

International Investment Law

Semester: Fall semester- FS 2025

Root Nr: 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:

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- 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	16. Sep.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Introduction to Investment Treaty Making
2	23. Sep.2025	Tuesday	10:15 – 12:00 hrs	2	Wafaa Saadeh	Scope of Application I
3	30.Sep.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Scope of Application II
4	07.Oct.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Scope of Application III
5	14. Oct.2025	Tuesday	10:15 – 12:00 hrs	2	Andrea Steingruber	Relative Standards of Treatment I
6	21. Oct.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Relative Standards of Treatment II
7	28. Oct.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Absolute Standards of Treatment I
8	04. Nov.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Absolute Standards of Treatment II
9	11. Nov.2025	Tuesday	10:15 – 12:00 hrs	2	Wafaa Saadeh	Standards of Protection I
10	18. Nov.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Standards of Protection II
11	25. Nov.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Introduction to Investor-State Dispute Settlement (ISDS) I
12	02.Dec.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Introduction to Investor-State Dispute Settlement (ISDS) II
13	09.Dec.2025	Tuesday	10:15 – 12:00 hrs	2	Rodrigo Polanco	Criticisms to ISDS
14	16.Dec.2025	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

Rodrigo Polanco

Rodrigo Polanco is a senior lecturer, researcher, and academic coordinator of Master Programmes at the World Trade Institute (WTI), University of Bern, and a Legal Adviser for Spanish and Portuguese-speaking jurisdictions at the Swiss Institute of Comparative Law. He is also a visiting professor at the University of Chile, where he is a member of the editorial board of the Journal of Economic Law (Revista de Derecho Económico).

Rodrigo holds a Bachelor's and a Master's in Law from the Universidad de Chile, an LL.M. in International Legal Studies from New York University, and a Ph.D. in Law from the University of Bern.

He has published extensively as an author and editor in leading international academic publishers and international journals on investment, trade, tax, and environmental law. He is the co-founder of the Electronic Database of Investment Treaties (EDIT).

Rodrigo coordinated the WTI/SECO Project, which supported regional competence centers 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". In addition, 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.

He is a co-founder and member of the board of Fiscalía del Medio Ambiente (FIMA), a Chilean non-profit environmental organisation, serving on the editorial board of their environmental law journal (Justicia Ambiental).

Guest Lecturers

Andrea Steingruber

Andrea Marco Steingruber practice law with SwissLegal (Bern). SwissLegal Group is a network of independent Swiss law firms, which is present in more than 10 locations all over Switzerland.

Andrea studied law at the University of Bern, Switzerland. In Bern he was admitted to the bar (Attorney-at-law). Moreover, he is also admitted as Solicitor (non-practising) in England and Wales.

Andrea also holds an LL.M. in Commercial Law with distinction from the University of Edinburgh, an M.Litt. in International Law from the University of Cambridge and a Ph.D. in International Arbitration from the University of London, Queen Mary, School of International Arbitration. Besides, he graduated with an MA HSG in Business Administration/Economics from the University of St. Gallen, Switzerland.

The University of Edinburgh awarded him 2004 the W.A. Wilson Prize in International Law. Andrea further developed his skills in international law at The Hague Academy of International Law and was a Visiting Fellow at the Lauterpacht Centre for International Law, University of Cambridge.

Andrea lectured, held courses and gave presentations at the University of Bern (World Trade Institute), Switzerland, University of London, University of Lucerne, Switzerland, and University of Siena, Italy.

He wrote his Ph.D. thesis on consent in international arbitration, which was later published as a monograph in the Oxford International Arbitration Series with the title “Consent in International Arbitration” (OUP 2012).

Andrea regularly publishes in the field of international arbitration, investment law and investment arbitration. More recently, he conducted research on international sanctions and he wrote the first comprehensive article-by-article Commentary on the Swiss Federal Act on the Implementation of International Sanctions (Swiss Embargo Act) with the title “Embargogesetz, Kurzkommentar” (DIKE 2023).

Wafaa Saadeh

Wafaa Saadeh is a corporate and governance lawyer, she is also a PhD candidate in law under the supervision of Prof Dr. Peter Van den Bossche and co-supervised by Dr. Rodrigo Polanco, her research interests focus on examining various political risk insurance schemes within the context of international investment law, standards of protection, and international arbitration.

Ms. Saadeh holds a Master of Laws (LLM) from Duke University in North Carolina-USA, a master’s degree in laws from Birzeit University in Palestine, and a postgraduate Diploma in Gender Studies from the University of Iceland in partnership with the United Nations University- Gender Equality Training and Studies Program (GRO-GEST).

Ms. Saadeh has diverse professional experience which includes private sector, international organizations, and academia. Prior to joining the WTI, Ms. Saadeh worked as a legal manager at Palestine Investment Fund, her experience focused on providing legal support on corporate and governance matters. Ms. Saadeh has also held several research and consultancies positions, she has worked as a legal researcher at the Rule of Law team at Office of the Quartet- focusing on developing the justice and security sectors in Palestine, as well as a legal researcher at the Faculty of Law and Public Administration at Birzeit University.

Ms. Saadeh is member of the Palestinian Bar Association, a certified Project Management Professional (PMP), as well as a certified Arabic-English translator. During her academic career, she has received various awards and grants, most importantly: the Swiss Government Excellence Scholarship (2023), Salzburg Cutler Fellowship (2016), Open Society Foundation- Palestinian Rule of Law (PROL) scholarship (2015).