

**ONE YEAR LL.M. DEGREE SECOND SEMESTER EXAMINATION,  
SEPTEMBER 2020**

**INTERNATIONAL INVESTMENT ARBITRATION**

**Time: 3 Hours**

**Maximum Marks: 50**

**Answer ANY FIVE Questions**

I.A. To what extent can States' withdraw from their commitments under bilateral investment treaties? Critically examine the use of consent of State parties as justification for international investment arbitration.

OR

I.B. Critically evaluate the contribution of provisions for international investment arbitration as the magnet for attracting foreign investments.

II.A. Comment on the inclination of investment arbitral tribunals to rule in favour of State measures to promote human rights in investment disputes.

OR

II.B. Comment on the ability of investment tribunals to move beyond the letter and spirit of the bilateral or multilateral treaty creating it in the determination of investment disputes.

III.A. Examine whether expropriation is a threat that is adequately covered by the various treaty provisions and customary international law on protection of foreign investments.

OR

III.B. Examine the importance of 'fair and equitable treatment' for foreign investors. Critically evaluate how investment arbitral tribunals have responded to claims of violation of the principle of fair and equitable treatment.

IV.A. Critically examine the availability of any defences for States in the face of investment arbitration claims.

OR

IV.B. How are investment arbitral awards enforced? Comment on the desirability of a uniform mechanism for the same.

V.A. Critically evaluate the acceptance by States of the use of investment arbitration as a dispute resolution mechanism favouring foreign investors, in the light of their obligations to their own citizens.

OR

V.B. Critically evaluate the desirability of reliance on investment arbitration to protect investments made in developing countries.

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