



University of Vienna
School of Law
Summer Semester 2017

Course Title: International Investment Arbitration

Professor: Christoph Schreuer

I. Course Description and Objectives

This course covers international arbitration between States and foreign investors. Arbitration is the preferred method for the settlement of disputes arising from investments. The proliferation of bilateral investment treaties has contributed to a dramatic increase in investor-State arbitrations.

Investment arbitration is a vibrant field that shows international law in action. It is also an excellent example of how international conflicts can be resolved peacefully and without the usual confrontation between governments. Investment arbitration is an area of international litigation where competition between large international law firms is particularly intense.

II. Course Outline

- 1. The different ways to settle investment disputes: Diplomatic Protection, Domestic courts, Arbitration and Conciliation**
- 2. The parties to the dispute (jurisdiction *ratione personae*)**
- 3. The concept of an investment (jurisdiction *ratione materiae*)**
- 4. Consent to arbitration**
- 5. Most favoured nation status, umbrella clauses and jurisdiction Procedure and evidence, provisional measures**
- 6. Applicable law**
- 7. Damages, compensation, injunctive relief and Costs**
- 8. Challenge and review of decisions**
- 9. Enforcement and immunities**

III. Reading Material

N. Rubins/N.S. Kinsella, *International Investment, Political Risk and Dispute Resolution* (Oceana Dobbs Ferry, New York 2005).

R. Dolzer/C. Schreuer, *Principles of International Investment Law*, **2. edition** (Oxford University Press **2012**).

P. Muchlinski/F. Ortino/C. Schreuer (eds.), *The Oxford Handbook of International Investment Law* (Oxford University Press 2008).

R.D. Bishop/J. Crawford/W.M. Reisman, *Foreign Investment Disputes, Cases Materials and Commentary* (Kluwer Law International 2005).

C. Binder, U. Kriebaum, A. Reinisch, S. Wittich, *International Investment Law for the 21st Century* (Oxford University Press 2009).

C. McLachlan, L. Shore, M. Weiniger, *International Investment Arbitration* (Oxford University Press 2007)

C. Schreuer, M. Malintoppi, A. Reinisch, A. Sinclair, *The ICSID Convention: A Commentary* 2d edition (Cambridge University Press 2009).

T. Weiler (ed.), *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law* (Cameron May 2005).

IV. Teaching Method

This course will be taught using a combination of lectures and class discussions. It will be based on student preparation of the course materials which will be available in advance. Students are expected to prepare and to discuss the material in class.

V. Assessment Method

A. There will be a 2-hour written final examination which will be worth 70% of the final course mark.

B. Class participation is expected. It will be worth 30% of the final course mark.