

Resumé:

This thesis titled „Damages in Investment Disputes“ deals with analysis of various types of damages in investment arbitrations. To approximate this theme author tries to use the case study method for various terms of international investment law.

The aim of this thesis was to try to summarize theoretical definition of damages, using its various types and reasons of their origin. Described is contractual basis, from which damages arise in causal nexus, but also particular instruments of investment arbitration and its jurisdictional practice.

Thesis is divided (without counting the introduction and conclusion) into three chapters, which are further divided into sub-chapters, possibly into additional parts.

First chapter is an excursion into common theory of international investment law with focus on damages. It encloses though theoretical basis, but also individual contractual recourse. The theory basics is supplemented with evaluation of basic terms, like investment and damages in international investment arbitration. Its component is also definition of investment from jurisdictional practice (Salini test).

Second chapter is focused on definition of damages and its various types. Starting point to this is also definition of mostly used methods to determine amount of damages. As basics is used fair and equitable remedy and counting of damages with use of Discounted cash-flow method. Where it is possible, the text is supplied with relevant cases from international practice.

Last chapter is devoted to investment arbitrations, which are well known by media, or mostly cited in the expert literature. This case are shown appropriate to make reader familiar with investment arbitration in our geographical area.

The conclusion is then devoted to effort for assessing overall approach of jurisdictional practice related to individual disputed and their theoretical basis. Included is also possible outlook for the future in terms „de lege ferenda“.