Abstrak:

Non-discriminatory principle is a basic principle adopted by the World Trade Organization. Non-discriminatory treatment in foreign investment is needed to increase capital allocation as well as to minimize trade distortions.

The Most Favored Nation principle and National Treatment principle, which also serve as underlying principles in investment, are further elaboration of non-discriminatory principle. Foreign investment and international trade seem to form two sides of a coin, which are interconnected and inseparable as well. International legal regime in international law, however, is based on relatively strong principle. International legal rules in foreign investment, on the other hand, are fragmentary laid down in bilateral and multilateral agreements and incomprehensive.

Keyword:

non-discriminatory principle, foreign investment, fragmentary and incomprehensive