

UEXT SUMMER UNIVERSITY 2024

4 - 14 June, 2024

Universidad Externado de Colombia, Bogotá, D. C.

COURSE INFORMATION

COURSE NAME	Investment Treaty Arbitration and the Right to Regulate in an Era of Sustainable Development
SCHEDULE	4 – 14 June, 09h:00 – 12h:00 (Monday through Friday) Classroom contact
ROOM	TBC
HOURS PER DAY	3
TOTAL HOURS	40
MAX. NUMBER OF STUDENTS	50
ONLINE MASTER CLASS	Wednesday, June 12, 17h:00 – 18h:00 Topic: Global Challenges and Policy Making
COURSE DESCRIPTION	<p>ITA is a form of arbitration between foreign investors and host States regarding foreign direct investment (FDI). The subject-matter is arbitrated under public international law, more specifically international investment law (an auspice of international economic law).</p> <p>The field of investment treaty arbitration (ITA) has grown exponentially the last century. This Programme includes lectures on:</p> <ul style="list-style-type: none"> • Introduction to investment treaty arbitration • Basics of international investment law with an emphasis on the right to regulate and regime interaction (human rights and environmental law) • Jurisdictional features of investment treaty arbitration • Enforcing arbitral awards against host States <p>The course will focus on ITA through the lens of the 21st century focus on sustainable development and the State's right to regulate in that regard.</p> <p>The course will cover:</p>

Session 1: The What, Why and How of Investment Treaty Arbitration

This session will focus on explaining *what* investment treaty arbitration is, *why* parties may choose such process, and *how* it works.

Session 2: Jurisdiction in Investment Treaty Arbitration (I)

This session will cover the definition “investment” (*ratione materiae*), issues of temporal jurisdiction (*ratione temporis*), and certain admissibility matters.

Session 3: Jurisdiction in Investment Treaty Arbitration (II)

This session will cover the definition of “investor” (*ratione personae*). A special focus will be State-owned or controlled entities acting as investors.

Session 4: Substantive Treatment (I)

This session will address the primary substantive protections of investment treaties and their jurisprudential development over the past few years. This session will focus on substantive treatment, especially indirect expropriation and fair and equitable treatment.

Session 5: Substantive Treatment (II)

This session will address the regime interaction phenomena (systemic integration) and the right to regulate.

Session 6: Procedural Aspects of Investment Treaty Arbitration

This session will cover the process of investment arbitration.

Session 7: Enforcing and Executing Investment Awards Against a State-debtor

This session focusing on the enforcement and recognition of arbitral awards against state, and in particular where the plea of sovereign immunity is invoked.

LECTURER'S BIO



Dr. Ylli Dautaj, PhD
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Ylli Dautaj currently teaches as a lecturer in commercial law at Brunel University London. Meanwhile, he teaches as an adjunct professor at Penn State Law. From fall 2024 he will be a visiting associate professor with Penn State Law.

Ylli graduated with a PhD from University of Edinburgh (UK) as a stipendiary scholar of the Scottish Graduate School for Arts & Humanities.

Ylli practices out of Stockholm, Sweden, at DER Juridik. He represents clients in planning, drafting, negotiating, and disputing commercial agreements – in both litigation and arbitration, domestic and international. He represents individuals, private enterprises, State-owned enterprises, and States in various litigation matters and international arbitrations, including matters incidental or ancillary to arbitration (e.g., compelling arbitration, jurisdictional matters, admissibility, set-aside, enforcement, execution, etc.).

Ylli has published extensively with various leading law journals, books, and book chapters; for example, with Kluwer International, Brill Research Perspectives, Northwestern Journal of International Law and Business, Fordham International Law Journal, Cornell International Law Journal, The International Lawyer, Manchester Journal of International Law, American Review of International Arbitration, Cardozo Journal of Conflict Resolution, Indiana Journal of Global Legal Studies, etc.