Establishing jurisdiction through a Most-Favored-Nation clause.

Introduction

Article from: TDM 5 (2005), in Investor-State Disputes - International Investment Law
Much has been said and written about the recent development of investment arbitration on the basis of investment protection treaties (see, for example, E. Gaillard, "L’arbitrage sur le fondement des traités de protection des investissements," 2003 Rev. Arb. 853; Ch. Schreuer, "Traveling the BIT [bilateral investment treaty] Route. Of Waiting Periods, Umbrella Clauses and Forks in the Road," 5 J. World Inv. & Trade 231 (April 2004)). This development has espoused—at times in a fashion perceived as groundbreaking—mechanisms and concepts of treaty law.
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