Teaching “BRICS Law”: Application of Team Teaching and Learning Technologies

By:

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The results of survey on the prevailing challenges of teaching international law in Asia have been revealed in the report on “Teaching and Researching International Law in Asia” (TRILA) published by the Centre for International Law (National University of Singapore) in 2020. One such challenge referred to the issue of student engagement. The TRILA Report suggested that “many students were also not interested in contemporary international issues and lacked an in-depth understanding of cultural diversity, intercultural communication skills and interdisciplinary studies” (p. 60). Another difficulty identified by the TRILA survey was the lack of access to qualified international law teachers in some of the Asian countries. In regard to the teaching methodology, the TRILA Report concluded that “conducting lectures remained a very common method of teaching IL” (p. 74) “with a mere 17 out of 69 teachers (24.63%) using either the internet-based or flipped classroom method” (p. 76). All of these challenges

have been amplified by the COVID-19 outbreak with its travel restrictions and suspension of face-to-face classes, forcing the law schools to move into a distance learning environment.

At the University of Macau, Faculty of Law, we faced similar challenges when designing and implementing the curriculum of the Master of Law in International Business Law in English Language. With Chinese and Portuguese as primary languages of instruction at our law faculty, the law students are not exposed to studying in English until they reach the postgraduate level. As a result, many Master's students face difficulties when listening to the teachers or using the reading materials. The traditional legal education with its focus on the domestic legal system and limited comparative elements also restricts the initial ability of the students to relate to transnational law issues. The suspension of classes caused by the COVID-19 outbreak has exposed the limitations of the traditional lecture format of teaching, which now has to be adapted to the distance learning environment.

Since every challenge presents an opportunity for improvement, in 2017 we started experimenting with various teaching and learning methods when delivering an elective course, Advanced Issues of International Trade Law, with special focus on BRICS countries. The term BRICS is an acronym referring to the countries of Brazil, Russia, India, China and South Africa. Since 2011, the BRICS members have repeatedly qualified their institutional setting as a "dialogue and cooperation platform" organized in regular meetings being held among various governmental and private stakeholders. The annual declarations adopted at BRICS high-level summits pledged to enhance cooperation in the fields of trade, investment, technological development, scientific research and education, as well as many others. It was argued that the rule of law could play an important role for this novel model of regionalism with multilateral aspirations. With the growing importance of the BRICS countries both in their role in global governance and in economic significance as sources and destinations for investment and trade flows, the lack of attention given to the legal systems and legal cooperation of these countries became apparent.

Broadly speaking, the principal objective of our course is to familiarize the participants with the concept of the BRICS and their current and prospective

role in global governance. More concretely, it aims to assess the regulatory challenges found in the area of the regulation of global business and international trade as well as closely related “non-trade” or “trade-related” areas. To this end, it pays particular attention to the BRICS countries’ individual legal systems, compares their similarities and differences with a view to assessing the main areas for cooperation, and their impact on the governance of global affairs in the 21st century.

To tackle the problem of student engagement and in order to stimulate in-class participation we have experimented with team teaching. Together with Rostam Neuwirth and Denis De Castro Halis we organized the class discussions on selected issues, often with the participation of legal scholars and practitioners from the BRICS countries and beyond. In order to diversify the learning experience of the students and increase their exposure to this novel subject that few of them have studied before, we introduced blended learning elements into the course delivery. The out-of-class component made available through the UMMoodle platform included video recordings of the lectures accompanied by the recommended reading materials and online quizzes that allowed the students to engage in independent learning and to test their knowledge. The preparation of the blended learning component required technical (audio/video recording) equipment and assistance (audio/video editing), which we received from the Centre for Teaching and Learning Enhancement. The course was delivered in one of the Interactive Learning Spaces, equipped with the video cameras, microphones, projectors and comfortable semi-circle seating arrangement, which facilitated discussions and allowed us to record the in-class teaching activities.

We have been also been confronted with the lack of reading materials. The legal literature on the BRICS countries in English language is scarce and mostly focuses on the national legal systems with limited comparative element. On that point the teaching needs of the course coincided with our research interests and in 2017 we completed an edited volume *The BRICS-Lawyers’ Guide to Global Cooperation* published by Cambridge University Press. The book contains 16 chapters covering the laws of the BRICS countries in particular fields and providing a forward-looking perspective on BRICS cooperation in those fields. It has captured scholarly attention and was reviewed in BRICS Law

Journal (Russia), Fudan Public Administration Review (China), Potchefstroom Electronic Law Journal (South Africa), NUJS Law Review (India), Juris Poiesis (Brazil), Chinese Journal of Comparative Law (Oxford), International Trade Law and Regulation (Sweet & Maxwell), European Review of Private Law (Kluwer), Business Law (Russia).

As the scope of BRICS cooperation expanded, the official texts used as primary sources of "BRICS law" have multiplied with no single repository that would allow easy access for students and researchers. To fill this gap, in 2019 we compiled the official documents in *The BRICS-Lawyers' Guide to BRICS Texts and Materials* and accompanied them with a brief history of the BRICS cooperation and a short explanation on the categories of these novel sources of law. It was launched at the BRICS Forum on International Rule of Law hosted by the Chinese Academy of Social Sciences, Institute of International Law in Beijing.

Besides teaching, we strived to encourage our students to engage in independent research that would supplement their knowledge and allow them to focus on areas or problems that they find most interesting or relevant for their professional development. To achieve this goal, we have developed a group assignment that allows small groups (4-6) of students to participate in the subject-focused model BRICS summit "representing" their respective countries and working together on the draft declaration or agreement that would foster BRICS cooperation in the respective field. A slightly different version of the group assignment is preparation of the legal brief that analyzes a particular business-related problem under the laws of the BRICS countries accompanied by a proposal for a legislative amendment or an international agreement that would address the identified legal problem. Throughout the years, we have witnessed a wide variety of issues explored by student groups: recognition and enforcement of judgments, protection of intellectual property, development of the traditional medicines, e-commerce, etc. After completing their group assignments, the students were asked to provide anonymous peer feedback by evaluating the individual contribution of each team member. Together with student feedback on the course delivery and teaching methods, it allows the teachers to continuously reform the course contents and course activities by experimenting with various teaching and learning activities.

Our teaching experience with the “BRICS law” course demonstrates that designing and delivering an international law course could be a learning experience not only for students but also for teachers. When confronted with the lack of expertise or reading materials, we opted for additional research and wider academic collaboration. After all, the “BRIC(k)S are for building bridges, not walls”. Our edited book contributors, guest speakers, visiting lecturers and external members of the Master thesis defense panels have allowed us to expose our students to a variety of topics, to interact with the academics and practitioners from the BRICS countries and beyond, to enrich their knowledge about the BRICS jurisdictions and to foster independent legal research.

Note: the video presentation of the course was delivered at the Online Conference on Teaching and Learning in Law “Directions in Legal Education 2020”, Chinese University of Hong Kong, Faculty of Law, 18-20 June 2020.

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