COURSE GUIDE:

INTERNATIONAL LAW AND THE GLOBAL ECONOMY 15 HP, SPRING 2023,

version 2024-01-12

Welcome to the course!

1 Aim of the course

1.1 Content and purpose

1.1.1 Overarching aim of the course

The aim of the course is for students to gain general and critical knowledge of legal principles and mechanisms in international economic law (IEL), with special focus on trade law and investment law. International economic law is explained in the context of other areas of law, such as environmental law and human rights and it is also contextualized from an economic and political perspective.

1.1.2 General structure of the course

The course is divided into five parts. The first part restates some basic concepts of international law and thereafter sets out some salient features of the general structure of international economic law in the context of the global economy. The second part takes a closer look at international trade law in general and the WTO in particular. Part three focuses on international investment law. The fourth part completes substantive international economic law by focusing on financing and digitalization. The final section contains the examination and some exercises, including the mock negotiation/moot court (which takes place after part III).

As you will see in section 4 of this syllabus, the examination is divided into a written exam and some other assignments which are intended to develop and test different types of skills and knowledge (see also subsection 1.4). Please note that the final exam will only test some of the expected skills and knowledge, while other learning outcomes are evaluated in other ways.

You are strongly advised to familiarize yourself with the structure of the course. See further section 2 of below for a detailed outline.

Please check the course website for updated information!

1.2 Instruction

Instruction during the teaching sessions is provided as lessons (lectures with discussions), seminars, workshops, and as exercises. All teaching is in English. Students are expected to have studied the relevant materials of the course ahead of each lesson, at least in a cursory manner, and have tried to answer the study-questions or workshop questions in the document "Study questions", available at Athena (there are not study questions for all lessons). Student activity is vital for the success of the course. Some of the introductory lectures take the form of video lectures (public international law; PIL) or compilations of video clips (the global economy).

The workshops will be organized in the following way: During the beginning of the workshop, you will be presented with a number of questions, based on the readings for that workshop. You will discuss these questions divided into smaller groups without supervision. During the second half of the workshop, your answers will be discussed in class.

The reason why different types of instruction and examination are used is to enhance and test different abilities; see sub-section 1.3.

Slides or notes used by a lecturer will as a general rule be posted on Athena.

Please note that some teaching sessions are mandatory. See 2.3, below. Attendance of at least 80% of all lectures and seminars gives an additional 3 points (see sec 4). Each workshop will count as two attended seminars or lectures.

1.3 Expected learning outcomes

Learning outcome	Examination
Knowledge and understanding	
- know the main features of the rules and regimes of international	Case-study essay; written exam
economic law as well as the interplay between these and other rules	
of international law	
- understand the relation between these legal regimes and the	Study questions; deep-reading seminars; written exam
different ideas and beliefs that influenced them	
Skills and abilities	
- orally present the results of legal analyses of complex phenomena	Case-study presentation; mock negotiation/moot court
within the subject area.	
- at advanced level use legal methodology and terminology in the	Case-study essay; mock negotiation/moot court; written exam
field of international economic law	

- in an independent and critical manner formulate analyses of the	Case essay presentation; written exam
main legal rules and legal mechanisms of international economic	
law	
Evaluation ability and approach	
- evaluate the main legal rules of international economic law in a	Case study essay; written exam; deep-reading seminars
historical, political and general legal context	

1.4 The purpose of the course explained

This course is about how international law enables and regulates the global economy. It assumes that the purpose of the economy is to help all human beings in their "pursuit of happiness" (the US Declaration of Independence). It will therefore take its starting point in human rights and the right of each individual "to participate in, contribute to, and enjoy … development" (the UN Declaration on the Right to Development), and from there the course will move on to the more technical issues of international economic law.

The global economy is in many senses a whole. Even though there are local, national and regional markets, it seems difficult to imagine a single transaction anywhere on the globe that could not in some way be connected to any other transaction. By contrast, the regulation of the economy is a hodgepodge of national, regional and international regimes, often without much coordination. Therefore, skilful actors in the economic sphere can often play on the differences between different regimes and prod nation states and other political actors into "races to the bottom" (or the top). Seen this way, law and politics have a hard time catching up with the economy.

On the other hand, law, too is everywhere, and so is politics. In fact, it is difficult to imagine an economic transaction in the modern world without laws. All transactions are in one way or the other enabled or regulated by national, regional and international law, from national laws that protect property rights to treaties on investment protection and international conventions on trade or money-laundering. Domestic legislators can introduce regulations that have global repercussions, and non-governmental organizations can push both states and large corporations into action.

How all of this works is very difficult to understand, but one thing is for sure: the economy is not organized in the same functional and geographic compartments as the law. This course does not promise to fully explain the relation between the law and the global economy, but it will give students an idea of the complexities involved and some tools to enable further exploration.

The course will focus on the core international economic law subjects of trade, investment and (to some extent) on development, finance and digitalisation. It will give students an introduction to these topics from specialists in some of these fields. But since neither trade nor investment function in a legal vacuum, the course will also bring in other relevant fields of international law, such as relevant aspects of human rights law,

international environmental law, international labour law and public financing. Of these fields, human rights law, international labour law and international environmental law will be prioritized and may feature in the various examined exercises during the course. The other fields may also feature in the examinations. Although subjects like tax law, competition law, transnational criminal law, bilateral development agreements and intellectual property law are also highly relevant parts of the international economic legal landscape, they are not covered during the course.

The existing regulations have different aims – to facilitate exchange, to distribute the gains, to protect rights, to provide public goods and services and to address externalities (negative side-effects) like environmental degradation or financial instability. Different ideas may underpin different regimes, in the fragmented international legal and political order. Furthermore, the different regimes are organized differently, with different managing bodies or dispute-settlement systems (courts, committees, etc) and different types of regulation (multinational, bilateral, national, informal). In order to help students critically understand these various regimes, the course will give a brief background to the various theories and ideas that have guided the development of the legal rules and regimes in the area, such as various theories in economics, ideas of property rights and ideas about the proper role of regulation and the distribution of power between different spheres (political, legal, economic) and different levels (local, national, regional, international, non-state).

