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Nation Treatment Prof. Mark Feldman Peking University

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Expropriation: intersection of customary and treaty law

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Batifort, S., & Heath, J. B. (2017). The New Debate on the
interpretation of MFN clauses in investment treaties: Putting
the brakes on multilateralization. The American Journal of
International Law, 111(4), 873. Google Scholar

Application of MFN to the Substantive Benefits |
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In investment treaty arbitration jurisdiction is generally
based on an offer of consent to arbitration made by the

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states parties to a treaty. Most often the treaty is a bilateral investment treaty (“ BIT ”). That offer may be accepted by nationals of another state party to the treaty, often simply by starting arbitration proceedings.

Jurisdiction and Applicable Law in Investment Treaty ...

This overview note provides an introductory outline of investment treaty ... 7 Substantive protections in BITs, MITs and investment laws. 8 Which ... Legal basis of ICSID arbitration. Consent to ICSID arbitration. 10 Law applicable to investment treaty disputes. MITs: NAFTA arbitration. 11 Interaction between contractual and treaty rights/remedies.

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Investment treaty arbitration: overview | Practical Law
International Investment Law (5011): The past few decades have seen a dramatic increase in the number of bilateral investment treaties and other treaties with investment-related provisions, followed by a sharp rise in the number of disputes between private investors and sovereign states pursuant to investor-state dispute settlement (ISDS) provisions. This course will cover four broad areas: (I) the historical and policy origins of international investment law; (II) the substantive ...

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of the other states. Typically, investment treaties contain two important elements. First, they contain substantive provisions which set out the standards by which each state promises to treat the investors of the other state/s. Secondly, most investment treaties contain a procedural mechanism to

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comprehensive description of the present state of the law. The first edition met with immediate success as a result of the authors' achievement in describing and analysing the volume of law created, applied ...

Oxford Public International Law: International Investment ... Authentic (or Authoritative) Interpretation of Investment Treaties by the Treaty Parties. The interpretation of investment treaties is governed by the rules on interpretation codified in Articles 31 to 33 of the Vienna Convention on the Law of Treaties (VCLT). The hybrid nature of Investor-State arbitration, in which the parties to the dispute and the parties to the treaty do not coincide, calls for

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Authentic (or Authoritative) Interpretation of Investment ...
Campbell McLachlan, Laurence Shore, and Matthew Weiniger. Oxford International Arbitration Series.

Description. This is the long-awaited second edition of this widely-referenced work on the substantive law principles of investment treaty arbitration. It forms a detailed critical review of the substantive principles of international law applied by investment arbitration tribunals, and a clear and comprehensive description of the present state of the law.

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International Investment Arbitration: Substantive ...

All Chinese investment treaties afford MFN obligations to foreign investment. 73 Hence, foreign investors subject to investment protections of earlier Chinese BITs are able to

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enjoy the enhanced protection of newer treaties through invoking the MFN clause, at least to a substantial degree, and if no imposed restrictions or exceptions provided otherwise. 74 Recent Chinese BITs tend to extend the MFN obligation to the admission stage.

China ' s Bilateral Investment Treaties | SpringerLink
Introduction. International law on foreign investment finds its origins in the international law on the treatment of aliens and has long been regarded as an instrument of Western dominance over and exploitation of developing countries. In the aftermath of decolonization, both substantive and procedural rules on the treatment of foreign investment

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To place the current investment law and policy discourse on a more solid empirical footing, this article systematically investigates the impact of investor-state arbitration on treaty making via three channels. First, both historically and in today ' s practice, not all investment treaties contain consent to investment arbitration.

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