

**International Investment Law and the Right to Regulate: A human rights perspective** by Lone Wandahl Mouyal: (Routledge 2016, 264pp, paperback- £36.99, hardback-£115)

## **Introduction**

The book focuses on human rights in international investment law, by examining the relationship between human rights and international law.

It highlights the human rights regime and argues that states may be obligated to regulate, including a duty to adopt regulation aiming at improving social standards and conditions of living for their population. Yet, states are increasingly confronted with the consequences of such regulation in investment disputes, as foreign investors bring arbitrary proceedings against host states. For example claims against host states are often brought by foreign investors on the grounds of expropriation, based on bilateral investment agreements (BIA). This book sets out the nature and the scope of the right of states to govern in current international investment law. The book explores the development bilateral investment treaties and the increase in ICSID cases. It also highlights the potential conflict between the ongoing debate between the right to regulate and the protection offered to foreign investors from international investment law. The text goes further as one of the few contemporary books that addresses the key issues of the role that human rights play in investment law and fills the gap in literature by highlighting the current debate in international investment law. Other another texts such as *The Right to Regulate in International Investment Law* by Catherine Titi Hart Publishing, which explores the status quo of the right to regulate, to better offer an appraisal a reference tool to treaty negotiators, this text goes a step further to set out methods of dispute resolution by treaty negotiators and adjudicators with the aim of giving host states the right to regulate whilst providing certainty to investors.

Chapter one, set the aim of the text to develop a methodology that will protect large scale investor faced with government interventions. The necessity of this lies in the conflict between foreign investors and state governments where the former seeks to retain much of its investments while the latter as to ensure that the investment can enhance development and social welfare in its country. Chapters 2 and 3 centred on international and its role in investment law. International law, was used as a theoretical framework to develop and find solutions in addressing the problems faced by investors and host sates in international investment law. The necessity of this lies on the premise that most of the law concerning cross border investment transactions, are covered by international treaties bound by principles of international law.

The main thesis of the book lies in Chapter which brought in the human rights dimension in the right to regulate by States. The focus, lies on the implementation of human rights through

regulatory measures. The argument that human rights, may potentially advance further in investor-states disputes can be seen in the recent renegotiation and repeal of African states BITs.