

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, May 2020

Course: International Investment Law
Program: BBALLB (BFIL)
Course Code: CLIN4004

Semester: VIII
Time 03 hrs.
Max. Marks: 100

SECTION A

- 1. Each Question will carry 5 Marks**
- 2. Instruction: Please write short answers in fifty words.**

| S. No. | Question | CO |
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| Q 1 | What is a BIT? How many states can be party to a BIT? | CO3 |
| Q2 | What is Jus Cogens? | CO1 |
| Q3 | What is Erga Omnes obligation? | CO3 |
| Q4 | What are the two most common methods of defining investment in BITs. | CO2 |
| Q5 | Define treaty for the purpose of Vienna Convention on Law of Treaties, 1969. | CO1 |
| Q6 | What are the legitimate ways of terminating or suspending of a treaty? | CO3 |

SECTION B

- 1. Each question will carry 10 marks**
- 2. Instruction: Write short / brief notes**

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| Q 1 | What do you understand by Fair and Equitable treatment clause in International Investment Law? | CO3 |
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| Q 2 | Illustrate application of Most Favoured Nations treatment clause through case laws of International Investment Law? | CO1 |
| Q 3 | Elucidate on the concept of Direct Expropriation with the help of decided case of International Investment Law. | CO4 |
| Q 4 | Write briefly on concept of Investor in the BIT with the help of decided cases. | CO3 |
| Q 5 | Examine the possibility of treaty shopping in international investment law with the help of decided cases. | CO2 |

Section C

- 1. Each Question carries 10 Marks.**
- 2. Instruction: Write long answer.**

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| Q1 | <p>Following is the Expropriation clause in a treaty between State A and State B. “Investments shall not be expropriated or nationalized either directly or indirectly through measures tantamount to expropriation or nationalization (“expropriation”) except for a public purpose; in a non-discriminatory manner; upon payment of prompt, adequate and effective compensation; and in accordance with due process of law and the general principles of treatment provided for in Article II(2).”</p> <p>The actions of the State A has led to diminishing value of the equity shares of company LG of State B. There is no bone of contention that company LG is an investor in State A and its shares in state A owned Gas company is an investment thereof in State A. Company LG was also granted a license to distribute gas, but because of economic crisis it was suspended which led to the loss of valuation of equity shares of LG.</p> <p>a) In light of aforesaid facts examine the concepts of indirect expropriation with the help of decided cases.</p> <p>b) Do you agree with the argument that indirect expropriation occurs when government action substantially impairs the value of an investment? Explain the concept of creeping expropriation.</p> <p style="text-align: center;">—</p> | CO4 |
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