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**COURSE:** LAWS 5200W - International Economic Law: Regulation of Trade and Investment

**TERM:** Winter 2024

**PREREQUISITES:** *Open only to students in their master's year who have not studied international economic law.*

**CLASS:** **Day & Time:** Wednesdays, 11:35 – 14:25

**Room:** Please check Carleton Central for current Class Schedule  
*In person, once a week*

**INSTRUCTOR:** Dr. Ksenia Polonskaya

**CONTACT:** **Office Hrs:** *By appointment only via Zoom*

**Telephone:** N/A

**Email:** [Ksenia.polonskaya@carleton.ca](mailto:Ksenia.polonskaya@carleton.ca)

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### **CALENDAR COURSE DESCRIPTION**

Study of regulation of international economic activity. Discussion of relevant international institutions, legal aspects of integration, governmental regulation of trade and investment.

### **COURSE DESCRIPTION**

This course will provide you with the general overview of the key topics in the subfields of international economic law (IEL). Specifically, you will learn the general principles and overall structure of international investment law, international trade law, and international financial law.

In the Schedule, you will see that the subject-areas generally will include the sessions on:

- General Overview: Key Principles
  - Jurisdiction and Admissibility
  - Selective Substantive Standards
  - Dispute Resolution
- The Backlash (critiques of these principles and structures)
  - The critical overview of the theoretical discourse
- Reform (possible pathways forward)
  - Various proposals for reforming the system

Each lecture in this course will be organized around three pillars, namely “legal instruments”, “contexts” and “networks”. Exclusive focus on the legal instruments, without due appreciation of how context and professional fields shape such instruments, can create a perception that law is static rather than an evolving social institution. Accordingly, this course demonstrates the evolution of the law in the relevant historical, political and social contexts, and the influence of various participants of IEL that shape and re-shape relevant legal rules. Further, we will discuss these issues in light of sustainability concerns.

## LEARNING OUTCOMES

- Students will develop understanding of the core legal concepts in IEL
- Students will develop an ability and flexibility to critically engage with the core legal concepts of IEL and analyze these concepts from various theoretical perspectives
- Students will acquire advanced understanding of the core theoretical and policy debates in IEL
- Students will develop ability and flexibility to analyze legal issues, build the argumentation and counter-argumentation
- Students will further advance their research, writing and presentation skills by completing the assignments in this course

## REQUIRED TEXTS

**Textbook:** David Collins, *Foundations of International Economic Law* (Edward Elgar Publishing, 2019) [referenced as “Collins”]. You can order the book from Elgar directly, online via Google Books and the Carleton University Bookstore. Please note that Google books provides the cheapest option (32 CAD, digital copy of the book only). You will find other mandatory readings specified in the section “Schedule”. Below you can find several useful websites that will be helpful for this course.

## Useful Websites:

Investment Policy Hub (UNCTAD)	<a href="https://investmentpolicy.unctad.org/">https://investmentpolicy.unctad.org/</a>
SSRN (free access to scholarly papers and commentaries)	<a href="https://www.ssrn.com/index.cfm/en/">https://www.ssrn.com/index.cfm/en/</a>
ITA Law (search: investment law cases)	<a href="https://www.italaw.com/">https://www.italaw.com/</a>
WTO Disputes (search: WTO disputes)	<a href="https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm">https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm</a>

International Economic Law and Policy Blog	<a href="https://ielp.worldtradelaw.net/about.html">https://ielp.worldtradelaw.net/about.html</a>
International Institute for Unification of Private Law (UNIDROIT)	<a href="https://www.unidroit.org/contracts">https://www.unidroit.org/contracts</a>

## **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.

Emails: please note that I respond to emails within 48 hours from Monday to Friday, 8 am to 5 pm. If you choose to send your email on the weekend or statutory holiday, you can expect an answer next business day.

