International investment law*, January 2019

Instructor: Professor Piotr Szwedo

* The exact course name hasn’t been decided but the syllabus (https://kym-syllabus.ofc.kobe-u.ac.jp/kobe_syllabus/2018/48/data/2018_3I666.html) and the timetable below have been confirmed.

The course addresses a range of questions related to international investment law. This branch of international public law has already drawn special attention of legal scholars but also due to numerous arbitration proceedings worldwide, it became a field of intensive legal practice. During classes special emphasis will be put on the specificity on Bilateral Investment Treaties as sources of international law and on case law which plays the role of clarification and creation of legal standards. Students will be also introduced to the specificity international responsibility resulting from international investment claims which is partly based on international customary law. Furthermore, we will also examine the definition of investment, definition of State and learn about standards of investment treatment (Most Favored Nation, national, fair and equitable standards). We will also study about direct and indirect expropriation; standards of compensation; principles of the settlement of investment disputes and about enforcement of arbitral awards. The course grade is based on class participation, presentation on agreed topic and on a written essay.

The course is composed of the following subjects of international investment law (IIL):
1. Historical introduction to international trade and investment law
2. Sources of IIL; specificity of investment contracts
3. Subjects of IIL; specificity of “investor”
4. Object of IIL; definition of “investment”
5. The most-favored-nation standard of treatment
6. National treatment
7. Fair and equitable treatment
8. Expropriation
9. Standards of compensation
10. Enforcement of arbitral awards

January 2019
9 (Wed.), 2 sessions. 10:40-12:10 and 13:20-14:50
10 (Thu.), 1 session. 10:40-12:10
11 (Fri.), 2 sessions. 10:40-12:10 and 13:20-14:50
21 (Mon.) 1 session. 15:10-16:40
22 (Tue.) 2 sessions. 10:40-12:10 and 15:10-16:40.
23 (Wed.) 3 sessions. 10:40-12:10, 13:20-14:50, 15:10-16:40
24 (Thu.) 2 sessions. 10:40-12:10 and 15:10-16:40
25 (Fri.) 2 sessions. 10:40-12:10 and 13:20-14:50