

- Faculté de droit
- www.unine.ch/droit

International Investment Law (4DR2269)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
Master bilingue en droit	Cours: 1 ph	oral: 15 min	2
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ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Automne

Equipe enseignante:

CLEIS Maria Nicole, chargée d'enseignement.

Objectifs:

This course aims to familiarize students with the fundamentals of international investment law. It will cover the substantive obligations and standards which govern the relationship between States and foreign investors, as well as the enforcement of these guarantees through investor-State dispute settlement. The basic understanding of the relevant law and practice thus acquired will enable students to critically assess specific issues, and to develop their own views on more general questions, such as the functionality and legitimacy of the current system.

Contenu:

International investments are an important part of today's globally integrated economy. The rights and obligations of foreign investors and their host States - and the available dispute resolution mechanisms in the event of an alleged breach of these guarantees - are primarily governed by bilateral investment treaties and other agreements with investment-related provisions. In the past decades, a dramatic increase in the popularity and level of international investments has been accompanied by a rise in the number of respective treaties and agreements, as well as a spike in the frequency of international investment disputes. Oftentimes, high amounts in dispute and important public interests are at stake in these proceedings. In the shadow of these developments, an exciting academic field and practice area for global law firms has emerged: it combines elements of public international law, public policy, and private dispute resolution.

This class will draw on international treaty texts, case law, and doctrine to explore the following main topics:

- The historic, theoretical and political setting of the international investment law regime
- The substantive standards of protection (eg. national treatment, most-favored nation treatment, expropriation, fair and equitable treatment) and their impact on the regulatory space of sovereign States
- Procedures for investor-State dispute settlement, in particular international arbitration before the World Bank's International Centre for the Settlement of Investment Disputes (ICSID); and
- Current challenges to the international investment law regime.

Forme de l'évaluation:

15 minutes oral exam, with prior preparation time. The exam is closed book: students may only rely on authorized legal texts and notes drafted during preparation time, and may not bring and / or use class notes, computers and cell phones. Active participation in class discussions (including a 10 minutes oral personal response to the readings for one class) is required and counts for half of the final grade.

Documentation:

The syllabus, course materials and additional information regarding specific class topics will be provided on the Moodle course website. More detailed information will be provided during the first class.

Forme de l'enseignement:

The course will be based on structured theoretical input, and will involve interaction with and among the students. In order to facilitate a well-founded and lively discussion, students are expected to complete the assigned readings before each class and to each prepare a short, 10 minutes oral personal response to the class readings for one class, as scheduled at the beginning of the term.