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Investment
Policy Monitor

Investment Laws: Key trends and developments

HIGHLIGHTS

- Investment laws evolved significantly over time. UN Trade and Development has catalogued 132 investment laws in force across 130 economies. Africa and Asia lead the trend, with 93 per cent and 79 per cent of countries in these regions having investment laws, respectively. The largest share of investment laws was adopted or replaced in the past decade (47 laws).

- Recent investment laws increasingly incorporate sustainability objectives, with 40 per cent of those enacted since 2015 including relevant provisions, up from just 5 per cent of those adopted before 1995.

- They also increasingly emphasize balancing investor rights with obligations, including adherence to environmental, labour and corporate social responsibility (CSR) standards. Provisions addressing these obligations are present in 57 per cent of laws adopted in the last decade, compared to 14 per cent before 1995.

- The inclusion of incentives in investment laws has grown significantly, featuring in 81 per cent of those enacted between 2015 and 2024. The proportion of investment incentives tied to specific development objectives has risen from 44 per cent before 1995 to 60 per cent in the last decade, with a growing focus on projects that contribute to employment, regional development, and green initiatives.

- Investment facilitation provisions are also increasingly present. Nearly half of global investment laws include facilitation-related measures, rising to two-thirds in Africa. Common provisions involve streamlining processes through one-stop shops and offering facilitation services such as permitting support, land access, and dispute prevention mechanisms.

- Reflecting trends in international investment agreements (IIAs), the inclusion of clauses granting the State's consent to investor-State arbitration has declined, appearing in only one-quarter of investment laws adopted in the last decade, down from over half previously. Conversely, provisions designating domestic courts for dispute resolution now feature in over two thirds of recent laws, compared to less than one third before 1995.

Introduction

Investment laws are a cornerstone of national investment frameworks, particularly in relation to foreign direct investment (FDI) across many economies.[1] By clearly articulating investment policy objectives and establishing rules for the entry, establishment, treatment and protection of investors, these laws can play a pivotal role in shaping the legal framework for investment and fostering a transparent and predictable investment environment.

Investment laws have gained significant prominence in recent years, particularly in developing countries. As dynamic policy instruments, they evolve over time to address changing political, economic, financial, social and environmental circumstances (UNCTAD, 2024a).

Drawing on a review of 132 investment laws included in UN Trade and Development's Investment Laws Navigator, this Investment Policy Monitor (IPM) identifies key trends in their evolution. It compares the content of these laws across four adoption periods: pre-1995, 1995–2004, 2005–2014, and 2015–2024. The analysis focuses on selected provisions that have undergone the most significant changes over time, including: the sustainability dimension, investment incentives, investment facilitation and dispute settlement mechanisms (box 1).

Box 1
Methodology

As of 16 October 2024, the UN Trade and Development's Investment Laws Navigator included a total of 201 entries, encompassing investment laws, investment screening laws, investment policies, and other related legal instruments.

Within this dataset, 132 entries have been classified as investment laws – those designed to establish the foundational legal framework for investment and incorporate key provisions. These laws typically address core aspects such as entry, treatment, protection, promotion, and investor responsibilities.

This analysis excludes narrower policy instruments, such as investment screening laws, public-private partnership (PPP) legislation, or specific incentive schemes. These instruments tend to be more limited in scope, often targeting certain investor categories or specific aspects of investment, such as capital repatriation, establishment of investment authorities or promotion agencies, registration procedures, or incentive provision.

Source: UN Trade and Development.

Key trends

Investment laws as a dynamic policy instrument

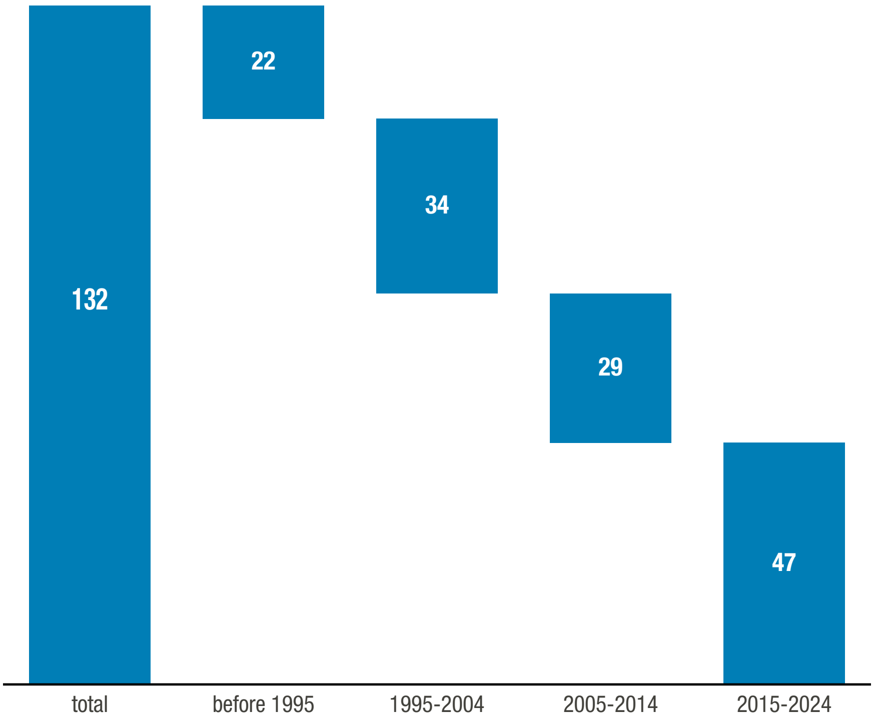
Although research on the historical evolution of investment laws remains limited, their emergence can be traced back to the post-World War II era (Waibel and Burgstaller, 2011). In many developing economies, their rise coincided with the post-independence period of the 1950s-1970s, when investment laws were introduced to align foreign investment with newly defined national development goals (Bonnitcha, 2023).

