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Implementing innovative teaching methods in European Union Law modules

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ABSTRACT

This article illustrates the innovative teaching methods implemented by Professor Natia Lapiashvili in the European Union Law modules at the Institute for the European Studies at Tbilisi State University. The article analyses the combination of the traditional classroom teaching with the Problem-Based Learning (PBL), E-Learning and Simulation exercises. For PBL, after explaining its concept, some frequently raised questions during her classes are presented to demonstrate the application of this method. In the context of e-learning, the article evaluates the usefulness of having pre-recorded video lectures for each topic, which facilitates the flexibility of the learning process and aids self-discipline of the students. The simulation exercises also proved to be very effective at all European Union Law modules, as the students show particular enthusiasm and engagement during discussions. The paper argues that the described innovative teaching methods increase students' comprehension of various legal issues by putting them in a real-life context. The focus on students' individual needs and interests facilitates life-long learning and results in improved academic achievements, which must be the primary objective for any modern educational system.

1. Introduction

With the support of the EU TEMPUS project on Innovating Teaching and Learning of European Studies (INOTLES),¹ the Institute for European Studies of Tbilisi State University (TSU) has implemented innovative teaching methods. The modules on European Union law were among the courses that were (re-)designed in line with innovative teaching and learning approaches.² These include hybrid learning approaches combining the traditional classroom teaching method with the elements of Problem Based Learning (PBL), E-Learning and Simulation Exercises. Such teaching methods allow students to play the roles of decision makers in dealing with various legal issues and case studies, enhancing their real-life educational experience.

However, the traditional model of lecturing and active discussions in the auditorium after reading theoretical materials remain an important part of teaching. Such teaching is usually considered as a teacher-focused method, as opposed to the innovative student-centred methods, as set out below. Traditional method promotes foundation of the systematic theoretical knowledge, which in law modules is based not only on doctrines, but also encompasses overview of case law and standards developed by the various courts and tribunals. That said, lectures should never take the form of a monologue and discussions must be an important part of explaining the theoretical issues. Further, the teacher should encourage and not force discussions among students.

In principle, the creation of theoretical foundation and active brainstorming should be conducted in parallel from the very first lecture. Whilst self-directed learning is central to the below discussed innovative teaching methods, students need some guidance of specialist in the area, particularly when first introduced to such a complex subject as the European Union law. The theoretical part of the lectures lays down a secure foundation for students intending to establish themselves as experts with deep understanding of the structure and operations of the economic, legal and political institutions of the European Union. On the other hand, the mentioned innovative teaching methods aim to develop the necessary skills for students to appraise and criticise the application of different legal principles and rules based on obtained theoretical knowledge. Students indeed appreciate efforts of professors behind the innovative teaching approaches, in creating of the

¹ Innovating Teaching and Learning of European Studies (INOTLES) project; For further information, please visit webpage of project at <http://www.inotles.eu/>

² For more information please see EU Tempus Project Training of the Trainers handbook, available at http://www.inotles.eu/sites/inotles/files/TEMPUS%20Handbook_0.pdf.

engaging and competitive learning environment with real-life scenarios. Overall, such attitude promotes interest of the students towards the study discipline and facilitates deep learning.

In view of the mentioned, this paper provides an analysis of the innovative teaching methods that are actively used in the European Union Law modules at the Institute for the European Studies, TSU. In particular, the paper will overview the essence of PBL, E-learning and Simulation methods, share experience of their implementation at the Institute and provide suggestions for their practical application.