The course will be of interests as an introduction for students who want to specialize in international economic law or in domestic private or public law in which international regulations of the economy are relevant, such as international commerce, investments, financing and diplomacy. The course will also be useful for students that seek to pursue careers in general public international law, since it focuses on issues that are of increasing importance but are often neglected in general courses in PIL. It will further be of interest for students who want to specialize in human rights law or international environmental law; economic issues are often important in both fields, but usually not covered by the expertise of the practitioners in those areas. Lastly, the course will be important for students who want to work with development.

2 Structure of the course

2.1 Detailed outline of the course

Please note that possible changes to the course might be published online. Thus, the table below might not reflect the final order of the course.

The table below displays the structure of the course and how the various lectures and exercises fit together. The table also sets out the readings for each element of the course. See further 3.1.

It might be worth reiterating that this is not the definite schedule; the schedule may be subject to changes and the most up-to date version can be found through TimeEdit on Athena.

Please also note the following: All lessons in part I concern features of international law that are important for trade, investment and finance. However, some of these lectures have been moved to parts II and III, for didactic reasons. Therefore, these lessons will be marked in both part I and part II or III.

A few elements of the course – public international law and the international economy – will be presented as video lectures. We assume that students have access to the Internet. If that is not the case, please inform the administrator.

Reading (see also section 3):

C/N=Leila Delphine Choukroune & James Nedumpara, International Economic Law: Text, Cases and Materials (see literature list below, section 3)

@=the text is available on the Internet. Find the links on Athena.

#=the text is available as a pdf file at Athena.

Collections of treaties and other material: This material will be available on the course web under "Material" as pdf-files, one for each part of the course.

Subject	Reading	Treaty collection
PART I: INTRODUCTION, INTERNATIONAL ECONOMIC LAW AND ITS CONTEXT	This part will give you an introduction to relevant parts of public international law, such as sources of law and state responsibility. Part I further comprises an introduction to the economic theories underpinning the regulation/liberalization of international trade. It will also briefly discuss different perspectives on the regulation of international economic activities and explain important linkages between IEL and other areas of law and policy, including human rights. Lastly, it will introduce major institutions active in this field of law.	See Materials I.A, B & C
I:1 Introduction to the course . The outline of the course. The international economy and its legal framework. Some foundational ideas of the course.	Choukroune/Nedumpara (C/N): Intro	
I:2 International economic law and other areas of international law . The definition of IEL as a legal discipline, its basic components and general principles, including their relation to fundamental precepts of the international legal order.	C/N: Intro	

I:3 Introductory video lecture: the concept of PIL,	C/N: Intro	The UN Charter, the Friendly Relations Declaration,	
sources.	Stephen Allen, International Law or other textbook in public international law	The Vienna Convention on the Law of Treaties, The ICJ Statute, ILC Draft Articles on State Responsibility	
PIL: Nine video lectures (voice over powerpoint) (total 3 hours).	Please see Athena.		
The International economy I: Video clips If you understand economics, it will be easier to understand the legal regulation of the economy. Please watch these videos. Please also read and try to answer the accompanying question in "Study questions", to be found at the course website under "Course materials".	Political Economy 1, 2, 3 https://www.youtube.com/watch?v=TC1qD1vzMZw https://www.youtube.com/watch?v=G2UmmvQQbT0 https://www.youtube.com/watch?v=I13nGgYInI Political Economy https://www.youtube.com/watch?v=gC1bEjQh938 Class Intro and Overview – Intro to Political Economy https://www.youtube.com/watch?v=Icv9MxTuaTU An alternative to the above: https://www.youtube.com/watch?v=Q-03RHPKfOA Political economy in the Global North (Friedman vs Keynes): https://www.youtube.com/watch?v=omhu-eHOYrQ Explanation of demand and supply: https://www.youtube.com/watch?v=ZR2255CEhvk Patreon provides a number of snappy (but not academic) videos on issues relevant for the course. There is a series on history, which includes these two: Crash Course: Globalization I: https://www.youtube.com/watch?v=5SnR-e0S6Ic Crash Course: Globalization II: https://www.youtube.com/watch?v=s_iwrt7D5OA There is also a series on economics, for instance: https://www.patreon.com/posts/deficits-debts-9-3450721		
The international economy II: Video clips. Please watch these videos. Please also read and try to answer the accompanying question in "Study questions", to be found at the course website under "Course materials".	https://www.youtube.com/watch?v=TC1qD1vzMZw some overlap with https://www.youtube.com/watch?v=Q-03RHPKfOA and with https://www.youtube.com/watch?v=gC1bEjQh938 (strong on explaining trade) Explanation of demand and supply: https://www.youtube.com/watch?v=ZR2255CEhvk		

I:4 The economy, rationales and ideologies. The	C/N: Intro; 16.1, 16.2	The Sustainable Development Goals
ideas underpinning the regulation (and non-regulation)	@Murray N Rothbard, The Ethics of Liberty, Ch 26.A&B. 1	The Declaration on the Right to
of the international economy. We will discuss some ideas regarding the purpose of development, the right to trade, and so forth.	@Bryan Mercurio, 'Trade liberalization and poverty reduction: Compl[e]mentary or contradictory aims?' in Krista Nadakavukaren Schefer (ed), Poverty and the International Economic Legal System, Cambridge University Press, 2013, 66-78. ²	Development
	#Olivier De Schutter, 'International trade in agriculture and the right to food' in De Schutter & Cordes (eds.), Accounting for Hunger: The Right to Food in the Era of Globalisation, Hart, 2011, 137-191. You should read pp 156-175. You do not have to grasp all the details, but you should get a view of the complex relation between trade and development.	
	@Sen, Amartya. 'Development as Capability Expansion', In Fukuda-Parr S, et al Readings in Human Development. New Delhi and New York: Oxford University Press (2003) 3-5. ³	
	OPTIONAL: @Rumu Sarkar, International development law: rule of law, human rights, and global finance, Oxford University Press, 2009, 37-58 (in Chapter 1). ⁴ <i>This article develops C/N i.2.1 in the Intro</i> .	
I:5 ILE and the Individual: Human Rights, and	C/N MiniChapter 4:1.	#UN Covenant on Economic, Social and Cultural
development.	@Amartya Sen, 'Human Rights and Capabilities", 6 Journal of Human Development, 2005, 151-7, 160-166.5	Rights #UN Declaration on the right to Development
	#Locke, John, Two treatises of government (1690) (extract)	
	@Murray N Rothbard, The Ethics of Liberty, Ch 7.6	
	#Lorenzo Cotula, Human rights, natural resource and investment law in a Globalized world: shades of grey in the shadow of the law, Routledge, 2012, 40-48.	
	#Fact Sheet Frequently Asked Questions on Economic, Social and Cultural Rights, pp 1-23, 35-38	