Short mid-term paper – 25% (due 15 Feb 2024, 5 pm)	<ul style="list-style-type: none"> <li>• You will prepare and deliver a short mid-term paper. The paper must be in the range of 2000-2500 words (inclusive of footnotes). You must include footnotes (please do not use end notes). Your paper must include appropriate citations. Please note that I will not mark assignments that include less than 1500 words.</li> <li>• Formatting requirements: Times New Roman, 12 font, 1.5 spacing. I do not require the bibliography for the paper, but you must include the footnotes formatted in accordance with the McGill Guide. You can access the free version of the McGill Guide at Westlaw (available via Carleton University Library). Please review Brightspace for further particulars. You will find further instructions on Brightspace (see: Mid-Term Paper: FAQ document. The rubric will be provided for you).</li> <li>• This assignment is crucial to develop practical skills in legal writing and case-law analysis as well as to master appropriate terminology</li> <li>• Please review the paper by Professor Allison Christians, <a href="#"><u>"Really Basic Rules for Writing Good Papers in Law School" (2020)</u></a>, before you begin working on your writing assignments. Professor Christians discusses papers. However, I find that her advice is very useful for any type of writing. You can access this paper at SSRN.</li> <li>• Please monitor Brightspace. I will post the question/topic for your mid-term paper and further instructions.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Please note that to complete this assignment you may be required to consult relevant sources outside of the materials specified in this syllabus. I will also provide additional sources you may wish to consult to complete this assignment.</li> </ul>
Final Research Paper – 35% (27 March 2024, 5 PM)	<ul style="list-style-type: none"> <li>• Your final paper must be in range of 4000- 4500 words (inclusive of footnotes). You must include footnotes (please do not use end notes). Your paper must include appropriate citations. Please note that I will not mark assignments that contain less than 3000 words.</li> <li>• Formatting requirements: Times New Roman, 12 font, 1.5 spacing. I do not require the bibliography for the paper, but you must include the footnotes formatted in accordance with the McGill Guide. Please review Brightspace for further particulars. You will find further instructions on Brightspace (see module “Final Paper”).</li> <li>• Please note that to complete this assignment you may be required to consult relevant sources outside of the materials specified in this syllabus. I will also provide additional sources you may wish to consult to complete this assignment.</li> </ul>
Quizzes – 25% (5*5%) (due 27 March 2024, 11:59 PM)	<ul style="list-style-type: none"> <li>• Multiple choice quizzes that cover the core principles, concepts and cases in IEL. You do not need to do any outside research to complete these quizzes. They are based on the reading materials for this course. You will have 5 quizzes in total. Each quiz will include 5 questions and will weight 5% each. You will have one attempt for each quiz. <b>Please note that there is no extension policy for quizzes.</b></li> <li>• I recommend to complete one quiz weekly. However, in the past, some students preferred to complete all quizzes together. In any instance, the quizzes will be available on Brightspace until 27 March 2024, 11:59 PM.</li> </ul>
Reflection – 15% (throughout the term, please sign up on Brightspace)	<ul style="list-style-type: none"> <li>• Each class we will have two to four students leading the discussion based on the assigned readings. Students must prepare questions for their peers. Further particulars will be available on Brightspace.</li> </ul>

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

### **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 short-term extensions, 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>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

**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).

The extension requests submitted after this deadline (except in the direst of circumstances of true emergencies) would not be given any consideration. Please note that I process the extension requests only during regular working hours (8 am to 5 pm) during weekdays. Please submit your requests at least 2 days prior to the deadline.

Please note that you cannot take advantage of the extension policy for the critical reflections except in the extraordinary circumstances. If you cannot complete the critical reflection after you signed up for it, you must notify me at least 3 days in advance and I will do my best to accommodating the rescheduling. If you notify me after this timeframe, the rescheduling will likely be impossible so you will lose an opportunity to complete this assignment.

**Quizzes.** Please note that this extension policy does not apply to quizzes. You will have the whole term to complete the quizzes. They are in place to ensure that you complete the mandatory readings and review the course-materials.

### **Policy on AI**

You can use different AI tools to assist you with structuring the assignments and searching for sources. If you use AI for assistance, please indicate it in your submission. Under no circumstances, AI should be used to write the mid-term and final papers and/or prepare a critical reflection. Please note that I will use AI detecting software.

### **B. PENALTIES**

If you submit a mid-term late without an extension, you will lose 5% of the mark PER DAY. It does not matter if you are late by 1 second, 30 minutes or 12 hours. The standard is objective i.e., if you

are late, you will lose 5%. I will accept the mid-term and final papers only 5 days past the deadlines specified in this Syllabus.