[1] The investment policy framework includes national instruments such as laws, policies, and guidelines regulating FDI across areas including company law, taxation, competition, labour and the environment, alongside international agreements at bilateral, regional or multilateral levels.

The era of economic liberalization, beginning in the 1980s and accelerating through the 1990s, marked a turning point for investment laws. They evolved into critical tools for signaling openness to global markets, incorporating provisions to protect investors and address concerns such as expropriation and non-discrimination (Hepburn, 2023).

Over time, investment laws have gained prominence, becoming central to the investment frameworks of numerous economies. As of October 2024, the UN Trade and Development identified 132 investment laws in force across 130 economies (figure 1). Of these, 115 were enacted by developing economies and 15 by developed ones.[2] The majority of these investment laws (125) were adopted after 1990, reflecting their growing importance amid expanding global trade and investment flows.

Figure 1
Investment laws' continued popularity
(Number of laws currently in force by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

[2] See the UN Trade and Development's Investment Laws Navigator (data retrieved on 16 October 2024) at https://investmentpolicy.unctad.org/investment-laws for more details. The list is as follows: Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Taiwan Province of China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kenya (two laws), Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Libya, Lithuania, Madagascar, Malawi, Maldives, Mali, Mauritania, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan (two laws), Palau, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Türkiye, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe, State of Palestine, Cook Islands, Niue, Kosovo (United Nations Administrative Region, Security Council resolution 1244 (1999)).

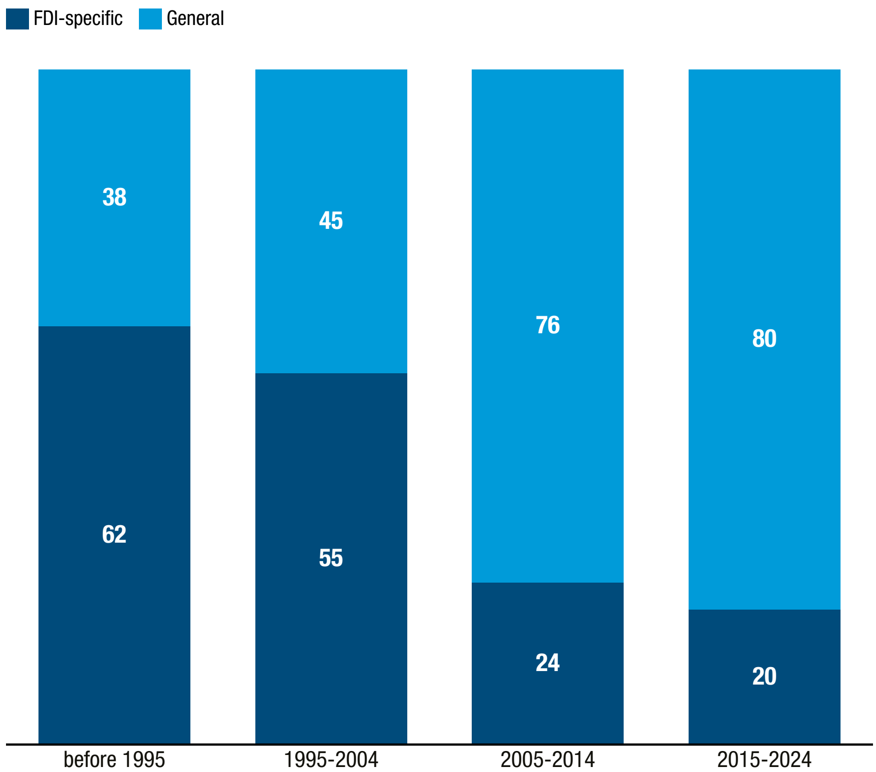
Geographically, investment laws are most prevalent in Africa and Asia, where 93 per cent and 79 per cent of countries, respectively, have adopted such legislation. In contrast, the number of investment laws in force is lower in Latin America and the Caribbean (58 per cent), Oceania (50 per cent) and Europe (29 per cent). Notably, no country in North America has adopted investment laws. These trends reflect the origin and evolution of investment laws, discussed above.

Historical trends also reveal a significant shift in the scope of investment laws. Earlier frameworks, particularly those enacted before 1995 and still in force, primarily targeted foreign investors (62 per cent). This focus stemmed from a need to attract foreign capital during the early stages of economic globalization and post-colonial development. However, recent decades have witnessed a broader approach which seeks to promote and regulate all investment, and typically places investors on equal footing. As a result, 80 per cent of investment laws adopted in the last decade apply to both domestic and foreign investors (figure 2).

Figure 2

Investment laws increasingly apply to all investors

(Percentage of laws in force applying to foreign vs. all investors by period of adoption)



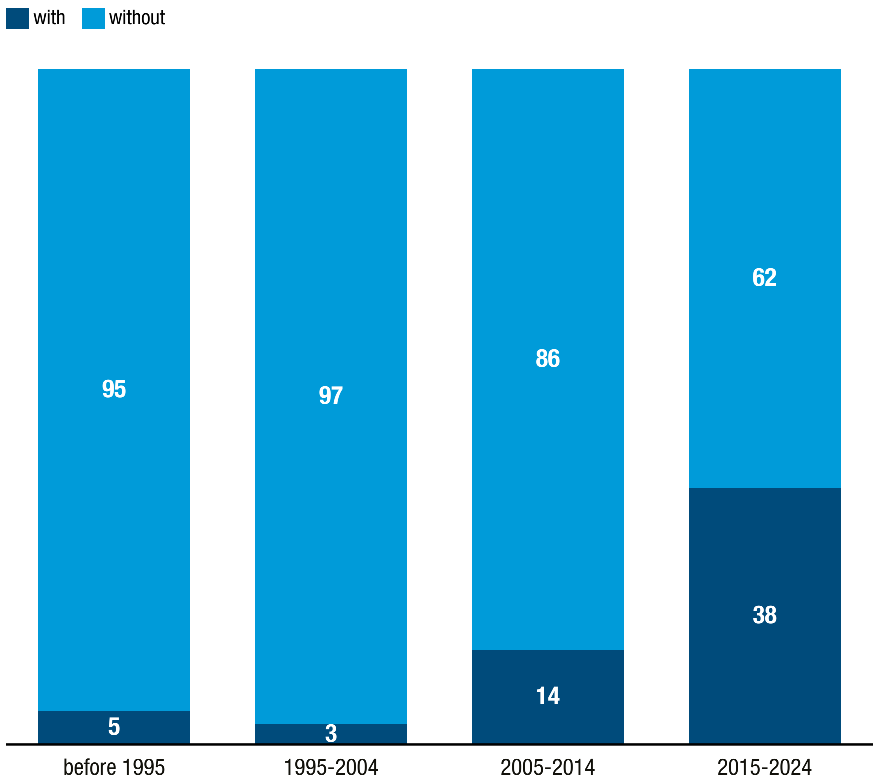
Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

