

The International Legal Protection of Foreign Investment Through Bilateral Investment Treaties and Double Taxation Treaties in the Context of International Investment Law and International Tax Law

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Abstract : This paper is devoted a study of the current frameworks applicable to foreign investments at the levels of domestic and international law, with a particular focus on the legitimate balance to be achieved between the rights of the host state and the legal protections owed to foreign investors. At the wider level of analysis, the paper attempts to map and critically examine the relationship between foreign investment and economic development. In doing so, the paper offers a study in how current discourses and practices on investment law can reconcile the competing interests of developing and developed countries. The study draws on the growing economic imperative for developing nations to create a favorable investment climate capable of attracting private foreign investment. It notes that that over the past decades, an abundance of legal standards that establish substantive and procedural protections for legal forms of foreign investments in the host countries have evolved and crystalized. The study then goes on to offer a substantive analysis of legal reforms at the domestic level in countries such as Saudi Arabia before going on to provide an in- depth and substantive examination of the most important instruments developed at the levels of international law: bilateral investment agreements and double taxation agreements. As to its methods, the study draws on case studies and from data assessing the link between double taxation and economic development. Drawing from the extant literature and doctrinal research, and international and comparative jurisprudence, the paper excavates and critically examines contemporary definitions and norms of international investment law, many of which have been given concrete form and specificity in an ever-expanding number of bilateral and multilateral investment treaties. By reconsidering the wider challenges of conflicts of law and jurisdiction, and the competing aims of the modern investment law regime, the study reflects on how bilateral investment treaties might succeed in achieving the dual aims of rights protection and economic sovereignty. Through its examination of the double taxation phenomena, the study goes on to identify key practical challenges raised by the implementation of bilateral treaties whilst also assessing the sufficiency of the domestic and international legal solutions that are proposed in response. In its final analysis, the study aims to contribute to existing scholarship by assessing contemporary legal and economic barriers to the free flow of investment with due regard for the legitimate concerns and diversity of developing nations. It does by situating its analysis of the domestic enforcement of international investment instrument in its wider historical and normative context. By focusing on the economic and legal dimensions of foreign investment, the paper also aims to offer an interdisciplinary and holistic perspective on contemporary issues and developments in investment law while offering practical reform proposals that can be used to be achieve a more equitable balance between the rights and interests of states and private entities in an increasingly trans nationalized sphere of investment regulation and treaty arbitration.

Keywords : foreign investment, bilateral investment treaties, international tax law, double taxation treaties

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