

ONE YEAR LL.M. DEGREE SECOND SEMESTER EXAMINATIONS, MAY, 2022

LAW OF INTERNATIONAL INVESTMENT ARBITRATION

Time: 3 Hours

Maximum Marks: 50

Answer All questions. Each question carries TEN marks (5*10 =50 Marks)

1. a) Critically evaluate the reasons for the popularity of investment arbitration with foreign investors.

OR

b) Explore the alternatives to settlement of investment disputes outside of investment treaties.

2. a) Discuss the jurisdictional freedom available to investment arbitration tribunals.

OR

b) Examine the role of the investment treaty in investment arbitration.

3. a) Comment on acceptance by the investors of the post-colonial nationalisation of private property as a public policy tool.

OR

b) Critically evaluate the principle of national treatment vis-a-vis the interests of foreign investors.

4. a) Examine the success enjoyed by States using the defence of necessity in investment arbitration.

OR

b) Critically evaluate the institutional mechanisms used to ensure the independence of investment arbitral tribunals.

5. a) Critically evaluate the justification for providing investment arbitration as a tool to promote foreign direct investment.

OR

b) Comment on treaty shopping by foreign investors to gain the benefits of favourable investment treaties.