Investment laws are inherently versatile and dynamic policy instruments, often undergoing multiple revisions to address evolving national development priorities. As a result, there is no model investment law, and their scope and content vary significantly between countries. Between 2015 and 2024, at least 47 new investment laws were enacted globally, with 43 replacing pre-existing legislation. Africa has been at the forefront of this trend, with nearly half of its economies updating their legal frameworks to replace outdated laws during this period. In Asia and Oceania, similar modernization efforts have been undertaken by about a quarter of economies. Updates have been less frequent in Europe and Latin America and the Caribbean with only two economies in each region revising their frameworks.

Investment laws and sustainability

A growing number of economies recently incorporated sustainability into the objectives of their investment laws. Although the majority of investment laws in force were enacted before the adoption of the Sustainable Development Goals (SDGs) under the 2030 Agenda, nearly 40 per cent of the laws adopted in the last decade (24) explicitly refer to "sustainability" in their objectives. This represents a significant increase compared to investment laws enacted prior to 1995, where only 5 per cent included such references (figure 3). These sustainability references are typically found in the preamble or in provisions outlining the law's objectives or purpose, and they are equally present across all regions.

Figure 3
The growing focus on sustainability in investment laws
(Percentage of laws in force that include sustainability objectives by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

This trend mirrors developments in IIAs. A recent study of IIAs among G20 countries highlights a growing emphasis on sustainability (UNCTAD, 2024b), reflecting a broader shift in investment policymaking that has also been documented in academic literature (Dolzer, 2022).

Investment laws address sustainability through a variety of approaches. Most of them acknowledge the role of FDI in fostering sustainable economic growth and development. For instance, the Namibia Investment Promotion Act explicitly aims "to promote sustainable economic development and growth through the mobilization and attraction of domestic and foreign investments." Similarly, the Protection of Investment Act of South Africa highlights in its preamble the critical role of investment in "job creation, economic growth, sustainable development, and improving the well-being of the people of South Africa". Moreover, some laws directly integrate the principle of sustainable investment into their objectives, encouraging socially and environmentally responsible investments, as seen in the laws of Belarus and Indonesia.

In certain cases, sustainability is incorporated into the very definition of investment. For example, the Egyptian law defines investment as “the use of funds to set up, expand, develop, fund, own, or manage an investment project in a manner that contributes to the comprehensive and sustainable development of the State”. Similarly, the investment law of Sao Tome and Principe defines investment as an “economic activity which encourages the sustainable development of the economy”.

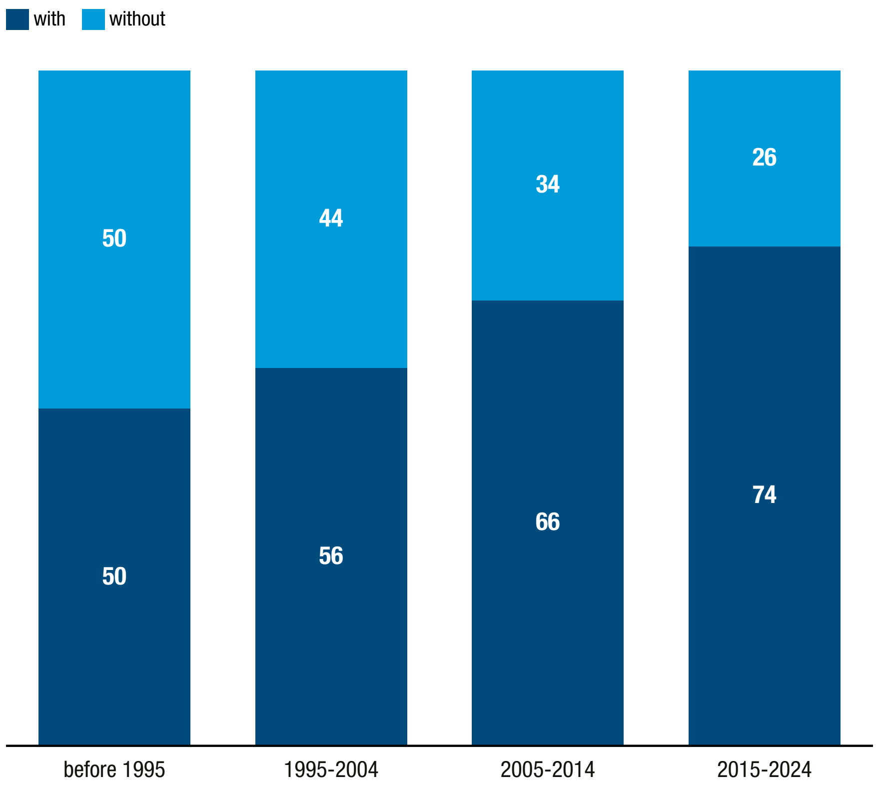
Additionally, several investment laws offer specific advantages or incentives for sectors or activities that directly contribute to sustainable development (see below on investment incentives). For instance, Burkina Faso prioritizes renewable energy projects, while Egypt emphasizes broader social dimensions. These include support for start-ups, entrepreneurship, micro, small, and medium-sized enterprises, youth empowerment, environmental protection, and public health initiatives.

