LW6145E: LEGAL PROBLEMS OF ECONOMIC GLOBALISATION

Effective Term
Semester B 2025/26

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

Additional Information
Nil

Part II Course Details

Abstract

This course examines legal problems produced by economic globalisation through a problem based approach. It focuses on disputes, regulatory conflicts, and enforcement questions that arise when economic activity crosses borders. Core areas of study include international trade and investment, sovereign debt, digital trade, data governance, public health regulation, and cultural policy. The course places particular attention on how international economic rules constrain state action and affect private actors. The course adopts a practical method. Students work with disputes, case law, and regulatory conflicts rather than abstract models. Legal rules are examined through their application in litigation, arbitration, and regulatory practice. This approach trains students to identify legal issues, assess competing arguments, and evaluate outcomes across different legal settings. Public policy forms a central part of the course. Topics include tobacco control measures, treatment of cultural goods and services, cross border data transfers, and cybersecurity regulation. These areas are examined because they produce recurring conflicts between international economic obligations and domestic regulation. The course also addresses institutional questions linked to global economic governance, including limits of coordination and enforcement across trade, investment, and digital regulation. By the end of the course, students acquire the ability to analyse legal disputes linked to economic globalisation and to assess how international economic rules operate in practice. The course prepares students for legal work in areas where cross border economic activity, regulation, and dispute settlement intersect. It is designed for students who seek training grounded in legal problems rather than abstract exposition and who plan to work in fields linked to international trade, investment, regulation, or dispute resolution.

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	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 ("-" for nil entry)	Allow Use of GenAI?
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.	No

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.	No

Continuous Assessment (%)

40

Examination (%)

60

Examination Duration (Hours)

3

Minimum Continuous Assessment Passing Requirement (%)

40

Minimum Examination Passing Requirement (%)

40

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.

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.

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

Mid-term quiz (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)

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

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.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Mid-term quiz (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.

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.
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-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

The **first part of the course** sets out the structure of international economic law as a body of rules applied through adjudication and compliance processes. It addresses sources of law, including treaty based rule making and soft law instruments such as non binding resolutions and recommendations. These sources matter because trade and investment obligations rest on layered treaty commitments supported by non binding norms. The course examines multilateral responses to trade and investment issues, with focus on coordination beyond bilateral arrangements. It addresses global economic governance through allocation of authority between states and international bodies, the presence of parallel regulatory approaches, and limits of enforcement. Dispute settlement forms a core element of this part, with study centred on the World Trade Organization (WTO) and regional trade agreements, alongside protectionist measures and trade disputes. Practical legal issues include treaty interpretation, investment protection standards, and disputes over compliance of domestic measures with international obligations.

This part supplies the legal basis needed to understand current trade and investment disputes governed by treaties, soft law instruments, and multilateral institutions subject to enforcement pressure.

The **second part of the course** applies this structure to regulatory areas where international economic law governs private actors and state responses to economic stress. It begins with sovereign defaults, with focus on creditor litigation and arbitration arising from debt crises. This topic addresses jurisdiction, enforcement of judgments and awards, and the legal position of states, private creditors, and international financial institutions when payment obligations fail. The course then examines digital trade facilitation and electronic commerce. It addresses legal rules that apply to online transactions, market access, and regulatory barriers in cross border digital markets. Internet governance follows through study of domain name policy and dispute resolution mechanisms administered by international and private bodies. This part concludes with investment facilitation for development, with focus on legal instruments used to admit and manage foreign investment outside investment protection litigation. A revision class takes place in Week 7. This part covers legal areas where economic globalisation places immediate pressure on states and private actors, including debt crises, digital markets, and investment entry controls.

The **third part of the course** addresses public policy areas where international economic law limits domestic regulatory authority. It examines health policy through domestic tobacco control measures, with focus on trade and investment disputes linked to packaging rules, advertising restrictions, and market access limits. It then addresses art and culture through the treatment of cultural goods and services under trade rules and disputes over cultural exceptions and state support. The course turns to cross border data flows. It addresses legal rules that govern digital trade, data localisation measures, and cybersecurity regulation. The final topic addresses directions in global economic governance, with focus on institutional reform, fragmentation of rule making, and coordination problems across trade, investment, and digital regulation. This part covers areas where economic globalisation produces direct legal conflict between international economic obligations and domestic regulatory choices.