## SCHEDULE

<b>Winter 2024 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website: <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i>	
<b>January 8, 2024</b>	Winter term begins.
<b>January 19, 2024</b>	Last day for registration and course changes (including auditing) in full winter and late winter courses.
<b>January 31, 2024</b>	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
<b>February 19, 2024</b>	Statutory holiday. University closed.
<b>February 19-23, 2024</b>	Winter break. No classes.
<b>March 15, 2024</b>	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
<b>March 27, 2024</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
<b>March 29, 2024</b>	Statutory holiday. University closed.
<b>April 10, 2024</b>	Winter term ends.
	Last day of full winter, late winter and fall/winter term classes.
	Classes follow a Friday schedule (full winter and later winter courses).
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.
	Last day for take home examinations to be assigned.
<b>April 13-25, 2024</b>	Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week. All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
<b>April 25, 2024</b>	

**Jan 10**

Lecture 1: “Introduction: International Economic Law as a Professional Field and Discipline”

<b>In Class</b>	<b>Mandatory readings</b>
<p><b>Introductory class</b></p> <ul style="list-style-type: none"> <li>• discussing research databases in IEL and sources;</li> <li>• reading strategies and syllabus overview</li> <li>• discussing basic rules of legal interpretation and sources</li> <li>• Q&amp;A.</li> </ul> <p><b>Note:</b> while this is an introductory class, please review the mandatory readings. If you have no time, take a look at art 31 VCLT, art 38 of the ICJ Statute, and Brownlie.</p>	<ul style="list-style-type: none"> <li>• “The Sources of International Law” in <i>Brownlie's Principles of Public International Law</i> (Oxford University Press, 2019) 18-45.</li> <li>• <i>Vienna Convention on the Law of Treaties</i> (VCLT), article 31.</li> <li>• Statute, International Court of Justice (ICJ), article 38.</li> <li>• Queen’s Legal Research Manual, “International Law”, available <a href="#">here</a></li> <li>• Collins 1-27,</li> <li>• Rafael Lima Sakr, “Beyond History and Boundaries: Rethinking the Past in the Present of International Economic Law” (2019) 22:1 Journal of International Economic Law 57-91.</li> </ul>

**International Investment Law (IIL)****Jan 17**

Lecture 2: “History of IIL: Why Does It Matter for Studying IIL?”

<b>In Class</b>	<b>Mandatory readings</b>
<ul style="list-style-type: none"> <li>• Questions for the guided discussions on the basis of the mandatory readings</li> </ul>	<ul style="list-style-type: none"> <li>○ Collins 187-214</li> <li>○ John Linarelli, Margot E. Salomon &amp; Muthucumaraswamy Sornarajah, <i>The Misery of</i></li> </ul>

<ul style="list-style-type: none"> <li>Strategies on reading cases</li> </ul>	<p><i>International Law: Confrontations with Injustice in the Global Economy</i> (Oxford University Press, 2018), see chapter “Foreign Investment: Property, Contract, and Protecting Private Power”.</p> <p>UN, Charter of Economic Rights and Duties of States, GA Res 3281 (XXIX), 29th Sess, UN Doc. A/9631.</p> <p>Declaration on the Establishment of a New International Economic Order, G.A.Res.3201 (S-VI) of May 1, 1974, 13 ILM 715.</p> <p>Program of Action on the Establishment of a New International Economic Order, GA Res 3201 (S-VI) of May 1, 1974 13 ILM 720.</p>
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### Jan 24 (3)<sup>1</sup>