2. Problem Based Learning (PBL)

PBL is a teaching method based on active learning approach, which allows to structure and organize the teaching and learning process in a more efficient way. In general, PBL primarily aims to assist students in gaining profound knowledge and skills. It relies on students actively working for an extended period of time to investigate and respond to engaging and complex questions and problems of the relevant academic course. In PBL, the staged sequence of problems presented in a specific context represents the stimulus and focus for student activity.³ Successful use of PBL method largely depends on the carefully selected and designed problems that motivates the students to undertake the independent research, cooperate with each other and offer possible solutions. As PBL encourages dynamic and engaged study process, it instigates the students to obtain a deeper knowledge in the study field, assists to develop confidence and self-discipline. PBL method is based on the assumption that teachers are facilitators, rather than chairpersons. Discussions on the open-ended problems serve as a stimulus of learning.⁴ The problems raised for PBL assignments are typically in the form of real-world challenges. They have no right or wrong answer; rather, the solutions are based on students' ability to think critically, to structure their inquiry, to apply previous knowledge, and to actively research the identified problem. However, it is also worth noting that application of PBL method can be quite time-consuming, hence it requires careful planning of the syllabus topics, in order to manage delivery of the whole course program.

³ Boud, D., Faletti, G.(1997). "The Challenge of Problem-based Learning", *Psychology Press*, pp 1-2.

⁴ Stanford University Newsletter on Teaching, Winter 2001, Volume 11, No. 1, p. 1, at http://web.stanford.edu/dept/CTL/cgi-bin/docs/newsletter/problem_based_learning.pdf last visited 10.05.2017.

While almost any course can incorporate PBL and it proved to be very useful in many disciplines,⁵ PBL is a particularly desirable teaching technique at law modules. The use of PBL facilitates the provision of an integrated curriculum: theory and skills can be taught together and socio-legal aspects of law can be considered in the light of the practical problems and the general legal principles regulating those problems.⁶ In the context of European Union Law modules at the Institute for European Studies, EU's current challenges represent great topics for discussions and application of PBL method. The teacher encourages the students to read their homework critically and analytically. Rather than gathering and memorizing facts and other information, they are supposed to identify the problems and issues, which would be interesting to discuss in the class. The teacher is a group facilitator and students engage in self-directed learning, identifying and solving problems, as well as reflecting on their experiences. Such problem-solving and individual-focused approach assists confidence and self-motivation of the students. Some of debate topics are suggested by the teacher, some represent student choices, as a result of reading various articles and other materials or just following news. For instance, frequently raised questions, necessitating the use of students' previous knowledge and analytical skills, would be:

- *How does the European Union compare with other international organisations? How do you understand the term "super-state," often used to describe greater political integration in Europe?*
- *How can you explain the fact that only two member states voted against the European Union Constitutional project?*
- *Is European Union law indeed an autonomous legal order within the system of public international law?*
- *Would you consider the legal relationships within the EU to be more vertical by nature as compared to horizontal legal relationships in public international law?*

⁵ *Ibid*, p.1.

⁶ York Law School (YLS) Guide to PBL, An Introduction to Problem-Based Learning for Law Students, p.9, at https://www.york.ac.uk/media/law/documents/pbl_guide.pdf, last visited 10.05.2017.

- *What are the advantages of becoming the member of the European Union, considering the unprecedented extent of sovereignty given up to Brussels by the existing member states?*
- *Should the European Union become more decentralised in the future?*
- *What is the role of the European Court of Justice in applying, developing and making the European Union law? How does this compares with the function of other international tribunals, for instance, the International Court of Justice?*
- *What are the causes and consequences of Brexit?*
- *What are some myths and truths related to EU-Georgia relationships?*
- *What are your predictions on the future of one of the greatest political projects, such as the European Union?*

These and other unresolved questions address ongoing and real world problems and challenges; consequently the PBL approach promotes life-long habits of learning. This motivates students to identify and apply research concepts and information, work collaboratively and communicate effectively.⁷ Teamwork is also an essential aspect of PBL, as it helps learning in groups, in which the students feel comfortable developing new ideas and raising questions.⁸ When discussing the above issues at the class, PBL is used as a student-centred approach, which requires group work and analysis, in this way also developing skills such as teamwork and public speaking.