A broader emphasis on investors’ obligations

Investment laws have traditionally focused on investors’ rights, including safeguards against expropriation, the free transfer of funds, and guarantees of non-discriminatory treatment. Over time, however, these laws have increasingly evolved to balance investors’ rights with their responsibilities to align with broader development objectives.

The inclusion of provisions outlining investor obligations has grown substantially in recent decades. In the last decade alone, 74 per cent of newly enacted investment laws incorporated obligation-related provisions, compared to just 50 per cent of those adopted before 1995 (figure 4).

Figure 4
The increasing emphasis on investors’ obligations in investment laws
(Percentage of laws in force including investors’ obligations by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

This trend is particularly evident in the growing inclusion of provisions requiring investors to comply with environmental and labour standards, public health obligations, accounting and financial disclosure practices and CSR commitments (figure 5). In investment laws enacted before 1995, such provisions were present in only 14 per cent of cases. By contrast, 57 per cent of investment laws adopted in the last decade include these requirements, with CSR obligations making their first appearance during this period.

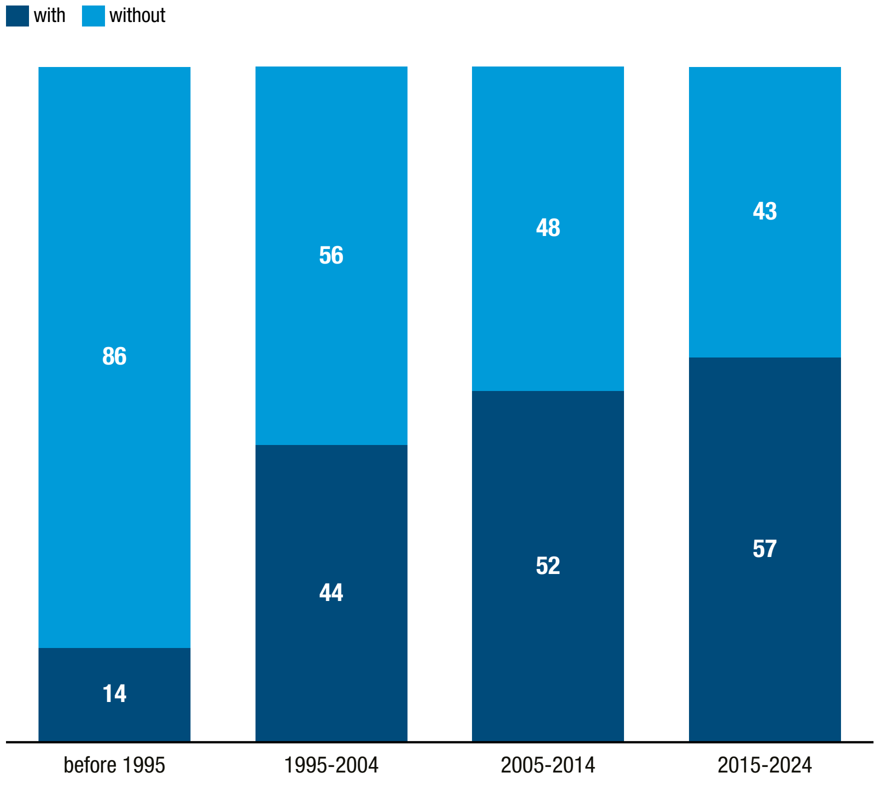
Interestingly, provisions related to labour standards and accounting and financial disclosures were more prevalent in the decade preceding the most recent one compared to public health, environmental, and CSR obligations, indicating a gradual shift in legislative priorities over time toward broader sustainability and social responsibility goals.

For instance, Madagascar's Law on Investments (2023) emphasizes that all investors must integrate CSR into their business policies and practices. This includes adopting a responsible governance approach, fostering cooperation with local communities, encouraging the recruitment and retention of women, and promoting the hiring and retention of individuals with disabilities. The Investment Law of Mozambique (2023) also outlines specific obligations for investors, including respecting and complying with environmental regulations, nature protection and waste management laws. Furthermore, investors are also required to adhere to labour standards, contribute to the development of social responsibility policies in the investment region, and respect local traditions and customs.

Figure 5

The rise of investors' obligations related to environment, labour, CSR and public health in investment laws

(Percentage of laws in force containing these obligations by period of adoption)



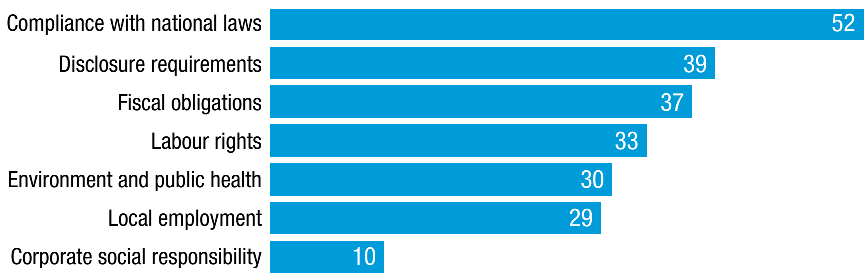
Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.
Note: The calculation includes provisions requiring investors to adhere to environmental and labour standards, public health obligations, accounting and financial disclosure practices, and CSR commitments.

