

LW6153E: INTERNATIONAL ECONOMIC DISPUTE RESOLUTION: LAW AND POLITICS

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

International Economic Dispute Resolution: Law and Politics

Subject Code

LW - Law

Course Number

6153E

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

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

The course aims to equip students with foundational knowledge of international dispute settlement mechanisms, with a specific focus on disputes on international economic law issues between or involve states. The course will explore key international dispute resolution formats and institutions such as the World Trade Organization and investment arbitration, while fostering critical thinking through the lens of international law and international relations theories. It will also address contemporary challenges in the field, encouraging students to critically engage with theoretical approaches to international law, politics, and dispute settlement. It thus deepens students' understanding of the complexities and dynamics of international dispute settlement.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Gain a comprehensive understanding of the key mechanisms, formats, and institutions involved in international dispute settlement in the context of international economic law.		x	x	x
2	Analyse cutting-edge issues relating to international economic dispute settlement, including sustainability and public participation.		x	x	x
3	Develop critical thinking skills to understand the contemporary challenges and backlashes in the field of international dispute settlement through the lens of international law and international relations theories.		x	x	x
4	Understand the interplay between international courts and other actors, including states, non-state actors, and domestic courts.		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 lecturer will present the basic knowledge relating to each topic.	1, 2, 3, 4	
2	Student Presentation	Students will be invited to present on the assigned advanced topics in groups.	1, 2, 3, 4	

3	In-class interaction	Group discussion, debates, film-clip, online interactive exercises, etc.	1, 2, 3, 4	
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Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2, 3, 4	40	The use of Generative AI tools is not allowed.
2	Class participation	1, 2, 3, 4	10	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs

Examination: 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

(i) A student must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass a course.

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

(i) A student must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass a course.

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 concentration on lectures and class discussions.
- Demonstration of ability and willingness to answer questions in class and to participate in class/group discussion.
- Demonstration of oral presentation skills and willingness.
- Demonstration of attention and patience to other students' speech or presentation.
- Demonstration of full respect for different opinions from others in the class.

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

Coursework (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

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

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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

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

Criterion

- Active engagement in class discussions, demonstrating understanding of course material; demonstration of respect to other students' engagement.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

- Ability to effectively present course-related material in a group setting.
- Presentation is clear and engaging.
- Demonstration of deep understanding of the topic.
- Demonstration of engagement with relevant literature and critical and innovative reflection of relevant debates.
- Group work is well-coordinated and balanced.

Excellent

(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.
- Correct application of knowledge to concrete problems.
- Clear and well-structured writing.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

International Economic Law, politics, international relations, international courts, international tribunals, adjudication, disputes, world trade organization (WTO), ICSID, trade in service, intellectual property, international investment, investor-state arbitration, investment court, international taxation, OECD, state-state arbitration, consultation, negotiation, mediation, arbitration, UNCITRAL, regional agreements, multilateralism, institutionalism, realism, constructivism, non-state actors, enforcement, domestic courts, sustainability.

Topics covered (the order and content may be subject to changes):

- Part I Introduction and Foundations
 - Introduction and Theories of International Dispute Settlement
 - Basic Concepts relating to International Dispute Settlement
- Part II Dispute Settlement in Various Fields of International Economic Law
 - International Trade Disputes I
 - International Trade Disputes II
 - International Investment Disputes I
 - International Investment Dispute II
 - International Taxation Disputes
- Part III Advanced Issues Relating to International Dispute Settlement
 - Enforcement of International Courts' Decisions
 - Non-State actors in International Dispute Settlement
 - International Dispute Settlement and Sustainability
 - Backlashes against International Courts and Tribunals

Reading List

Compulsory Readings

Title	
1	John Merrills, Eric De Brabandere, Merrills' International Dispute Settlement (7th edition; Cambridge, 2022)
2	Other compulsory readings provided in the form of a course pack prepared by the lecturer and uploaded on Canvas before each week's class.

Additional Readings

Title	
1	Mary Ellen O'Connell, International Dispute Resolution: Cases and Materials, 2nd ed (2012)
2	Elsig M, Polanco R, van den Bossche P, eds. International Economic Dispute Settlement: Demise or Transformation? Cambridge University Press; 2021.
3	Chen YU, Dispute Settlement and the Reform of International Investment Law: Legalization through Adjudication, Edward Elgar (2023).