LW6168E: SELECTED PROBLEMS IN INTERNATIONAL INVESTMENT LAW

Effective Term
Semester A 2025/26

Part I Course Overview

Course Title
Selected Problems in International Investment Law

Subject Code
LW - Law

Course Number
6168E

Academic Unit
School of Law (FL)

College/School
School of Law (FL)

Course Duration
One Semester

Credit Units
3

Level
P5, P6 - Postgraduate Degree

Medium of Instruction
English

Medium of Assessment
English

Prerequisites
Nil

Precursors
Nil

Equivalent Courses
Nil

Exclusive Courses
1. LW4663 Selected Problems in International Investment Law (Students who have completed LW4663 are not allowed to take LW6168E unless there are exceptional circumstances.)
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.)
3. LW6568E Selected Problems in International Investment Law

4. LW5568 Selected Problems in International Investment Law

Additional Information

Nil

Part II Course Details

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.

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and explain the basic concepts and principles relating to international investment law		x	x	x
2	Apply the above concepts and principles to solve hypothetical or real situations		x	x	x
3	Communicate ideas, arguments or advice clearly and coherently both orally and in writing		x	x	x
4	Critically analyse and evaluate concepts, principles and policy underpinning international investment law		x	x	x
5	Identify and examine current problems associated with international investment law		x	x	x
6	Undertake in-depth research into international investment law		x	x	x

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 real-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.

Learning and Teaching Activities (LTAs)

	LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	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	1	2
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	2	N/A
3	Seminars	Seminars - oral presentations and written submissions	3	1
4	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	4, 5	N/A

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks ("-" for nil entry)	Allow Use of GenAI?
1	Class participation will require students to read arbitral awards and other materials and make presentations on some of these awards to the class.	3, 4, 5	30	-	No

Continuous Assessment (%)

30

Examination (%)

70

Examination Duration (Hours)

48

Minimum Examination Passing Requirement (%)

40

Additional Information for ATs

Examination: Take-home Exam. The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024
Students must obtain a minimum mark of 50% in examination and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter
Students must obtain a minimum mark of 40% in examination and an overall mark of 40% in order to pass the course.

Assessment Rubrics (AR)

Assessment Task

Class Participation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of ability to identify issues.
Application of knowledge to specific problems.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Take-home Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Application of knowledge to specific problems and discussion questions.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Class Participation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of ability to identify issues.
Application of knowledge to specific problems.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Take-home Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Application of knowledge to specific problems and discussion questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Foreign investment
Investment treaties
Investment arbitration
Investor protection

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

Reading List

Compulsory Readings

	Title
1	Nil

Additional Readings

	Title
1	Bishop, Crawford & Reisman, Foreign Investment Disputes: Cases, Materials and Commentary (Kluwer Law 2005), available at www.kluwerarbitration.com
2	Online Resources
3	www.kluwerarbitration.com
4	http://icsid.worldbank.org/ICSID/Index.jsp
5	www.investmentclaims.com
6	http://ita.law.uvic.ca/
7	www.naftaclaims.com