

International Investment Law
Spring 2005
Jeffery Atik

1. 11 January
Opening ceremonies and introduction to course requirements and methods.
Introduction to investor-state dispute resolution.
Topic: Diplomatic protection I (nationality)
REISMAN, ARSANJANI, WIESSNER & WESTERMAN, INTERNATIONAL LAW IN CONTEMPORARY PERSPECTIVE 353-357; 372-377; 390-391; 429-460

2. 18 January
Topic: Diplomatic protection II (exhaustion of local remedies)
REISMAN, ARSANJANI, WIESSNER & WESTERMAN, INTERNATIONAL LAW IN CONTEMPORARY PERSPECTIVE 460-483

Note: No class Tuesday 25 January (NAFTA Seminar at Columbia Law School)

3. 1 February
Topic: CIL on expropriation; investor responsibility
Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398 (1964)
In re Union Carbide Corporation (Disaster at Bhopal), 809 F.2d 195 (2nd Cir. 1987)
Doe v. Unocal Corporation, 2002 U.S. App. LEXIS 19263 (9th Cir. 2002)
Note: First essay assigned (due February 15)

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Doe v. Unocal Corporation, 2002 U.S. App. LEXIS 19263 (9th Cir. 2002)
Note: First essay assigned (due 15 February)
4. 8 February
Topic: Investment restrictions; expropriation
LOWENFELD, INTERNATIONAL PRIVATE INVESTMENT (2D ED 1982) 79-185; DS 135-252
5. 11 February (Friday session)
Topic: Introduction to NAFTA Chapter 11; exhaustion of local remedies
NAFTA Chapter 11
Andrea Bjorklund, *Waiver and the Exhaustion of Local Remedies Rule in NAFTA Jurisprudence*
6. 15 February
Topic: NAFTA Chapter 11 (continued)
[Waste Management v. Mexico, Final Award, 30 April 2004](#); (read portions re: interpretation and application of Article 1105).
[Pope & Talbot v. Canada, Interim Award on Merits, 26 June 2000](#).
[Feldman v. Mexico, Final Award, 16 December 2002](#); (read portions re: interpretation and application of Article 1110).
Note: First essay due
7. 22 February
Topic: NAFTA Chapter 11 (continued)
[Metalclad v. Mexico, Judicial Review Judgment, 2 May 2001](#).
[S.D. Myers v. Canada, Judicial Review Judgment, 13 January 2004](#).

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8. 1 March

Topic A: NAFTA Chapter 11 (continued)

[Feldman v. Mexico, Final Award, 16 December 2002](#)

Topic B: Afghanistan's Nascent Investment Policies (lecture by J.A.)

Note: Second essay assigned (due March 15)

9. 8 March

Topic: NAFTA Chapter 11 (continued)

[Metalclad v. Mexico, Judicial Review Judgment, 2 May 2001](#)

[S.D. Myers v. Canada, Judicial Review Judgment, 13 January 2004](#)

10. 15 March

Topic A: NAFTA Chapter 11 – Denial of Justice

Loewen v. United States, Final Award, 26 June 2003 & Decision on Reconsideration, 13 September 2004 [handouts]

Topic B : Dispute resolution under BITs

CMS v Republic of Argentina, Decision on Objections to Jurisdiction, 17 July 17 2003, 42 *ILM* 788 (2003) [handout] - available at: <http://www.asil.org/ilib/cms-argentina.pdf>

Note: Second essays due 15 March

Note: No class 22 March [Spring Vacation]

11. 29 March

Case presentations I

12/13. 1 April (Friday session)

10:00a – 12:30p

Case presentations II

1:00p

Class luncheon (restaurant TBD)