

- Faculté de droit
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### International Investment Law (4DR2269)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
<b>Master bilingue en droit</b>	<b>Cours: 1 ph</b>	Voir ci-dessous	2
<b>Master en droit</b>	<b>Cours: 1 ph</b>	Voir ci-dessous	2

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 treatment 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 these topics 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 field of law 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 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 in-depth preparation of case law 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:

Classes will consist of both structured theoretical input and class discussion. In order to facilitate a well-founded and lively discussion, students are expected to complete the assigned readings before each class. Each student will be required to prepare the case law assigned for one class in-depth, as scheduled at the beginning of the term.