Currently, nearly two-thirds of investment laws in force (84 laws) include at least one provision addressing investors' obligations (figure 6). The most common obligations imposed on investors include compliance with domestic legislation which is found in 62 per cent of laws with obligation provisions, followed by disclosure of accounting and financial information (46 per cent), fiscal obligations (44 per cent), labour rights and standards (39 per cent), environmental protection (36 per cent) local employment obligations (35 per cent), public health (13 per cent), and corporate social responsibility (12 per cent).

These trends represent a significant shift in the relationship between investors and States, driven by increasing calls to include investor obligations that align foreign investments with broader development goals with a growing emphasis on sustainability, environmental protection, and human rights, mirroring similar dynamics observed in investment treaties.

The rising prevalence of such provisions is also the result of over a decade of advocacy by international institutions. Key frameworks such as the UN Guiding Principles on Business and Human Rights, UN Trade and Development's Investment Policy Framework for Sustainable Development, the Core Conventions of the International Labour Organization (ILO), the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, and the Equator Principles for financial institutions promote responsible investment practices and encourage the integration of sustainability and accountability into investment laws and agreements.

Figure 6
Types of investors' obligations in investment laws
(Number of laws)



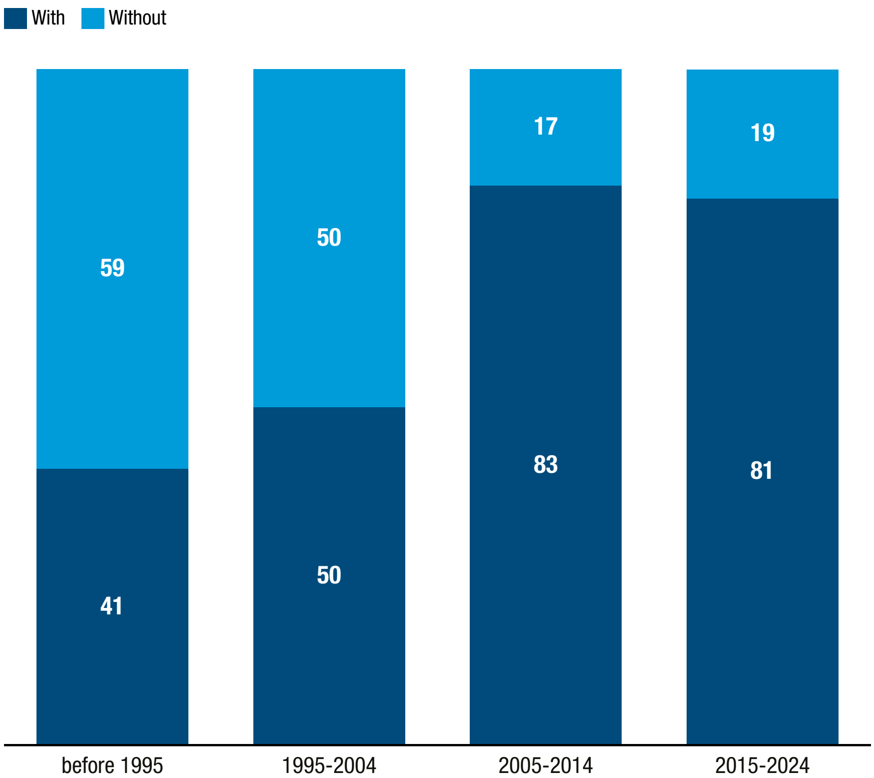
Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

Investment incentives increasingly feature in investment laws

Over the past four decades, the inclusion of incentives in investment laws has steadily increased (figure 7). While only 41 per cent of the investment laws adopted before 1995 included provisions for investment incentives, this figure has risen to over 80 per cent for the laws adopted in the last two decades.

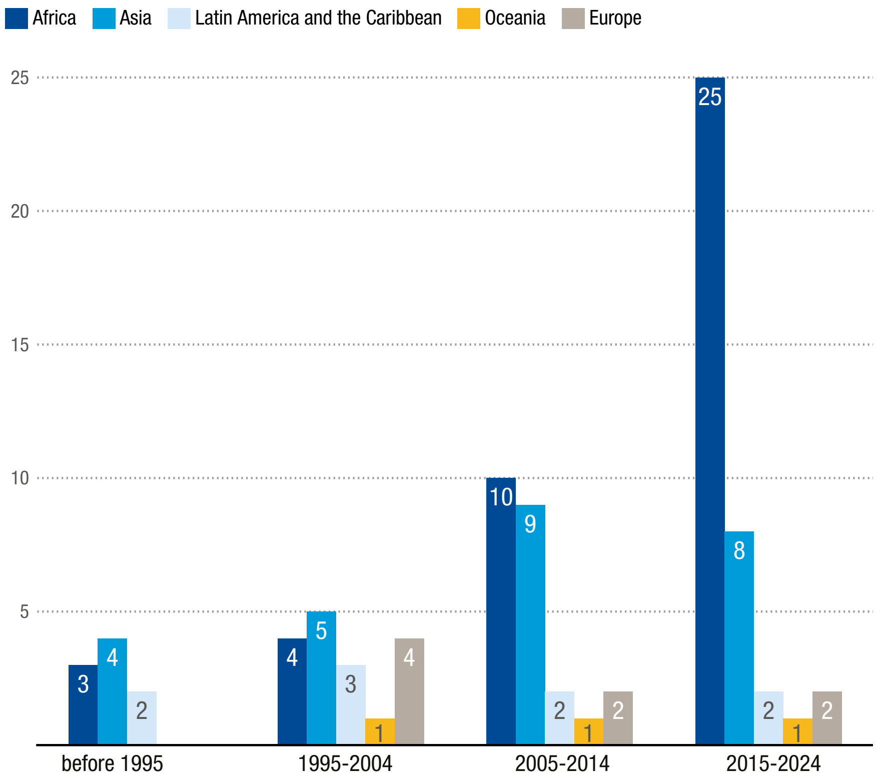
The rapid increase in the adoption of investment incentives in African and Asian economies since 2005 has been a significant driver of this overall growth (figure 8). As of 2024, out of the 132 investment laws registered in the Investment Laws Navigator database, 88 include investment incentives, accounting for 67 per cent of the total. Regionally, 82 per cent of investment laws in African economies and 67 per cent in Asian economies include investment incentives, compared to 57 per cent in Europe, 45 per cent in Latin America and the Caribbean and 38 per cent in Oceania.

