

Summary

Master's thesis "Damages in Investment Disputes" concentrates on some of the current and controversial questions in this field. The aim of the thesis is to set light to the system of investment disputes and to elaborate on burning questions that arise within its scope. This concerns namely questions about its status under international law as such, but also questions connected to the nature of investment disputes which concern one private party and one sovereign party. Moreover, the aim of this thesis is to present an overview of the law of damages that forms the key remedy sought by investors. This concerns questions about the forms of remedies available as well as limitation of the amount of damages due to legal or factual reasons. It deliberately leaves out discussion on methods of calculation of damages as this discussion, even though important for assessment of final amount of damages for a particular investor, is not essential for the functioning of the system of international foreign investment law.

In the first part (Chapters 1 – 4), this thesis concerns itself with the functioning of the system of investment disputes and analyses its historical as well as current context. After setting the system into its context, it presents (shortened) analysis of the nature of this dispute settlement system – i.e. it examines international investment arbitration as the most common forum for resolving investment disputes and discusses its advantages and disadvantages.

The following Chapter 5 deals with the sources of law and sets the framework within which law of damages arises. This analysis helps the reader to orientate within the extensive material of sources of international investment law with the emphasis on the sources of law of damages.

In its last part (Chapters 6 – 13) this thesis deals with issues relating to damages as such. It examines damages in the system of remedies as presented by customary international law, conditions of the availability of damages, it concerns with questions of evidence which may, for lawyers operating solely within the Czech Republic, seem quite surprising. Further, the thesis deals with the amount of damages and considerations which may lead arbitrators to its limitation. The last chapter then shortly deals with circumstances precluding wrongfulness because the usage of these has recently become in the centre of interest of the whole world in relation

to the Argentine crisis.

As a concluding remark, the thesis summarizes analysis performed and presents some of the particular conclusions made in the body of the text and presents an appeal that more theoretical basis are provided into the law of damages and namely to the process of its assessment which leads to affirmative or negative award with regard to this claim.