

LW6145E: LEGAL PROBLEMS OF ECONOMIC GLOBALISATION

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Legal Problems of Economic Globalisation

Subject Code

LW - Law

Course Number

6145E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW5545 Transnational Legal Problems

Exclusive Courses

LW6545E Transnational Legal Problems

Part II Course Details

Abstract

This course offers a comprehensive examination of the legal challenges arising from economic globalisation. It covers key topics such as cross-border transactions, intellectual property, tax evasion, health policies, and cybercrime. Students will critically examine the difficulties of regulating economic activities globally, and analyse the impact of globalisation on social and environmental rights. The ethical and moral implications of globalisation, including the issue of fair trade and the protection of workers' rights, will also be explored. In addition, the course delves into the role of international organizations and non-state actors in shaping global governance, and the challenges of protecting privacy and personal data in a globalised world. Interactive discussions and case studies will allow students to engage with the most pressing legal issues and apply their knowledge in real-world scenarios.

This course focuses on "problems" as opposed to theory. The course takes a practical, problem-solving approach to legal education. Rather than primarily examining legal concepts and theories in the abstract, a course focused on problems is designed to provide students with the opportunity to apply their legal knowledge and skills to real-world legal issues. This approach to legal education emphasizes the development of critical thinking, analytical, and practical skills, rather than just imparting knowledge of legal doctrine and rules. By examining real-world legal problems, students are able to better understand the practical implications of legal concepts and theories, as well as to develop an appreciation for the complexities of the legal system and the multiple factors that influence legal decision-making.

By the end of the course, students will have a solid understanding of the legal aspects of globalisation and the ability to analyse and address complex legal challenges in this field. By taking this course, students will gain a thorough understanding of the legal challenges posed by economic globalisation and develop a comprehensive understanding of the interplay between international trade agreements and domestic legal systems. They will learn about the importance of balancing the benefits of globalisation with the need to protect social and environmental rights, and the ethical and moral considerations involved.

This course will equip students with the knowledge and skills necessary to analyse complex legal issues related to globalisation and to critically evaluate the challenges and opportunities presented by this rapidly evolving phenomenon. The interactive discussions, case studies, and scenario-based analysis will help students develop problem-solving and critical thinking skills that are highly valued in the legal profession.

For future lawyers, this course will provide a strong foundation in the legal aspects of globalisation and will be a valuable asset in their careers, particularly if they plan to specialize in international trade, corporate law, or intellectual property law. By having a comprehensive understanding of the legal challenges posed by globalisation, they will be better equipped to advise clients and navigate the complexities of a rapidly globalizing world.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 app.)		DEC-A2	DEC-A3
1	Identify, describe and analyse the basic normative and institutional components of international legal order with a special emphasis on the functions of international organizations and international dispute resolution mechanisms.			x	x
2	Critically analyse the working of international law and institutions within the national legal orders and the response of the national legal orders to the demands of economic globalisation legal problems.			x	x
3	Apply and analyse critically the transnational legal framework for dealing with international economic problems in China and East Asia.		x	x	x
4	Have the skills to carry out further independent research in the field.		x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	The course leader will present and explain the law on the topics listed below in the syllabus.	1	2
2	Interactive class discussion	Students will be engaged in debates to develop a critical view on transnational legal problems.	2, 3	1

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class participation (Active involvement in class, which includes consistent attendance, engaging in thoughtful discussion, and maintaining focused attention during lectures).	1, 2, 3	20	Weeks 1 to 13. The use of Generative AI tools is not allowed.

2	Mid-term quiz (The mid-term quiz is held online and designed to gauge the comprehension and knowledge of students regarding the course material that has been taught up to that point. This quiz may incorporate various types of questions such as multiple-choice, short response, essay-based, or a blend of these. The scope of the mid-term quiz usually encompasses all the components from the first half of the course, including lectures, assigned readings, discussions, and other relevant course resources).	1, 2, 3	20	Week 7. The use of Generative AI tools is not allowed.
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Continuous Assessment (%)

40

Examination (%)

60

Examination Duration (Hours)

3

Additional Information for ATs

Exam: End of term. The use of Generative AI tools is not allowed.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

This is an open-book exam.

Students must obtain a minimum mark of 40% in the continuous assessment and final examination and an overall mark of 40% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet. Students will have access to the text of CISG and other statutory materials provided.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

This is an open-book exam.

Students must obtain a minimum mark of 50% in the continuous assessment and final examination and an overall mark of 50% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet. Students will have access to the text of CISG and other statutory materials provided.

Assessment Rubrics (AR)**Assessment Task**

Class participation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of understanding of concepts, principles, and theories.
Demonstration of ability to identify legal issues.
Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.
Application of legal writing and research skills.
Demonstration of ability to engage in argument-based analysis based on critical thinking.
Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

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Demonstration of understanding of concepts, principles, and theories.
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Assessment Task

Class participation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories.

Demonstration of ability to identify legal issues.

Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.

Application of legal writing and research skills.

Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

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(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories.

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(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

The first part of the course will provide students with a comprehensive overview of the fundamentals of international economic law, including the sources of law (e.g. "treatification" of IEL, rise of soft law instruments such as non-binding resolutions and recommendations, etc), the distinctive features of the global economic governance system (including the complex interplay of national and international actors, the diversity of legal and regulatory frameworks, and the challenges of effectively enforcing international economic rules), and the relevant legal issues encountered in practical applications (interpretation and application of international trade agreements, challenges to investment protection, and debates over the compatibility of national regulations with international economic obligations).