#### Lecture 3: “Jurisdiction and Admissibility: Key Concepts”

In Class	Mandatory Readings
<ul style="list-style-type: none"> <li>Critical Reflections</li> <li>Discussing writing and research strategies: how to build and develop a legal argument</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>Emmanuel Gaillard, “Abuse of Process in International Arbitration” (2017) ICSID Rev 1.</li> <li><i>Philip Morris Asia Limited v The Commonwealth of Australia</i> (2015), Award on Jurisdiction and Admissibility, PCA Case No.</li> </ul>	<ul style="list-style-type: none"> <li>Rudolf Dolzer &amp; Christoph Schreuer, <i>Principles of International Investment Law</i> (Oxford University Press, 2012) 44-60 (see Ares)</li> </ul> <p><i>Convention on the Settlement of Investment Disputes between States and Nationals of Other States</i> (1965), 5 ILM 532, 575 UNTS 159 [ICSID Convention], article 25 and the preamble.</p> <ul style="list-style-type: none"> <li><i>Salini Costruttori S.p.A. and Italstrade S.p.A. v. Hashemite Kingdom of Jordan</i>, ICSID Case No. ARB/02/13</li> </ul>

<sup>1</sup> This number indicates the maximum number of discussants during this session. The presenters must choose one of the papers indicated in the section “In class”

<p>2012-12 (Permanent Court of Arbitration) (Arbitrators: Gabrielle Kaufmann-Kohler, Don McRae, Karl-Heinz Böckstiegel)</p> <ul style="list-style-type: none"> <li>○ Mavluda Sattorova, “Defining Investment Under the ICSID Convention and BITs: Of Ordinary Meaning, Telos, and Beyond” (2012) Asian Journal of International Law 267.</li> </ul>	
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### January 31 (2)

#### Lecture 4: “Substantive Standards: General Principles”

In Class	Mandatory Readings
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Discussing substantive investment standards (FET, MST, Expropriation)</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Michael Reisman, “Canute Confronts the Tide: States versus Tribunals and the Evolution of the Minimum Standard in Customary International Law” (2015) 30:3 ICSID Rev 616.</li> <li>○ Simon Batifort &amp; J. Benton, “Heath, The New Debate on the Interpretation of MFN Clauses in Investment Treaties: Putting the Brakes on Multilateralization” (2018) 111:4 AJIL 873.</li> </ul>	<ul style="list-style-type: none"> <li>○ Collins 158-187</li> <li>○ Martins Paparinskis, <i>The International Minimum Standard and Fair and Equitable Treatment</i> (OUP, 2013) chapter 4 “Content of the Modern International Standard” (see Ares)</li> </ul> <p><i>Agreement between the Government of Australia and the Government of the Independent State of Papua New Guinea for the Promotion and Protection of Investments</i> (1991), article 3 and the preamble.</p> <p><i>Comprehensive Economic and Trade Agreement between EU and Canada</i>, art.8.10, para.2.</p> <p>IISD, “Fair and Equitable Treatment: Why It Matters and What Can Be Done”, available <a href="#">here</a></p>

**Feb 7 (4)****Lecture 5: “Backlash: Legitimacy Deficits in IIL”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Discussing key legitimacy critiques</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Stavros Brekoulakis, “Systemic Bias and the Institution of International Arbitration: A New Approach to Arbitral Decision-Making” (2013) 4:3 Journal of International Dispute Settlement 553.</li> <li>○ Wolfgang Alschner, “The Impact of Investment Arbitration on Investment Treaty Design: Myth versus Reality” (2017) 42:1 Yale J Intl L 1.</li> <li>○ David Schneiderman, “Investment Arbitration As Constitutional Law: Constitutional Analogies, Linkages, and Absences” in Thomas Schultz &amp; Federico Ortino, <i>The Oxford Handbook of International Arbitration</i> (Oxford University Press, 2020) 421.</li> <li>○ Asha Kaushal, “Revisiting History: How the Past Matters for the Present Backlash against the Foreign Investment Regime” (2009) 50 Harv. Int'l L.J. 491.</li> </ul>	<ul style="list-style-type: none"> <li>○ Muthucumaraswamy Sornarajah, “Disintegration and Change in the International Law on Foreign Investment” (2020) 23:2 Journal of International Economic Law 413.</li> <li>○ Freya Baetens, “The Rule of Law or the Perception of the Beholder? Why Investment Arbitrators are under Fire and Trade Adjudicators are not: A Response to Joost Pauwelyn”, (2016) 109 AJIL Unbound 302.</li> </ul> <p><i>Bear Creek Mining Corporation v Peru</i> (2017), Partial Dissenting Opinion by Professor Philip Sands.</p>

