

LA9G1-20 International Economic Law of the Digital Economy

23/24

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Jeremmy Okonjo

Credit value

20

Module duration

9 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This module is optional for students in the LLM International Economic Law (IEL) programme of study and is also available as an optional module for students on the Advanced Legal Studies (ALS), International Commercial Law (ICL) and International Corporate Governance and Financial Regulation (ICGFR) programmes and as an external option for students on the International Development and Human Rights (IDLHR) programme.

This module is designed to offer a critical overview of what can be described as the legal and regulatory foundations of the contemporary global digital economy. The module will introduce and examine aspects of the global digital economy and international economic law foundations, while taking into account its evolving economic, political, social and cultural context. It will provide an overview of the legal and other regulatory foundations of the global digital economy and critically consider the operations of the main global institutions and frameworks governing international economic relations within the digital economy. The course will also consider the role of international economic actors, both state and non-state, in shaping and influencing these regulatory frameworks.

The module will situate international economic law of the digital economy within a broader understanding of its interactions with other international and national, legal and non-legal

processes and examine its role in the constitution of the contemporary global digital economy. Emphasis is placed upon the manner in which international economic law constructs international economic relations in the digital age, in as much as it regulates the behaviour of international economic actors and global economic activity, as well as some of its major contradictions.

This module builds on (but does not necessarily rely on) the foundational study of modules within the International Economic Law LLM pathway, including LA908 (International Economic Law), LA906 (International Investments Law), and LA932 (Legal Aspects of International Trade and the World Trade Organisation).

Module aims

- To introduce students to the historical background and contemporary international legal, regulatory and policy framework of the global digital economy
- To provide a critical overview of the major institutions, regulatory networks, legal structures regulating the contemporary global digital economy
- To evaluate the purpose and rationale of international economic law of the digital economy, and to locate its operations and substantive rules and processes within the broader social, economic and political contexts in which it operates
- To critically analyse the effects of international economic law of the digital economy on the different constituencies, including states, communities, intergovernmental and non-governmental organisations, corporations and individuals

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

- 1 Introduction to International Economic Law (IEL) of the the Digital Economy
- 2 Theorising the Relationship between Technology, Law and the Digital Economy
- 3 International Trade Law of the Digital Economy
- 4 International Investments Law of the Digital Economy
- 5 International Financial Law of the Digital Economy
- 6 Extra-Territorial National Laws Governing the Global Digital Economy
- 7 Transnational Technology Standard-Setting as IEL of the Digital Economy
- 8 Self-Regulation of Transnational Corporations as IEL of the Digital Economy
- 9 National Digital Industrial Policy Making within International Economic Law

Learning outcomes

By the end of the module, students should be able to:

- Identify the key institutions and processes of international economic law of the digital economy
- Adopt a comparative perspective on international economic law of the digital economy, and an understanding of its inter-disciplinarity, ie to situate legal norms and processes within their social, political and economic contexts.

- Engage in critical debate and analysis of the functions of international economic law of the digital economy, its historical legacy and contemporary operations, its future and its interplay with other aspects of public international law.
- Apply knowledge of the law to practical situations, both theoretically and empirically.
- Evaluate the law and the law-making processes as they relate to the subject-matter covered.

Indicative reading list

1. Brownsword, Roger, Eloise Scotford, and Karen Yeung, (Eds) . The Oxford handbook of law, regulation and technology (2017).
2. Mira Burri (2015), The International Economic Law Framework for Digital Trade (May 5, 2015). Zeitschrift für Schweizerisches Recht, Vol. 135, Issue II, 2015, pp. 10-72., Available at SSRN: <https://ssrn.com/abstract=2602817>
3. UNCTAD (2021), 'What is at Stake for Developing Countries in Trade Negotiations on e-commerce? The Case of the Joint Statement Initiative' United Nations
4. Streinz, Thomas. "Digital Megaregulation Uncontested? TPP's Model for the Global Digital Economy." TPP's Model for the Global Digital Economy (March 15, 2019). Benedict Kingsbury et al (eds), Megaregulation Contested: Global Economic Ordering After TPP (OUP 2019) (2019): 312-342.
5. Zhang, Sheng. "Protection of Cross-Border Data Flows Under International Investment Law: Scope and Boundaries." In Handbook of International Investment Law and Policy, pp. 1-23. Singapore: Springer Singapore, 2020.
6. Walker, George. "Financial Technology Law—A New Beginning and a New Future." The International Lawyer 50, no. 1 (2017): 137-216.
7. Madir, Jelena, ed. FinTech: Law and Regulation. Edward Elgar Publishing, 2021.
8. Canto Moniz, Graça. "Finally: a coherent framework for the extraterritorial scope of EU data protection law-the end of the linguistic conundrum of Article 3 (2) of the GDPR." UNIO-EU Law Journal 4, no. 8 (2018).
9. Eliantonio, Mariolina, and Caroline Cauffman, eds. The legitimacy of standardisation as a regulatory technique: A cross-disciplinary and multi-level analysis. Edward Elgar Publishing, 2020.
10. Foster, Christopher, and Shamel Azmeh. "Latecomer economies and national digital policy: An industrial policy perspective." The Journal of Development Studies 56, no. 7 (2020): 1247-1262.
11. Azmeh, Shamel, and Christopher Foster. The TPP and the digital trade agenda: Digital industrial policy and Silicon Valley's influence on new trade agreements. No. 16-175. Working Paper Series, 2016.

Subject specific skills

1. A critical understanding of the key institutions and processes of international economic law of the digital economy.
2. The ability to apply a comparative perspective on international economic law of the digital economy, and an understanding of its inter-disciplinarity, ie to situate legal norms and processes within their social, political and economic contexts.
3. The ability to engage in critical debate and analysis of the functions of international economic law of the digital economy, its historical legacy and contemporary operations, its future and its interplay with other aspects of public international law.
4. The ability to apply knowledge of the law to practical situations, both theoretically and empirically.
5. The ability to evaluate the law and the law-making processes as they relate to the subject-matter covered.

Transferable skills

Technical - Technological competence and staying current with knowledge

Communication - Verbal, listening, writing, technical communication skills, using different medium for communicating

Critical Thinking - Problem-solving, analysis of possible solutions etc

Study

Study time

Type	Required
Lectures	9 sessions of 1 hour (4%)
Seminars	9 sessions of 2 hours (9%)
Private study	123 hours (62%)
Assessment	50 hours (25%)
Total	200 hours

Private study description

164 hours of private study will involve interacting with readings outlined in the module reading list and watching recorded lectures and other videos uploaded on Moodle to supplement the lectures and seminars.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A

Assessment component	Weighting	Study time	Eligible for self-certification
International Economic Law of the Digital Economy	100%	50 hours	No
This module will be assessed by a 4000-word coursework essay due at the end of the Term. The students will choose one essay question out of a choice of 6 essay questions.			

Reassessment component is the same

Feedback on assessment

Feedback will be recorded on Tabula.

Availability

Courses

This module is Optional for:

- TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
 - Year 1 of M3PJ Advanced Legal Studies
 - Year 2 of M3PJ Advanced Legal Studies
- TLAA-M223 Postgraduate Taught International Commercial Law
 - Year 1 of M223 International Commercial Law
 - Year 2 of M223 International Commercial Law
- TLAS-M3P7 Postgraduate Taught International Economic Law
 - Year 1 of M3P7 International Economic Law
 - Year 2 of M3P7 International Economic Law
- TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation
 - Year 1 of M221 International Corporate Governance and Financial Regulation
 - Year 2 of M221 International Corporate Governance and Financial Regulation