¹ http://mises.org/rothbard/ethics/ethics.asp

 $^{^2\} http://ebooks.cambridge.org/pdf_viewer.jsf?cid=CBO9781139507097A016\&ref=true\&pubCode=CUP\&urlPrefix=cambridge\&productCode=cbounded for the control of t$

³ http://www.ophi.org.uk/wp-content/uploads/Sen-2003_Development-as-Capability-Expansion.pdf

 $^{^5 \} http://web.a.ebscohost.com.ezp.sub.su.se/ehost/detail/etail?vid=0\&sid=7031073e-c71e-4a11-9db2-d931d217676a\%40sessionmgr4007\&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl\#AN=17321475\&db=aph$

⁶ http://mises.org/rothbard/ethics/ethics.asp

	OPTIONAL @OHCHR, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, pp 7-19 ⁷ OPTIONAL @Wrange, Pål, 'Land, Development and the Irrationality of International Law', 60 Scandinavian Studies in Law (2015), 187-208.8	
I:6 ILE and the corporation This lesson will discuss the corporation as a legal institution as well as give you an insight into the various private law regulations that directly affect corporations that do international business. It will also look at the links between private and public regulation.	#Milton Friedman, 'The Social Responsibility of Business is to Increase its Profits', The New York Times Magazine, September 13, 1970. The Corporation, film ⁹ (you can watch the first 30 minutes) #'The lunatic you work for: If the corporation were a person, would that person be a psychopath?, The Economist @Herdegen, M., Principles of International Economic Law, 2nd ed, Oxford University Press, 2016, Ch IV.3-4, XXIV (very cursory) & XXVII ¹⁰	
I:7 ILE, the state, and the inter-governmental institutions: The institutional framework (WTO,	C/N Ch 15.2.3, 16.3.1, 16.3.2. @Herdegen, M., Principles of International Economic Law, 2nd ed,	#WTO-Agreement
OECD, IBRD + ICSID, etc).	Oxford University Press, 2016, Ch IX ¹¹ @Jan Wouters and Jed Odermatt, 'Comparing the "Four Pillars" of Global Economic Governance: A Critical Analysis of the Institutional Design of the FSB, IMF, World Bank, and WTO', 17 Journal of International Economic Law (2014), 49–76. ¹²	

portal.org/smash/record.jsf?dswid=3210&pid=diva2%3A778437&c=31&searchType=SIMPLE&language=en&query=&af=%5B%5D&aq=%5B%5B%7B%22personId%22%3A%22pwran%22%7D%5D%5D&aq2=%5B%5B%5D&aqe=%5B%5D&noOfRows=50&sortOrder=author_sort_asc&sortOrder2=title_sort_asc&onlyFullText=false&sf=all%1bris://www.youtube.com/watch?v=9ZDkLzS0SMM*

10 https://libris.kb.se/bib/4g473zjn2vdf20ct

11 https://libris.kb.se/bib/4g473zjn2vdf20ct

⁷ http://www.ohchr.org/Documents/Publications/FAQen.pdf

⁸ http://su.diva-

¹² https://academic-oup-com.ezp.sub.su.se/jiel/article-pdf/17/1/49/2505047/jgu008.pdf

	@Optional: Grabel, Ilene. 'Policy coherence or Conformance', 29 Review of Radical Political Economy (2007) 335-341. ¹³	
The following four lessons belong to part I concep	tually, but for didactic reasons they have been scheduled	d in part II or III. For details, see below.
II.3 International Environmental Law		
III.5 The responsibility of corporations for human rights		
III.6 International Labour Law.		
PART II. INTERNATIONAL TRADE LAW		See Materials II as well as the WTO Agreement in Materials I.B
II.1 History and general features This lecture deals with the evolution of what eventually became the WTO as well as the main bodies and functions of the WTO.	C/N: Ch 1, pp 413-416. @Herdegen, M., Principles of International Economic Law, 2nd ed, Oxford University Press, 2016, Ch XII. ¹⁴	
II.2 GATT/GATS general principles: MFN, NT, PQR and exceptions This lecture and the next are dedicated to the core principles of GATT and other WTO agreements, namely: most-favoured-nation (MFN), national treatment (NT); and prohibition on quantitative restrictions (PQR). This lecture will also cover trade in agriculture and trade in services, though only briefly.	C/N: Ch 1, 2, 9, 3, 8	
II.3 International environmental law	@Herdegen, M., Principles of International Economic Law, 2nd ed, Oxford University Press, 2016, Ch VIII (136-158) ¹⁵	

 $^{^{13}}$ http://journals.sagepub.com.ezp.sub.su.se/doi/abs/10.1177/0486613407305281 14 https://libris.kb.se/bib/4g473zjn2vdf20ct 15 https://libris.kb.se/bib/4g473zjn2vdf20ct

Core concepts and principles of international environmental law. This lays the ground for later discussions about how environmental protection relates to different parts of IEL.		
II.4 The dispute settlement body This lecture introduces the WTO's elaborate dispute settlement mechanism (DSM). It includes inter alia judicial and political aspects of the DSM as well as issues of availability, effectiveness and fairness of countermeasures under the DSM.	C/N: Ch 10.	
II.5 Workshop: Harmonization (SPS-TBT) This lesson deals with agreements that go beyond MFN and NT to harmonization of national standards, particularly technical and sanitary standards.	C/N: Ch 4.	
II.6 Workshop: Dumping/Subsidies This lesson deals with subsidies and dumping. To what extent are such practices allowed? What are the preconditions for taking countermeasures against such practices?	C/N: Ch 5 & 6. There will be no lesson for these chapters, but they should still be studied.	
II.7 Workshop: Regional economic regimes	C/N: Ch 2.6, Mini Ch IV:2.	
An overview of regional trade agreements, incl. the EU and NAFTA.	@Herdegen, M., Principles of International Economic Law, 2nd ed, Oxford University Press, 2016, Ch XXIII ¹⁶	
II.8 Workshop: Trade and sustainable development This workshop discusses the relationship between international trade law and international and national	#D. Langlet, Prior Informed Consent and Hazardous Trade, 2 nd ed., Kluwer Law International, 2009, Chapter 11 (263-274) @Herdegen, M., Principles of International Economic Law, 2nd ed, Oxford University Press, 2016, Ch VIII (136-158) (same as II.3) ¹⁷	