However, there are some important aspects to consider when applying the PBL method. Most importantly, while some students have better leadership skills and enjoy self-expression, others may need more encouragement to participate in the class discussions. Some students may find engagement difficult due to language limitations. For instance, at the Institute

⁷ Duch, B. J., Groh S. E., Allen D. E. (2001). „The Power of Problem-based Learning: A Practical "how to" for Teaching Undergraduate Courses in Any Discipline“, *Stylus Pub.*

⁸ Stanford University Newsletter on Teaching, Winter 2001, Volume 11, No. 1, p. 2, at http://web.stanford.edu/dept/CTL/cgi-bin/docs/newsletter/problem_based_learning.pdf last visited 10.05.2017..

for European Studies, the lectures are held in English, which is a foreign language for most of the students. In addition, due to the interdisciplinary programs of the Institute, students come from various educational backgrounds. The ability to express themselves with legal terms could be quite difficult for students not having a law background. In such circumstances, encouragement to engage in the class discussions will lead to greater benefits. The student sharing experience about teaching at the Institute reveals that many students who have been passive in the beginning had significant progress throughout the teaching and learning process. The active everyday discussions improved their confidence in speaking in English in front of others and expressing their opinions without being afraid about making mistakes.

PBL method specifically aims to develop analytical abilities by drawing students' attention to actual problems and teaching how to overcome obstacles. This teaching method, successfully implemented at the Institute for European Studies with considerable institutional support, can be a model for other educational institutions in Georgia.

3. E-learning

E-learning became an important part of education in the twenty-first century. In the era of smartphones, tablets, notebooks, kindle, digital books and rich online databases, visiting libraries became unnecessary. With the rapid development of the digital age, it would be a mistake to limit the learning process to the use of textbooks. Technical innovation encourages teaching innovation. The access to the relevant technical tools make the teaching and learning process more engaging and interesting. In this regard, one innovation in teaching is the use of educational videos during lectures. Another improvement is to have pre-recorded lectures for each subject, accessible for students by logging with their details in the university portal. Videolectures are becoming more and more popular nowadays, while only a few years ago such perspective was unimaginable. The main advantages of video-lectures can be viewed as helping full time-working students by bridging the gap caused by their absence during lectures; assisting students having difficulties with the understanding of certain doctrines or issues, as well as giving students the possibility to review critical sections and check their notes.⁹ The Institute for European Studies is one of the very few educational establishments in Georgia that offer such opportunity to its students. The video recordings of interactive lectures of the European Union Law modules and other courses are available on the Intitute's website (<http://www.ies.tsu.edu.ge>). Videolectures are aimed to increase the effectiveness of the learning

⁹ Ronchetti, M. (2009), "Using video lectures to make teaching more interactive", Conference ICL200, Villach, Austria, p. 1, at http://www.icl-conference.org/dl/proceedings/2009/program/pdf/Contribution_010.pdf, last visited 10.05.2017.

process and to enable the students to cover any lectures they might have missed. Most of the master and PhD program students are employed full-time, hence their absence from classes are often due to work-related reasons. On our digital portal, separate lectures are recorded under each topic of the syllabus, which facilitates students' learning process. In particular, videolectures give additional teaching time to students, who could not fully comprehend the course topics through the classroom lectures and textbooks. Students can view the lectures as many times as they wish, achieving a better understanding of the discussed issues. Videolectures are particularly important in teaching interdisciplinary programs, considering the diversity of educational backgrounds of students.

Videolectures can connect teachers and students from different academic cycles. For example, the newly admitted students have the possibility to review recorded lectures before starting the course, hence they can prepare ahead of time. The primary goal of videolectures recorded at our Institute is to ensure their interactive content in order to create motivating working environment. The recorded classes are based on frequent interactions with the audience in order to sustain attention and assist learning of users of videolectures. In brief, videolectures are perfect self-study tools which, together with reading study materials, allow the student to gain the comprehensive knowledge about the study course.

