



- c. World Bank, Legal Framework for the Treatment of Foreign Investment, Vol. I: Survey of Existing Instruments (1992).
- d. Rudolph Dolzer “Fair and Equitable Treatment: A Key Standard in Investment Treaties” 39 International Law, p. 87 (2005)
- e. Giorgio Sacerdoti, “Bilateral Treaties and Multilateral Instruments on Investment Protection,” In the Recueil des Cours, Vol. 269 (1997) Pub. The Hague Academy of International Law. (Background reading)

February 7

3. **Acceptance and Treatment of Foreign Direct Investment**  
Prof. Khairallah and Wiss

Material:

- a. World Bank, Legal Framework for the Investment of Foreign Investment, Vol. II: Guidelines (1992).
- b. Metalclad Corp. v. Mexico, ICSID Review, Foreign Investment Law Journal, Vol. 16, No. 1 (Spring 2001), pp. 165-203.
- c. U.S. Department of State, “Updated U.S. Model Bilateral Investment treaty (‘Debt’),” [www.state.gov/e/eb/rls/other/38602.htm](http://www.state.gov/e/eb/rls/other/38602.htm).

February 14

4. **Rights & Responsibilities of States & Investors**  
Prof. Khairallah

Material:

- a. An Overview of Preliminary Host Country Agreements in Infrastructure Projects by Daoud Khairallah. (2004)
- b. State Responsibility and Attribution: When Is a State Responsible for The Acts of State Enterprises – In E.A. Maffezini v. Kingdom of Spain by A.C. Smutney; in International Investment Law & Arbitration; Ed. Todd Weiler Pub. Cameron May, pp. 17-45 (2005).

February 21 5. **The International Joint Venture & Shareholders Rights**  
Prof. Khairallah

Material:

- a. Antonio Mendosa, "International Joint Venture," International Business Planning, American Casebook series, West Group (2001), pp. 248-293.
- b. "A Community of Destiny – The Barcelona Traction case and Development of Shareholders Rights to Bring Investment Claims," by Ian A. Laird, In International Investment Law & Arbitration Ed. Todd Weiler, Pub.: Cameron May, pp. 77-96 (2005?).

February 28 6. **Investment and Sustainable Development**  
Prof. Hansen

Material:

- a. World Bank Environmental Guidelines
- b. Equator Principles and Equator Principles Review H2 2006

March 6 7. **The Role of International and Bilateral Financial Institutions in the Flow of Investment to Developing Countries**  
Profs. Wiss and Khairallah

- a. Daoud Khairallah, "International Finance Corporation", (Kluwer Law International, 2002)
- b. [OPIC Descriptive Material on OPIC website; International Finance Corporation material on IFC website]

March 13 **Midterm Exam** and **Aircraft Transaction**  
Professor Wiss

Material: Distributed to Class.

March 20 SPRING BREAK – NO CLASS

March 27      8.    **Project Finance**  
                         Professor Hansen

Material:

- a. M.F. Kahn and R.J. Parra, *Financing Large Projects: Using Project Finance Techniques and Practices* (Singapore: Prentice Hall, 2003);
- b. *Project Finance Techniques* (Chadbourne & Parke, 2004)

April 4        9.    **Political Risk Issues**  
                         Professor Hansen

Material:

- a. MIGA Convention, class to focus on Articles 12-14.
- b. OPIC Claims Determination Memorandum:
  - (i) Nord Resources Corp (Sierra Leone, 1993);
  - (ii) Sector Resources (Columbia, 2002);
  - (iii) Caribe Crown (Haiti, 1987);
  - (iv) Bank of America (India, 2003) and
  - (v) Ponderosa (Argentina, 2005).
- c. For reference: Overseas Private Investment Corporation Insurance Contract.

April 11      10. **Curbing Corruption, Foreign Corrupt Practices Act**  
                         Professor Wiss

Material:

- a. [Lucinda Lowe article]
- b. Stephen Black and Roger Witten, "Complying With the Foreign Corrupt Practices Act," Matthew Bender (1999), Chapters 1-3.

April 18      11. **Expropriation and Privatization Cycle**  
Professor Wiss

Material:

- a. Marcia A. Wiss, "Reducing Expropriation Risk for Large Mining Project Overseas."
- b. Richard Pritchard and Douglas Webb, "Privatization and Private Provision of Infrastructure," from "Economic Development, Foreign Investment, and the Law," ed. Robert Pritchard, World Bank Publication, Chapter 4.

April 25      12. **Settlement of Disputes**  
Professor Hansen

Material:

- a. Charles N. Brower and Jeremy K. Sharpe, "International Arbitration and the Islamic World: The Third Phrase," American Journal of International Law, Vol. 97, No. 3 (July 2003).
- b. R.D. Bishop, J. Crawford, and W.M. Reisman, "Foreign Investment Disputes, Cases, materials & Commentary," Kluwer Law International (2005), pp. 1-17.

May 1,  
6:00 p.m.      **Final Examination**