 $^{^{16}}$ https://libris.kb.se/bib/4g473zjn2vdf20ct 17 https://libris.kb.se/bib/4g473zjn2vdf20ct

measures for the protection of the environment. How may conflicts between trade law and environmental regimes be avoided or managed?	@UNCTAD, TRADING INTO SUSTAINABLE DEVELOPMENT: Trade, Market Access, and the Sustainable Development Goals, 2016, Chapter 1.	
PART III INTERNATIONAL INVESTMENT LAW	This part of the course focuses on international investment law, which is a fairly developed regime, but decentralized. In this part there will also be lectures on two topics that are only partly related to investment law: good governance and labour law.	
III.1 Introduction to international investment law and procedure	C/N: Ch 11-12.	#ICSID Convention, see Material III
This lecture explains the emergence and main features of international investment law with a particular focus on conflict resolution and procedural aspects.		
III.2 Substantive investment law This lecture focuses on the core substantive standards of treatment in BITs, with particular focus on expropriation, indirect expropriation and fair and equitable treatment. Particular focus with be placed on the economic thinking that underpins this area of law.	C/N: Ch 13. @Stephan W. Schill, 'Fair and Equitable Treatment, The Rule of Law, And Comparative Public Law', in Stephan W. Schill (ed) International Investment Law and Comparative Public Law (OUP 2011) ¹⁹ .	#US Model BIT, see Material III
III.3 Special issues of international investment law and policy This lecture outlines some salient debates about international investment law, including on economic development, green transition, and regulatory chill.	C/N: Ch 14. @C. Tan, 'Reviving the emperor's old clothes: the good governance agenda, development and international investment law', in: Schill, Stephen and Tams, Christian J. and Hofmann, Rainer, (eds.) International investment law and development: bridging the gap. Frankfurt investment and economic law series. ²⁰	#The Energy Charter, see Material III

 $^{^{18} \} https://unctad.org/system/files/official-document/ditctab2015d3_en.pdf$ $^{19} \ http://www.oxfordscholarship.com.ezp.sub.su.se/view/10.1093/acprof:oso/9780199589104.001.0001/acprof-9780199589104-chapter-5$ $^{20} \ https://web-s-ebscohost-com.ezp.sub.su.se/ehost/detail/vid=0\&sid=3b3950a3-fc27-4ace-b886-2ff0a1c95dc5%40redis&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl\#db=nlebk&AN=1136518$

III.4 The responsibility of corporations for human rights the legal or moral responsibility of corporations to respect human rights and what that means for IEL.	 @Erika R. George, 'The Enterprise of Empire: Evolving Understandings of Corporate Identity and Responsibility', in <i>The Business & Human Rights Landscape</i>, 19-51²¹ @Rise of Mandatory Human Rights Due Diligence: A Beacon of Hope or a Double-Edged Sword? (2021) 6 <i>Business and Human Rights Journal</i> 241-255.²² 	#UN Guiding Principles on Business & Human Rights in Materials III.B
III.5 International Labour Law International labour law and its implications for IEL and the link between IEL and human rights.	#Clapham, Andrew. Human rights obligations of non-state actors. Oxford: Oxford University Press, 200, 211-218. #Jean-Michel Servais, 'Part I. The Sources of International Labour Law' in Roger Blanpain (Volume Editor), Frank Hendrickx (Volume Editor), Kluwer Law International, 2017, 51-98. #ILO, Rules of the Game: An introduction to the standards-related work of the International Labour Organization, 2019	# Core ILO Conventions. ILO Declaration on fundamental principles and right to work in Materials III.B
III.6 Workshop: International investment law and human rights. It is expected that students have studied the material, and there will be no regular lecturing during the class.	See Athena and the Study Questions Documents.	See Athena and the Study Questions document.
PART IV: MONEY, DEVELOPMENT AND TECH		
IV.1 International Monetary Law and Finance	C/N: Ch 15. M.Mwakagali, International Financial Institutions and Labour Standards, Ch.3 The Concept of Conditionality (selected parts only, to be announced) ²³	

 $^{^{21}\} https://www-cambridge-org.ezp.sub.su.se/core/services/aop-cambridge-core/content/view/100EFD4FBD897AAC4B3A922E1DAB0D3A/9781316155219c1_p19-50_CBO.pdf/enterprise_of_empire.pdf$

²² https://www.cambridge.org/core/journals/business-and-human-rights-journal/article/rise-of-mandatory-human-rights-due-diligence-a-beacon-of-hope-or-a-doubleedge-sword/34FB600B4B6939BC04895BF871E96BA3

²³ https://su.diva-portal.org/smash/get/diva2%3A1189029/FULLTEXT01.pdf

IV.2 Digitalisation and International Economic	
Law I	
IV.3 Digitalisation and International Economic	
Law II	
PART V: REFLECTING, APPLYING,	
EXAMINING	
Case study hand in, presentation of written	
assignment (case study)	
Exercise: Presentation of case studies.	
MANDATORY	
Concluding lecture and questions before exam	
Written exam	

2.2 Oral and written exercises

See below, section 4.

2.3 Mandatory elements

Participation in the introductory lecture and in exercises (mock negotiation, moot court, deep-reading seminars, seminar on the draft case essay, and the presentation of case studies) are mandatory. This applies also to those sessions in which other students present their work. Exemption from this requirement can be granted if the student has a valid excuse, such as sickness, and completes an equivalent task. In the case of a student's own oral presentation (case study presentation and review, mock/moot), no exemption will be given. Attendance at other classes is

voluntary but will be credited. Attendance of at least 80% of all lectures and seminars gives an additional 3 points (see sec 4). Each workshop will count as two attended seminars or lectures.

3 Course Literature

3.1 Course material and source material

- Allen, S., International Law (Revision Guide), Law Express, 2012, 256 pages, or any other text book on public international law in general.
- Leila Delphine Choukroune & James Nedumpara, International Economic Law: Text, Cases and Materials, Cambridge University Press, 2021.
- Articles and extracts. Articles not available as links will be available as pdf files.
- Collections of treaties and other material will be available on the course web as pdf collections.
- Some of the articles constitute optional reading, as indicated in the table.