In addition to video lectures, within the European Union Law modules the students are encouraged to use professor's personal blog (<http://natialaw.blogspot.com/>). This blog provides useful information on different legal topics discussed during classes. The blog includes the list of hyperlinked cases grouped thematically, their short summaries with the focus on main legal issues, statistical data, as well as theoretical abstracts explaining the relevant legal topics. For instance, in the context of the European Union law, the frequently discussed disputes include *West Tankers v Allianz*¹⁰, *Gazprom-Lithuania dispute referred to the ECJ*¹¹, *Micula Bros & ors. v. Romania (ICSID Case ARB/05/20)*¹² and others. The blog assists the students to obtain the factual information and the key legal points of landmark decisions, discussed during lectures and provided in leading textbooks. The students have reportedly used this blog to prepare for simulations, exams and also to make their power-point presentations, as the hypothetical cases which students solve at exams and simulations are of similar format. Nowadays blogs are one of the most common method of learning, which can offer the introductory content on the study course by providing useful information in the form of short

¹⁰ See at <http://natialaw.blogspot.com/2015/01/west-tankers-v-allianz.html>.

¹¹ See at <http://natialaw.blogspot.com/2015/01/eu-gazprom-lithuania-dispute-referred.html>.

¹² See at <http://natialaw.blogspot.com/2015/01/micula-bros-ors-v-romania-icsid-case.html>.

summaries. In the past, teachers would submit articles to various teaching journals, waiting several months for approval before their work being finally published, while in modern times, blogging has become a fast, effective, and easy way for teachers to publish content and communicate with the audience.¹³ In this way, blogs allow students to resolve their queries and doubts before gaining broader knowledge throughout the course.

4. Simulation exercises

Simulation exercises, such as group case studies and moot court, which simulate the court hearings, serve the aim of engaging the students in deep learning. This ensures profound understanding of various legal issues, transferring the obtained knowledge to new problems and situations, as well as seeing legal questions and processes in action. Role-play simulations are well known among law students. Various moot court competitions, such as Phillip C. Jessup, Willem C. VIS, International Criminal Court, World Trade Organisation, Jean Pictet, Telders, M. Lachs Space law moot courts are some of the most notable competitions. Most university law faculties have a mooting component in some form and at some level, yet not officially acknowledging its crucial role in education in order to prepare the student for professional realities.¹⁴ In fact, simulations are a very useful teaching method for any legal subject, as they combine the best of traditional learning outcomes, along with role-specific assignments that leave room for demonstration of impressive advocacy skills and creative problem-solving. Simulation assists development of the most important skills for future lawyers to prepare them for the competitive world, such as: organizing a legal argument, differentiating fact from opinion, applying law to fact, leading every argument to convincing conclusion, prioritizing legal arguments by their strength and weaknesses, considering professional and ethical norms, improving legal writing, legal research and oral advocacy skills.¹⁵ The moot courts also teach students how to manage the relationship with the judge, which can be quite stressful. Advocates are supposed to assist the court, rather than teach or debate with them. If the judges do not follow argument after several attempts, the speaker must be able to move on to

¹³ Romano, L. Papa, L., Saulle E., "The Importance of Teacher Bloggers", at <http://www.teachhub.com/importance-teacher-bloggers>, last visited 10.05.2017.

¹⁴ Lynch, A. (1996) "Why do we Moot? Exploring the Role of Mooting in Legal Education" [1996] LegEdRev 3; 7(1) Legal Education Review 67, at <http://www.austlii.edu.au/journals/LegEdRev/1996/3.html>

¹⁵ Lebovits, G. Gewuerz, D. Hunker, D. (2013) "Winning the Moot Court Argument: A Guide for intra-and-intermural moot court competitions", 41 Capital University Law Review 887, p. 2, at http://cisgw3.law.pace.edu/cisg/moot/Winning_the_Moot_Court_Oral_Argument.pdf, last visited 10.05.2017.

