

**International Economic Law and the Environment
Course Proposal
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Description

This course focuses on the treatment of environmental and health regulation in trade and investment disputes. Its duration is 700 minutes, spread over 5 days in July 2017. Students will learn the basic obligations and exceptions that apply in WTO law and international investment law with regard to environmental regulations. They will apply this knowledge in class to analyze jurisprudence and present legal arguments in fictitious disputes (mini moots).

Teaching Method

The course will combine lectures, case analysis and case simulations. The time devoted to lectures will be kept to a minimum, but will provide the basis for the case analysis and case simulations. For the case analysis portion, students will read redacted versions of cases before class and will discuss the cases in class. For the case simulation portion, students will present oral arguments in fictitious cases, which will require them to apply the law to the facts and to support their arguments with case law.

EVALUATION METHOD: The oral arguments in the case simulation on days 4 and 5 will be the basis for the evaluation. This will consider knowledge and application of the law to the facts of the case, structure and clarity of arguments, and team work.

Day	Activities	Readings & Class Activities
1	Lecture on National Treatment obligations in the GATT and in IIAs; also indirect expropriation obligation in IIAs	<p><i>EC Asbestos</i> <i>National Treatment and “like products”</i> <i>Horn & Weiler article</i></p> <ul style="list-style-type: none"> • Weiler, J.H.H., Cho, S., and Feichtner, I., <i>International Regional Trade Law: The Law of the World Trade Organization</i>, <http://jeanmonnetprogram.org/resources/the-law-of-the-world-trade-organization-through-the-cases/teaching-materials/> <ul style="list-style-type: none"> ○ Unit VI – pp 52-99 (<i>EC– Asbestos</i>). • GATT 1994, Article III • Ewing-Chow, M. (2001), “Investor Protection in Free Trade Agreements: Lessons from North America”, <i>Singapore Journal of International and Comparative Law</i> Vol. 5, 748-772, available at http://law.nus.edu.sg/sybil/downloads/articles/SJICL-2001-2/SJICL-2001-748.pdf. <p>GAMI v Mexico (2004)</p> <ul style="list-style-type: none"> • Ewing-Chow, M. and Antoni, A. (2013), “Trade And Investment Convergence And Divergence: Revisiting The North American Sugar War”, <i>Latin American Journal of International Trade Law</i> Vol. 1, Issue 1, Year 2013 p. 315, available at http://cil.nus.edu.sg/wp/wp-

		content/uploads/2010/08/MichaelEwing-Chow-Antoni-Trade-and-Investment-Convergence-and-Divergence.pdf .
2	Lecture on General Exceptions in the GATT and IIAs:	<ul style="list-style-type: none"> • Weiler, J.H.H., Cho, S., and Feichtner, I., <i>International Regional Trade Law: The Law of the World Trade Organization</i>, <http://jeanmonnetprogram.org/resources/the-law-of-the-world-trade-organization-through-the-cases/teaching-materials/> <ul style="list-style-type: none"> ○ Unit VII (pp 41-57 (<i>US Gasoline</i>), 58-63 and 121-123 (<i>Brazil Tyres Commentary by Qin</i>)) • GATT 1994, Article XX • Ewing-Chow, M. and Fischer, G., 'ASEAN IIAs: Conserving Regulatory Sovereignty While Promoting the Rule of Law?' (2011) TDM Vol. 8, Issue 5, available at http://cil.nus.edu.sg/wp/wp-content/uploads/2010/08/MichaelEwingChow+GeraldineFischer-ASEAN-IIAS.pdf. <p><i>Methanex v US (2005) Part IV Chapter D</i></p>
3	Lectures on: 1. public interest regulation in international economic law; WTO law. 2. multilingual treaty interpretation; 3. investment law.	<ul style="list-style-type: none"> • Bradley J. Condon, "Treaty Structure and Public Interest Regulation in International Economic Law", 17:2 <i>Journal of International Economic Law</i> 333-353 (2014). • Bradley J. Condon, "Climate Change and Unresolved Issues in WTO Law", 12:4 <i>Journal of International Economic Law</i> 895-926 (2009). • Bradley J. Condon, "Climate Change and International Investment Agreements", 14:2 <i>Chinese Journal of International Law</i> 305-339 (2015). • Bradley J. Condon, "Lost in Translation: Plurilingual: Interpretation of WTO Law", 1:1 <i>Journal of International Dispute Settlement</i> 191-216 (2010).
4	Student arguments, with feedback.	<i>Mini Moot</i> Half of the students will present oral arguments in a WTO trade dispute.
5	Student arguments, with feedback.	<i>Mini Moot</i> Half of the students will present oral arguments in a NAFTA investment dispute.