The course books can be ordered from bookshops online such as www.adlibris.com or www.bokus.com.

4 Assignments and examination

4.1 General

4.1.1 Examination

The examination consists of several parts: participation in a moot court/negotiation; the writing of a draft and a final a case-study essay, the presentation and the defence of the case study and the review of another student's case study essay; the submission of answers to study questions for the two deep-reading sessions; and a written exam at the end of the course. In addition, there will be a diagnostic quiz on public international law and on the global economy during the first part of the course. These quizzes are mandatory, but the results are not included in the examination.

If a written presentation is submitted late, credits will be deducted.

The grade of the course is based on the aggregate individual performance in the various examinations. As a basis for this assessment, the points achieved in the different segments of the examination will be summarised. The maximum score for each part of the examination is indicated in the table below. In addition, attendance of 80% or more of all teaching sessions gives 3 points of a total maximum of 103 points. Please note that each workshop is divided into two parts, and each part counts as a separate teaching session.

Under "1.3 Expected learning outcome", it is indicated how the different expected learning outcomes will be examined. To pass the course, all learning objectives for the course need to be fulfilled. Therefore, all parts of the examination must have been passed, and that includes each of the three parts of the written exam. In order to pass any part of the examination, half of the maximum score for that part is required.

Students who fail a regular written examination will be provided an opportunity for a re-exam. Students who have passed an approved grade are not eligible for a new examination for higher grades. Students who have been failed twice by the same examiner are entitled to require another examiner in further attempts.

The maximum score is as follows:

Quizzes – Public international law; the global economy	Diagnostic	Part I
Case-study essay	25 pts	Parts II and III, against the backdrop of part I
Exercise: Opposition and presentation of case study	10 pts (7+3 pts)	Parts II and III, against the backdrop of part I
Exercise: Moot court/negotiation (oral + written, each 5 pts)	10 pts (5+5 pts)	Parts II and III, against the backdrop of part I
Written exam part I (multiple choice questions)	10 pts	The whole course
Written exam part II (problem-oriented questions)	30 pts	Parts II and III, against the backdrop of part I
Draft case-essay	5 p	Parts II and III, against the backdrop of part I
Deep-reading, study questions I and II	5+5 pts	The whole course, including part IV. This is where part I will be particularly useful.
TOTAL	100 pts	

4.1.2 How papers will be evaluated

Assessment criteria for written assignments:

- Choice of subject and problem formulation
- Factual knowledge and insight
- Presentation including structure
- Material
- Method
- Analysis and argumentation including independence of thought
- Conclusions
- Sources, citations, etc
- Language, style

Assessment criteria for oral presentations:

- The same criteria as for the written assignment
- In addition, the presentation, including the outline, the oral delivery of the presentation, the use of slides (if any)

The comments (feedback) will cover the assessment criteria. **Please copy the following table and insert it at the end of every paper in this course.** This table will be used in the grading, and it will also facilitate in giving you feedback. Feedback on the papers will be distributed via Athena.

Overall assessment	
Choice of subject and problem formulation	
Factual knowledge and insight	
Presentation including structure	

Material	
Method	
Analysis and argumentation including independence of thought	
Conclusions	
Sources, citations, etc	
Language, style	

Please note the tips and instructions in section 4.5

4.2 Case-study essay

The case study essay shall be submitted as indicated on Athena as well as to a designated *reviewer* and it shall be presented by the author and reviewed by the reviewer in class. The course director will assign an opponent/reviewer for each essay. This means that every student will "perform" twice during the case-study presentations.

In the case study you are expected to analyse a case about international law and the economy. The case study should be **7-10 pages** (10 000-15 000 characters including spaces; not including title page, list of references and footnotes). It should be written in a serif like Times, 12 p, with 1 ½ line spacing. Further instructions regarding the format for the case study will be found in the document "Writing Guidelines" under "Course materials" in Athena (in case of conflict with these writing guidelines, the course guide applies). The case study will be marked according to the criteria set out in 4.1 above.

Students may choose cases under the following **conditions**: Any case referenced in Choukroune/Nedumpara or in other texts in the course material may be used. Some cases in Choukroune/Nedumpara are not focused on IEL issues as such; for these cases, you need to highlight those aspects that are related to the course. Regarding cases that have not been referenced in the course material, approval from the course director is necessary, unless the case is from the WTO, NAFTA or ICSID. No two students may pick the same case. Not more than 60% of the students may pick trade-related cases. Not more than 50% of the students may pick investment-related cases. Students may freely pick cases related to other areas covered by the course. **Please register your choices to the course administrator; first come, first served.**

Please pick a case that you think is significant from some point of view and focus the essay on that aspect which aroused your interest.

Your case study should contain the following:

- 1. A brief introduction which explains what you found interesting about the case. This introduction could include a brief presentation of the legal issues involved.
- 2. The relevant facts of the case (a short description). If the case is complex, you should focus on those facts that are most relevant for your interest.
- 3. What the parties argued with regard to the applicable law. It is often easier to follow this presentation if the arguments are presented issue bu issue, like this:
 - Issue 1: Applicant's argument, Respondent's argument, the Panel's conclusion, the Appellate Body's conclusion.
 - Issue 2: Applicant's argument, Respondent's argument, the Panel's conclusion, the Appellate Body's conclusion.

And so forth. Please remember that you do not need to present every aspect of the case and that it is often more useful to focus on that issue (or those issues) that you find most important. You may also pass over the Panel's conclusion lightly, unless it you find it important.

- 4. Your own analysis and view of the reasoning and outcome of the case. How strong were the arguments of the parties? Is the decision by the court/tribunal/body well argued? Do you think that a different outcome would have been possible, based on the available facts and legal sources? The discussion seminar on your draft of the case essay is intended to give you a chance to deepen your capacity for critical analysis of the cases.
- 5. Your reflections on the case and the rules on which the decision is based. These reflections should be based on your interest for the case and can include, for instance, considerations of fairness, rationality or efficiency, or whether a reasonable balance between opposing interests/objectives is achieved. The purpose of this part is to give you an opportunity to develop your own views on IEL and its role in the world. **At least 1/3 of the essay should be devoted to reflections.**

It is expected that your analysis (in point 4 above) will at least in part be based on other sources than the case itself. Examples of such outside sources are other cases, books (including course literature), and law journal articles.

