

**Summary of doctoral dissertation entitled „Estoppel in International Investment Law”**

The subject of the doctoral dissertation is the principle of estoppel in international investment law. Where the requirements of estoppel are present on the facts of a given case, the legal effect of the principle is the deprivation of a subject of international investment law of the right to change its legally relevant, previously externalized, position. In effect, the representor is legally compelled to accept the consequences stemming from the representation, even if the state of affairs described therein does not reflect reality. Two views of estoppel, broad and strict (*estoppel sensu largo* and *estoppel sensu stricto*), can be distinguished, with the primary difference resting in the fact that the latter concept incorporates the element of detrimental reliance.

The underlying thesis of the doctoral dissertation is that estoppel is a universal concept within international investment law which is capable of being applied to influence the shape and legal effect of many of its institutions, notably arbitral procedure, jurisdiction, re-arbitration of issues already decided, and substantive rights and obligations of subjects of international investment law.

The dissertation comprises a table of abbreviations, introduction, six substantive chapters, concluding remarks and a bibliography.

Chapter I begins with an exposition of the principle in general international law in the light of the case law of the International Court of Justice and other courts and tribunals seized of disputes governed by international law. The chapter also addresses the axiological origin of estoppel, its historical evolution towards the strict view, its classification among sources of international law, its applicability to issues of jurisdiction and the inter-relation between estoppel and unilateral acts, predominantly acquiescence and binding state promises.

In Chapter II, estoppel is grounded within the context of international investment law. To this end, the requirements of the strict view of estoppel are interpreted in detail in the light of arbitral case law. The chapter concludes with a selection of practical examples of analogies with domestic law concepts of estoppel and discusses its limits in international investment law.

Chapter III sees estoppel analysed against admissibility of claims and the constitutive elements of jurisdiction of an arbitral investment tribunal: three pre-conditions stipulated in Article 25 of the ICSID Convention (consent to arbitrate (*jurisdiction racione voluntatis*), personal jurisdiction (*racione personae*) and substantive jurisdiction (*racione materiae*)) along with jurisdiction *racione temporis*, regulated separately in a number of investment treaties.

Chapter IV is dedicated to preliminary objections to jurisdiction and admissibility lodged by host states which attack the legality of the investment, i.e. conformity of the investment with domestic laws of the host state. It is argued that the strict view of estoppel can be used to preclude unwarranted objections and thus achieve a proper balance between the interests of host states and investors.

The penultimate substantive chapter is devoted to issue estoppel and selected procedural issues. An attempt is made to fit issue estoppel, traditionally been perceived as a doctrine straddling the boundary between estoppel and res judicata, within the requirements of the strict concept of estoppel.

In Chapter VI, estoppel's role in creating, altering the contents of, and extinguishing substantive rights is scrutinized. Estoppel is analysed in the context of defences against liability for breach of standards of investment and investor protection, as a means of acquisition of substantive rights and to enforce contractual stability commitments. The chapter concludes with an analysis of the inter-connections between estoppel and protection of legitimate expectations under the standard of fair and equitable treatment.

The concluding remarks include a summary of the research and offer *de lege ferenda* conclusions.