Figure 7
Investment laws increasingly offer investment incentives
(Percentage of laws in force including incentives by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

Figure 8
African investment laws lead in the provision of incentives
(Number of laws in force including incentives by region and period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

Among the various types of investment incentives offered in investment laws, fiscal incentives — such as tax exemptions and reductions — are the most widely used, consistently representing over half of the total over the past four decades. Within fiscal incentives, profit-based ones have been dominant. This aligns with the findings of a recent IPM on corporate income taxes and investment incentives, which found that among the incentives for investment introduced since 2011, the predominant type were fiscal incentives – especially profit-based ones (UNCTAD, 2022).

Incentives for investment are increasingly associated with specific policy objectives. Before 1995, only about 40 per cent of investment laws that included incentives offered objective-specific provisions. Over the last decade, this share has grown to almost 60 per cent, reflecting a stronger focus on targeted developmental outcomes. In addition, the range of objectives has expanded. Before 1995, the four main objectives of incentives in investment laws were the promotion of research and development (R&D) and innovation, employment, exports and regional development, each accounting for a similar share of the total. Since then, the range of objectives has expanded to add new priorities, including the promotion of green sectors, youth and women employment, value chain development and economic diversification.

Facilitation provisions are on the rise

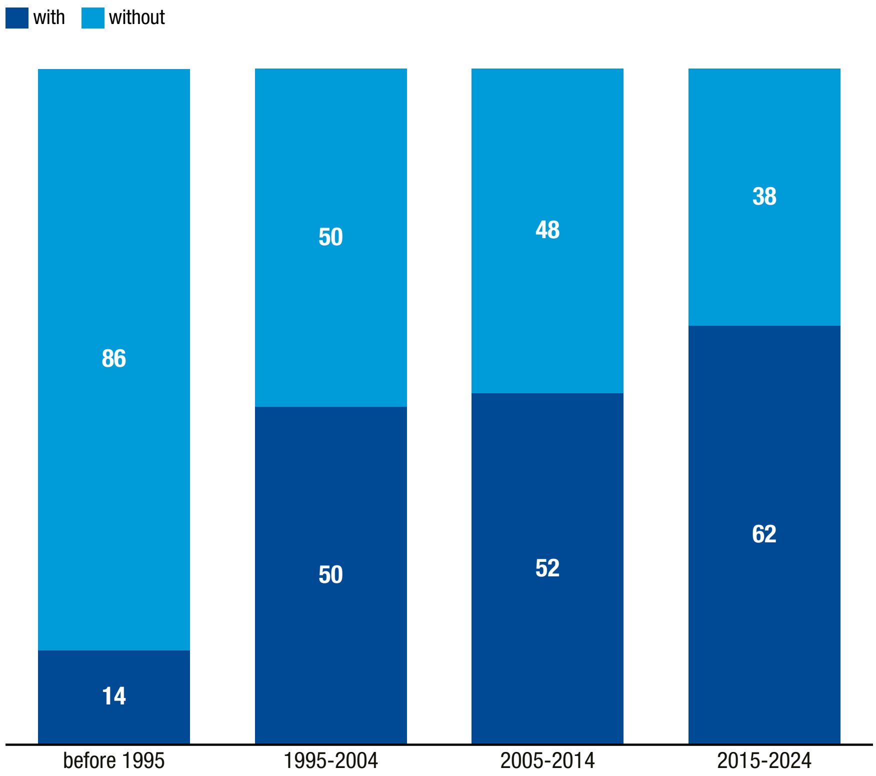
Investment facilitation has become a key focus for investment policymakers globally. In 2016, UN Trade and Development released its Global Action Menu on Investment Facilitation. Since then, the international agreement on Investment Facilitation for Development was finalized and facilitation measures have become a staple of regional and bilateral trade and investment agreements. National efforts to implement these measures have expanded rapidly and investment facilitation is increasingly emphasized also in national investment policies and laws (UNCTAD, 2024c).

Facilitation provisions in investment laws comprise three types: streamlining, transparency and facilitation services. The share of laws including facilitation provisions continually increased from three laws (or 14 per cent) before 1995, to approximately 60 per cent in 2015–2024 (figure 9). Provisions aimed at streamlining investment-related processes and offering investor facilitation services experienced the largest growth over time. While streamlining provisions were recorded in only one law adopted before 1995, they were present in 20 laws (or 43 per cent) of those adopted in 2015-2024. Facilitation services, present in 2 (or 9 per cent) of the laws adopted before 1995, can be found in 21 (or 45 per cent) of the laws adopted between 2015-2024.

Figure 9

Investment laws increasingly include facilitation provisions

(Percentage of laws in force including facilitation provisions by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

Of the 132 investment laws in force today, 64 (accounting for 48 per cent) include facilitation provisions. There are some regional differences: 63 per cent of investment laws in Africa incorporate investment facilitation provisions, but only 20 per cent do so in Latin America and the Caribbean.

Streamlining provisions are found in 36 laws (or 27 per cent). These provisions encompass initiatives designed to simplify administrative procedures related to investment and largely involve the establishment of one-stop shops for investors. Most of these one-stop shops serve all investors, but some are tailored specifically to foreign or strategic investors. While most laws refer to the establishment of a physical one-stop shop (e.g. those of Cambodia, Libya or Malawi), five laws establish digital one-stop shops (including those of Azerbaijan, Jordan and Mongolia). Additional provisions to streamline investor processes include simplifying administrative procedures, promoting digitalization and establishing maximum timelines for government processes related to investment.

