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Batifort, S., & Heath, J. B. (2017). The New Debate on the interpretation of MFN clauses in investment

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In investment treaty arbitration jurisdiction is generally based on an offer of consent to arbitration made by the 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.

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International Investment Law - Stanford Law School 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

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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 a “particular duty of caution” in applying these rules (Berman, Diss. opinion

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All Chinese investment treaties afford MFN obligations

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to foreign investment. 73 Hence, foreign investors subject to investment protections of earlier Chinese BITs are able to 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.

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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

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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 were at the center of developing countries ' struggle to gain control over their natural resources and establish a New International Economic Order.

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Foreign Investment - International Law - Oxford  
Bibliographies

To place the current investment law and policy discourse on a more solid empirical footing, this article systematically investigates the impact of investor-state

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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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