

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018

Course: International Investment Law	Semester: VII
Programme: B.B.A. LL.B. (Hons.) Corporate Law	
Course Code: LLBD 441	
Time: 03 hrs.	Max. Marks: 100
No. of page/s: 2	

SECTION A

Note: Attempt all Questions. All Questions carry equal marks. Max 10 marks

S. No.		Marks	CO
Q 1	Distinguish between asset-based and enterprise-based definition of investment.	2	CO1
Q 2	Briefly mention two important doctrines relating to regulation of foreign investment.	2	CO2
Q 3	Describe the scope and application of international investment law.	2	CO2
Q 4	Discuss the process of investor-state dispute settlement as evolved over years.	2	CO3
Q 5	Highlight the impact of Mexican revolution in the development of international investment law (IIL).	2	CO3

SECTION B

Note: Attempt any two Questions out of following three: Max 20 marks

Q 6	What do you mean by the 'Treatification' of International Investment Law? Discuss the growth and evolution of IIL through multiplication of bilateral investment treaties.	10	CO3
Q 7	Privatization has been an important means of encouraging foreign investment. What is privatization? What are the legal means by which it is accomplished?	10	CO3
Q 8	Discuss the sources of international investment law. How do the views of industrialized and developing countries differ with respect to the nature and content of international investment law?	10	CO4

SECTION-C

Note: Attempt any two Questions out of following three. All Questions carry Equal Marks. Max 20 marks

Q 9	Why have treaties grown in importance as a source of international investment law? Discuss the main form, content and the principal issues as dealt by bilateral investment treaties (BITS).	10	CO3
Q 10	Write a critical comment on the regulation of foreign direct investment in India. Critically analyze the nuances of today's international business environment necessitating securing risks to foreign investment.	10	CO4

Q 11	Critically analyze the GATT/WTO regulation on international investment. Comment upon the importance and relevance of the WTO TRIMs Agreement in this regard.	10	CO3
<p>SECTION-D</p> <p>Note: Attempt all Questions. Max 50 marks</p>			
Q 12	<i>“With the growing public debate about investment treaties and investment disputes, governments are now frequently called on to explain their policy choices, in particular with respect to the balance between governments’ right to regulate and the protection of foreign and domestic investors”</i> . In the light of this statement, critically analyze adverse arbitral decisions against India, and its recent revision/termination of its bilateral investment treaties (BITs).	20	CO5
Q 13	Write a case comment on <i>Tokios Tokelés v. Ukraine</i> , Case No. ARB/02/18, 29 April 2004.	15	CO3
Q 14	Draft a <i>model bilateral investment treaty</i> with its main form and contents.	15	CO4

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SECTION A

Note: Attempt all Questions. All Questions carry equal marks.

Max 10 marks

S. No.		Marks	CO
Q 1	Discuss meaning of the term ' <i>expropriation</i> ' in the context of international investment law.	2	CO1
Q 2	Discuss OECD's efforts to evolve multilateral agreement on investment (MAI) over the years.	2	CO2
Q 3	Narrate the concerns of the newly independent countries reg. investment regulation as reflected in their demands for NIEO.	2	CO3
Q 4	Discuss the instance of Iran-US Claims Tribunal in the development of international investment law (IIL).	2	CO3
Q 5	Discuss the relevance of GATT on regulation of foreign investment.	2	CO2

SECTION B

Note: Attempt any two Questions out of following three:

Max 20 marks

Q 6	What are the costs and benefits of foreign investment to the investor, the host country, and the investor's home country? Discuss issues of political and legal risks associated with foreign investment.	10	CO3
Q 7	To what extent do international legal rules and institutions actually influence the flow of international investment? What methods are available to settle international investment disputes?	10	CO4
Q 8	What advantages do treaties have over customary law and general principles of law in the field of international investment? What advice would you give to developing countries considering entering into bilateral investment treaties (BITs)?	10	CO4

SECTION-C

Note: Attempt any two Questions out of following three. All Questions carry Equal Marks.

Max 20 marks

Q 9	How do investment treaties specifically purport to “ <i>protect</i> ” and “ <i>promote</i> ” investment? Discuss the points of difference between bilateral investment treaties and free trade agreements concerning the investment provisions.	10	CO5
Q 10	What remedies are available to settle investment disputes? How effective are the available methods? In theory, how does international law affect investment? Critically discuss the role and importance of International Court of Justice (ICJ) towards settling investment disputes amongst countries.	10	CO4
Q 11	Critically comment on ICSID as a forum for investor-state dispute settlement. Discuss its institutional structure and the process of dispute settlement as provided by ICSID. Highlight India’s concerns and position towards joining the forum.	10	CO5
<p>SECTION-D</p> <p>Note: Attempt all Questions. Max 50 marks</p>			
Q 12	“ <i>The arbitration-based investor-state dispute settlement mechanism is among the features of the international investment agreement (IIA) regime that has drawn most criticism among governments and the public. Also, it has motivated some countries to remain outside the IIA regime altogether. ISDS has been criticized, among other things, for inconsistent outcomes, high costs, secrecy, and bias of adjudicators, which may be exacerbated by economic incentives for arbitrators to interpret treaties expansively and in favour of investors’ interests</i> ”. Critically analyze this statement against the backdrop of India’s losses in recent international arbitral forum decisions, and the subsequent revision/termination of its bilateral investment treaties (BITs).	20	CO4
Q 13	Critically comment upon the settlement of disputes between foreign investors and host countries through the mechanism of arbitration by highlighting its advantages and disadvantages. Cite a case example.	15	CO5
Q 14	Write a case comment on <i>The Nottebohm case (Liechtenstein v. Guatemala)</i> , 2nd phase, Judgment of 6 April 1955, 1955 ICJ Reports 4, at 2 reg. nationality.	15	CO3