8

FALL 2011

EDITORIAL BOARD

Editor in Chief

LYNDEY R. ZWING

Articles Editors

MICHELLE L. BOYKIN
JOHN D. BRANSON
SETH T. MCDANIEL
KATHERINE A. STANTON

Managing Editors

ELLEN M. STANLEY

Student Works Editor

AMANDA S. KUKER

Associate Managing Editor

ADAM C. FRAHM

Associate Articles Editors

LEAH C. FOX
PATRICIA A. LYSAK

Publications Editor

JAMES I. MARTIN

Subscriptions Editor

AMIR A. NOWROOZZADEH

Special Projects Editors

DANIEL L. JOHNSEN
ROSS KELLEY
C. KEITH MARSHALL, JR.
M. CELESTE RODGERS

EDITORIAL STAFF

DANIEL A. CRAIG
CAITLIN E. CRESWICK
JEFFREY T. CRISWELL
F. HEYWARD GRIMBALL
GEORGIA LEIGH HEARN

DAVID S. JONES
WILLIAM A. JORDAN
KATARZYNA K. KOBIERZYNSKA
MATT TOTTEN
BRADLEY MAXWELL

ALLISON S. POWELL
BENTON G. SAWREY
CAROLINE M. SCRANTOM
MICHAEL S. TALBOT
GILLIAN R. THOMPSON

FACULTY ADVISORS

PROF. JANICE M. BAKER
PROF. SUSAN S. KUO

PROF. JOEL H. SAMUELS
PROF. JOHN D. LUTHY

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW

FACULTY

2011–2012

ADMINISTRATION

Robert M. Wilcox, A.B., J.D.; *Dean and Professor of Law*
Danielle R. Holley-Walker, B.A., J.D.; *Associate Dean for Academic Affairs and Professor of Law*
Duncan E. Alford, B.A., J.D., M.L.I.S.; *Associate Dean and Director of the Law Library*
Susan Palmer, B.A., J.D.; *Associate Dean for Student Affairs*
Lewis Hutchison; *Assistant Dean for Admissions*
Elizabeth Niehaus; *Assistant Dean for Administration*
Ernest Pringle, B.S., M.P.A.; *Assistant Dean for Information Technology*

EMERITUS

F. Ladson Boyle, B.S., J.D., LL.M.; *Distinguished Professor Emeritus of Federal Law*
R. Randall Bridwell, B.A., J.D., LL.M.; *Distinguished Professor Emeritus of Law*
Katharine I. Butler, B.A., J.D., M.Ed.; *Distinguished Professor Emerita of Law*
Vance L. Cowden, B.A., J.D.; *Distinguished Professor Emeritus of Law*
Joseph R. Cross, Jr., B.A., J.D., M.Ln.; *Law Librarian Emeritus*
Nathan M. Crystal, B.S., J.D., LL.M.; *Class of 1969 Distinguished Professor Emeritus of Professional Responsibility and Contract Law*
Richard E. Day, B.S., J.D.; *Distinguished Professor Emeritus of Law*
Robert L. Felix, A.B., LL.B., M.A., LL.M.; *James P. Mozingo, III Professor Emeritus of Legal Research, Distinguished Professor Emeritus of Law*
James F. Flanagan, A.B., LL.B.; *Distinguished Professor Emeritus of Federal Practice*
Robert W. Foster, B.S., LL.B., LL.M.; *Distinguished Professor Emeritus of Law*
John P. Freeman, B.B.A., J.D., LL.M.; *John T. Campbell Professor Emeritus of Business and Professional Ethics, Distinguished Professor Emeritus of Law*
Thomas R. Haggard, B.A., LL.B.; *Distinguished Professor Emeritus of Law*
Herbert A. Johnson, A.B., M.A., Ph.D., LL.B.; *Distinguished Professor Emeritus of Law*
Henry S. Mather, B.A., M.A., J.D.; *Distinguished Professor Emeritus of Law*
William S. McAninch, B.A., LL.B., LL.M.; *Distinguished Professor Emeritus of Law*
Ralph C. McCullough, II, B.A., J.D.; *Distinguished Professor Emeritus of Law*
John E. Montgomery, B.Ch.E., J.D., LL.M.; *Distinguished Professor Emeritus of Law, Dean Emeritus, and Director, Nelson Mullins Riley & Scarborough Center on Professionalism*
Dennis R. Nolan, A.B., M.A., J.D.; *Webster Distinguished Professor Emeritus of Labor Law*
Diana M. Osbaldiston, B.S., M.S.L.S., M.M.A., *Law Librarian Emerita*
O'Neal Smalls, B.S., J.D., LL.M.; *Distinguished Professor Emeritus of Law*
Stephen A. Spitz, B.S., J.D.; *Distinguished Professor Emeritus of Law*
Roy T. Stuckey, A.B., J.D.; *Distinguished Professor Emeritus of Law and Webster Professor of Clinical Legal Education Emeritus*
Melissa M. Surber, B.A., M.L., *Law Librarian Emerita*
Jon P. Thames, J.D., LL.M.; *Distinguished Professor Emeritus of Law*
James L. Underwood, A.B., J.D., LL.M.; *Distinguished Professor Emeritus of Law*
Eldon D. Wedlock, Jr., A.B., J.D., LL.M.; *Distinguished Professor Emeritus of Law*

