The Foreign Direct Investment International Arbitration Moot 2016 (“FDI Moot”) recently took place between 3 November and 6 November at University of Buenos Aires, Argentina, with a record number of 62 teams competing in the global orals of the competition this year. Amongst them was the team from HKU comprised of 4 oralists including myself.

A moot court competition is a mock court hearing, in which participants analyse a problem, research the law, prepare written submissions, and present oral argument. The FDI Moot simulates an investor-state arbitration. The subject of the moot is a claim by a private investor against a sovereign state for violation of a Bilateral Investment Treaty (“BIT”) between two states. The hearing takes the form of an international arbitration.

The 2016 case arises out of a contested territorial change and consequent sanctions against an investor in the weapons production sector. The investor’s links to this territory may result in a change of nationality and the applicable BIT, as well as its investment definition and the Most-Favoured-Nation clause. The situation is compounded by allegations of corruption by the investor with potential relevance to the clean hands doctrine.

Our team was one of the six Asia Pacific teams which had advanced to the global orals from the Asia-Pacific round, held earlier in August in Seoul, Korea. In the global orals in Argentina, we faced strong competition from teams from around the world. Our team went through four exciting pleadings with countless challenging interventions from the tribunals.

I have learnt much about international arbitration, particularly investor-state arbitration in the context of a BIT. This area of law is not taught in the undergraduate law degree at the University of Hong Kong, and thus it is a valuable learning experience for me and the other team members to study this area of law and apply our
research knowledge into the moot problem, and test them before renowned arbitrators from around the world. We not only received comments on the substantive law, but more importantly on our advocacy skills and styles, which are surely transferable to other moot court competitions and our future practice as a advocate.

I was honoured to be ranked 19th individually among all the oralists in the global round. This gives me further confidence to become a barrister upon graduation, my dream since I entered law school.

More importantly, I have got to know more about the teammates. Through hours of research together, meetings, practice moots, and the whole process of the competition, I have strengthened my friendships with my teammates, learned from their strengths and worked on areas that I need to work on with their help. I also got to travel in Buenos Aires, a beautiful city with nice people and good food. I also met lots of oralists from around the world, got to know the difference of legal education and law school in different parts of the world and their aspirations for legal career. This really broadened my horizon as I enter my last semester and start to plan my career ahead.