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16. This finding was echoed in *South American Silver v. Bolivia*, where the Tribunal noted that most of the investment jurisprudence that had been invoked to support the existence of the clean hands doctrine had rejected investor claims “based on the appropriate treaty provisions or the applicable national law without basing their decisions on the clean hands doctrine or advancing it as a general principle of international law.”
17. These observations give rise to the question of whether recognition of general principles of law must be specifically proved for such principles to be applied, and, so, what sort of materials may serve as proper evidence of recognition. The Special Rapporteur may wish to consider this question in one of his coming reports.

FUNCTIONS OF GENERAL PRINCIPLES

18. Finally, the Commission has expressed an interest in having the Special Rapporteur address the functions of general principles in one of his future reports.
19. In this regard, several tribunals in PCA administered proceedings have applied general

21. Another example can be found in the boundary arbitration between Republic of Croatia and the Republic of Slovenia.²⁶ The tribunal noted the parties' agreement that the land boundary was not disputed in segments where each State's cadastral limits under municipal law were aligned, and thus determined that the aligned limits constituted the boundary.²⁷ It did so on the basis that "it is well established in international law that tribunals should presume, in the absence of evidence to the contrary, that States act consistently with their legal obligations, and that steps that have been taken, and instruments that have been adopted by States are consistent with those obligations. This is sometimes expressed in the Latin maxim *omnia praesumuntur rite esse acta*: all acts are presumed to have been duly done."²⁸
22. In the PCA case of *Venezuela US, S.R.L. (Barbados) v. The Bolivarian Republic of Venezuela*, the tribunal was faced with the issue of whether to apply and enforce a most favoured nation clause in the relevant treaty allowing its application to investor-State dispute settlement. The Tribunal stated in its interim award that it had other choice
Venezuela (Barbados) v. The Bolivarian Republic of Venezuela, PCA Case No. 40-16-4pa22.