Facilitation services provisions in investment laws are present in 36 laws (or 27 per cent). They encompass dispute prevention mechanisms, including mediation, conciliation and dedicated mechanisms for resolving investment-related grievances, such as investment ombudsmen (e.g. those of Angola, Myanmar or Republic of Korea). They also include investor support services by investment promotion agencies (IPAs) or other institutions. These services comprise counselling, administrative assistance for permits and licensing, visa facilitation for investors and skilled workers and assistance to access land and utilities (e.g. those of Malawi, Romania or Turkmenistan).

Finally, 22 laws (or 17 per cent), contain provisions aimed at promoting the clarity, transparency and accessibility of investment-related laws and regulations (e.g. those of China, Liberia and South Sudan). These include general commitments to publish all relevant laws, rules and regulations or more specific provisions to ensure free access to selected information, including, for instance, company incorporation data, titles to land or licences (box 2).

Box 2
Transparency provisions in investment laws

Different approaches to the promotion of transparency in investment laws exist. For example:

- The Foreign Investment Law of China, adopted in 2019, requires that normative documents, written judgments, and other materials related to foreign investment be promptly published in accordance with the law (Article 10). It also mandates that the State strengthen information disclosure and public oversight during the formulation of standards (Article 15). Additionally, it obliges relevant departments to formulate and publish foreign investment guidelines to provide services and convenience to foreign investors and foreign-invested enterprises (Article 19).

- The Investment Act of Tajikistan, adopted in 2016, requires: 1) that normative legal acts affecting investors' interests are published in the manner established by law and posted on the official website of the authorized State organ responsible for investments; 2) that other investment-related information is made available on the official website; and 3) the publicity of additional information regarding investment activities, including guarantees, benefits, and privileges; State in-kind grants; net cash flow data for investors; investment opportunities, programmes, and projects; terms of investment; reports on the implementation of investment activities; and signed investment agreements.

- The Investment Law of Kosovo (United Nations Administrative Region, Security Council resolution 1244 (1999)), adopted in 2024, mandates the Investment Council to publish agreements concluded with strategic investments (Article 21). It also requires the Council to maintain and publish an investment register, including announcements for investments, national objectives, priority sectors, facilities, investor care services, information required for strategic investments, and details on accessing industrial parks, technology parks, and business incubators. Furthermore, the register must include information on administrative procedures for obtaining permits, licenses, consents, authorizations, or similar acts of administrative bodies related to investments (Article 26).

Source: UN Trade and Development.

The shift towards domestic dispute settlement

One policy domain that has seen substantial evolution over time is the inclusion of dispute settlement provisions in investment laws.[3] Globally, more than two-thirds of investment laws (89) contain provisions on dispute resolution. These provisions provide disputing parties with the option to resolve disputes either through domestic courts (79 laws) or international arbitration (60 laws).[4] In some instances, an investment law may allow for multiple dispute resolution mechanisms.

Among the 132 investment laws, 47 specify State consent to arbitration. In particular, 22 laws provide express or implied consent to arbitration, while in 25 others, consent is granted on a case-by-case basis.

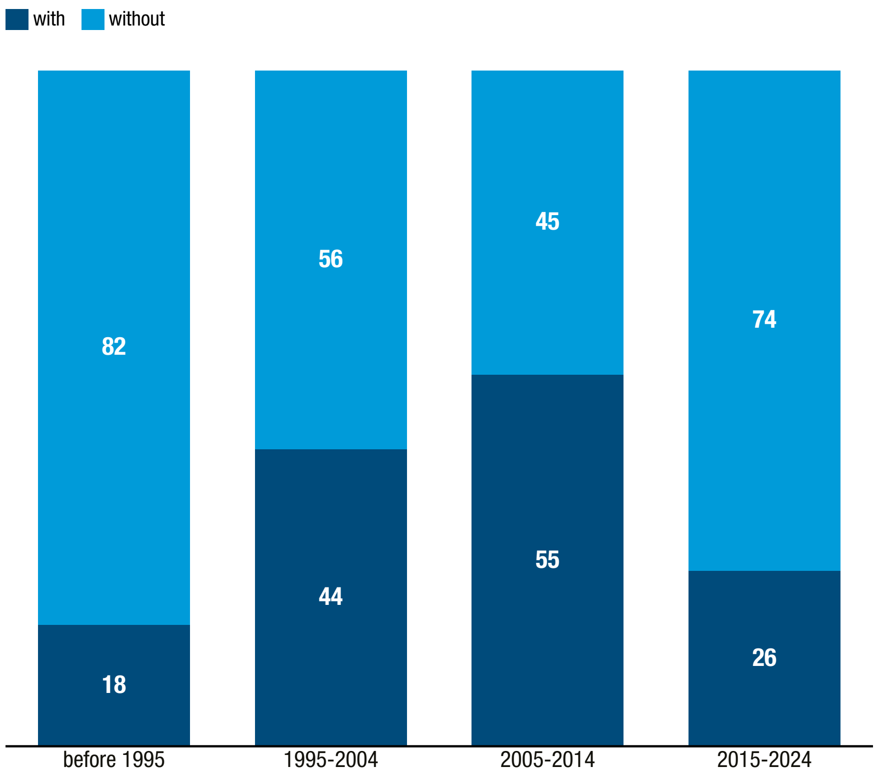
[3] For the purposes of this research, this category includes provisions referring to legal mechanisms and procedures outlined within investment laws or IIAs to resolve disputes between investors and the host State through formal legal proceedings. It does not encompass alternative dispute resolution mechanisms other than arbitration.

[4] This category includes provisions that explicitly reference investor-State dispute settlement through arbitration. While these provisions recognize international arbitration as a potential recourse for resolving disputes between a State and an investor, they do not necessarily amount to consent to arbitration.

