

Business Law
Module 12 [International Investment Law]

The module is aimed at introducing the students to investment regulation on domestic and foreign arenas. It covers the notion of investor and investment, typology of investments, sources of the investment law as well as its main principles.

Basic Notions:

Investment Climate and factors that determine it
Investment
Investment policy
Conducive investment policy
Domestic investment
Foreign investment
Portfolio (indirect) investment
Direct investment
Private and public investment
Investor (individual, company)
Nationality of investor
Host state
International investment law
Openness to foreign investments (sectoral positive / negative lists)
Screening/ entry requirements for foreign investments
Performance requirements
Foreign/ local ownership requirement
“One stop shop”
Investment Promotion Intermediary (“IPI”)
[Multilateral] investment law framework
The place of international investment law in the “general” international law framework
Bilateral Investment Treaty (the “BIT”)
Free Trade Agreement
National law regulating investments (investment codes, investment acts, etc)
Non-discrimination
National Treatment (“NT”)
Most Favored Nation Treatment (“MFN”) and its scope
Stabilization clause
Full Protection and Security clause
Umbrella clause
Fair and equitable treatment
Convertability and Repatriation of capital
Expropriation (right to expropriate; direct, indirect and “creeping”)
Compensation in case of expropriation
Investment incentives
Investment regulation in the WTO
Transparency as one of the main principles of international investment law

General Reference Materials:

Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.:

<http://thelawdictionary.org/#ixzz2dKQavCad>

Georgetown University's Library Guide on International Investment Law and Arbitration
<http://www.law.georgetown.edu/library/research/guides/InternationalInvestmentLaw.cfm>

Articles, Book Chapters, Other Overviews and Summaries

Baetens, Freya, No Law is an Island, Entire of Itself - How International Investment Law Interacts with Other Fields of Public International Law (September 25, 2012). Baetens, F., (Ed.), Investment Law Within International Law: Integrationist Perspectives (CUP 2013). Available at SSRN: <http://ssrn.com/abstract=2205023>

Kavaljit Singh, Multilateral Investment Agreement in the WTO – Issues and Illusions, Asia – Pacific Research Network, 2003, http://www.wto.org/english/forums_e/ngo_e/multi_invest_agree_july03_e.pdf

Cole, Tony, The Boundaries of Most Favored Nation Treatment in International Investment Law (March 22, 2011). 33 Michigan Journal of International Law 537 (2012). Available at SSRN: <http://ssrn.com/abstract=1792542>

Dalhuisen, Jan H. and Guzman, Andrew T., Expropriatory and Non-Expropriatory Takings Under International Investment Law (August 27, 2012). UC Berkeley Public Law Research Paper No. 2137107. Available at SSRN: <http://ssrn.com/abstract=2137107> or <http://dx.doi.org/10.2139/ssrn.2137107>

Hirsch, Moshe, Sources of International Investment Law (July 21, 2011). International Law Association Study Group on the Role of Soft Law Instruments in International Investment Law, July 17, 2011. Available at SSRN: <http://ssrn.com/abstract=1892564>

INVESTMENT REFORM: A HANDBOOK FOR DEVELOPMENT PRACTITIONERS, Investment Climate Advisory Services – World Bank Group, <http://www.wbginvestmentclimate.org/uploads/Investment-Law-Reform-Handbook.pdf>

Katwala Sandeep, Sonnenblick Scott, Foreign Direct Investment in India: A Few Key Issues, available at: <http://www.law.com/jsp/law/international/LawArticleIntl.jsp?id=1196279832466&slreturn=20130828181114#ixzz2gECoVU00>

Leal-Arcas, Rafael, International Trade and Investment Law: Multilateral, Regional and Bilateral Governance (May 12, 2010). INTERNATIONAL TRADE AND INVESTMENT LAW: MULTILATERAL, REGIONAL AND BILATERAL GOVERNANCE, Edward Elgar Publishing, 2010. Available at SSRN: <http://ssrn.com/abstract=1614793>

Maupin, Julie A., Transparency in International Investment Law: The Good, the Bad, and the Murky (April 16, 2013). Published in 'TRANSPARENCY IN INTERNATIONAL LAW', ANDREA BIANCHI AND ANNE PETERS, EDS (Cambridge University Press, 2013). Available at SSRN: <http://ssrn.com/abstract=2058195>

Key Concepts in International Investment Agreements – UNCTAD – Glossary (2004): http://www.sice.oas.org/Glossary/iteiit20042_e.pdf

