**DEBRE MARKOS UNIVERSITY**

**COLLEGE OF POST GRADUATES**

**COURSE SYLLABI FOR SECOND SEMESTER COURSES\_ SEM.II/2012EC**

**COLLEGE/SCHOOL/INSTITUTE: \_LAW**

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| Depart  ment | Program  Name | Course details | | | | Remark |
| Law | Course Title and code | Course code | CrHr | Course description |  |
| LL M in investment law and governance | International Investment Law and Policy | Laws-6203 | 4 | The International investment regime plays an important role in the development of many countries. To some countries, it is diﬃcult to imagine economic, social and environmental development without foreign investment. Foreign direct investment is a major source of capital, technology transfers, capacity building and more. Indeed, due to the benefits that can flow from foreign investment, all countries—developing and developed—wish to attract investment into their countries.  Yet, it’s not all the time and FDI is proved to be not a miracle drug. Hence, without legal mechanisms to protect and regulate international investments investors are reluctant to take the risk, so does host states. To address such concerns, international investment laws have been developed. With the ascendancy of FDI as one of the main factors driving international economic relations in the era of globalization, international investment rulemaking at different level (bilateral, sub-regional, regional and multilateral levels) is proliferated. These International Investment Agreements (IIAs), whose goal line is to attract and/or regulate international investments, address various investment issues and forms a distinct international law for a called international investment law system.  The global environment for international investment is evolving rapidly these years. Like other developing or emerging economies, Ethiopia is coming to be a determinate destination for international investment. The legal regime regulating this soaring inward flow of foreign investors has to be further braced, researched and studied at advanced level. Though there has been a tendency to perceive advantages of foreign investment, the fact that it is not a miracle drug has recently been amplified. In this regard, countries (host states) usually strive to better safeguard their national interest without injuring the interests of the home state and the investor. Especially, foreign investment has to contribute something in the fight against poverty in developing countries. Given this contending interests, how international laws (treaties-BITs, MITs- judicial decisions, customary practices, etc) regulate the investment Environment at international level. What protections are bestowed to the investor, what rights do home and host states have and to what extent national laws affair in the regulation of foreign investment? This is unfortunate, for cross-border investment benefits all participants as well as their domestic constituencies.  This course is expected to present an up-to-date and scholarly overview of the law of foreign investment, as well as a comprehensive and succinct analysis of the main principles and the standards of treatment available to foreign investors in international law. It authoritatively offers an analysis of the most pressing issues, and recent trends from both developed and developing country perspectives. With this general goal, this course will begin by providing some introductory concepts about international investment and international investment law. It explores the source, evolution and contents of international investment law. Understanding such introductory issues will enable the student to examine the benefit of International investment treaties and other applicable international laws to Ethiopia. The course will also stretch to navigate laws and practices in the Regulation and Protection of Foreign Investment in general. Moreover, how foreign investment can be used to enhance development will be the main point of emphasis for this course. Lastly, the course will end by making some explorations to the different mechanisms for investment dispute resolution. |  |
| International and regional Trade Law | Laws-6204 | 3 | After the completion of the two big world wars in 1944, the world’s major powers came together in the US town of Breton Woods to create architecture for global economic governance. This conference resulted in the creation of three institutions; the World Bank (WB), International Monetary Fund (IMF) and the International Trade Organization (ITO). While the ITO never emerged, in 1948 one element of it came into effect- the General Agreement on Tariffs and Trade (GATT) which after consecutive rounds of negotiations in 1995 Uruguay Round transformed dramatically to WTO. The Uruguay Round negotiation have massively expanded the mandate of the GATT to include areas of agriculture, quarantine, service and intellectual property. This round of negotiation culminated in 1995 with the creation of the WTO- , which works to "liberalize", commercialize, privatize and deregulate the world economy by reducing "barriers to trade" and encouraging countries to adopt an export-driven, corporate based economic system.  Since the WTO is an organ to control and lay the legal framework for the international trade regime it is important to have perspectives on the international trade arena as it impact the domestic trading and economic system of a country.  Thus, this course will address different issues related to the WTO and the international trade regime; inter alia developing countries’ capacity and interest to act within it. The course starts with discussing the underlining rationales which are frequently provided for international trade law rules and the arguments against. A brief overview on the history and development of the WTO and the organizational structure of it will be introduced. A focus of the course will be the discussions on the dispute settlement process (the nature of compliant, the proceeding and implementation of decisions, transparency and participation of non-state actors and involvement of developing counties in the process), the accession process (high emphasis on the accession process of Ethiopia) and the core WTO rules, obligations and exceptions where the practical usage of each rules is going to be addressed. |  |
| Land and Environmental laws | Laws-6309 | 3 | This course is basically designed in such a fashion which could show students the interplay between environment, land and investment. The law of Investment, Land and Environment has become a significant national and international sphere of professional practice, in both public and private settings. Land is the most critical economic resource (especially for developing economies which are dependent on primary economic activities) and its use for investment and others play central role in promoting and ensuring sustainable environment. Land use system is one of the intersection points between developmental and environmental issues which are pivotal in the global and national environmental policy debate. And hence the interplay between land, environment and investment has a lot to do with a kind of strategy that shall be considered in bringing the balance between development and environment.  As a scarce and necessary resource for earthly investment activity, land triggers competition and conflict over its possession, use, development, and preservation.  For privately owned land, the market manages much of the competition through its familiar allocate price-setting features.  At the same time, because use of land in one location affects the interests of neighbours and the general public and because market mechanisms alone do not always protect or advance such interests, government has enacted land use and environmental laws that significantly affect how land is handled.  Expressed through local ordinances, higher-level legislation, constitutions, discretionary governmental decisions, administrative regulations, judicial opinions, and private agreements, these laws affect the look, feel, character, and composition of cities, suburbs, and rural areas everywhere. The interference is much tougher in the developmental state political economy like ours than liberal political economy for the government role and interference is much broader. .  The course helps students understand how the environment can be protected through effective regulation of land use and land tenure system while encouraging green investment. Attention is paid to how the development of land adversely affects natural resources and how these impacts can be mitigated through local planning and subsequent adoption of environmental regulations through land laws and regulations designed to promote sustainable development in a climate-changing world. Particular attention is paid to investment laws intended and unintended impacts on the physical pattern of built environments and resulting social and economic outcomes, on the increasing overlap of land use law and environmental regimes especially when climate change and urban resilience are front and centre, and on the tensions between individual rights and asserted socio-economic goals.  The major focus of this course is critically examining and assessing the environmental implications of investment policies, laws and land policies and laws. To this effect, there will be a critical and analytical examination of the environmental resilience and, environmental prospects and challenges of different investment laws and policies, land policies, land use and tenure systems and tenure security. On the way to this end, students will go through the study of different land policies and investment use systems experienced in Ethiopia. Lastly, there will be in depth study of the environmental and socio-economic implications of large scale agricultural FDI (the 21st century land grab or Land Rush).  This course is further designed to introduce students to the nature of environmental law, policy and ethics generally from the Ethiopian and International perspective. Students will be introduced to the background environmental law, policy and ethics and where it fits within the Constitutional and legal regulatory framework of our country Ethiopia. The course explores the values, rights, responsibilities and status of entities underlying legal, policy and ethical approaches to environmental issues. |  |
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