

**HANOI LAW UNIVERSITY**  
**FACULTY OF INTERNATIONAL TRADE AND BUSINESS LAW**  
**DEPARTMENT OF MULTILATERAL TRADE AND INTERNATIONAL INVESTMENT LAW**

**COURSE OUTLINE**  
**INTERNATIONAL INVESTMENT LAW**  
**2018**

**I. COURSE INFORMATION**

Degree:	Bachelor of Law
Course:	<b>International Investment Law</b>
Semester/Academic Year:	II/2018-2019
Number of credits:	02
Lecture hours:	10 credit hours
Seminar hours:	20 credit hours
Team work hours:	4 credit hours
Self-study hours:	4 credit hours
Pre-requisite(s):	Public International Law

**II. LECTURERS AND ASSISTANTS INFORMATION**

**1. Lecturers**

No	Name	Title	Email	Tel
1.	Nguyen Thanh Tam	Assoc. Prof	luat_tmqt@yahoo.com	04.37731787
2.	Nguyen Thi Thu Hien	Ph.D	luat_tmqt@yahoo.com	04.37731787
3.	Nguyen Ba Binh	Ph.D	luat_tmqt@yahoo.com	04.37731787
4.	Nguyen Thi Anh Tho	LLM	luat_tmqt@yahoo.com	04.37731787
5.	Ho Thuy Ngoc	Ph.D	luat_tmqt@yahoo.com	04.37731787
6.	Vu Thi Kim Ngan	Ph.D	luat_tmqt@yahoo.com	04.37731787
7.	Trinh Hai Yen	PhD	luat_tmqt@yahoo.com	04.37731787

8.	Nguyen Ngoc Ha	PhD	luat_tmqt@yahoo.com	04.37731787
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## 2. Assistants

No	Name	Title	Email	Tel
1.	Pham Thanh Hang	LLM	luat_tmqt@yahoo.com	04.37731787
2.	Tran Phuong Anh	LLM	luat_tmqt@yahoo.com	04.37731787
3.	Ha Thi Phuong Tra	LLM	luat_tmqt@yahoo.com	04.37731787
4.	Ngo Trong Quan	LLM	luat_tmqt@yahoo.com	04.37731787
5.	Nguyen Mai Linh	LLM	luat_tmqt@yahoo.com	04.37731787

## III. COURSE DESCRIPTION

The course of the International Investment Law is a legal science that provides the basic knowledge of the legal system governing investment liberalization, investment protection, the influence of economics and politics on international investment. Through this course, students will be equipped with the following knowledge:

- 1) Overview of International Investment and International Investment Law
- 2) Basic Principles of International Investment Law
- 3) Investor-State Contracts
- 4) Vietnam and International Investment Law

## IV. LEARNING OBJECTIVES

Upon completion of this course, students will be able to know:

- Overview of of International Investment and International Investment Law;
- The Principles of International Investment Law;
- Sources of International Investment Law;
- Investor-State Contracts
- Vietnamese Law Regulating International Investment Relations
- Apply knowledge learned such as the principles of Most Favoured Nation - MFN, National Treatment – NT, Fair and Equitable Treatment- FET, Full Protection and Security (FPS), Protection against Expropriation (Takings), Investor-State Dispute Settlement (ISDS) and Vietnamese Law Regulating International Investment Relations etc., to explain the specific situations in trade relations among the Investor and State.

## **V. CONTENTS OF THE COURSE**

### **Issue 1. Overview of International Investment and International Investment Law**

- 1.1. Globalisation and International Investment
- 1.2. Historical Development of International Investment Law
- 1.3. Defining the scope of Investment Treaties
- 1.4. Sources of International Investment Law

### **Issue 2. Basic Principles of International Investment Law**

- 2.1. Most Favoured Nation (MFN)
- 2.2. National Treatment (NT)
- 2.3. Fair and Equitable Treatment (FET)
- 2.4. Full Protection and Security (FPS)
- 2.5. Protection against Expropriation (Takings)
- 2.6. Investor-State Dispute Settlement (ISDS)
- 2.7. Umbrella Clause and other International Standard of Investment Protection
- 2.7. Exceptions

### **Issue 3. Investor-State Contracts**

- 4.1. Concept of Investor-State Contract
- 4.2. Some Specific Investor-State Contracts
- 4.3. Some Important Clauses in Investor-State Contract
- 4.4. The Specificities of Contract-Based Investment Claims

### **Issue 4. Vietnam and International Investment Law**

- 5.1. WTO's Commitments of Vietnam
- 5.2. Vietnamese Law Regulating International Investment Relations
- 5.3. Vietnam's ISDS

## **VI. READINGS**

### **Compulsory Readings:**

- 1. Hanoi Law University, *International Investment Law Textbook*, the Youth Publishing House, Hanoi, 2017 (this Bilingual Textbook was published within framework of the Viet Nam - MUTRAP Project IV).