Bibliography

- Condon, BJ. "Climate Change and International Investment Agreements", 14:2 *Chinese Journal of International Law* 305-339 (2015).

- Condon, BJ. "Treaty Structure and Public Interest Regulation in International Economic Law", 17:2 *Journal of International Economic Law* 333-353 (2014).
- Condon, BJ. & Tapen Sinha, *The Role of Climate Change in Global Economic Governance* (Oxford: Oxford University Press, 2013).
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- Ewing-Chow, M. (2001), "Investor Protection in Free Trade Agreements: Lessons from North America", *Singapore Journal of International and Comparative Law* Vol. 5, 748-772, available at <http://law.nus.edu.sg/sybil/downloads/articles/SJICL-2001-2/SJICL-2001-748.pdf>.
- Weiler, J.H.H., Cho, S., and Feichtner, I., *International Regional Trade Law: The Law of the World Trade Organization*, <<http://jeanmonnetprogram.org/resources/the-law-of-the-world-trade-organization-through-the-cases/teaching-materials/>>
 - Unit VI – pp 52-99 (*EC– Asbestos*).
- Weiler, J.H.H., Cho, S., and Feichtner, I., *International Regional Trade Law: The Law of the World Trade Organization*, <<http://jeanmonnetprogram.org/resources/the-law-of-the-world-trade-organization-through-the-cases/teaching-materials/>>
 - Unit VII (pp 41-57 (*US Gasoline*), 58-63 and 121-123 (*Brazil Tyres Commentary by Qin*))

Investment cases

- *Methanex v US* (2005) Part IV Chapter D available at <http://www.italaw.com/sites/default/files/case-documents/ita0529.pdf>

- GAMI v Mexico (2004) available at http://www.italaw.com/sites/default/files/case-documents/ita0353_0.pdf

About the Professors

Both professors are holders of the WTO Chair at their respective law schools and are members of the editorial board of the Journal of International Economic Law.

Bradly J. Condon (B.A., UBC), (LL.B., McGill), (LL.M., Calgary), (Ph.D., Bond) is the WTO Chair Professor of International Economic Law and Founding Director of the Centre for International Economic Law at ITAM in Mexico City, where he has received several teaching excellence awards. He has served as visiting professor of international economic law at the Permanent Mission of Mexico to the WTO in Geneva, the University of New South Wales in Australia and the University of Victoria in Canada. Prior to his appointment at ITAM, he taught at Simon Fraser University in Canada. He has taught courses for the WTO on WTO dispute settlement to government officials in Geneva and Latin America and served as a consultant to the WTO on multilingual treaty interpretation. He serves as an Advisory Board Member for the Global Trade Law Series, Kluwer Law International and has served as a peer reviewer for and Cambridge University Press, Kluwer Law International, Oxford University Press and various international academic journals. He has published seven books and over seventy articles on international trade law and economic integration, including the first treatise on WTO law in Spanish. His most recent book is *Climate Change and Global Economic Governance* (Oxford University Press, 2013), co-authored with Tapen Sinha and featuring a foreword by Nobel Laureate Robert F. Curl.

Michael Ewing-Chow is a Professor and the WTO Chair at the Faculty of Law, National University of Singapore (NUS). He has a First Class Honours degree in law from NUS and a Masters from Harvard Law School. Prior to joining NUS, Michael worked in Allen & Gledhill, Singapore's largest law firm. He started the first World Trade Law course in Singapore and was involved in the negotiations for some of Singapore's early FTAs. He has been a consultant to the Singapore Government, the ADB, ASEAN, UNCTAD, the World Bank and the WTO. Michael has advised government officials all over the world on trade and investment law as well as governance. He also assisted the Singapore Company Law Reform and Frameworks Committee in 2001 with a major overhaul of corporate law and in 2008 was appointed to a Working Group of the Steering Committee to review of the Companies Act. He continues to be involved in corporate law reform in his role as an advisor to the Registrar of Companies as a Member of the Institute of Corporate Law. He has taught in a number of universities in Asia, Europe and Latin America. He has published papers on governance, trade law and investment law and is on the Editorial Board of the Journal of International Economic Law. He has been also consulted as an expert for UNCTAD's World Investment Report over the last decade. His latest book is "International Trade and Food Security: Exploring Collective Food Security in Asia". Michael also co-founded aidha, an NGO which provides financial education and microfinance opportunities for domestic migrant workers. For his work, he was awarded the Social Entrepreneur of the Year 2007. He has received several Teaching Excellence Awards and was awarded the Inspiring Mentor Award in 2009.