

**BOWEN UNIVERSITY, IWO OSUN STATE**

**COLLEGE OF LAW**

**2022/2023 SECOND SEMESTER EXAMINATION**

**COURSE CODE: PIL 506**

**COURSE TITLE: INTERNATIONAL TRADE AND  
INVESTMENT LAW II**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTION: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS**

1. (a). Examine the role of ICSID as a key institutional body in international investment dispute resolution.
- (b). Underscore the preference for arbitration as the choicest form of international investment dispute resolution.
- (c). Examine the meaning of arbitration clause and identify key features of an ideal arbitration clause.

**(25 MARKS)**

2. Candida Smelting Ultd, a company which has its headquarters in the United Kingdom, has been operating in Nigeria for 10 years. The company has a going concern in aluminium mining and production of aluminium roofing sheets. During the swearing-in and handover ceremony of Nigeria on the 29<sup>th</sup> May, 2023, in his inauguration speech, Chief Jaga-jaga, the newly sworn-in President, talked tough while criticising the previous government for being weak. According to him: "My government has come to liberate Nigeria from the shackles of neo-colonial imperialism of the white man. We are taking back Nigeria for Nigerians". In view of the combative disposition of Chief Jaga-jaga, Candida Smelting Ultd is apprehensive about the security of its assets. The Managing Director of the company has consulted you to give an expert legal opinion on the position of international investment law on the subject matter. Advise him.

**(15 MARKS)**

3. Blue Chip Nig. Ltd is considering establishing a subsidiary in the United States of America for the exploration of uranium, as an alternative energy sources for nuclear power plants, in a bid to solve the energy deficiency crisis of Nigeria. One of the directors of the company has raised concerns about the security of their investment,

should the government of the United States of America have any apprehension, whether founded or unfounded, that the uranium export from her country is to be used for the production of nuclear weapon for the Nigerian state. Towards this end, the company has sought legal advice from you on the relevant clauses contained in the United States of America Model Bilateral Investment Treaty for the protection of foreign investors. Advise him.

**(15 MARKS)**

4. Lomachenko Camavinga Holdings, a Netherland Company, intends to establish a milk production factory in Nigeria. Advise the company on the necessary measures it needs to take in accordance with the relevant municipal legal framework and the primary body responsible for regulation of foreign investments in Nigeria.

**(15 MARKS)**

5. There are certain forms, fundamentals and treaty standards that are synonymous with an ideal bilateral investment treaty. With the aid of legal authorities, identify and examine the salient features of an ideal bilateral investment treaty.

**(15 MARKS)**

6. Write short notes on any three of the following:

- i. Production Sharing Contract
- ii. Joint Venture Agreement
- iii. Joint Exploration Agreement
- iv. Concession Agreement
- v. Legitimate Expectation

**(15 MARKS)**