

Disposal with an Investment Claim

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International investment protection is very special legal discipline which stands at the borderline between public and private, international and national (domestic) law. The intersections between these legal areas produce a vast range of questions on the applicable law and the nature of the legal institutes inherent to investment protection. The legal system of investment protection is founded on a matrix consisting of bilateral and multilateral treaties and simultaneously shares some of the customary origins inherent to diplomatic protection of foreigners. The particularity of the investment protection system is given by the existence of the diagonal relations between the host state and the investor of the other state. The combination of the public international law sources and the diagonal relations developing inside the public international law matrix induce questions on the nature of such rights and obligations arising inside of the investment protection system among its actors. Author analyses these relations with an aim to determine the nature of the investment claim as a prerequisite for a volitional disposal of the investment claim by the investor.