FACULTY

Gregory B. Adams, B.S., J.D., LL.M., J.S.D.; *Associate Professor of Law*
Duncan E. Alford, B.A., J.D., M.L.I.S.; *Director of the Law Library*
Janice M. Baker, B.A., J.D.; *Legal Writing Instructor*
J. Jay Bender, B.A., J.D.; *Reid H. Montgomery Freedom of Information Chair*
Robert T. Bockman, B.A., M.A., J.D.; *Senior Legal Writing Instructor*
F. Ladson Boyle, B.S., J.D., LL.M.; *Charles E. Simons, Jr. Professor of Federal Law*
Josie F. Brown, B.A., J.D.; *Assistant Professor of Law*
W. Lewis Burke, B.A., J.D.; *Professor of Law and Director of Clinical Education*
James R. Burkhard, B.A., M.A., J.D.; *Associate Professor of Law*
Jaclyn A. Cherry, B.A., J.D.; *Assistant Professor of Law*
Thomas P. Crocker, B.A., M.A., Ph.D., J.D.; *Assistant Professor of Law*
Elizabeth M. Dalzell, B.S., J.D.; *Legal Writing Instructor*
Josh Eagle, B.A., M.S., J.D.; *Associate Professor of Law*
Lisa A. Eichhorn, B.A., J.D.; *Professor of Law and Director of Legal Writing*
Patrick J. Flynn, A.B., J.D.; *Associate Professor of Law*
Jacqueline R. Fox, B.A., J.D., LL.M.; *Assistant Professor of Law*
Kenneth W. Gaines, B.S., J.D., LL.M.; *Associate Professor of Law*
Brant J. Hellwig, B.S., J.D., LL.M.; *Associate Professor of Law*
F. Patrick Hubbard, B.A., J.D., LL.M.; *Ronald L. Motley Distinguished Professor of Tort Law*
Susan S. Kuo, A.B., J.D.; *Associate Professor of Law*
Philip T. Lacy, B.A., LL.B.; *Professor of Law*
Ami Leventis, B.A., J.D.; *Legal Writing Instructor*
David K. Linnan, B.A., J.D.; *Associate Professor of Law*
John D. Luthy, B.A., J.D.; *Legal Writing Instructor*
Martin C. McWilliams, Jr., B.A., J.D., LL.M.; *Professor of Law*
Benjamin Means, A.B., J.D.; *Assistant Professor of Law*
S. Alan Medlin, B.A., J.D.; *David W. Robinson Professor of Law*
Amy L. Milligan, B.S., B.A., J.D.; *Legal Writing Instructor*
Ebony S. Nelson, B.A., J.D.; *Assistant Professor of Law*
David G. Owen, B.S., J.D.; *Carolina Distinguished Professor of Law*
Elizabeth G. Patterson, B.A., J.D.; *Professor of Law*
Burnele V. Powell, B.A., J.D., LL.M.; *Miles and Ann Loadholt Professor of Law*
Walter F. Pratt, Jr., B.A., D.Phil., J.D.; *Educational Foundation Distinguished Professor of Law*
William J. Quirk, A.B., LL.B.; *Professor of Law*
Wadie E. Said, A.B., J.D.; *Assistant Professor of Law*
Joel H. Samuels, A.B., M.A., J.D.; *Assistant Professor of Law*
Joseph A. Seiner, B.B.A., J.D.; *Assistant Professor of Law*
Howard B. Stravitz, B.A., J.D.; *Associate Professor of Law*
Michael J. Virzi, B.A., J.D.; *Legal Writing Instructor*
Marcia A. Yablon-Zug, A.B., J.D.; *Assistant Professor of Law*

COLEMAN KARESH LAW LIBRARY TEACHING FACULTY

Terrye Conroy, B.S., J.D., M.L.I.S.; *Reference/Public Services Librarian*
Katherine L. Holtz, B.S., M.L.I.S.; *Acquisitions and Electronic Resources Librarian*
David E. Lehmann, B.A., J.D., M.L.I.S.; *Reference/Electronic Resources Librarian*
Rebekah K. Maxwell, B.A., J.D., M.L.I.S.; *Associate Director for Library Operations*
Pamela R. Melton, B.A., J.D., M.S.L.S.; *Associate Director for Library Administration*
Ellen M. Richardson, B.A., J.D., LL.M., M.L.I.S.;
Karen G. Taylor, B.A., M.L.I.S.; *Head of Access Services*
Gloria Zinky, B.A., M.A., M.L.S.; *Head of Technical Services*

VISITING FACULTY

Stanley E. Adelman, B.A., J.D.; *Visiting Associate Professor of Law*
Melissa Hamilton, B.A., J.D., Ph.D.; *Visiting Assistant Professor of Law*
Reginald I. Lloyd, B.A., J.D., *Attorney-in-Residence*
William G. Merkel, B.A., J.D., D. Phil.; *Visiting Associate Professor of Law*
Deborah Tussey, B.A., J.D., LL.M.; *Visiting Professor of Law*

ADJUNCT FACULTY

The Hon. Joseph F. Anderson, Jr.
Desa Ballard
Ronald M. Childress
Lesley M. Coggiola
The Hon. John Geathers
Matt Gissendanner
Richard Handel
Lee Jedziniak
Michael E. Kozlarek
Stanford E. Lacy
Thomas J. LeClair
Herbert W. Louthian
Randolph R. Lowell
Claire T. Manning
Joseph M. McCulloch, Jr.
Lawrence C. Melton
Elizabeth Scott Moise
Sarah M. Montgomery
Deborah P. Morgan
Stephen G. Morrison
The Hon. Charles F. Reid
Emily Nanette Swalm
The Hon. John E. Waites
Travis C. Wheeler
H. Dave Whitener, Jr.
Richard H. Willis
William K. Witherspoon