Legal sources and other sources have to be properly referenced. You do not have to use any particular style of citation, but you should apply a system consistently. As for well-known conventions, it suffices to mention the name of the convention or a widely accepted abbreviation (such as the GATT) in the body text, but references to less well-known conventions should be made in full, at least in a footnote.

The paper and the presentation should be directed at your fellow students, which basically means that you can assume that the reader/listener has about the same background knowledge as you have. The purpose of the presentation should not be to present the full story of the case but to discuss what is interesting about the case and its wider significance beyond the scope of the dispute between the parties. Consequently, you do not have to cover all aspects of the case. Try instead to focus on one or two aspects that you find particularly interesting and that will add to your and other students' knowledge of the field.

The case study essay shall be submitted as a **pdf-file** via Athena **and to the opponent** on a date set out in Athena. Please note that the title of the document shall be the name of the case in short form, preferably as listed in the format of the "List of Cases" (for instance "EC-Bed Linen" or "Bear Creek Mining v Peru"). Use the same title of the case also when you register your choice of case to the course administrator. You should identify yourself as the author with a number which the course administrator will provide. **Do not include your name anywhere in the document.**

The final case essay is preceded by a draft case essay. The initial draft should consist mainly of an overview of the case, spanning 3-5 pages. Your drafts will be used as a basis for a seminar aiming to improve critical analysis of your cases.

Further advice on the structure of the papers will be offered by Pål Wrange and Love Rönnelid in connection with his lectures or by appointment.

Please also note the tips and instructions in section 4.6.

4.3 Deep-reading sessions

The deep reading sessions are chances for you to improve analytical thinking by diving deeply into two complicated texts. The texts are accompanied by study questions. There are online submission deadlines for coming in with your written replies to these study questions. The following seminars will then build on those questions with a view to deepening your knowledge of the two central texts.

4.4 Presentation and discussion of case studies

On the date indicated on Athena there will be an oral presentation of the case studies. The presentation should be based on the submitted written case studies but can have another structure. Each presentation should be approximately 6-8 minutes. You may use PowerPoint, handouts or other presentation aids at your own discretion. After the presentation the reviewer will have 3 minutes for comments and questions. Thereafter there will be time for questions and comments from the other participants. The time allotted to each student may be adjusted, depending on the size of the class.

A few tips: It is difficult to grasp too many details during a brief presentation, so focus on the most interesting points, and you do not need to cover all issues presented in the paper. Do not stuff your power point slides with too many details; if you show long quotes, emphasise the most important words in a different colour. Speak slowly and confidently and look at the audience. Practice in front of a mirror or a webcam, and if your presentation includes slides, use them during your practice as well.

If you have slides to show, it is preferable that you bring them on a memory stick, since that will make transition from one presenter to the next a bit quicker.

Here are some further tips:

https://blog.polleverywhere.com/student-presentation-tips/

https://www.wikihow.com/Do-a-Presentation-in-Class

Reviewer: On a date indicated in Athena, each student will be sent one of the other students' case study to be reviewed in class after the presentation of that case study. As a reviewer, you should provide constructive criticism. Without setting a specific grade you should reflect on the strengths and weaknesses of the case study based on the assessment criteria; all of the criteria have to be covered (though briefly) and you may use the list provided in 4.1.2 as an outline for your comments. You should also discuss the content of the study relating to both the legal analysis and the reflections, with a particular focus on the wider implications of the case, that is, what the case may mean for the future. Any weaknesses in the reviewed paper that you spot will give the respondent an opportunity to clarify and thus raise her/his grade.

Both the oral presentations (7 p) and the reviews (3 p) will be graded regarding the content as well as the presentation, in equal measure, as indicated in 4.1.2.

4.5 Moot court/negotiation exercise

4.5.1 General rules

The purpose of the moot court and negotiation exercise is to train your skills in legal and practical reasoning as well as in oral and written presentations. Less emphasis will be put on finding every relevant legal source.

The exercise simulates a dispute which in reality would take months if not years to develop and settle. The exercise will cover both negotiations out of court and a moot court. You will be divided into groups, representing various actors in the process (the parties and the court or arbitral tribunal). Some teams will take part in the mock negotiation and some teams will take part in the moot court.

The mock negotiation will concern an investment case while the moot court will be a WTO case. Both exercises precede from the same scenario, but they are not linked. In principle, the negotiation could end in an agreement to refer the case to a dispute settlement body, but that is not necessary.

Each group will write one memorial of 5-10 pages in accordance with instructions below, which shall be handed in at 10.00 am on the day before the exercise to the course administration via Athena. In the moot court, the parties shall hand in their memos (see 4.4.3) to the opposing party and to the judges. The judges will hand in their memo (a draft decision) only to the course administration.

The total effort will be graded, including both the written and the oral stage. The credits are given to each individual, but we will be able to distinguish your efforts only at the oral stage. Because of the fact that it is very difficult to compare the efforts of the various teams, since they have very different tasks, the score for this exercise will only amount to 10% of the total score.

Additional questions can be asked in connection with Love Rönnelid or Pål Wrange's classes.

Further instructions follow in 4.4.2 and 4.4.3.

4.5.2 Instructions for the mock negotiation

Those teams that take part in the negotiation exercise, shall write a memorial which presents the positions of the team, as follows:

- a) a brief statement of the most relevant facts (not more than 1 page);
- b) a legal evaluation of the situation (what are the chances of winning before a legal dispute settlement mechanism?);
- c) a legal argument for your position.
- d) an analysis of the interest of the party, including possible compromises;
- e) appropriate methods of settling the dispute (including a forum).

It is often very useful to analyse your BATNA – best alternative to a negotiated agreement. See http://www.pon.harvard.edu/daily/batna/translate-your-batna-to-the-current-deal/

During the pre-trial phase (negotiation phase), which will last for two hours, the teams, which may represent states, international organizations or groups of people, may make presentations as appropriate and present claims and legal arguments for their claims. This phase of the exercise will not follow a pre-set format, but will be determined by the actions of the teams. If the teams so wish, they can contact one another before the actual exercise. If so, such contacts shall be reported to the teacher at the beginning of the exercise.

4.5.3 Rules for the moot court

During the moot court phase, two teams will face one another, with a third team as judges. The moot court session shall take 2 x 45 minutes. Each team gets 20 minutes to present its argument. During this presentation the court may intervene and ask questions. After the arguments have been presented, the two teams may submit further arguments in the form of a debate with a rebuttal and a surrebuttal, each five minutes.

