

Course Outline

COURSE:	LAWS 3208 A – International Trade Regulation		
TERM:	Winter 2010		
CLASS:	Day & Time:	Thursday: 6:05-8:55 pm	
	Room:	Please check with Carleton Central for current room location	
INSTRUCTORS: (CONTRACT)	Michael Solursh	&	Lori Di Pierdomenico
CONTACT:	Office Hrs:	By Appointment	By Appointment
	Telephone:	(613) 995-1295 (M. Solursh)	(613) 996-6433 (L. DiPierdomenico)
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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

This course examines the international regime for the regulation of international trade and investment. Its primary focus is on the legal obligations arising under the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA), but other relevant regional and bilateral trade and investment agreements will also be discussed. The course considers the legal and political mechanisms that create and give effect to these obligations, as well as those for resolving trade and investment disputes between nations.

REQUIRED TEXTS

Peter Van Den Bossche, *The Law and Policy of the World Trade Organization*, 2nd ed. Cambridge University Press, 2008.

There may be additional readings which may include materials that can be accessed on-line, on CTWeb or will be provided in class.

A useful supplementary reference that will be kept on reserve in the Library is:

Jackson, John H., *The World Trading System – Law and Policy of International Economic Relations*, 2nd ed., (Cambridge, Mass.: The MIT Press, 1997) number K4602.2 1997).

EVALUATION - (All components must be completed in order to get a passing grade)

- Mid-Term Exam: 40% - 11 February 2007
- Final Exam: 60 - TBD

There are no assignments in the course for grading, however, if the instructors deem an assignment to be appropriate in a specific individual circumstance, assignments must be submitted to the Department of Law. They will be date-stamped when accepted. Late assignments will be penalised by 10% per day.

COURSE SCHEDULE

Lecture 1 – Introduction (Jan. 7) (LDP & M.S.)

- Outline of course
- Expectations
- Understanding Political Economy: The Pros and Cons of Free Trade

Readings: TEXT: p.3-31; also read handouts.

Lecture 2 – The International Economic Order: The Road to the WTO (Jan. 14) (M.S.)

- The Bretton Woods System
- The GATT System: 1947-1994
- The WTO System: 1995-present
- Introduction to WTO Dispute Settlement

Readings: TEXT: pp. 49-53, 76-85 (to s.2.2), 117-127 (to s.2.5.5), 132-136 (to s.2.5.8.3), 138-145, add economist articles.

Lecture 3 – WTO Dispute Settlement (Jan. 21) (M.S.)

- WTO dispute settlement: The DSU and the institutional framework
- Understanding the elements of a WTO dispute proceeding
- The Rules governing disputes (third party rights, *Amicus Curiae* briefs, and burden of proof)]
- Dispute Settlement under Chapter 20 of the NAFTA
- Remedies available under the WTO and NAFTA systems.

Readings: TEXT: pp. 169-175 (to s.3.2.1.4), 176 (s.3.2.2), 191-212 (ss.3.2.4.3 to 3.2.7), 218-231 (to s.3.2.9), 235-238 (to s.3.3.2.), 257 (3.3.3), 269-306 (but skip sections 3.4.2.4 to 3.4.2.8, and 3.4.3.4 to 3.4.4); handout for NAFTA Ch.20.

Lecture 4 – Trade in Goods - The Obligations of WTO Membership (Jan. 28) (M.S.)

- Non-discrimination rules: Most Favoured Nation (MFN) & national treatment
- Tariffs and quantitative restrictions
- Regional trade agreements

Readings: TEXT: Chapter 4 (pp.321-334, and pp.344-390), Chapter 5 (pp.401-411 – up to s.5.2.2.5, pp.422-426, from 5.2.4 to 5.2.5, and pp. 444-450, up to 5.3.2.2), & Chapter 7 (pp.695-708).

Lecture 5 – Trade and Societal Values (Feb. 4) (M.S. & LDP)

- General exceptions: health and welfare, environment
- National Security
- Case study

Readings: TEXT: pp. 615-661, 664-669, 805-828, 832-870.

Lecture 6 – mid-term exam (Feb.11)

Lecture 7 – Trade in Services (Feb. 25) (LDP)

- GATS/GATS Exceptions
- NAFTA Chapter 12
- Specific regimes in services: Telecommunications, Financial Services.

Readings: TEXT: pp. 390-395 (read only s.4.5), 476-499, 652-664.;
H.G. Broadman “International Trade and Investment in Services: A Comparative Analysis of the NAFTA,” pp. 184-208, in *NAFTA: A New Frontier in International Trade and Investment in the Americas*, Bello, Holmer & Norton (eds.)

Lecture 8 – Investment (March 4) (LDP)

- NAFTA Chapter 11, Foreign Investment Protection Agreements / Bilateral Investment Treaties
- Standards of Protection and Exceptions
- Multilateral Agreement on Investment

Readings: J.VanDuzer “NAFTA Chapter 11 to Date: the Progress of a Work in Progress” pp.47-97, in *Whose Rights?*, (CTPL: 2002), L.Dawson (ed.);
J.Johnson, *International Trade Law* (Irwin: 1998) pp. 266-273 (Cultural Industries Exemption)

Lecture 9 – Investor-State Dispute Settlement (March 11) (LDP)

- Dispute Settlement under Chapter 11 of the NAFTA
- International Centre for the Settlement of Investment Disputes

Readings: J.Johnson, *International Trade Law* (Irwin: 1998), pp. 296-304; handout.

Lecture 10 – Trade Remedies (March 18) (M.S.)

- Subsidies and Countervailing duties
- Dumping
- Safeguards and Adjustment Policies
- Dispute Settlement under Chapter 19 of the NAFTA
- Softwood Lumber and Aircraft disputes

Readings: TEXT, Chapter 6 (pp.507-536, pp.557-604, skip ss. 6.3.6, 6.3.5.3 to 6.3.7).

Lecture 11 – Regional Trade Agreements and the Future of the WTO (March 25) (LDP)

- The Doha Declarations
- The changing dynamics at the WTO
- The Enabling Clause - GATT Decision of 28 November 1979, L/4903
- GATT: Article XVIII; GATT: Part IV

Readings: TEXT, pp. 148-151 (s.2.6.4), 231-235 (s.3.2.9), & Handout TBA.

Lecture 11 – Review Class (March 31) (LDP. & M.S.)

JOURNALS:

- Journal of World Trade
- Journal of International Economic Law
- The Journal of World Investment

WEBSITES: <http://www.wto.org/> (WTO Secretariat – link to texts and dispute documents)
www.nafta-sec-alena.org (NAFTA Secretariat – link to texts and dispute documents)
<http://sice.oas.org> (Organization for American States Trade Unit)