The legal nature of a State's consent to international jurisdiction, as expressed through national legislation, remains a subject of debate among scholars.[5] However, international arbitration fora have consistently upheld that such consent can indeed be articulated through domestic legal frameworks (Potestà, 2011).

Approximately half of the investment laws enacted between 1995 and 2014 include consent to arbitration (figure 10). During this period, the inclusion of these provisions was regarded as an effective tool to attract investments, complementary to the investment protection framework established by IIAs. Consequently, the practice of incorporating arbitration consent in IIAs often migrated into the provisions of investment laws (Berge, 2021; Hepburn, 2023).

Figure 10
Consent to arbitration declined in newer laws
(Percentage of laws in force including arbitration consent, by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

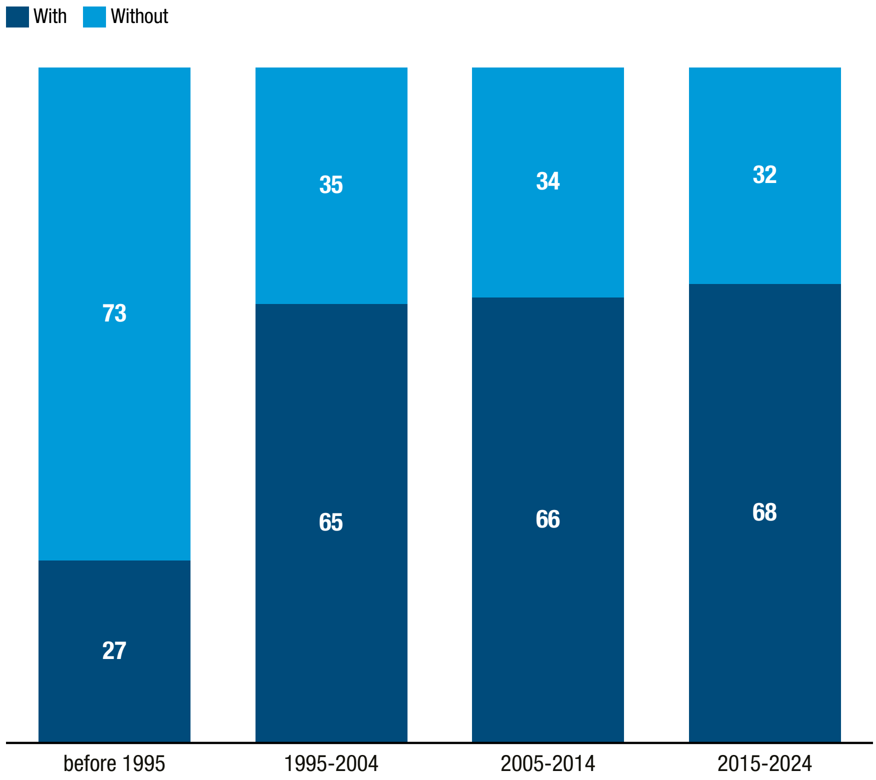
Over time, however, the inclusion of a State's consent to investor-State dispute settlement (ISDS) proceedings has increasingly come under scrutiny in the context of IIAs (UNCTAD, 2024d). This has also resulted in a marked decline in the inclusion of arbitration consent provisions in investment laws (figure 10). Only one quarter of investment laws adopted in the past decade include such clauses, down from over half in the previous period. This trend reflects growing concerns about the potential risks associated with international arbitration mechanisms, including lack of transparency, unpredictability, and the costly and protracted nature of proceedings (Nikiéma and Maina, 2020).

[5] The discussion revolves around whether a State's consent constitutes a unilateral act under international law. For a more detailed analysis, refer to Hepburn (2023).

This trend contrasts with the substantial increase in provisions designating domestic courts as the forum for dispute resolution. Since 1995, references to domestic courts in investment laws have more than doubled. Over the past decade, such provisions are included in over two-thirds (68 per cent) of all new laws, compared to just 27 per cent prior to 1995. This shift underscores a broader legislative preference for resolving disputes within national jurisdictions rather than relying on international arbitration mechanisms (figure 11).

Several countries around the world have undertaken significant efforts to reform old-generation IIAs, including with the assistance of UN Trade and Development. The main focus of these efforts is to preserve the State's right to regulate in the public interest and promote alternatives to arbitration (UNCTAD, 2024c; UNCTAD, 2024e). In the same context, UNCITRAL Working Group III has been working on the reform of the ISDS system since 2017 to address some of the shortcomings identified above. These developments may also have influenced the evolving provisions of investment laws. A forthcoming IPM will analyze trends in investor-State disputes based on national investment laws.

Figure 11
References to domestic courts in investment laws more than doubled since 1995
(Percentage of laws in force including provisions on domestic courts, by period of adoption)



Source: UN Trade and Development, Investment Laws Navigator, accessed on 16 October 2024.

Conclusion

Investment laws have evolved over time to align with changing national and international policy priorities and challenges. Their increasing prominence reflects their critical role in shaping investment frameworks, particularly in developing economies. Recent trends highlight a growing emphasis on sustainability, balancing investor rights with obligations, and providing incentives tied to developmental goals.

The widespread incorporation of facilitation measures and the increasing reliance on domestic courts for dispute resolution in the last decade also signals a global push towards streamlining processes and reinforcing the State's right to regulate in investment governance. These developments align with broader trends in international investment policymaking, such as the reduced emphasis on arbitration and the integration of sustainability into legal frameworks.

Looking ahead, the continued evolution of investment laws and the reform of old laws will be key to addressing emerging challenges such as climate change, technological disruption, and shifting economic landscapes. Policymakers should prioritize the development of adaptive frameworks that not only attract investment but also align with sustainable development goals and ensure equitable benefits for host economies. UN Trade and Development provides technical assistance to countries wishing to adopt or reform investment laws. It has recently published a Practitioner's Guide to Investment Laws which assists investment policymakers and other practitioners in this process (UNCTAD, 2024a).

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