Course Name : International Investment Law							
Course Code	**Course Type**	**Regular Semester**	**Lecture (hours/week)**	**Seminar (hours/week)**	**Lab. (hours/week)**	**Credits**	**ECTS**
LAW 521	B	Fall	3.00	1.00	0.00	3.50	6.00

Lecturer	Gentjan Skara, PhD
Assistant	
Course language	Albanian
Course level	Master
Description	International investment law is one of the fastest growing subjects in international law. It is a subject that combines elements of treaty and customary international law, public policy, and the resolution of private disputes. In recent decades, there has been a dramatic increase in the number of bilateral investment treaties and other agreements related to investment provisions, followed by a sharp increase in the number of disputes between private investors and sovereign states under these specialized legal regimes.
Objectives	The course aims to provide basic notions of international law on foreign investment, focusing also on the essential rules governing investment in a host country and dispute mechanism body between the host State and the foreign investor.
Core Concepts	1. The right to invest 2. Foreign investment 3. Investor 4. Host country 5. Bilateral Investment Treaty 6. The most favorable national treatment 7. Fair and Equitable Treatment 8. Expropriation 9. ICSID

Course Outline

Week	Topic
1	Course presentation: the historical development of international investment law This lecture will focus on the historical development of international investment law. Looking at it from a historical perspective, the lecture will highlight the importance of the nature of business as a foreign investment and the obligations of host countries to guarantee the right of the investment. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 1-10
2	Sources of International Investment Law This lecture will focus on the sources of international investment law. Particular attention will be paid to customary international law as a minimum standard, followed by the need for rights and obligations to be provided in the written agreement. In this way the right of treaties in the field of foreign investment was born. In the end the lecture will focus on the most important regional agreements as a source of law. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 11-30
3	Interpretation and Application of Investment Treaties This lecture will focus on 2 aspects. First, students will be introduced to ways of interpreting investment treaties. Particular attention will also be paid to Articles 31-33 of the Vienna Convention on the Law of Treaties. The lecture will then focus on the area of implementation of timely investment treaties. In order to materialize these two concepts, an example will be analyzed in class. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 31-45
4	Investor and investments This lecture will focus on explaining the two concepts. The first concept is: what will be called an investor. Then, it will be explained the investment concept. In order to better understand these two concepts, during the lecture different examples of Bilateral Investment Treaties will be discussed. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 46 - 71

5	Bilateral Investment Treaty This lecture will address Bilateral Investment Treaty. During the lesson, students will be introduced with the form of BITs, the applicable law, different principles and clauses stipulated in BITs. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 72-78
6	Models of Bilateral Investment Treaty In recent years, it has been noticed that countries are drafting models related to foreign investments. In this lecture several models will be studied and students will be able to distinguish differences. Special attention will be paid to the clauses that provide for the non-fulfillment of obligations by the investor. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 79-88
7	Defense Standards This lecture will address investor protection standards such as: i) fair and equal treatment; ii) full protection and security; iii) conditionality; iv) access to justice and the right to a fair legal process; v) national treatment and iv) more favorable national treatment. All of these standards will also be explained in practice with reference to issues adjudicated by ICSID. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 119- 194
8	Mid term exam
9	Expropriations This lecture will address the right to expropriation. Referring also to the ICSID practice, students will be introduced to the legality of expropriations. Also, during the lecture 2 main forms of expropriation will be discussed: direct and indirect. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 89- 118
10	Expropriation Guarantees: ISCID Issues This lecture will address various issues adjudicated by ICSID relating to safeguards against expropriation. Students will read the issues in advance and will be discussed in class. Relevant Literature: Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) 89- 118
11	Issues of Public Interest: Environment, Human Rights and Culture This lecture will address various issues dealt with by ICSID relating to the public interest such as the environment, human rights and culture. Students will read the issues in advance and will be discussed in class Relevant literature Issues received from ISCID
12	Uncovered measures: Essential security, Economic Stability and protection of necessity This lecture will address various issues adjudicated by ICSID relating to uncovered measures such as essential security, economic stability and essential protection. Students will read the issues in advance and will be discussed in class. Relevant literature Issues received from ISCID
13	Albanian Law on Foreign Investments This lecture will address the Albanian law on foreign investments and the role of Albanian Investment Development Agency (AIDA). The AIDA promotes investment, export promotion and development of small and medium enterprises and supports direct investment in Albania, by identifying and promoting investment opportunities, providing services and support for existing and potential investors. AIDA offers comprehensive support to foreign and domestic investors for their investment projects. Qualified staff assist not only with market analysis, potential investment sectors, but also with advice on finding suitable properties and locations, as well as as well as helping to identify new and existing collaborative projects. Relevant literature 1. Ligji Nr.7764, datë 2.11.1993 'Për Investimet e Huaja' ndryshuar me ligjin nr. 10316, datë 16.9.2010 dhe nr.46/2017, datë 13.4.2017) 2. Ligji Nr.10 303, datë 15.7.2010 'Për krijimin dhe mënyrën e organizimit e të funksionimit të Agjencisë Shqiptare të Zhvillimit të Investimeve (AIDA)'
14	Issues presented in ICSID with Albania I This lecture will address judges judged by ICSID where the party was the Albanian state. Students will read the issues in advance and will be discussed in class Relevant literature Issues received from ISCID
15	Issues presented in ICSID with Albania II This lecture will address judges judged by ICSID where the party was the Albanian state. Students will read the issues in advance and will be discussed in class Relevant literature Issues received from ISCID
16	Final Exam

Prerequisites	The student must attend the course at a minimum rate of 75%.
Literature	• Rudolf Dolzer and Christoph Schreuer, Principles of International Investment Law (OUP 2008) • Ligji Nr.7764, datë 2.11.1993 ‘Për Investimet e Huaja’ ndryshuar me ligjin nr. 10316, datë 16.9.2010 dhe nr.46/2017, datë 13.4.2017) • igji Nr.10 303, datë 15.7.2010 ‘Për krijimin dhe mënyrën e organizimit e të funksionimit të Agjencisë Shqiptare të Zhvillimit të Investimeve (AIDA)’ • Vendime nga ICSID
References	

Course Outcome

1	Upon completion of this course, the student should be able to understand the complex legal framework applicable to investment
2	Upon completion of this course, the student should be able to understand the key features of an arbitration procedure; relations between international sources and domestic law regarding BITs as well as respective procedures;
3	Upon completion of this course, the student should be able to understand the relationship between the foreign investor and host country
4	Upon completion of this course, the student should be able to understand the structure of the BITs

Course Evaluation

In-term Studies	Quantity	Percentage
Midterms	1	50
Quizzes	0	0
Projects	0	0
Term Projects	0	0
Laboratory	0	0
Class Participation	0	0
Total in-term evaluation percent		**50**
Final exam percent		**50**
Total		**100**

ECTS Workload (Based on Student Workload)

Activities	Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)	16	4	64
Study hours outside the classroom (Preparation, Practice, etc.)	14	4	56
Duties	0	0	0
Midterms	1	12	12
Final Exam	1	18	18
Other	0	0	0
Total Work Load			**150**
Total Work Load / 25 (hours)			**6.00**
ECTS			**6.00**