**Feb 14 (3)****Lecture 6: “Reform of IIL”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections, Q&amp;A</li> <li>○ Discussing possible avenues and approaches to the reform</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Makane Moise Mbengue &amp; Stefanie Schacherer, “Africa and the Rethinking of International Investment Law” in Anthea Roberts et al, eds, <i>Comparative International Law</i> (Oxford: Oxford University Press, 2018).</li> <li>○ Jonathan Bonnitcha, “Damages and ISDS Reform: Between Procedure and Substance” (2023) 14:2 Journal of International Dispute Settlement 213.</li> <li>○ Martin Jarrett, Sergio Puig, Steven Ratner, Towards Greater Investor Accountability: Indirect Actions, Direct Actions by States and Direct Actions by Individuals (2023) 14:2 Journal of International Dispute Settlement 259.</li> </ul>	<ul style="list-style-type: none"> <li>○ Anthea Roberts and Taylor St John, “Complex Designers and Emergent Design: Reforming the Investment Treaty System” (2022) 116:1 AJIL 96.</li> </ul> <p>UN GA, Report of Working Group III (Investor-State Dispute Settlement Reform) on the Work of its Resumed Thirty-Eighth Session (28 January 2020), A/CN.9/1004/Add.1</p> <ul style="list-style-type: none"> <li>○ Optional: <a href="#"><u>you can review the following call for consultation by Australia on ISDS reform</u></a></li> </ul>

**International Trade Law (ITL)****Lecture 7: “History of ITL and Overview of the System”****February 28 (2)**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Discussing trade in context</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Pascal Lamy, “The Place of the WTO and its Law in the International Legal Order”, (2006) 17 European Journal of International Law 969-984.</li> <li>○ Andrew Mitchell &amp; Neha Mishra, “Data at the Docks: Modernizing International Trade Law for the Digital Economy” (2017) 20 Vand. J. Ent. &amp; Tech. L. 1073.</li> </ul>	<ul style="list-style-type: none"> <li>○ Collins 27-52,</li> <li>○ Michael Fakhri, <i>Sugar and the Making of International Trade Law</i> (Cambridge University Press, 2014) 3-10, 28-41, 165-169.</li> <li>○ Nicolas Lamp, “The Club Approach to Multilateral Trade Lawmaking” (2014) 49:1 Vanderbilt Journal of Transnational Law 7.</li> </ul>

**March 6 (2)****Lecture 8: “General Principles of the WTO Law”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Discussing MFN and NT</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Joel Trachtman, “Bananas, Direct Effect and Compliance” (1999) 10:4 EJIL 655.</li> <li>○ Harlan Grant Cohen, “What Is International Trade Law For?” (2019) AJIL 326.</li> </ul>	<ul style="list-style-type: none"> <li>○ Andrew D. Mitchell, <i>Legal Principles in WTO Disputes</i> (Cambridge University Press, 2008) 2.1.-2.5.</li> <li>○ <a href="#"><u>WTO Basics</u></a></li> <li>○ Michael J. Trebilcock &amp; Joel Trachtman, <i>Advanced Introduction to International Trade Law</i> (Edward Elgar Publishing, 2020) 3.4.-3.5., 5.1.-5.5.</li> <li>○ George Abi-Saab, “The Appellate Body and Treaty Interpretation” in M. Fitzmaurice, Olufemi Elias &amp; Panos Merkouris (eds), <i>Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years on</i> (Brill, 2010) 97-109.</li> </ul>

**March 13 (3)****Lecture 9: “Exceptions”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Discussing exceptions</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Michael Fakhri, “The WTO, Self-Determination, and Multi-Jurisdictional Sovereignty Part of WTO EC-Seal Products Case” (2014) AJIL Unbound 287.</li> <li>○ Paola Conconi &amp; Tania Voon, “EC-Seal Products: The Tension between Public Morals and International Trade Agreements” (2016) 15:2 World Trade Review 211.</li> <li>○ Robert Howse &amp; Joanne Langille, “Permitting Pluralism: The Seal Products Dispute and Why the WTO Should Accept Trade Restrictions Justified by Noninstrumental Moral Values” (2012) 37 Yale Journal of International Law 367.</li> </ul>	<ul style="list-style-type: none"> <li>○ Caroline Henckels, Permission to Act: The Legal Character of General and Security Exceptions in International Trade and Investment Law (2000) 69 ICLQ 557.</li> <li>○ <i>Russia-Measures Concerning Traffic in Transit</i>, Report of the Panel (2019) WT/DS512/R</li> <li>○ European Communities, Measures Prohibiting the Importation and Marketing of Seal Product (2014) WT/DS400/AB/R, pp 13-17, 129-139,174,175.</li> </ul>

