INVESTMENT TREATY ARBITRATION

2 Credits

COURSE OBJECTIVE

COURSE OUTLINE FALL 2018 SEMESTER

The objective of this course is to introduce students to the law and practice of international investment law and investment treaty arbitration. This course will be divided into four modules, with practical exercises interspersed: 

(i) a brief overview of the history and policy underlying investment treaty law, as well as a familiarization with the principal instruments and institutions; 

(ii) the jurisdictional and admissibility issues that arise in investment treaty disputes; 

(iii) an examination of the main substantive protections afforded to qualifying investors and investments under bilateral and multilateral investment treaties, such as fair and equitable treatment, the prohibition on uncompensated expropriation, national treatment, most-favored-nation treatment and “umbrella clauses”; and 

(iv) the procedural aspects of the proceedings, the review and enforcement of awards, and wider issues relating to the criticisms of the investment treaty arbitration regime.

There will be no final examination. Instead, the grading will be based on the written assignments and class participation during the course of the semester, as well as participation in a mock arbitration near the end of the semester. There are three written assignments. Students may choose two of the three to write.

PREREQUISITES

None

COURSE REQUIREMENTS

Required reading; class attendance; written assignments; mock arbitration

EVALUATION

Written assignments = 50%; mock arbitration = 30%; class participation = 20%

GRADING

See above

COURSE OUTLINE

1 Monday, 10 Sept. International commercial and investment treaty arbitration compared / Historical and policy background to the development of bilateral and multilateral investment treaties / The common and distinctive features of the principal investment instruments