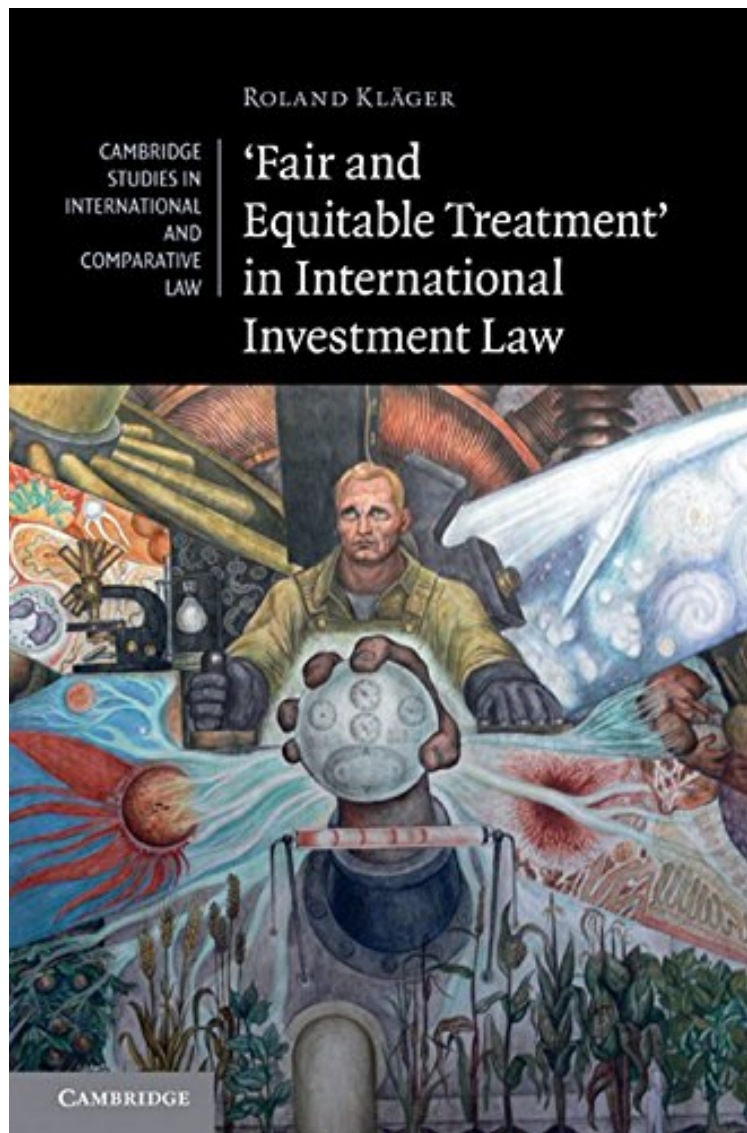


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A breach of fair and equitable treatment is alleged in almost every investor-state dispute. It has therefore become a controversial norm, which touches many questions at the heart of general international law. Roland Klger sheds light on these controversies by exploring the deeper doctrinal foundations of fair and equitable treatment and reviewing its contentious relationship with the international minimum standard. The norm is also discussed in light of the fragmentation of international law, theories of international justice and rational balancing, and the idea of constitutionalism in international law. In this vein, a shift in the way of addressing fair and equitable treatment is proposed by focusing on the process of justificatory reasoning.

About the Author Roland Klger is currently a law clerk at the Higher Regional Court of Frankfurt and a research assistant with Clifford Chance, Frankfurt. After his legal studies at the University of Freiburg, he received a Dr iur from the University of Tbingen. He was also a research fellow at the Institute for Public Law, University of Freiburg, and a visiting fellow at the Lauterpacht Centre for International Law, University of Cambridge.