At the end, the court will deliver its judgment. (See detailed rules below in 4.4.2.4-5.) Many of the ICJ's recent sessions are available online, for instance https://www.youtube.com/watch?v=NQ5NN56J8sA. The same goes for most courts, for instance https://www.youtube.com/watch?v=NQ5NN56J8sA. The same goes for most courts, for instance https://www.youtube.com/watch?v=NQ5NN56J8sA. The same goes for most courts, for instance https://www.youtube.com/youtube.com/95293055.

4.5.3.1 OUTSIDE ASSISTANCE

- 1. Outside assistance to a team, including that of faculty members, shall be limited to general discussion of issues, suggestions as to research sources and decision-making in intramural eliminations.
- 2. Outside assistance which would interfere with the final product being the exclusive work of the team members is prohibited.

4.5.3.2 MEMORIALS

A. Form and Contents

- 1. Each Memorial shall contain the following sections:
 - (a)List of Sources (treaties, jurisprudence, literature, etc.);
 - (b) Issues;
 - (c) Jurisdiction of the Court (or other body vested with adjudicatory power);
 - (d) Argument;
 - (e)Submissions.

Participating teams are obliged to follow the order as mentioned in this paragraph. Each section should exclusively include information relevant to that section.

- 2. Each page of the Memorial shall be typed
- with interline 1 ½ spacing,
- with a margin of 2 cm on both sides and with a margin of 2,5 cm at the top and at the bottom.

Any type style is permissible, except that no type smaller than standard elite (12 spaces/pitches to 2,6 cm) shall be used.

- 3. The pages should be numbered consecutively in Arabic numbers.
- 4. Footnotes shall be placed at the bottom of the page and must be numbered consecutively in Arabic numbers. Footnotes and quotations of more than one line in length may be typed single spaced.
- 5. The listing of the sources in the index of authorities and in the footnotes should be complete and uniform throughout the document.

4.5.3.3 SCORING OF THE MEMORIALS

The scoring factors to be considered (without regard to their order of importance) include, but are not limited to:

- knowledge of the facts and the legal principles directly applicable to the facts;
- proper and articulate analysis of the issues involved;
- use of authorities and extent of research;
- logic and reasoning;
- evidence of original thought;
- clarity and organization;
- persuasiveness;
- thoroughness;
- grammar and style.

4.5.3.4 ORAL ARGUMENTS

- 1. Each member of the team shall act as an oralist during the oral arguments.
- 2. The scope of an oralist's pleadings is not limited to the scope of his/her submitted Memorial. The scope of the Applicant's rebuttal is limited to the scope of the Respondent's pleadings proper and the scope of the Respondent's surrebuttal is limited to the scope of the Applicant's rebuttal. Failure to keep within these limitations will be penalized by the Judges of the Moot Court.
- 3. Each team shall be allowed 20 minutes to present its argument, including the time needed to answer any questions which may be put to it by the Judges.
- 4. Extension of team time beyond 20 minutes, which in no case shall exceed 5 minutes beyond the total time allocated for presentation, shall be within the discretion of the Judges.
- 5. The use of exhibits, other than documents or handouts, is permitted. Teams requiring special equipment in connection with an exhibit to be used during the oral argument (such as a blackboard, holders for charts, pointers, etc.) must inform the director through the course administrator well in advance. Prior to the start of the pleadings, all exhibits shall be examined by the director. Any exhibits which are not fair and reasonable interpretations of the facts or clearly labeled as alternative theories shall be excluded.

4.5.3.5 *MOOT COURT.*

- 1. The oral argument shall be judged by a Moot Court.
- 2. Each oral argument shall be judged individually by the course director.

4.5.3.6 **SCORING**

1. The director shall especially take into consideration competence, inclusion of all relevant factors, construction of the argument, evidence of original thought, soundness of the argument presented, response to questions and knowledge of legal principles directly applicable to the facts.

4.6 Written examination

The final exam consists in two parts:

- 1. The first part will consist of 10 fact-oriented, multiple-choice questions. No books will be allowed. 10 points.
- 2. Two problem-oriented questions (30 points) which focus on trade and investments but also may involve other legal issues, like financing, human rights or labour law. For this part, any literature or notes are allowed.

The other question (10 pts) will be general and will in particular test how you have grasped international economic law in the context of ideas, economy, politics as well as other areas of international law. The maximum length of this essay is 700 words. You will be asked to choose one topic out of two. Those two will be picked from **sample questions provided below**. This means that you are advised to prepare for all of these questions during the course. Put the list beside your bathroom mirror or on your refrigerator, to ensure that you think about them every day. It is probably a waste of time to prepare full answers to all of the nine questions, but you should sample key words, ideas, references.

Sample questions:

- 1. Is the global economy regulated in a manner which is socially/environmentally/economically sustainable? Is it regulated in a fair manner? How do you relate your future career to your views on this issue?
- 2. Is the regulation of the global economy efficient and coherent from a legal point of view? How do you relate your future career to your views on this issue?
- 3. How can norms from different regimes (trade, human rights, etc) best work together? (You may use words like "fragmentation" or "systemic integration".) How do you relate your future career to your views on this issue?
- 4. Which underlying ideas permeate the different regimes? Are they coherent, contradictory or just different? How do you relate your future career to your views on this issue?

- 5. How do you see the relation between efficient growth and fair distribution? What should be the goal of the law? What do you think is the goal at present? How do you relate your future career to your views on this issue?
- 6. What is the difference between politics and the economy? Can we think about the one without thinking about the other? How do you relate your future career to your views on this issue?
- 7. How could I, as an international lawyer, make the global economy more fair/efficient/sustainable? How do you relate your future career to your views on this issue?
- 8. What is the role of rights in the regulation of the global economy? Whose rights? Which rights? How do you relate your future career to your views on this issue?
- 9. How do you see the relation between law and the economy? Does the law enable the market or does law restrict the market? How do you relate your future career to your views on this issue?

Instructions for the written the exam:

The following standards apply:

- 1. I will be influenced by how well your answer is organised, on the micro-level as well as on the macro-level.
- 2. This is an exam in international law which indicates that legal arguments should be used. Always state your sources. When referring to sources, you do not have to put down the full references, but they should be identifiable. Examples: "Article 2 of GATT provides that...." or "the Brazil Tyres report from the WTO Appellate Body is an interesting example of..."
- 3. Time is scarce and it could be necessary that you try to identify the most pressing issues to be dealt with first. It is more important to cover all major issues raised by a question than to provide extensive details.

