

International Arbitration of Investment Disputes

by

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Professor Chaisse is an award-winning specialist in international economic law with particular expertise in the regulation and economics of foreign investment. His research also covers other relevant fields, such as WTO law, international taxation and the law of natural resources. Before joining the CUHK Law Faculty in 2009, Prof. Chaisse served in the Ministry of Foreign Affairs of France, and started his academic career in Europe. Since then, Prof. Chaisse has been frequently being invited as a guest lecturer to many prestigious academies and universities around the world, including the Academy of International Investment and Trade Law, Columbia University, Brown University and Boston University (U.S.), Passau University (Germany) and Melbourne University (Australia) where he is a Senior Fellow to the Law School.

Professor Chaisse is an Arbitrator empaneled with the Kuala Lumpur Regional Center for Arbitration (KLRCA), the Hong Kong International Arbitration Center (HKIAC), the Shenzhen Arbitration Commission (SAC), and the Asian Domain Name Dispute Resolution Centre (ADNDRC).



Prof. Chaisse has authored a broad body of well-regarded and widely-cited articles on topics ranging from the rise of sovereign wealth funds, the regulation of foreign investment, and decision-making challenges facing the WTO, which have been published in the top refereed journals of international law. In recognition of his outstanding scholarly achievements, Prof. Chaisse received the CUHK Research Excellence Award in 2012, and was appointed Director of the Center for Financial Regulation and Economic Development of our Faculty since 2013.

In addition to scholarly work, Prof. Chaisse has wide experience as a practitioner, and is engaged as expert, counsel and arbitrator in international dispute settlement. Apart from his frequently being interviewed by local and international media on current events and legal issues, Prof. Chaisse is also regularly invited to provide legal advice and training courses on cutting-edge issues of international economic law for international organizations, governments, multinational law firms and private investors, including the United Nations ESCAP and ITC, World Trade Organization, ASEAN Secretariat, European Commission, Asian Development Bank, numbers of European countries and ASEAN member states.

Julien Chaisse is the author of the book "International Taxation - Law and Practice in Hong Kong and China" (The Hague: Kluwer Law, 2015) 304 p.

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Course Objective:

Investment arbitration, although it is arbitration, differs from commercial arbitration in fundamental ways:

- Commercial arbitration is based on an arbitration agreement, whereas investment arbitration may be based either on (a) an investment treaty, either multi- or bilateral (BIT), (b) the host State's national investment law, which often provides for protection of foreign investors or (c) in certain circumstances, an investment agreement;
- In commercial arbitration, the arbitral tribunal judges the contract between the parties, i.e. its conclusion, performance and termination, whereas in investment arbitration, the arbitral tribunal makes findings on the host State's behavior towards a foreign investor.

In investment arbitration, the arbitral tribunal thus judges the host State's behavior when exercising its sovereign rights as provided for either by law, treaty or contract, in light of customary international law.

Course Outline:

In this course you will have an opportunity to:

- Consider why arbitration is often viewed as an attractive alternative to litigation in domestic courts
- Identify the drawbacks to litigating in either home or host state courts
- Identify the advantages investor-state disputes settlement holds over state-state dispute settlement
- Identify the various sources for consent to an investment arbitration
- Review the identity of the most frequent defendants in investment cases
- Consider the appropriate source of those rules - national law, international law, non-binding codes of conduct, rules in arbitral institutions
- Consider the importance of designating a place of arbitration, because in a non-ICSID case the law of the place of arbitration will govern the amount of assistance that local courts will give the arbitration and the applicable set-aside rules

Scan to Calendar



Code:	EVT000000090	Level:	Intermediate
Date:	24 August 2015 (Monday)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points (LSHK Allocated Number: 20152661) SFC 3.0 CPT Hours
Venue:	Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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