**March 20 (3)****Lecture 10: “WTO: Backlash and the Reform of Dispute Settlement”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Discussing the challenges before the multilateral trade system</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Robert Howse, “Making the WTO (Not So) Great Again: The Case Against Responding to the Trump Trade Agenda Through Reform of WTO Rules on Subsidies and State Enterprises” (2020) 23:2 <i>Journal of International Economic Law</i> 371.</li> <li>○ Anne van Aaken &amp; Jürgen Kurtz “Beyond Rational Choice: International Trade Law and The Behavioral Political Economy of Protectionism” (2019) 22:4 <i>Journal of International Economic Law</i> 601.</li> <li>○ Nicolas Lamp, “How Should We Think about the Winners and Losers from Globalization? Three Narratives and Their Implications for the Redesign of International Economic Agreements” 30 <i>European Journal of International Law</i>, (2019) 1359.</li> </ul>	<ul style="list-style-type: none"> <li>○ Collins 52-76,</li> <li>○ Bernard M Hoekman, Petros C Mavroidis, “To AB or Not to AB? Dispute Settlement in WTO Reform” (2020) 23:3 <i>Journal of International Economic Law</i> 1.</li> <li>○ Michael J. Trebilcock &amp; Joel Trachtman, <i>Advanced Introduction to International Trade Law</i> (Edward Elgar Publishing, 2020) 17.1-17.2.</li> <li>○ <a href="#"><u>Reform of the WTO</u></a></li> <li>○ <a href="#"><u>EU, Multilateralism in International Trade</u></a></li> </ul>

**March 27 (3)****Lecture 11: “Trade at the Intersection: Gender, Environment, IP, Indigenous Rights”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ Critical Reflections</li> <li>○ Guest-Lecture: TBA</li> </ul> <p><b>For critical reflections, you can choose:</b></p> <ul style="list-style-type: none"> <li>○ Rochelle Dreyfuss &amp; Susy Frankel, “From Incentive to Commodity to Asset: How International Law is Reconceptualizing Intellectual Property” (2015) 36 Mich J Intl L 557.</li> <li>○ Laurence Helfer, “Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking” 29:1 Yale Journal of International Law (2004) 1.</li> <li>○ Elen t’Hoen, “TRIPS, Pharmaceutical Patents, and Access to Essential Medicines: A Long Way from Seattle to Doha” (2002) 3 Chicago Journal of International Law 27.</li> </ul>	<ul style="list-style-type: none"> <li>○ Collins 101-120,</li> <li>○ John Borrows &amp; Risa Schwartz (eds), <i>Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade and Investment Agreements</i> (Cambridge University Press, 2020) 9-25.</li> <li>○ <a href="#">OECD, “Labour Provisions in International Trade Agreements” (2019)</a></li> </ul>

**International Financial Law****April 3 (3)****Lecture 12: “IMF & World Bank: Critical Legal Perspectives”**

<b>In Class</b>	<b>Mandatory Readings</b>
<ul style="list-style-type: none"> <li>○ In class discussion</li> <li>○ Concluding Remarks</li> </ul>	<ul style="list-style-type: none"> <li>○ Collins 214-239</li> <li>○ Chris Brummer, “Why Soft Law Dominates International Finance—and not Trade” (2010) 13:3 Journal of International Economic Law 623.</li> </ul>

## **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**

The University Academic Integrity Policy defines plagiarism as "*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.*" This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

## **STATEMENT ON STUDENT MENTAL HEALTH**

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

## **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 more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

### **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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

**Academic Accommodations for Students with Disabilities**

The Paul Merton 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](mailto:pmc@carleton.ca) for a formal evaluation. You can find the Paul Merton Centre online at: <https://carleton.ca/pmc/>

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/>.