alternative submissions. Overall, the performance of the students is assessed based on both theoretical knowledge and practical skills, including maneuvering around the arguments of different strength and managing time.¹⁶

The simulations are ultimately designed to help participants learn to become better advocates and become more self-conscious about applying their theoretical knowledge to real world situations. Mooting differs from public speaking or debating, although it shares some common characteristics with the latter. Moot Court is based on the art of persuasive advocacy and it has been part of the process of training lawyers for centuries.¹⁷ Moot Courts involve different tasks and are a form of assessment, which combines both knowledge of substantive law and possession of various skills.¹⁸ Apart from gaining deeper knowledge around various legal issues, by participating in moot courts, students are challenged by the persistent public policy questions and achieve better understanding of the role of the judiciary in the democratic system of the country.¹⁹ Participants are given common facts and general instructions. They are supposed to work in teams in both writing written memoranda and presenting their positions in oral form. Role-play simulations are usually followed by feedback in which participants – with the help of an instructor – reflect on how they performed, their strong and weak issues to consider for next simulations or any public speaking occasion.

At the Institute for European Studies, simulations constitute a significant part of the teaching and learning process. Hypothetical cases are prepared based on real, often landmark, cases or

¹⁶ A Guide to the Philip C. Jessup International Law Moot Court Competition, published by Chinese Initiative on International Criminal Justice, at <https://www.ilsa.org/jessup/jessup15/Jessup%20Guide%20%28International%29%20.pdf>, last visited 10.05.2017.

¹⁷ “Mooting: What is it and why take part?”, Oxford University, Law Faculty, at <https://www.law.ox.ac.uk/current-students/mooting-oxford/mooting-what-it-and-why-take-part>, last visited 10.05.2017.

¹⁸ Lynch, A. (1996) “Why do we Moot? Exploring the Role of Mooting in Legal Education” [1996] LegEdRev 3; 7(1) Legal Education Review 67, at <http://www.austlii.edu.au/au/journals/LegEdRev/1996/3.html>, last visited 10.05.2017.

¹⁹ Bell, K. (2002) “Using Moot Courts in the Classroom”, National Council for the Social Studies, Social Education 66(1), pp.42-45, at <http://www.socialstudies.org/sites/default/files/publications/se/6601/660110.html> , last visited 10.05.2017.

combination of facts of several cases. Some examples of such hypothetical cases are provided in Annex 1 of this article. Case scenarios are typically based on the legal questions, which are unsettled or that have been subject to recent developments. Students are usually divided in two groups - claimants and respondents. Based on the given facts, students analyse a problem, discuss in teams, research the relevant law and case-law, submit written memorials and present oral arguments. The students are graded according to their team performance as a whole, considering their legal arguments and advocacy skills.

The typical simulation has the following structure: The claimants and respondents are each given about 15 minutes for main presentations and 3 minutes for rebuttal and surrebuttal. There is no cross-examination session. The role of the judge is played by the teacher, who enables the students to demonstrate their knowledge by answering the case-related legal questions. Students are given time to prepare for their presentations, during which they are sometimes allowed to use internet and sometimes not. They also divide roles between themselves. Students make decisions about the presentation, including how they work and what issues they present.

Unlike class discussions, groups of students are acting as competitors, rather than collaborators, which creates incentives to go beyond basic legal regulations and invent creative counter-arguments for each raised argument. Considering that some students are less active than others, it is professor's responsibility to make everybody speak by addressing particular participants with questions. Apart from some students dominating the discussion, while others are reluctant to contribute, there could be also unequal sharing of workload, which must be discouraged.

Another challenge in simulations is that often one group of students may have considerably better case to argue. Lawyer's profession demands to act in the best interest of the client, even if the lawyer does not believe to have a strong case. This must not disadvantage the group of students having more difficult task, conversely, if they will defend their position well, this must reflect on their grades. After completion of presentation, the teacher asks the students to forget their roles and provide legal assessment of the facts of the case. It is quite interesting to observe whether the team members indeed believed in the position they were supposed to argue. After explaining what the outcome was in the real case, which served as basis of the hypothetical case, the individual team members receive feedback on their performance. The teacher reflects on the effectiveness of their research and teamwork, as well as on the quality of their presentations.

