

Course Outline

COURSE:	LAWS 3208A – International Trade Regulation
TERM:	Fall 2022
PREREQUISITES:	0.5 credit from LAWS 2202, LAWS 2501, LAWS 2601 or BUSI 2601, and 0.5 credit in LAWS at the 2000-level.
CLASS:	Day & Time: Wednesdays 11:35 AM – 2:25 PM (Ottawa time)
	Room: 4050 NI (Nicol Building)
INSTRUCTOR:	Jean-Michel Marcoux
CONTACT:	Office: D483 LA (Loeb Building)
	Office Hrs: Wednesdays 3:00 PM – 4:00 PM
	Telephone: 613-520-2600 x 8069
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CALENDAR COURSE DESCRIPTION

International regulation of trade and investment through bilateral, regional and multilateral treaties and agreements. Topics may include: WTO, NAFTA, the EU, UNCTAD, intergovernmental commodity agreements, dispute settlement.

COURSE DESCRIPTION

States have negotiated international rules to regulate the trade of goods and services. These rules are articulated in multilateral and regional agreements that promote the liberalization of economic relations by focusing on market access, non-discrimination and fair trade. They nevertheless often conflict with societal values (e.g., public morals, sustainable environment, global health and human rights), thus calling for the use of exceptions to justify the adoption of measures that would otherwise be considered as inconsistent with international trade obligations. In the midst of tensions between rules promoting economic liberalization and exceptions protecting societal values, international disputes often arise with respect to the application and the interpretation of international obligations. A well-functioning dispute settlement mechanism is thus required to ensure that international trade rules can be properly enforced.

This course introduces you to the regulation of international trade by focusing primarily on the

rules and case law of the World Trade Organization (WTO). While the WTO is not the only institution that is relevant to international trade, it encapsulates the legal foundations that have been subsequently included in regional free trade agreements (e.g., Canada-United States-Mexico Agreement). The course is also an opportunity to examine ongoing challenges that characterize multilateral rules and the functioning of the WTO, taking into consideration how these challenges are being addressed at the regional level.

This course is provided through lectures of three hours that will be held in person, every week. The instructor will focus on legal provisions and cases that are relevant to address various topics related to the regulation of international trade, based on the required readings. Lectures will also include a guest lecture and learning activities to demonstrate the practical implications of the acquired knowledge (e.g., debates and breakout activities). Classes will not be recorded on Zoom and will not be made available to participants on Brightspace.

By the end of the semester, you will be able to:

- understand the fundamental concepts of international trade regulation;
- elaborate legal reasonings to solve practical cases in international economic law by relying on relevant provisions and case law; and
- critically engage with ongoing challenges in the regulation of international trade.

REQUIRED TEXTS

Lester, Simon, Bryan Mercurio and Arwel Davies. *World Trade Law: Text Materials and Commentary*, 3rd ed (Oxford: Hart Publishing, 2018). The textbook is available to purchase at the Carleton University Bookstore.

You are expected to complete readings from the textbook before each class (see “Schedule” below). The readings will allow you to respond to quizzes and practical cases (see “Evaluation” below), in addition to the lectures. On average, readings represent from 50 to 70 pages for each class.

Additional references from publicly available sources are included on Brightspace (e.g. the text of the agreements studied in each class).

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

All components must be successfully completed in order to get a passing grade.

Assignment	Weight	Due Date
Quiz #1 (Weeks 1 to 3)	10%	Friday, September 23 rd , 11:59:PM
Quiz #2 (Weeks 4 to 6)	10%	Friday, October 14 th , 11:59 PM
Practical case #1	30%	Friday, October 21 st , 11:59 PM
Quiz #3 (Weeks 7 to 10)	10%	Friday, November 11 th , 11:59 PM
Quiz #4 (Weeks 11 to 13)	10%	Friday, December 2 nd , 11:59 PM
Practical case #2	30%	Friday, December 9 th , 11:59 PM

Quizzes #1 to #4

You are required to complete four quizzes throughout the semester. Each quiz covers the readings from the textbook and the lectures of three weeks. (Due to the reading break, please note that there is no class on Week 8.) Each quiz includes 10 multiple choice questions and true/false questions, and is worth 10% of the final grade. You will have one attempt to complete each quiz, with a maximum of 45 minutes once you have launched it.

