

Standards of foreign investor treatment

Summary

The purpose of my thesis is to analyse the current state of the standards of treatment in the field of international investment. The reason for my research is the dynamic growth in number of international investment disputes which appears to examine the adaptability and viability of international law.

The thesis is composed of five chapters, each of them dealing with different aspects of the problems. Chapter One is introductory and deals with the general standard of non-discrimination which is common to the other chapters.

Chapter Two examines the standard of fair and equitable treatment (FET). The chapter is subdivided into three parts and a conclusion. Part One explains the importance of this standard, Part Two deals with the connection of this standard to international customary law and Part Three explains the content of the FET standard.

Chapter Three focuses on another important standard of treatment – the national treatment. It is subdivided into three parts and a conclusion similarly to the former chapter.

Chapter Four concentrates on the most-favoured-nation clauses (MFN). The chapter consists of two parts, which investigate the significance of this specific standard and investigate its content. This chapter also ends with a conclusion.

Chapter Five provides an outline of relevant Czech case law. Although it has not been very abundant up to the present day, it illustrates well the approach to decision-making by some arbitration courts and common faults of State agencies when addressing foreign investors.

Conclusions are drawn in the final part of the thesis. The main aim of the thesis is to expand my initial hypothesis that international investment arbitration forms an unprecedented system, which addresses the balance between the interests of private investors and sovereign States. The standards of investment protection as described thereinbefore appear to be a powerful instrument to strengthen the position of foreign investors. Finally, several changes in the legislation and international treaties, which would equilibrate the balance back, are suggested in the Conclusion.