CHAPTER ONE

INTERNATIONAL CUSTOMARY INVESTMENT LAW:
STORY OF A PARADOX

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Introduction: Sources of Investment Law and the Battle for the Regulation of the Global Flux of Capital

If international law is the continuation of the battle of politics with more civilized means,\(^2\) nowhere is such a finding more glaringly obvious than in international investment law. Indeed, international investment

\(^2\) This has been one of the lessons learnt from recent decades of international critical thinking. See e.g. M. Koskenniemi, “What is International Law For?”, in *International Law*, ed. M. Evans (Oxford: Oxford University Press, 2nd ed. 2006), p. 77.