Each quiz will be available on Brightspace immediately after the class preceding the deadline for its completion.

- Quiz #1 will be available from Wednesday, September 21st, 2:30 PM to Friday, September 23rd, 11:59 PM;
- Quiz #2 will be available from Wednesday, October 12th, 2:30 PM to Friday, October 14th, 11:59 PM;
- Quiz #3 will be available from Wednesday, November 9th, 2:30 PM to Friday, November 11th, 11:59 PM; and
- Quiz #4 will be available from Wednesday, November 30th, 2:30 PM to Friday, December 2nd, 11:59 PM.

The quizzes will be graded automatically via Brightspace. We will go over the questions in the class following their submission to make sure that the content of the course is well understood.

Practical cases #1 and #2

You are required to provide a response to two practical cases throughout the semester. Both practical cases will be available on Brightspace from the beginning of the semester. Each practical case is based on a set of facts that must be analyzed in order to assess the legality of a measure under international economic law.

In order to respond to the practical cases, **you are required to provide an argumentation that includes legal provisions and relevant case law.** All the legal provisions and relevant cases are provided in the required textbook and on Brightspace. No additional research is expected to complete the practical cases. However, you must clearly identify the legal basis at each step of your reasoning in the footnotes of your response.

- To cite a provision from an agreement, provide the full title of the agreement (in italics) and the article of the provision (e.g., *General Agreement on Tariffs and Trade*, Article XX); and
- To cite case law, provide the instance issuing the report, the name of the case (in italics), the date of the adoption of the report, the number of the document, and the paragraph(s) of the report that is (are) relevant for your analysis (e.g., Appellate Body Report, *China–Measures Related to the Exportation of Various Raw Materials*, Adopted 22 February 2012, WT/DS394,395,398/AB/R, para 329).

Each response must include a maximum of 2,500 words (excluding footnotes) and must be uploaded as a Word document (.docx) on Brightspace. While you can discuss the practical case with your colleagues, each student must write and submit their own response (see “Plagiarism” below).

The response to each practical case will be graded according to the following criteria: 1) accuracy of the analysis; 2) adequacy of references to legal provisions and case law; 3) structure of the argumentation; 4) depth of the analysis; and 5) capacity for synthesis.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Unjustified late submissions of the responses to the practical cases will be penalized, following a 2% deduction of the final grade for each day. No extension will be granted for quizzes.

SCHEDULE

The table below presents the topic that will be covered for each week of the semester. The

chapters appearing under “Readings” refer to the chapters of the required textbook by Lester, Mercurio and Davies (see “Required Texts” above).

Date	Topics	Readings	Evaluation
Week 1 – 7 September	Introduction	Ch 1	
Week 2 – 14 September	History of the multilateral trading system	Ch 2	
Week 3 – 21 September	Settlement of disputes in the WTO Invited speaker: Julien Sylvestre-Fleury, Permanent Mission of Canada to the WTO	Ch 5	Quiz #1
Week 4 – 28 September	Border measures: Tariffs and quotas	Ch 6	
Week 5 – 5 October	Non-discrimination: MFN and national treatment	Ch 7	
Week 6 – 12 October	General, regionalism and security exceptions	Ch 9	Quiz #2
Week 7 – 19 October	Subsidies, anti-dumping and safeguards	Ch 10	Practical case #1
Week 8 – 26 October	Fall break, no class		
Week 9 – 2 November	The SPS and TBT agreements	Ch 13	
Week 10 – 9 November	Trade in services	Ch 14	Quiz #3
Week 11 – 16 November	Trade and intellectual property	Ch 17	
Week 12 – 23 November	Developing countries	Ch 18	
Week 13 – 30 November	Trade and social policies	Ch 19	Quiz #4
Week 14 – 7 December	Conclusion		Practical case #2

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department’s expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the

ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual

violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.