

Academic Year: (2024 / 2025)

Review date: 06/09/2024 14:23:47

Department assigned to the subject: Private Law Department

Coordinating teacher: PERALES VISCASILLAS, MARIA PILAR

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

DESCRIPTION OF CONTENTS: PROGRAMME

Investment Arbitration

1.- General aspects

- a) Distinction from other types of arbitration and arbitral institutions.
- b) Investment protection treaties.
- c) Regulatory aspects of principal sectors.
- d) Transactional aspects of the deals giving rise to investment disputes.

2.- Starting the proceedings

- a) Jurisdiction: immunities and breach by a ¿State¿.
- b) Standing: definition of ¿investor¿ and ¿investment¿.
- c) Admissibility of claims.

3.- The procedure and the law

- a) Specificities of the investment arbitration procedure.
- b) Substantive law (I): analysis of sectoral rules.
- c) Substantive law (II): standards of protection.

4.- The award

- a) The award: structure and contents.
- b) The annulment of the award.
- c) The enforcement of the award.

LEARNING ACTIVITIES AND METHODOLOGY

TEACHING ACTIVITIES BY MATTER

- AF1 Lecture
- AF2 Practice/Case
- AF3 Lecture-plus-practice
- AF6 Group work
- AF7 Students¿ individual work

TEACHING METHODOLOGIES BY MATTER

MD1: Lecture in class by the professor aided by computer and audiovisual tools, in which the course¿s main concepts will be developed, and the main literature will be provided.

MD2: Critical reading of the texts recommended by the course¿s professor: press articles, reports,

manuals and/or academic articles, for their discussion in class, or to expand and consolidate the lessons of the course.
MD3: Resolution of cases, problems, etc, provided by the professor, individually or in group.
MD4: Exposition and discussion in class, moderated by the professor, on topics regarding the contents of the course, as well as practical cases.
MD5: Making of Works and reports individually or in group.

TUTORING: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher in order to: (i) Guide the autonomous and group work of the students (ii) Deepen in different aspects of the subject (iii) Guide the academic and comprehensive training of the student. The tutorials will take place at the time and under the conditions determined by the teacher in Aula Global.

The use of Generative AI is not allowed in this subject.

The use of Generative AI to assist or complete any work deliverable in this subject will be academically penalized.

ASSESSMENT SYSTEM

% end-of-term-examination/test:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

EVALUATION SYSTEMS BY MATTER

SE1 Participation and engagement in class
SE2 Individual or group Works done during the course
SE3 Final exam

Evaluation systems	Minimum weigh (%)	Maximum weigh (%)
SE1	20%	30%
SE2	40%	60%
SE3	40%	40%

The master in International advocacy is a master's degree that is taught in person. Therefore, students are required to attend all the theoretical and practical classes that the master has programmed. A student may only be absent for no reason from a maximum of 15 per cent of the classroom hours (i.e. not the sessions or days) in each subject. In case of excused absences, the total maximum will be 25%. If the student hold an absence greater than those indicated, a "0" will be computed on the continuous evaluation rating. Likewise, the absences lower than those percentages may be taken into account when it comes to modulate downward the qualification of the continuous evaluation, especially if it includes a participation note.

In the extraordinary call the weight will be: Final examination: 60% and continuous evaluation: 40%.

BASIC BIBLIOGRAPHY

- DOLZER, Rudolf; SCHREUER, Christoph Principles of International Investment LAW , Oxford: Oxford University Press, , 2008, 433 pages.
- GAILLARD, E./BANIFATEMI, Y Annulment of ICSID Awards, Juris Publishing, Inc, 2004
- SORNARAJAH, M. The International Law on Foreign Investment , Cambridge University Press, Third edition, 2010
- SORNARAJAH, M. The International Law on Foreign Investment , Cambridge University Press, Third edition, 2010
- WAIBEL, M/KAUSHAL, A/CHUNG/BALCHIN, C. he Backlash Against Investment Arbitration: Perceptions and Reality, Kluwer Law International., 2011

- KANTOR, M. Valuation for Arbitration: Compensation Standards, Valuation Methods and Expert Evidence, Kluwer Law International., 2008

ADDITIONAL BIBLIOGRAPHY

- McLachlan, Campbell International investment arbitration: substantive principles, Oxford, 2007
- Muchlinski/Ortino/Schreuer The Oxford Handbook of International Investment Law, OUP, 2008

BASIC ELECTRONIC RESOURCES

- . Georgetown International Investment Law Research Guide:
<http://www.ll.georgetown.edu/guides/internationalinvestmentlaw.cfm>
- . Investment Treaty Awards: <http://ita.law.uvic.ca/investmenttreaties.htm>
- . ICSID Caselaw database and ICSID Rules: <http://icsid.worldbank.org/ICSID/Index.jsp>
- Kluwer Arbitration . Kluwer Arbitration: <http://https://wklrus-td.wistia.com/medias/gh0jt3g2h1>