

## LAWS70304 Internat Investment Law and Arbitration

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2010, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Visit the Melbourne Law Masters website for more information about this subject.
<b>Prerequisites:</b>	Visit the Melbourne Law Masters website for more information about this subject.
<b>Corequisites:</b>	Visit the Melbourne Law Masters website for more information about this subject.
<b>Recommended Background Knowledge:</b>	Visit the Melbourne Law Masters website for more information about this subject.
<b>Non Allowed Subjects:</b>	Visit the Melbourne Law Masters website for more information about this subject.
<b>Core Participation Requirements:</b>	Visit the Melbourne Law Masters website for more information about this subject.
<b>Coordinator:</b>	Assoc Prof Jurgen Kurtz
<b>Contact:</b>	For the most up-to-date information about this subject, contact the Melbourne Law Masters Office by email at law-masters@unimelb.edu.au or phone 8344 6190 or alternatively visit the subject website: www.masters.law.unimelb.edu.au
<b>Subject Overview:</b>	Principal topics will include: <ul style="list-style-type: none"> <li># Nature, evolution and context of international investment law</li> <li># Overview of bilateral investment treaties (BITs), the North American Free Trade Agreement (NAFTA), the Energy Charter Treaty and parts of the World Trade Organization</li> <li># Scope of protection: Definition of 'investor' and 'investment'</li> <li># Relative obligations of non-discrimination: Most-favored-nation (MFN) and national treatment</li> <li># Obligation to accord foreign investors 'fair and equitable treatment'</li> <li># Expropriation and the quantification of compensation</li> <li># Contract claims versus treaty claims: The 'umbrella' clause</li> <li># Arbitration under the ICSID Convention.</li> </ul>
<b>Objectives:</b>	International investment law regulates the entry and operation of foreign investment and is one of the fastest growing fields of public international law. The last decade has seen exponential growth in the formation of investment treaties and the invocation of their unique forms of arbitral dispute settlement against developed and developing states alike. This subject offers a comprehensive analysis of the protections afforded under key investment treaties and their dispute settlement systems. A student who has successfully completed this subject should: <ul style="list-style-type: none"> <li># Be familiar with key bilateral, regional and multilateral investment treaties</li> <li># Be able to advise clients on the substantive rights afforded to them under these treaties (including protections against state discrimination and expropriation)</li> <li># Understand the nature of investor-state arbitration as a form of dispute resolution at international law</li> <li># Be familiar with the specialised forms of institutional arbitration in the field (including the International Convention on the Settlement of Investment Disputes) and their similarities and differences with respect to commercial arbitration</li> <li># Have a critical understanding of current controversies surrounding the impact of investment treaty disciplines on regulatory autonomy, development strategies and the human rights of citizens in host states.</li> </ul>

<b>Assessment:</b>	Take-home examination (100%) (8-11 October) or 10,000 word research paper (100%) (22 November) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Visit the subject website for more information
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	Visit the Melbourne Law Masters website for more information about this subject.
<b>Links to further information:</b>	<a href="http://www.masters.law.unimelb.edu.au/">http://www.masters.law.unimelb.edu.au/</a>