

To what extent, if any, are most favoured nation clauses able to be invoked by investment treaty claimants suing under one bilateral investment treaty in relation to procedural rights granted by another bilateral



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(Murray Marquardt)

TO WHAT EXTENT, IF ANY, ARE MOST FAVOURED NATION CLAUSES ABLE TO BE INVOKED BY INVESTMENT TREATY CLAIMANTS SUING UNDER ONE BILATERAL INVESTMENT TREATY IN RELATION TO PROCEDURAL RIGHTS GRANTED BY ANOTHER BILATERAL



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GRIN Verlag GmbH Okt 2014, 2014. Taschenbuch. Book Condition: Neu. 210x148x2 mm. This item is printed on demand - Print on Demand Titel. Neuware - Master's Thesis from the year 2009 in the subject Law - European and International Law, Intellectual Properties, grade: B+, University of Auckland, course: International Arbitration, language: English, comment: Die Arbeit wurde zur Erlangung eines 'LL.M.' an der University of Auckland, Neuseeland erstellt. Jeweils im Anschluss an eine Blockveranstaltung waren dafür vier derartiger 'Research Paper' anzufertigen. Die erzielte Note 'B+' entspricht auf einer deutschen Notenskala einer '2,0', abstract: Since 1959, the year in which the first Bilateral Investment Treaty (hereinafter BIT) was concluded, the number of BITs has increased to roundly 2500. The rapid growth of that number spells out the outstanding role BITs nowadays play in the global investment protection regime. Typically the host country has not only entered into a BIT with one country but a number of other countries as well. Due to numerous reasons the BITs concluded by the host country often differ in their wording, scope and the guaranteed range of rights. In order to prevent a discrimination and to ensure a balanced competition in the country's market with equal opportunities for all market players almost all BITs provide for a so-called Most-Favoured-Nation clause (hereinafter MFN clause). Subject to certain limits such a MFN clause, in principle, operates as follows: as soon as the host state accords a more favourable treatment to a third party in another BIT (third party treaty) the party of the basic treaty can rely on the MFN clause to demand the same treatment. Hence, the most favourable treatment agreed upon with one state automatically sets up the standard for the treatment of any other country given that its BIT contains a MFN clause. Although it might...



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