4.7 Writing

4.7.1 The writing process

Writing can be a real joy, but it can also be difficult. Every person who writes a lost has her or his own approach, and the approach may change depending on the task or the circumstances. There is much advice available at the Internet. Here is a suggestion:

https://criticalthinkeracademy.com/courses/22120/lectures/315837

4.7.2 Plagiarism

You may never use any source or copy from the internet without referencing in the main text, footnotes, and/or in endnotes. We check all writing, including the individual essays, with anti-plagiarism software, and any form of plagiarism immediately turns into a formal complaint with Stockholm University. If you are unsure about what is ok and not, check with the teacher.

To plagiarize is to present content from someone else's work as your own. It is to omit information on who is the author or where the material originates. Plagiarism includes to copy text in verbatim (in its entirety) as well as presenting results, ideas and conclusions as if they are your own. Plagiarism can include text as well as other material such as a picture, figure or a diagram.

Scholarly work to a large extent builds on the work of others, there is nothing wrong in that. Thus, how does one avoid plagiarism?

- Be careful to always indicate correct references to your sources. It is often time consuming to do that afterwards and there is also a risk that you will omit a source that you have used. Thus, write down your references continuously as you are drafting your text or making notes.
- It is permitted to build on the conclusions and analysis of others; in such cases you must indicate who have made these conclusions/analyses, either by a reference in a footnote or in the main text if it is a principal conclusion/analysis.
- If it is a longer and principal argument/sentences(s) of an author, it is suitable to quote the argument/sentence(s) with a reference in a footnote.
- It is permitted to use conclusions/analysis from students' essays, but in such cases, you must make references and work independently in relation to such sources in the same way as you do with other sources.

4.7.3 Guidelines on AI

AI tools like Chat GPT (https://openai.com/blog/chatgpt/) are and will increasingly be used by practicing lawyers. However, a lawyer will still need to know her/his trade, because otherwise her/his services will not be in demand. Hence, we have to test that knowledge and those skills. There are at this moment no guidelines at the department or the university level. If guidelines would be formulated, we may have to take them into account. However, until such notice, the following will apply.

For International Law and the Global Economy, we will permit the use of CHAT GPT and similar AI tools provided that you follow all of the instructions below. For this course, this might be relevant in particular for a) the mock/moot memos, b) the individual essay and c) study questions for the deep-reading sessions. These instructions coincide by and large with those issued for the course "International Criminal Law". You have to follow the instructions below.

- 1. You have to <u>provide a printout</u> of the question(s) you used <u>and</u> the <u>full text</u> provided by CHAT GPT. This should be copied into a word document and uploaded via Athena.
 - a. When you pose questions to an AI tool, you can use the question that you have been given by us (the teachers) or any question formulated by you. This includes the possibility to add several subordinate questions in order to answer an overarching question. Our experience is that it is very important which question you use in CHAT GPT; small differences may generate very different quality in the answers provided. Thus you need to analyse the answer which CHAT GPT provides and adjust the question(s) if necessary, in other words an iterative process.
 - b. You have to highlight in yellow in this printout what parts you have used in your own document, regardless if the text is used verbatim or modified (tutorial memo, moot court motion or individual essay).
- 2. You have to <u>provide an explanation</u> on how you have used CHAT GPT. That explanation should be provided at the end of the respective documents. Limitations (number of words etc) do not cover such explanations.
 - a. This explanation should contain the following components:
 - i. Which question(s) did you use? Was it the same question as provided by the teacher or did you create your own questions?
 - You need to motivate your choice and course of action.
 - ii. How did you use the answer provided?
- 3. If you use answers from Chat GPT in the text of your submission, the following applies:
 - a. You may copy-paste parts of the text from CHAT GPT into your text <u>if</u> you find and add sources into footnotes with the same standard as normally used. You should write in the footnote: "text generated by CHAT GPT by use of the question …."
 - b. It is also allowed to modify parts of the text from CHAT GPT and paste into your text if you find and add sources into footnotes with the same standard as normally used. You should write in the footnote: "text generated by CHAT GPT by use of the question, subsequently modified"
 - c. If you find that the answer from CHAT GPT is of poor quality and you have not used it at all, please state that and explain how you concluded that it was of such bad quality. This could example be an explanation that based on your research you found that the answer CHAT GPT is wrong and/or inaccurate.

4. Plagiarism and Impact on Grading

- a. The use of text from CHAT GPT without mentioning it in your text or the explanation (section 2 above) that you have used this tool is considered to be plagiarism and will immediately result in a formal complaint with Stockholm University.
- b. The use of text from CHAT GPT where you mention in your text or the explanation (section 2 above) that you have used this tool but without adding other sources is considered to be bad quality which may lead to a lower grade, including a fail.
- c. CHAT GPT may in some cases help you to identify rules, arguments and conclusions in an expedient manner. However, you have to conduct your own research and add your own analysis. The grading will consider to what extent you have done that.

5 Other matters

5.1 Special pedagogical support in higher education

Students with disabilities have the right to so-called special pedagogical support in higher education. Examples include alternative means of examination, including more time during examination or exam in a separate room. It is for the student concerned, if he or she wants to use the special measures, to contact the contact person at the law department at least four weeks in advance. With a written certificate from the Disability Services section Stockholm university the student must show that he or she has a disability. Contact person at the law department is the Director of studies Viktoria Pettersson, phone: 08-16 13 04 or e-mail: viktoria.pettersson@juridicum.su.se.

5.2 Academic Writing Service

The university has an Academic Writing Service which can help you to improve your technique how to study and writing, it is available for all students who need such support. To visit the Academic Writing Service is free of cost for you as a student. Read more here:

https://www.su.se/english/education/student-support/academic-writing-service

6 Contact information

Head of course: Associate Lecturer Love Rönnelid

Love.ronnelid@juridicum.su.se

Assistant course director: Professor Pål Wrange

Pal.wrange@juridicum.su.se

Course: administrator: Sara Freeman

08-16 25 75; ile@juridicum.su.se

Reception hours: Tuesdays and Thursdays 13-15 (in normal circumstances)