

Resolving investment disputes from the perspective of case-law of international arbitration courts

The purpose of my thesis is to analyse resolution of investment disputes from the perspective of international arbitration courts' case-law. The reason for my analysis is recent increase of importance for investment disputes resolution in front of international arbitration courts.

The thesis is composed of four chapters, each of them dealing with different aspects of the topic. First chapter is introductory and defines basic terminology used in the thesis, such as investment, investment disputes, difference between investment dispute and commercial dispute.

Second chapter examines relevant Czech and Slovak treaties on the protection of investments concluded with another states. The chapter deals with both bilateral and multilateral investment treaties. In this chapter there are also two charts with the overview of most used forums for investment disputes resolutions from Czech and Slovak bilateral investment treaties.

Third chapter is subdivided into two parts, the general part, and specific part with the case-law of European Court of Justice. This chapter is called European Union and protection of investments. It includes also the most recent progress in European rulemaking, regarding the common investment policy.

Fourth chapter concentrates on international arbitration courts, their history, arbitration rules, and recent case-law. Part One describes the International Centre for Settlement of Investment Disputes, part two analyses ad hoc tribunals constituted on the grounds of Arbitration rules of United Nations Commission on International Trade Law. At the end of relevant chapter there are briefly analysed also the International Court of Arbitration and the Arbitration Institute of the Stockholm Chamber of Commerce.

In conclusions I summarize the results reached by analysis of investment disputes resolution. I suggest that the local remedies in the field on investment disputes resolution should be completely replaced by highly specialised international measures.

Key words: investment disputes resolution, international arbitration courts, case-law.