

## **Abstract**

International investment law has become increasingly prominent in the international legal order. This thesis explores specific and topical problem of international expropriation law, with the main focus on the vast network of international investment agreements (IIAs) supplemented by the general rules of international law.

The thesis traces the context and evolution of the protection of foreign investments in response to the transformation of state liability in international law. Particular consideration is given to the relationship between the International Minimum Standard (IMS) and the Calvo Doctrine as two clashing descriptive statements of customary international law governing the treatment of foreigners and their assets. With the onset of the BIT generation, the economical accountability of states is examined in compliance with the scope and conditions defined in clauses and provisions of the contemporary investment treaties.

In addition, the thesis focuses on the substantive protection accorded to foreign investors and investments. The aim is to identify the limits of the state's right to expropriate foreign investments by imposing legality requirements standard. The requirements for lawful expropriation are addressed with a thorough examination of jurisprudence of international courts and tribunals. The attempt to define the scope of expropriation in international law is simultaneously made by analysis of various forms in which expropriation could be carried out. The traditional distinction between direct and indirect expropriation is supplemented by identification of specific forms of indirect expropriation – creeping expropriation and today more prevalent form of regulatory expropriation. The crucial factors that concretize the elusive concept of indirect expropriation are explored in pursuance with tribunals' practise. In conclusion, the thesis also includes chapter on partial expropriation.

## **Keywords**

Bilateral Investment Treaty, Compensation, Expropriation, Investment protection