



The Fair and Equitable Treatment Standard: In International Investment Law: The Mexican Experience

Gabriel Cavazos Villanueva

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This book analyzes the Mexican experience with respect to the application of one of the most controversial standards in international investment law: the obligation to provide a fair and equitable treatment (FET) to foreign investors. A hypothesis of this book is that it is not appropriate to define a normative content of the FET standard by only discussing the host country measures taken, allegedly, against a foreign investor. Rather, in the analysis of different cases involving Mexico, the perceived conduct of the foreign investor could be used by the host country as a defense in allegations of FET violations. According with this book, this is the only approach that seeks to find a balance between the investors' rights and the legitimate domestic public policies of the host country. This book analyzes the factual circumstances and legal allegations marshaled by the parties in those cases involving Mexico, and highlights the differences in the construction of the FET standard made by the tribunals in the cases resolved in the NAFTA context, and those settled in the framework of the Bilateral Investment Treaties.

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