

# INTERNATIONAL TRADE DISPUTE SETTLEMENT

**Course code: PLU409**

(Attached to Decision No..... / QĐ-ĐHNT dated / / 20....  
of the President of Foreign Trade University)

**Faculty:** Faculty of Law

**Department:** International Trade law

**Credit hours:** 3

**Prerequisite(s):** International law on trade in goods (PLU433), International law on trade in services (PLU434)

**Time of the first design/announcement:**

**Adjustment, modification, supplementation:**

## 1. INSTRUCTORS' INFORMATION

	<b>Instructors' name</b>	Email	Phone number
	Assoc. Prof. Nguyen Ngoc Ha	hann@ftu.edu.vn	094 8180683
	Dr. