

## LAWS70304 Internat Investment Law and Arbitration

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	<p>2016, Parkville</p> <p>This subject commences in the following study period/s: September, Parkville - Taught on campus.</p> <p>This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists. The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.</p>
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: 136-150 hours
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.
<b>Coordinator:</b>	Prof Jurgen Kurtz
<b>Contact:</b>	<p>For more information:</p> <p>Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> (<a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a>)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> (<a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a>)</p>
<b>Subject Overview:</b>	International investment law regulates the entry and operation of foreign investment and is one of the fastest-growing fields of public international law. This subject begins by tracing the historical, political and economic causes for the protection of foreign investment across custom, bilateral and regional investment treaties. It then focuses on the unique system of dispute resolution in this field, which gives private (foreign) actors the right to pursue claims for damages against states. This subject explores a series of case studies to evaluate the impact of investment law across a range of core values, including public health, environmental regulation and the protection of human rights.

	<p>Principal topics include:</p> <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 (WTO)</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 International Centre for Settlement of Investment Disputes (ICSID) Convention.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of key areas of international investment law, including bilateral, regional and multilateral investment treaties</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of these legal rules</li> <li># Be an engaged participant in debate regarding controversies surrounding the impact of international investment law and arbitration on various aspects of state sovereignty (including development strategies and the human rights of citizens in host states)</li> <li># Have a detailed understanding of the major forms of dispute settlement 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 the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to international investment law</li> <li># Have the communication skills to clearly articulate and convey complex information regarding international investment law to relevant specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of international investment law.</li> </ul>
<b>Assessment:</b>	<p>5000 - 6000 word take-home examination (100%) (4-7 November 2016) or 10,000 word research paper (100%) (25 January 2017) on a topic approved by the subject coordinator Hurdle requirement: A minimum of 75% attendance.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period. McLachlan, Shore and Weiniger, International Investment Arbitration (Oxford University Press).</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://law.unimelb.edu.au/study/masters">http://law.unimelb.edu.au/study/masters</a></p>
<b>Related Course(s):</b>	<p>Graduate Diploma in Dispute Resolution Graduate Diploma in International Economic Law Graduate Diploma in International Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Law and Development Master of Laws Master of Public and International Law</p>