

**Course Outline**

**COURSE:** LAWS 4200 A – International Economic Law

**TERM:** Winter 2009

**PREREQUISITES:** LAWS 3207 or LAWS 3208

**CLASS:** Day & Time: Thursday 6:05 pm – 8:55 pm  
Room: C665 LA (Loeb Building)

**INSTRUCTORS:** Michael Solursh & Robin Hansen  
**(CONTRACT)**

**CONTACT:** Office Hrs: By Appointment  
Telephone: (613) 995-1295 (M.S.)  
Email: Solursh - [michael.solursh@international.gc.ca](mailto:michael.solursh@international.gc.ca)  
Hansen - [rfhansen@gmail.com](mailto:rfhansen@gmail.com)

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“Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by March 6, 2009 for April exams.” Also available at [http://www.carleton.ca/pmc/faculty/acom\\_statement.html](http://www.carleton.ca/pmc/faculty/acom_statement.html) . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION**

This course examines the international regime for the regulation of international trade. It focuses on the legal obligations arising under the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA), including the mechanisms that give effect to these obligations and those for resolving trade and investment disputes between nations.

**REQUIRED TEXTS**

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

**EVALUATION**

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

- 25% - Assignment 1: 5 February 2007
- 25% - Assignment 2: 5 March 2007
- 50% - Final Exam: 2 April 2007

Submit your assignments 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. 8) (R.H & M.S.)**

- Outline of course
- Expectations
- Understanding Free Trade theory

Readings: TEXT, p.3-31.

### **Lecture 2 – International Law (Jan. 15) (R.H.)**

- Nature and basis of international law
- Sources of international law: treaties, custom, general principles, other sources
- Subjects of international law: sovereign states, int'l organizations, non-state entities

Readings: TBA, Handout will be distributed in Lecture 1.

### **Lecture 3 – The World Trade Organization (Jan. 22) (M.S.)**

- The Bretton Woods System
- WTO: GATT, TRIPS, GATS
- WTO Dispute Settlement

Readings: TEXT, pp. 49-53, 59-63 (ss.1.5.1.1 & 1.5.1.2), 76-85 (to s.2.2), 117-127 (to s.2.5.5), 132-136 (to s.2.5.8.3), 138-148.

### **Lecture 4 – WTO Dispute Settlement (Jan. 29) (R.H.)**

- WTO dispute settlement jurisdiction and process
- *Amicus Curiae* briefs, transparency issues
- Rules of interpretation and burden of proof
- Dispute Settlement under Chapter 20 of the NAFTA

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), 235-254 (to s.3.3.2.7), 257 (3.3.3), 269-306; handout for NAFTA Ch.20.

### **Lecture 5 – The Obligations of WTO Membership (Feb. 5) (M.S.)**

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

Readings: TEXT, Chapter 4 (pp.321-390), Chapter 5 (pp.401-460), & Chapter 7 (pp.695-709).

### **Lecture 6 – Trade and Societal Values (Feb. 12) (R.H.)**

- National Security
- General exceptions: health and welfare, environment
- Technical Barriers to Trade; Sanitary and Phytosanitary measures

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

**Lecture 7 – Investment (Feb. 26) (M.S.)**

- NAFTA Chapter 11
- Dispute Settlement under Chapter 11 of the NAFTA
- BITs, FIPAs and the MAI

Readings: TBA.

**Lecture 8 – Trade in Services (March 5) (R.H.)**

- GATS/GATS Exceptions
- Telecommunications
- Financial Services

Readings: TEXT, pp. 390-395 (read only s.4.5), 476-499, 652-664.

**Lecture 9 – Trade Remedies (March 12) (M.S.)**

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

Readings: TEXT, Chapter 6 (all except for ss.6.25 – 6.27).

**Lecture 10 – Developing Countries and the WTO (March 19) (R.H.)**

- 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 26) (R.H. & 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](http://www.nafta-sec-alena.org) (NAFTA Secretariat – link to texts and dispute documents)

<http://ptas.mcgill.ca/> (Preferential Trade Agreements database - listing of regional trade agreements)

[http://www.unctadxi.org/templates/DocSearch\\_779.aspx](http://www.unctadxi.org/templates/DocSearch_779.aspx) (UNCTAD Bilateral Investment Treaty Database)

<http://ita.law.uvic.ca/> (Investment Treaty Arbitration – listing of arbitral awards)