

The Establishment and Treatment of International Investment - résumé

The purpose of this thesis is to analyse current state of international investment law with focus solely on the establishment and treatment of investment. Thesis is built upon the reflexion of customary international law, practice of states, arbitral awards and doctrinal studies.

First chapter examines both economic and legal definition of investment. Understanding economic fundamentals of investment enables better comprehension of the investment meaning in international law. The second part of first chapter is committed to examination and comparison between different kinds of investment definition as is to be found in multilateral as well as bilateral investment treaties.

Bilateral treaties observed in this study are the agreement between Czech Republic and Bahrain, France and Mexico, Germany and Egypt and as a protagonist of the American investment treaty model the US Model BIT from 2004. The option of this treaties was motivated by the chance to observe on differences that the European investment model has when contracting with different states (Egypt as a deputy of countries with huge natural resources and Mexico as a delegate of Central America state).

The next chapter concerns shortly the historical background of doctrines on foreign investment and its influence on host countries.

The third chapter deals with the right of admission and the right of establishment of investment within a host state territory and the possibilities of host state restriction and regulation on such investment. The legal construction of methods to obtain such rights is described also.

The core of this thesis lies in chapter five which is focused on different standards of treatment including the national treatment, the most-favoured-nation treatment and fair and equitable standard.

Major part of thesis was devoted to comparison of differences and similarities among European model treaties and describing the distinctness of US model treaty.