Detailed Syllabus

PART I: Foundations of Global Economic Governance

a. International Economic Law and Global Economic Governance: Sources, Authority, and Legal Problems
b. International Trade Law in a Globalised Economy: Actors, Norms, and Legal Constraints
c. International Investment Law in a Globalised Economy: Actors, Norms, and Legal Constraints
d. Dispute Settlement in International Economic Law: Courts, Tribunals, and Arbitration

PART II: International Business Problems

a. Sovereign Defaults and Debt Crises: Creditor Litigation and Arbitration
b. Digital Trade and Electronic Commerce: Market Access and Regulatory Barriers
c. Revision Class: Quiz and Applied Legal Problems
d. Internet Governance: Domain Name Regulation and Dispute Resolution
e. Investment Facilitation for Development: Entry Regulation and Administrative Control

PART III: International Public Policy Problems

a. Public Health Regulation and International Economic Law: Tobacco Control Measures
b. Art, Cultural Goods, and Services in International Economic Law
c. Cross Border Data Flows: Digital Trade Rules and Cybersecurity Regulation
d. Global Economic Governance: Institutional Constraints and Future Directions

Reading List

Compulsory Readings

	Title
1	Julien Chaisse, Legal Problems of Economic Globalisation-- A Commentary on the Law and Practice (3rdedition) (Wolters Kluwer, November 2024) 776 pages. [Product ISBN: 9789887617136]
2	Can be purchased from any book shops or online, for instance from Wolters Kluwer https://www.wolterskluwer.com.hk/e-store/legal-problems-of-economic-globalization-a-commentary-on-the-law-and-practice-3rd-edition

Additional Readings

	Title
1	Alongside the main textbook, the library provides a range of companion texts and supplementary resources that you may find helpful, including:
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. (https://www.springer.com/gp/book/9789811336140)
5	Elli Louka, The Global Economic Order: The International Law and Politics of the Financial and Monetary System (Edward Elgar, 2020) 416. (https://www.e-elgar.com/shop/gbp/the-global-economic-order-9781839102677.html)
6	Jonathan Mitchie, Advanced Introduction to Globalisation (Edward Elgar, 2017) 160. (https://www.e-elgar.com/shop/gbp/advanced-introduction-to-globalisation-9781784710712.html)
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. (https://global.oup.com/academic/product/dictionary-of-international-and-comparative-law-9780379215014?cc=hk&lang=en&)
8	Awareness of current legal, social, and economic developments will play a central role in class discussions of transnational economic issues. These discussions assume familiarity with the assigned materials; all readings should therefore be completed prior to the relevant class session.
9	Students will be expected to read the international section of a reputable national newspaper (The Diplomatic World, Financial Times, Wall Street Journal, and The Diplomat are recommended) in preparing for weekly classes. (https://mondediplo.com/), (https://www.ft.com/), (https://www.wsj.com/) and (https://thediplomat.com/)

10	Students should subscribe to the Social Sciences Research Network (SSRN) (http://hq.ssrn.com/login/pubsigninjoin.cfm) in order to access (for free) a wealth of articles and book chapters. (http://hq.ssrn.com/login/pubsigninjoin.cfm)
11	In addition to these, you may also need to regularly consult some of the main transnational law reports and journals:
12	(AJWH) Asia Journal of WTO law & Health Policy (https://ntu.law.acwh.tw/publication.php)
13	(CAA) Contemporary Asia Arbitration Journal (https://ntu.law.acwh.tw/publication.php?sid=13)
14	(D&P) Data & Policy (https://www.cambridge.org/core/journals/data-and-policy)
15	(ICSID Rev) ICSID Review (https://academic.oup.com/icsidreview)
16	(ICLQ) International & Comparative Law Quarterly (https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly)
17	(JIEL) Journal of International Economic Law (http://jiel.oxfordjournals.org/)
18	(JTLP) Journal of Transnational Law & Policy (http://www.law.fsu.edu/journals/transnational/)
19	(JWIT) Journal of World Investment & Trade (https://brill.com/view/journals/jwit/jwit-overview.xml?language=en)
20	(JWT) Journal of World Trade (http://www.kluwerlawonline.com/productinfo.php?pubcode=TRAD&PHPSESSID=32g7sv38jgu8iaj1s52hlagsl4)
21	(LDR) Law and Development Review (https://www.degruyterbrill.com/journal/key/ldr/html)
22	(LIEI) Legal Issues of Economic Integration (https://kluwerlawonline.com/Journals/Legal+Issues+of+Economic+Integration/580)
23	(RIDE) Revue internationale de droit économique (French/English) (https://droit.cairn.info/journal-revue-internationale-de-droit-economique?lang=en&tab=apercu)
24	(VJTL) Vanderbilt Journal of Transnational Law (http://www.vanderbilt.edu/jotl/about-us/history/)
25	(WTR) World Trade Review (http://journals.cambridge.org/action/displayJournal?jid=WTR)