

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester A 2022/23

Part I Course Overview

Course Title:	<u>Selected Problems in International Investment Law</u>
Course Code:	<u>LW6168E</u>
Course Duration:	<u>One semester</u>
Credit Units:	<u>3 (26 hours of lectures, 13 hours of seminars)</u>
Level:	<u>P6</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: (Course Code and Title)	<u>Nil</u>
Precursors: (Course Code and Title)	<u>Nil</u>
Equivalent Courses: (Course Code and Title)	<u>LW5568 Selected Problems in International Investment Law</u>
Exclusive Courses: (Course Code and Title)	<u>1. LW4663 Selected Problems in International Investment Law (Students who have completed LW4663 are not allowed to take LW6168E unless there are exceptional circumstances.)</u> <u>2. LW6143C and LW6142E International Investment Law (Students who have completed LW6143C/LW6142E are not allowed to take LW6168E. Also, students who have completed LW6168E are not allowed to take LW6143C/LW6142E.)</u> <u>3. LW6568E Selected Problems in International Investment Law</u>

Part II Course Details

1. Abstract

This course aims to

- a) provide students opportunities to study an emerging area of law so as to meet the challenges of working in a global legal environment;
- b) allow students to be exposed to the teaching methods and viewpoints of a leading foreign legal scholar;
- c) offer more flexibility to students to plan and complete their studies; and develop further the research and analytical abilities of students.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Describe and explain the basic concepts and principles relating to international investment law		√	√	√
2.	Apply the above concepts and principles to solve hypothetical or real situations		√	√	√
3.	Communicate ideas, arguments or advice clearly and coherently both orally and in writing		√	√	√
4.	Critically analyse and evaluate concepts, principles and policy underpinning international investment law		√	√	√
5.	Identify and examine current problems associated with international investment law		√	√	√
6.	Undertake in-depth research into international investment law		√	√	√
		100%			

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: *Accomplishments*

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.					Hours/week (if applicable)
		1	2	3	4	5	
Lectures or interactive seminars	Lectures or interactive seminars – students will acquire basic knowledge of the concept and principles of international investment law, including by asking or responding to questions	√					2
Group discussions/exercises Seminars	Group discussions/exercises – students will have an opportunity to apply law or legal principles to practical situations; Seminars – students will apply their understanding of legal concepts and principles to solve hypothetical situations		√				N/A
Seminars	Seminars – oral presentations and written submissions			√			1
Lectures or interactive seminars	Lectures or interactive seminars – students will develop critical analytical abilities by observing and participating in discussion and reading pre and post class materials				√	√	N/A

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.					Weighting	Remarks
	1	2	3	4	5		
Continuous Assessment: 30%							
Class participation will require students to read arbitral awards and other materials and make presentations on some of			√	√	√	30%	

these awards to the class.							
Examination: 70% (duration: 48 hours Take-home Exam)							
							100%

Applicable to students admitted in Semester A 2022/23 and thereafter

Students must obtain an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23

Students must obtain an overall mark of 40% in order to pass the course.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Class Participation	Demonstration of ability to identify issues. Application of knowledge to specific problems.	High	Significant	Moderate	Inadequate
Take-home Examination	Application of knowledge to specific problems and discussion questions.	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Class Participation	Demonstration of ability to identify issues. Application of knowledge to specific problems.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Take-home Examination	Application of knowledge to specific problems and discussion questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

Foreign investment
Investment treaties
Investment arbitration
Investor protection

1.2 Detailed Syllabus

Investment instruments
Consent to investment arbitration
Criteria for investment
Rights of investor
Governmental measures relating to foreign investments/investors
Defences of host state
Damages

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Bishop, Crawford & Reisman, *Foreign Investment Disputes: Cases, Materials and Commentary* (Kluwer Law 2005), available at www.kluwerarbitration.com

2.2 Online Resources

www.kluwerarbitration.com
<http://icsid.worldbank.org/ICSID/Index.jsp>
www.investmentclaims.com
<http://ita.law.uvic.ca/>
www.naftaclaims.com