### **Others:**

### **\* Books**

1. Surya P. Subedi, *International Investment Law - Reconciling Policy and Principle*, Hart Publishing, Oxford and Portland, Oregon, 2<sup>nd</sup> edn., 2012.
2. M. Sornarajah, *The International Law on Foreign Investment*, Cambridge University Press, 3<sup>rd</sup> edn., 2010.  
<http://202.74.245.22:8080/xmlui/bitstream/handle/123456789/377/the%20international%20law%20on%20foreign%20investment%20by%20M.%20Sornarajah.pdf?sequence=1>
3. Surya P. Subedi, *International Investment Law - Reconciling Policy and Principle*, Hart Publishing, Oxford and Portland, Oregon, 2<sup>nd</sup> edn., 2012.
4. M. Sornarajah, *The International Law on Foreign Investment*, Cambridge University Press, 3<sup>rd</sup> edn., 2010.  
<http://202.74.245.22:8080/xmlui/bitstream/handle/123456789/377/the%20international%20law%20on%20foreign%20investment%20by%20M.%20Sornarajah.pdf?sequence=1>

### **\* International Law**

1. Report of the Working Party on the Accession of Viet Nam and Viet Nam's WTO Commitments.  
<http://wtocenter.vn/sites/wtocenter.vn/files/wto/attachments/Report%20of%20the%20Working%20Party%20on%20the%20Accession%20of%20Vietnam.pdf>
2. Trade Policy Review-Vietnam, [https://www.wto.org/english/tratop\\_e/tpr\\_e/tp387\\_e.htm](https://www.wto.org/english/tratop_e/tpr_e/tp387_e.htm)

### **\* Websites**

1. <http://r0.unctad.org>
2. <http://r0.unctad.org/disputesettlement/course.htm>
3. <http://www.uncitral.org>
4. <http://icsid.worldbank.org>
5. <http://www.wto.org>
6. <http://www.ustr.gov>
7. <http://europa.eu>
8. <http://www.chinhphu.vn>
9. <http://www.mutrap.org.vn>
10. <http://www.intertradelaw.hlu.edu.vn>

## **VII. TEACHING AND LEARNING METHODS/APPROACHES**

A combination of different teaching and learning methods, including: Lectures; Socrates; Case study; Workshop; Teamwork presentation; Others.

Students are required to prepare the topics before attending class and to actively participate in class discussion.

### VIII. COURSE SCHEDULE/TEACHING PLAN

Week	Issue	Lecture	Seminar	Team work	Self-study	Assignment	Total of credit hours
1	1	2	(4)	(2)	(3)	Receiving assignments	4
2	2	2	(4)	(2)	(3)		4
3	2	2	(4)	(2)	(3)		4
4	3	2	(4)	(2)	(3)		4
5	4	2	(4)	(2)	(3)	Submitting individual assignment	4
<b>Total of credit hours</b>		<b>10</b>	<b>20</b>	<b>2</b>	<b>3</b>		<b>30</b>

### X.ASSESSMENT

No	Type of assignment	Rate	Requirements
1.	01 Individual Assignments	10%	<ul style="list-style-type: none"> <li>- Form: In-class exam.</li> <li>- Content: Questions relating to the knowledge that students have learnt.</li> </ul>
2.	01 teamwork paper and oral presentation	10%	<ul style="list-style-type: none"> <li>- Form: 3-5 page Essay (Appendix included, if any).</li> <li>- Content: Questions relating to the knowledge of whole course.</li> </ul>
3.	01 Semester Assignment	10%	<ul style="list-style-type: none"> <li>- Form: 3-5 page Essay (Appendix included, if any).</li> <li>- Content: Questions relating to the knowledge of whole course.</li> </ul>

4.	Final exam	70%	- Form: Multiple choice test
	<b>Total</b>	100%	

## **XI. OTHER REQUIREMENTS**

- Plagiarism in any forms will result in FAIL for the related academic work.
- Cheating on any exam also results in FAIL to the student who commits the cheating and to the person who allows others to copy his/her work.
- No excuses for the ignorance of the guidelines for academic works set by Hanoi Law University.