

**ONE YEAR LL.M. DEGREE SECOND SEMESTER EXAMINATIONS, SEPTEMBER, 2021**  
**LAW OF INTERNATIONAL INVESTMENT ARBITRATION**

**Time: 10.00am to 1.45pm**

**Maximum Marks: 50**

**Question carries TEN marks**

**Module 1 (Time 10 am-10.45 am) (35 minutes for writing and 10 minutes for uploading)**

1. a) Trace the development of investment arbitration as the preferred dispute resolution mechanism of foreign investors.

OR

- b) Explain the means for settlement of investment disputes before the advent of bilateral and multilateral investment treaties.

**Module 2 (Time 10.45 am-11.30 am) (35 minutes for writing and 10 minutes for uploading)**

2. a) Comment on the extend of jurisdiction enjoyed by investment arbitration tribunals.

OR

- b) Investment arbitration tribunal is a creature of the investment treaty. Explain.

**Module 3 (Time 11.30 am-12.15 pm) (35 minutes for writing and 10 minutes for uploading)**

3. a) Comment on the use of nationalisation of private property as an instrument of public policy against foreign investors in the post-colonial world and its international ramifications.

OR

- b) Explain the principle of national treatment and evaluate its importance as a tool for protecting the interests of foreign investors.

**Module 4 (Time 12.15 pm-1.00 pm) (35 minutes for writing and 10 minutes for uploading)**

4. a) Examine the use of the defence of necessity as a ground against a claim in investment arbitration.

OR

- b) Examine the international norms that have been evolved to ensure the independence of investment arbitral tribunals.

**Module 5 (Time 1.00 pm-1.45 pm) (35 minutes for writing and 10 minutes for uploading)**

5. a) Critically evaluate the use of investment arbitration as the dispute resolution mechanism of choice to instil confidence in foreign investors and to promote foreign direct investment.

OR

- b) Critically examine the issue of treaty shopping by foreign investors to gain the benefits of favourable investment treaties. Examine the response of host countries to this phenomenon.

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