The second part of the course will delve into specific institutions and regimes within international economic law, with a focus on business policies and issues (These may include issues related to competition law, dispute resolution, and compliance with international trade agreements, among others). Topics of study will include sovereign debt (the issue of sovereign debt has significant implications for the global financial system, as the default of a sovereign borrower can have far-reaching consequences for international markets and economies), the role of states as market participants, the interplay between tax law and trade/investment (In a globalized world, it is increasingly important to understand the tax implications of international transactions and investments, as well as the ways in which tax law and policy can either facilitate or hinder trade and investment flows), and the rapidly evolving field of internet regulation.

Finally, in the third part, students will examine critical public policy issues in the international arena. These issues often concern complex and controversial subjects, such as the distribution of resources and benefits, the protection of individual rights and freedoms, and the preservation of the environment and public health. In the context of international economic law, public policy issues refer to the challenges and opportunities arising from the increasing interdependence of economies and the globalization of trade, investment, and information flows, such as cybersecurity (In the context of international economic law, cybersecurity is a critical issue because of the growing reliance on digital technologies for conducting business, managing critical infrastructure, and protecting sensitive information. The challenges posed by cybersecurity threats, such as hacking, cyber espionage, and cybercrime, require the development of effective legal frameworks and policies to ensure the security and stability of cyberspace), water regulation (Water is a finite and essential resource that is critical for human survival and economic development. However, its availability and quality are increasingly under threat from factors such as population growth, urbanization, climate change, and pollution. In the context of international economic law, water regulation is important because water is a transboundary resource that is subject to conflicting demands and competing interests), and tobacco controls (In the realm of international public policy, tobacco controls play a critical role in addressing global public health challenges and promoting international cooperation to reduce the global burden of disease caused by tobacco use. In this context, international treaties such as the World Health Organization Framework Convention on Tobacco Control provide a framework for cooperation and coordination among nations to implement effective tobacco control measures.).

Detailed Syllabus

PART I – The Foundations of Global Economic Governance

- a. EL, Global Economic Governance, and Legal Problems;
- b. Globalization and International Trade Law (Actors, norms and trends);
- c. Globalization and International Investment (Actors, norms and trends);
- d. Globalization and Dispute Settlement Mechanisms (Judicial, quasi-judicial, arbitration).

PART II – International Business Problems

- a. Sovereign defaults: Creditor Litigation and Arbitration;
- b. Internet Governance: domain names policy and dispute resolution.
- c. Revision Class (Quiz & Practice problems)
- d. State Capitalism: State Controlled Entities and the Law;
- e. International Taxation and Trade/investment transactions;

PART III – International Public Policy Problems

- a. Health policy and domestic tobacco controls;
- b. Data flows (Digital trade and cybersecurity);
- c. Art, Culture and IEL;
- d. The Future of Global Economic Governance

Reading List

Compulsory Readings

Title	
1	Julien Chaisse, Legal Problems of Economic Globalisation-- A Commentary on the Law and Practice (2nd edition) (Wolters Kluwer, November 2017) 784 pages. [Product ISBN: 9789887741305]
2	Can be purchased from any book shops or online, for instance from "Professional Bookshop" (https://www.pbookshop.com/legal-problems-of-economic-globalisation-a-commentary-on-the-law-and-practice-2nd-edition-student-edition-9789887741305stu.html) or Wolters Kluwer (https://www.wolterskluwer.com.hk/e-store/legal-problems-of-economic-globalization-a-commentary-on-the-law-and-practice-2nd-edition)

Additional Readings

Title	
1	You may find it advantageous to obtain a copy of:
2	Leïla Choukroune & James J. Nedumpara, International Economic Law: Text, Cases and Materials, (Cambridge University Press, 2021) 846.
3	Julien Chaisse & Cristián Rodríguez-Chiffelle, The Elgar Companion to WTO, (Edward Elgar, 2023) 744.
4	Julien Chaisse, Handbook of International Investment Law and Policy, (Springer-Nature, 2021) 2,888.
5	Elli Louka, The Global Economic Order: The International Law and Politics of the Financial and Monetary System (Edward Elgar, 2020) 416.
6	Jonathan Mitchie, Advanced Introduction to Globalisation (Edward Elgar, 2017) 160.
7	You are also encouraged to read James Fox, Dictionary of International and Comparative Law, 3rd Ed. (Oxford University Press, 2003) which is ideal for anyone seeking clear, concise definitions of terminology of transnational law.
8	In addition, knowledge of current legal, social and economic events will play a leading role in our discussions of transnational economic problems. Discussions are predicated on an assumption of familiarity with the assigned materials; all readings should therefore be completed before the relevant class session.
9	Students will be expected to read the international section of a reputable national newspaper (Financial Times and International Herald Tribune are recommended) in preparing for weekly classes.
10	Students should subscribe to the Social Sciences Research Network (SSRN) (http://hq.ssrn.com/login/pubsiginjoin.cfm) in order to access (for free) a wealth of articles and book chapters.
11	In addition to these, you may also need to regularly consult some of the main transnational law reports and journals:
12	(JTLP) Journal of Transnational Law & Policy
13	(GLJ) German Law Journal
14	(LIEI) Legal Issues of Economic Integration
15	(RGDIP) Revue Générale de Droit International Public (in French/English)
16	(JIEL) Journal of International Economic Law
17	(JWT) Journal of World Trade
18	(VJTL) Vanderbilt Journal of Transnational Law
19	(WTR) World Trade Review