



UNSW

UNSW Course Outline

LAWS8225 Dispute Resolution in China - 2024

Published on the 31 Jan 2024

General Course Information

Course Code : LAWS8225

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : Online

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

The number of court and arbitration cases has increased rapidly in Mainland China in recent years while non-contentious dispute settlement methods appear to have dominated in the past. This course discusses the theory and practice of various forms of dispute settlement,

namely negotiation, mediation, arbitration and court proceedings. It gives a critical insight into the Chinese dispute resolution system, in its historical and socioeconomic contexts. It will also discuss new trends in dispute resolution in China, such as digital courts, e-Arbitration and the China International Commercial Courts.

This course aims to enable students to develop the skills to apply various dispute resolution methods into practice. Students will gain a thorough understanding of the differences between various methods of dispute settlement, their Chinese characteristics, their advantages and disadvantages.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Identify key processes in dispute resolution in China - PLOs 1, 3
CLO2 : Identify and analyze comparative advantages and disadvantages in dispute resolution - PLOs 4, 5, 6, 7, 8
CLO3 : Demonstrate the skills involved in the key processes. Students will have the opportunity to participate in role plays using these processes - PLOs 4, 5, 6, 7, 9, 10
CLO4 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner - PLOs 1, 6, 8, 9, 10
CLO5 : Examine and engage in advanced critical analysis of the essential elements of development of international dispute resolution regimes and associated policy issues, and/or development dispute resolution in China in the contexts of its social and economic background through an extended research essay - PLO 1, 6, 7, 8, 9, 11, 12

Course Learning Outcomes	Assessment Item
CLO1 : Identify key processes in dispute resolution in China - PLOs 1, 3	<ul style="list-style-type: none">• Research Essay• Group Presentation• Class Participation
CLO2 : Identify and analyze comparative advantages and disadvantages in dispute resolution - PLOs 4, 5, 6, 7, 8	<ul style="list-style-type: none">• Research Essay• Group Presentation• Class Participation
CLO3 : Demonstrate the skills involved in the key processes. Students will have the opportunity to participate in role plays using these processes - PLOs 4, 5, 6, 7, 9, 10	<ul style="list-style-type: none">• Group Presentation• Class Participation
CLO4 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner - PLOs 1, 6, 8, 9, 10	<ul style="list-style-type: none">• Group Presentation• Class Participation
CLO5 : Examine and engage in advanced critical analysis of the essential elements of development of international dispute resolution regimes and associated policy issues, and/or development dispute resolution in China in the contexts of its social and economic background through an extended research essay - PLO 1, 6, 7, 8, 9, 11, 12	<ul style="list-style-type: none">• Research Essay• Group Presentation

Learning and Teaching Technologies

Moodle - Learning Management System | Zoom

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Research Essay Assessment Format: Individual	60%	Start Date: See Moodle Due Date: See Moodle
Group Presentation Assessment Format: Group	20%	Start Date: See Moodle Due Date: See Moodle
Class Participation Assessment Format: Individual	20%	Start Date: See Moodle Due Date: See Moodle

Assessment Details

Research Essay

Assessment Overview

The assignment will be in the form of a 5,000 word research essay (including footnotes). The assignment must be written in prose style (using complete sentences) adhere to grammatical rules, and use correct spelling. It should be typed, using double spaced paragraphs, on A4 paper. A word count should be noted on the cover sheet and the cover sheet should be signed in relation to the student's certification that the paper is his or her own original work. Penalties will apply for exceeding the word count, as well as for plagiarised work. No late work will be accepted without prior approval of the instructor. Approval will only be granted in exceptional circumstances.

Course Learning Outcomes

- CLO1 : Identify key processes in dispute resolution in China - PLOs 1, 3
- CLO2 : Identify and analyze comparative advantages and disadvantages in dispute resolution - PLOs 4, 5, 6, 7, 8
- CLO5 : Examine and engage in advanced critical analysis of the essential elements of development of international dispute resolution regimes and associated policy issues, and/or development dispute resolution in China in the contexts of its social and economic background through an extended research essay - PLO 1, 6, 7, 8, 9, 11, 12

Detailed Assessment Description

This assessment is designed to

- encourage legal research and writing skills

- encourage students to extend the knowledge developed in classes by an area of further research in which they will be required to demonstrate detailed analysis and innovative thinking

The word limit for this research essay is 5,000 words maximum calculated by reference to all text in the assignment. This includes citations and references in the footnotes and any bibliography. You must record the actual word count on the assignment cover sheet.

The Faculty Assessment Procedure as well as rules against plagiarism and academic misconduct will apply. The basic expectations and applicable criteria for assessments are described [here](#).

Group Presentation

Assessment Overview

Students will (in groups of two) be required to make a 15 minute presentation. Subjects of class presentation will be released on Moodle and will be assigned to the students on a first-come-first-serve basis. Students will be assessed on the basis of their group work, including the quality of research and the quality of presentation.