Overall, through simulation exercises the students gain necessary knowledge and skills, which they can effectively use at the workplace. Importantly, content of simulation cases must reflects the learning outcomes, as the given teaching method is chosen to reach outcomes set in the course syllabus, and assessment is designed specifically to evaluate how well the learning outcomes have been achieved by the students.

5. Conclusion

To sum up, the described innovative teaching methods improve the self-discipline of the students to organise their teaching process and increase their comprehension of various legal issues by putting them in the context. As innovative learning methods are based on combining formal learning (e.g. transfer of knowledge) and informal learning (e.g. learning by analysing, discussing and offering creative solutions), they develop students' various abilities such as problem-solving, organisational, presentation and group work skills. However, this does not mean that the described methods are an easy solution for teachers as such methodology transfers the active role to students in the study process. In fact, it is quite challenging exercise for teachers, as it requires good time management, careful planning of the discussion topics, identification of the interesting issues and cases to capture the students' attention, good use of audio and video tools, encouraging play of various roles and creation of the environment, where everybody feels comfortable to express their opinions. Most importantly, successful implementation of the innovative teaching methods at any faculty requires enthusiastic innovative educators with the relevant skills. The mentioned methods must be applied quite carefully in a view to build up the confidence of the students and not vice versa. For instance, in their feedback the TSU Institute for the European Studies students particularly appreciated the fact that during the course their opinions were accepted without criticism, no matter how wrong they were. Unfortunately, many teachers still chose to follow the textbooks very closely leaving too little room for analysis. Effective teaching involves understanding of the materials, rather than just memorizing and later forgetting them. Moreover, even very good lectures cannot guarantee the deep comprehension of the explained information, unless the audience feels engaged in the process. This is why it is necessary to change the traditional teaching approach and focus on the interactive learning instead. To sum up, application of the innovative teaching methods creates considerable challenges for both teachers and students. On the one hand, giving pro-active role to students in learning does not diminish the responsibility of the teachers to lead and influence the process. On the other hand, learning through argumentation does not exempt the students from reading necessary materials. However, the innovative methods offer quite different approach on how to read those materials. Students' learning patterns are largely influenced by the fact that the student is in the centre of the learning process. In achieving deep learning, the key to success is establishment of the right motivation and the innovative teachers have a central role therein. As a result, the focus on students' individual needs and interests facilitates life-long learning and results in improved academic achievements, which must be the primary objective for any modern educational system.

ANNEX 1

Below are some examples of simulation exercises that were included in the revised syllabus of the European Union law module:

Group exercise 1 - Case study

“FUTURE IT SERVICES” is an Italian manufacturer of computers, which it has supplied to companies in Italy and France for the past ten years. FUTUREIT now plans to import computers in Germany. “FUTURE IT SERVICES” has learned that under the German legislation a license is required for the import of computers. German authorities consider license applications in the beginning of each year. “FUTURE IT SERVICES” was informed that Germany places an annual limit on the number of computers that may be imported and has regulations stipulating that computers can only be sold through government sales outlets.

Please advise “FUTURE IT SERVICES” regarding the application, if any, of the EU law to the given situation.

Group exercise 2 - Case study

Britney Spears, an Italian citizen, was an employee of the Church of Zoroastrianism in Germany. She later decided to move to the UK to join the local religious organization “Single Religion”, which conducts the systematic comparison of the doctrines and practices of the world's religions, including Zoroastrianism. She was denied an entry permit to work at the “Single Religion” by the UK Government based on public policy considerations.

