

International Investment Law

Semester:	Fall semester- FS 2026
Root Number:	26887
ECTS:	5
Lecturer:	Dr Rodrigo Polanco
Dates:	Tuesdays 10:15 – 12:00.
Room:	Silva Casa Auditorium, World Trade Institute

Course Description

This course provides an introduction to the international law governing foreign investment, analyzing multilateral, regional and bilateral international investment agreements (IIAs), in particular with regard to investment protection and promotion in bilateral investment treaties (BITs) and preferential trade agreements (PTAs).

The course addresses key rule-making dynamics and challenges in investment negotiations, as well as the rapidly evolving landscape of investment rules under IIAs. It covers the essential elements of IIAs, including their scope of application, standards of treatment, and protection, as developed in treaties and cases.

It also provides a brief examination of investor-state dispute settlement (ISDS) mechanisms and the problems related to investment arbitration and its implications for the development of rules and procedures in this field, as well as review the criticisms and reform process of the international investment regime.

Audience:

The course is designed for advanced students in law, economics or political science with a strong command of English and interest in international law and international relations, and especially for:

- Master of Advanced Studies of International Law and Economics (MILE) Students – Compulsory
- Joint LL.M. / Diploma of Advanced Studies Trade and Investment Law (TRAIL+) Students - World Trade Institute / Faculty of Law, Unibe - Compulsory
- Master Level students, University of Bern - Elective
- Certificate of Advanced Studies / Diploma of Advanced Studies in International Law and Economics (CAS ILE & DAS ILE) Students - World Trade Institute, Unibe – Elective

Prior knowledge of international law and/or domestic judicial institutions and procedures is helpful but not indispensable.

Schedule

Class	Date	Day	Time	Hours	Lecturer	Topic
1	15. Sep.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Introduction to Investment Treaty Making
2	22. Sep.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Scope of Application I
3	29.Sep.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Scope of Application II
4	06.Oct.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Scope of Application III
5	13. Oct.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Relative Standards of Treatment I
6	20. Oct.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Relative Standards of Treatment II
7	27. Oct.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Absolute Standards of Treatment I
8	03. Nov.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Absolute Standards of Treatment II
9	10. Nov.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Standards of Protection I
10	17. Nov.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Standards of Protection II
11	24. Nov.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Introduction to Investor-State Dispute Settlement (ISDS) I
12	01.Dec.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Introduction to Investor-State Dispute Settlement (ISDS) II
13	08.Dec.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Criticisms to ISDS
14	15.Dec.2026	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Alternatives to ISDS
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Recording of class

Audio recordings of the lectures will be available. Those recordings may solely be used by students for the purpose of their studies and may not be shared.

Compulsory and recommended reading materials

Students will receive a reading list and a digital reader with chapters and sections from books and articles on the topics addressed in this course. The reader also contains basic international instruments and relevant decisions of international courts and tribunals. Note, in the reading list, the difference made between mandatory and optional reading materials.

Learning Outcomes

Gain an understanding of the special situation of foreign investors. Learn about the main principles as set out in international agreements and case law. Critically assess the movements to reform the current international investment law regime.

Exams and Grades

The final exam is an open-book oral exam of 20 minutes. The course will follow the University of Bern grading system.

Lecturer

PD. Dr. Rodrigo Polanco

Rodrigo Polanco is a Legal Adviser for Spanish and Portuguese-speaking jurisdictions at the Swiss Institute of Comparative Law, a Senior Lecturer, Researcher, and Academic Coordinator of Master's Programmes at the World Trade Institute (WTI), University of Bern, and a visiting professor at the University of Chile. Rodrigo holds a Bachelor's degree, a Diploma in Air and Space Law, and a Master of Law from the Universidad de Chile, an LL.M. in International Legal Studies from New York University

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(NYU), and a PhD in Law from the University of Bern, and a habilitation (“Privatdozent”) from the same University.

He served as a post-doctoral researcher at the University of Luzern (“The Governance of Big Data in Trade Agreements: Design, Diffusion and Implications – NFP 75”) and as an assistant professor and director of international affairs at the University of Chile’s Faculty of Law.

Rodrigo has published extensively as an author and editor with leading international academic publishers and international journals on investment law, trade law and comparative law. He has worked as a consultant for the World Bank, the United Nations, the International Trade Centre (ITC), Trade Impact B.V., and the Center for Economic and Social Research (CASE) on trade and investment issues.

He coordinated the WTI/SECO Project, which supported regional competence centres for trade law and policy in Peru, South Africa, Vietnam, Indonesia and Chile, and the SNIS Project “Diffusion of International Law: A Textual Analysis of International Investment Agreements”.

Rodrigo is a co-founder of the Electronic Database of Investment Treaties (EDIT), and a co-founder and member of the board of Fiscalía del Medio Ambiente (FIMA) a Chilean non-profit environmental organization. He is also a member of the editorial board of the journals *The Journal of World Investment & Trade* (Brill), *Asia Pacific Law Review* (Taylor & Francis), *Revista de Derecho Económico* (Universidad de Chile), and *Justicia Ambiental* (FIMA).