



LUND
UNIVERSITY

School of Economics and Management

HARN53, Trade, Investment and Sustainability, 15 credits *Handel, investeringar och hållbarhet, 15 högskolepoäng* Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by The Board of the Department of Business Law on 2019-11-13 and was last revised on 2022-02-16. The revised syllabus applies from 2022-08-29, autumn semester 2022.

General Information

The course Trade, Investment and Sustainability is an advanced course which focuses on investment law and sustainability development. The students will study international investment agreements which promote and protect foreign investments. These agreements are regulated under both EU and international law. The course focuses in particular on the occasionally conflicting aims of trade and sustainable development.

The course is optional for the students achieving a Master of European and International Trade Law. It may also be studied as a single subject course.

Language of instruction: English

Main field of studies

European and International Trade Law

Depth of study relative to the degree requirements

A1N, Second cycle, has only first-cycle course/s as entry requirements

Learning outcomes

The students will be trained as reflective practitioners in taking an active part in developing a sustainable society building on innovative thinking. This course will particularly enable the students to adopt informed decisions regarding legal aspects of international business and be able to convert regulatory constraints into opportunities. It aims at providing students with knowledge in European and international trade law in relation to sustainability with a special focus on EU law. The course deals with international trade agreements and in particular international investment agreements.

A passing grade on the course will be awarded to students who:

Knowledge and understanding

- demonstrate knowledge and understanding in the fields of trade and investment law;
- demonstrate knowledge of the meaning of sustainability in international trade and how conflicting aims of sustainability and trade can be balanced; and
- demonstrate methodological knowledge in trade and investment law.

Competence and skills

- demonstrate an ability to apply the law in the field of European and international trade and investment law;
- demonstrate an ability to independently identify and analyse problems related to European and international trade and investment law especially in relation to sustainable development; and
- demonstrate an ability to work individually as well as in groups with students from different cultures in order to solve practical problems.

Judgement and approach

- demonstrate an ability to make assessments in the fields of trade and investment law, taking into account relevant scientific, social and ethical aspects, especially in relation to sustainable development; and
- demonstrate an ability to identify their need of further knowledge and to take responsibility for developing their knowledge.

Course content

The course focuses on the occasionally conflicting aims of trade and sustainable development. The legality and effects of business investments are generally determined by the law of the place where the investment is made. International Investment Agreements (IIAs) are treaties between States to promote and protect foreign investment under international law. By concluding IIAs, capital-exporting countries (home States) aim to offer an additional layer of protection to their domestic companies investing abroad, while capital importing countries (host States) aim to attract additional foreign investment to their economy. According to the United Nations (2018), over 2,500 IIAs are currently in force, mostly in the form of Bilateral Investments Treaties (BITs) or as investment chapters in broader commercial agreements that address trade as well as other matters (Free Trade Agreements, or FTAs).

However, the way many IIAs are designed at present overlook the importance of environmental and social considerations. Moreover, in their present form and operation, IIAs may restrict the ability of States to implement enabling policies for inclusive green economy pathways, particularly in the energy, transportation, agricultural, industrial, water, and waste sectors.

Course design

Teaching is structured in lectures and seminars. Students' active participation is

compulsory during the seminars.

Assessment

The course requires active participation from the students during lectures, seminars and group works. It also requires individual preparation (self-study).

Examination is based on individual as well as group performance. The exam is an individual written exam. The individual performance also includes an individual paper (essay). Defense of one's own paper and acting as a discussant on another student's paper is compulsory and part of the examination. Group performances and other individual performances are case solving activities and can include written short assignment/s and/or oral presentation/s.

In order to pass, students are required to meet the 80% active attendance requirement in the seminars.

For the examination, special consideration is given to the students' ability to fulfill the submitted tasks within the set time.

The number of occasions that a student can try to complete the examination for the approved result on the course is limited to five occasions.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, E, D, C, B, A.

At the School of Economics and Management grades are awarded in accordance with a criterion-based grading scale A-U. Students have to receive a grade of E or higher in order to pass the course.

A (Excellent) A distinguished result that is excellent with regard to theoretical depth, practical relevance, analytical ability and independent thought.

B (Very good) A very good result with regard to theoretical depth, practical relevance, analytical ability and independent thought.

C (Good) The result is of a good standard with regard to theoretical depth, practical relevance, analytical ability and independent thought and lives up to expectations.

D (Satisfactory) The result is of a satisfactory standard with regard to theoretical depth, practical relevance, analytical ability and independent thought.

E (Sufficient) The result satisfies the minimum requirements with regard to theoretical depth, practical relevance, analytical ability and independent thought, but not more.

U (Fail) The result does not meet the minimum requirements with regard to theoretical depth, practical relevance, analytical ability and independent thought.

Plagiarism is considered to be a very serious academic offence. The University will take disciplinary actions against any kind of attempted malpractice in examinations and assessments. The penalty that may be imposed for this, and other improper practices in examinations or assessments, includes suspension from the University for a specific

period of time.

Entry requirements

An undergraduate degree in Law or an undergraduate degree in Economics or Business Administration (BSc, LL.B. or equivalent), including 15 ECTS credits in Law or equivalent knowledge.

A good command of English language, both spoken and written, equivalent to English 6 (advanced level) in the Swedish secondary system.

Subcourses in HARN53, Trade, Investment and Sustainability

Applies from H22

- 2201 Exam, 6,5 hp
Grading scale: Fail, Pass
- 2202 Individual paper, 6,5 hp
Grading scale: Fail, Pass
- 2203 Seminars, 2,0 hp
Grading scale: Fail, Pass

Applies from H21

- 2101 Exam, 7,5 hp
Grading scale: Fail, Pass
- 2102 Individual paper, 7,5 hp
Grading scale: Fail, Pass
- 2103 Seminars, 0,0 hp
Grading scale: Fail, Pass