Britney brought a claim based on the UK Act on Labour 1977, implementing the Free Movement of Workers Directive 64/221/EC. The Free Movement of Workers Directive 64/221/EC article 3(1) sets out that a public policy exception had to be ‘based exclusively on the personal conduct of the individual concerned’. The UK had not implemented this element of the Directive. The government had believed Zoroastrianism to be harmful to mental health and discouraged it, but did not make it illegal. The English Court of Appeal refused to grant either permission to appeal to the UK Supreme Court or to make a reference to the European Court of Justice. The English Court of Appeal believes that on the one hand, the scope of discretion of the UK government to implement the directive, and on the other hand, the wording of the UK Act on Labour 1977 and case law developed by the UK Supreme Court thereof is sufficiently clear. Therefore there was no necessity to refer to the European Court of Justice regarding compliance of the English law with the EU

law. Britney referred to the Commission, which subsequently initiated the infringement proceedings against the UK. Britney also would like to receive damages as she remains unemployed for a few months due to court's judgment and the failure to refer to the ECJ.

[Students are divided into three groups: Applicant (Commission), Respondent (the UK Government) and judges of the ECJ]

In the revised courses on International Investment Law and EU Law, the following simulation exercises were incorporated:

Group exercise 1 - Case study

Georgia has concluded a BIT with France. The BIT contains the following clauses: 1. Investment is any commercial activity carried out with foreign capital 2. Investor is a foreigner or a company registered abroad, which has no business administration seat in Georgia 3. BIT protects investment and related legal relationships 4. NT clause 5. MFN clause 6. Protection from expropriation clause 7. Dispute can be solved either in Georgian courts or in ICSID, provided that the investor waits for 18 months before adjudication to "cool off" the conflict. Both France and Georgia have signed the ICSID convention.

Company "Zet-Hotels" is registered in France, but undertakes no commercial activities there. "Zet-Hotels" has bought a chain of hotels in Georgia and obtained written permit from Georgian authorities, which allows "Zet-Hotels" to apply to ICSID in the case of revocation of permit. After 4 years of starting investment project, Georgia had an unusually cold winter and "Zet-Hotels" is forced to install new heating system in the hotels. "Zet-Hotels" has ordered a heating system manufactured in Venezuela and executed payment thereof. Georgia has bad diplomatic relationships with Venezuela, as the latter has recognized the separatist republic of Abkhazia. Soon after these events, an administrative act is issued in Georgia, prohibiting using any metal products originated from Venezuela, because the Venezuela-produced metals contain substances dangerous for human health and life. "Zet-Hotels" requested the administrative authorities the information and scientific proof that the metal is indeed dangerous, but the authorities did not provide such information, stating that it was confidential. "Zet-Hotels" has suffered significant economic losses as for payment of the heating system price and the non-operation of its hotels throughout the whole winter.

"Zet-Hotels" applied to you to obtain legal consultation both on procedural and substantive aspects of the case, namely which rights are breached and whether "Zet-Hotels" is entitled to apply to the ICSID tribunal.

Group exercise 2 - Case study

In 1989, Mr. Iashvili, Georgian investor, established in UK a joint venture for the production of chemicals (CHEMOPLANT), where he held 70% interest. The remaining 30% of the company's stock belonged to "WE RULE", the UK public entity.

In 1992, the construction of the chemical plant and other CHEMOPLANT operations had to be discontinued because of company's financial crisis. In the ICSID arbitration brought by Mr. Iashvili against UK under the Georgia-UK BIT, Mr. Iashvili blamed "WE RULE", whose actions he attributed to UK, for misinforming him about the costs of the project, which turned out to be significantly higher than originally estimated. He also referred to the fact that in late 1991, 30 million USD had been irregularly transferred from his personal bank account as a loan to CHEMOPLANT, upon the order of "WE RULE's" representative in CHEMOPLANT. UK justified such action by need to compensate the farmers who were dislocated from the territories, where the plant was built, as well as to compensate the environmental damage.

Please advise the parties on both procedural and substantive aspects of the case.

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