Course Learning Outcomes

- CLO1 : Identify key processes in dispute resolution in China - PLOs 1, 3
- CLO2 : Identify and analyze comparative advantages and disadvantages in dispute resolution - PLOs 4, 5, 6, 7, 8
- CLO3 : Demonstrate the skills involved in the key processes. Students will have the opportunity to participate in role plays using these processes - PLOs 4, 5, 6, 7, 9, 10
- CLO4 :
Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner - PLOs 1, 6, 8, 9, 10
- CLO5 : Examine and engage in advanced critical analysis of the essential elements of development of international dispute resolution regimes and associated policy issues, and/or development dispute resolution in China in the contexts of its social and economic background through an extended research essay - PLO 1, 6, 7, 8, 9, 11, 12

Detailed Assessment Description

This assessment is designed to:

- Assist the student to develop effective oral communication skills
- Assist the students to develop collaborative and group learning skills (adapted to the online environment)
- Encourage students to engage in legal analysis

Students will be assigned into groups, and will work together in groups to prepare for the group projects. Each group should make a presentation on selected topic for **no more 15 minutes**. Please keep it strictly within this time limit. Students should discuss with the group members and **sign up to a topic of their choice**. Topics are assigned on a first come first serve basis.

- Each member of the group must play a role in the delivery.
- Please provide me with a group document which outlines your presentation by 5pm the day before the class. It could be a powerpoint presentation you wish to present to the whole class.
- The group is encouraged to be as resourceful as possible in the limited time available so that the session provides the most effective learning experience possible for the class.
- Your group will be given a mark out of 20. As a general approach, all members of the group will usually be given the same mark unless there is cause to give a particular member of a group a different mark.

Class Participation

Assessment Overview

Completion of weekly activities and online modules, including blogs (demonstrating analytical skills), demonstrated preparation for seminars, and participation in seminars.

Course Learning Outcomes

- CLO1 : Identify key processes in dispute resolution in China - PLOs 1, 3
- CLO2 : Identify and analyze comparative advantages and disadvantages in dispute resolution - PLOs 4, 5, 6, 7, 8
- CLO3 : Demonstrate the skills involved in the key processes. Students will have the opportunity to participate in role plays using these processes - PLOs 4, 5, 6, 7, 9, 10
- CLO4 :
Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner - PLOs 1, 6, 8, 9, 10

Detailed Assessment Description

This assessment is designed to:

- encourage preparation for classes
- encourage students to learn, think, analyse, reflect and evaluate legal materials prior to covering that content in class
- assist students to develop the capacity to think clearly and to present oral arguments
- develop collaborative and group learning skills (adapted to the online environment).

In light of the online delivery mode, class participation will be assessed on your contributions to

synchronous (live) sessions on Zoom (including frequency and quality of participation and level of engagement, etc.) Effective class participation in this course will require self-directed study each week on required readings and recorded lectures prior to attending live sessions. To encourage broad participation, I have also made an on-call list starting from Week 2. Students who are on-call in the week will be given priority to speak, but you are encouraged to participate as much as possible every week.

In addition, students are also requested to post at least two reflective notes (max. 200 words) in weekly discussion forums on Moodle. You can choose to post at any weekly discussion forum that you find particularly interesting, and are expected to post for **at least two reflective notes by the end of the term.**

General Assessment Information

Grading Basis

Standard

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

The textbook for this course is Kun Fan, *Arbitration in China: A Legal and Cultural Analysis*, Hart Publishing, 2013 [[Ebook available](#)].

It is available at UNSW bookshop in print copies <https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9781849463775&11380773>

and digital version: <https://unswbookshop.vitalsource.com/products/-v9781782250739>.

Please consult the required readings for each week on Moodle.

Students will need to read and make regular reference to the [Arbitration Law of China](#) (1995), the [proposed revisions](#) to the PRC Arbitration Law for public consultation and the [explanatory notes](#) to the Revised Draft (texts of the proposed revisions are only available in Chinese now but we will upload some commentaries in English for discussion), [the Civil Procedure Law of China](#) (with 2017 amendment), [the People's Mediation Law of China](#) (2011), and relevant guidelines and interpretations issued by the Supreme People's Court (SPC), such as [Interpretation of the SPC concerning Some Issues on the Application of the Arbitration Law](#) (2006), [Relevant Provisions of the SPC on Issues concerning Applications for Verification of Arbitration Cases under Judicial Review](#) (2017), [Provisions of the SPC on Several Issues concerning Deciding Cases of Arbitration-Related Judicial Review](#) (2017), and several other important judicial interpretations available [here](#).

Some important international instruments are listed on Moodle for your reference.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	Dan Xie					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this

course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.