

LL4032/LL5032/LL6032 International Investment Law

Emeritus Professor M Sornarajah.

The course deals with the international law on foreign investment. It looks at the evolution of customary international law, the interaction between domestic law and international law, the different methods of control over foreign investment, the disputes that arise from foreign investment and the arbitration of foreign investment disputes.

The textbooks used for this course are

M Sornarajah, *International Law on Foreign Investment* (Fourth Edition, Cambridge University Press, 2017).
R. Dolzer and C Schreuer, *International Investment Law* (Second Edition, OUP, 2014).

The lecture outlines are subject to change.

COURSE OUTLINE

LECTURE ONE.

1. What is a Foreign Investment?
2. History of the International Law on Foreign Investment.

LECTURE TWO.

1. Economic Theories on Foreign Investment.
2. Actors in Foreign Investment Law.
3. The Role of Domestic Law of Host State.

LECTURE THREE

1. Role of Home States.

LECTURE FOUR.

The Clauses in a Foreign Investment Contract.

Formation of Contracts. Illegality. Bribery.

The Internationalization of the Foreign Investment Contract

Arbitration of Disputes arising from Contracts.

LECTURE FIVE

Bilateral Investment Treaties.

Multilateral Investment Treaties.

Their Principal Provisions.

Treatment Standards

Expropriation.

Right to Repatriation.

Balanced Treaties: Defences to Liability.

LECTURE SIX

Dispute Resolution under Investment Treaties.

Jurisdictional Issues.

Definition of Investment

Definition of Investor

Issues of Corporate Nationality.

LECTURE SEVEN
Treatment Standards.

International Minimum Standard.
Fair and Equitable Standard
Full Protection and Security.
Most Favoured Nation Treatment.
Discrimination
Denial of Justice.

LECTURE EIGHT.
Fair and Equitable Standard.
Legitimate Expectations.
The Restrictions on Use of Legitimate Expectations

LECTURE NINE
Expropriation
Direct Expropriation
Regulatory Expropriation
Proportionality Rule.
Compensation

LECTURE TEN.
Defences
National Security
Necessity
Environment
Human Rights.
Public Health, Welfare and Morals.
Other Defences.