



# The Formation and Identification of Rules of Customary International Law in International Investment Law (Cambridge Studies in International and Comparative Law)

By Patrick Dumberry

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Rules of customary international law provide basic legal protections to foreign investors doing business abroad. These rules remain of fundamental importance today despite the growing number of investment treaties containing substantive investment protection. In this book, Patrick Dumberry provides a comprehensive analysis of the phenomenon of custom in the field of international investment law. He analyses two fundamental questions: how customary rules are created in this field and how they can be identified. The book examines the types of manifestation of State practice which should be considered as relevant evidence for the formation of customary rules, and to what extent they are different from those existing under general international law. The book also analyses the concept of States' opinio juris in investment arbitration. Offering guidance to actors called upon to apply customary rules in concrete cases, this book will be of significant importance to those involved in investment arbitration.

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## **Editorial Review**

### About the Author

Patrick Dumberry is an Associate Professor at the Faculty of Law (Civil Law Section), University of Ottawa. From 1998 to 2009, he practiced international law and investor-State arbitration at law firms in Geneva (Lenz and Staehelin, and Lalive) and Montreal (Norton Rose Fulbright) as well as at Canada's Ministry of Foreign Affairs and International Trade (Trade Law Bureau). He completed his PhD in international law at the Graduate Institute of International Studies in Geneva, Switzerland, in 2006. He is the author of more than fifty publications in the fields of international investment law and international law, including *State Succession to International Responsibility* (2007) and *The Fair and Equitable Treatment Standard: A Guide to NAFTA Case Law on Article 1105* (2013).

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