INVESTOR-STATE DISPUTE RESOLUTION

LAWG 675
Fall 2015

Mondays, 5:45 p.m. - 7:45 p.m.
Room: Hotung 1008

Professor: Marguerite C. Walter

Email: [Email]
Office hours: by appointment


www.italaw.com
www.investorstatelawguide.com
www.investmentclaims.com
http://investmentpolicyhub.unctad.org/IIA

Additional reading material will be posted to the course website via Canvas throughout the semester.

Session One (Aug. 31)

Topics: Introduction and purpose of the course; sources of international law; customary international law underpinnings of international investment law; purpose of investment law

READING: KNS, Chapters 1 & 2.

RESEARCH: Does your home country have IIAs? How many? With which treaty partners? What kinds of protections do these treaties offer? What kinds of dispute resolution?

** NO CLASS ON MONDAY, SEPTEMBER 7 **

Session Two (September 14)

Topics: Definitions: investor, investment

READING: KNS, Chapter 3.

1 Ms. Walter is teaching this course in her personal capacity. All views expressed are solely those of Ms. Walter and do not necessarily reflect the views of the United States Government or the U.S. Department of State.
Session Three (Sept. 21)

Topic: Expropriation

READING: KNS, Chapter 4

Session Four (Sept. 28)

Topic: Standards of host state behavior

READING: KNS, Chapter 5

Session Five (Oct. 5)

DEADLINE FOR SELECTION OF PAPER TOPICS

Topic: overview of a typical investment arbitration; selection/challenge of arbitrators; evidence and document production; provisional measures; bifurcation/trifurcation

READING: KNS, Chapter 6 (through 6.2.2); Paulsson, "Moral Hazard" and Brower's response; IBA Guidelines on Taking of Evidence

Session Six (TUES., Oct. 13)

Topic: Third-party funding; ethics in international arbitration

READING: IBA Guidelines on Conflicts of Interest

Session Seven (Oct. 19)

Topic: Consent to arbitration; cooling-off periods; sources of substantive law

READING: Abaclat v. Argentina

Session Eight (Oct. 26)

Topic: Jurisdictional objections and defenses - denial of benefits clauses; nationality

READING: Plama v. Bulgaria; Pac Rim v. El Salvador; Waguih Siag v. Egypt

Session Nine (Nov. 2)

DEADLINE FOR OUTLINES

Topic: Jurisdictional objections and defenses - fork in the road; attribution; abuse of process; illegality

READING: H&H v. Egypt, World Duty Free
Session Ten (Nov. 9)

Topic: State counterclaims

READING: Roussalis v. Romania; Goetz v. Burundi.

Session Eleven (Nov. 16)

Topic: Damages (causation, types of damages, quantum, restitution); awards of costs

READING: ADC v. Hungary, Lemire v. Ukraine

Session Twelve (Nov. 23)

Enforcement of awards: enforcement, annulment, set-aside

READING: KNS, Chapter 6 (6.2.3 - end)

Session Thirteen (Nov. 30)

PAPERS DUE

Last class; student presentations of research and conclusions.

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Course Requirements:

Attendance/Participation:  20%

Paper:  80%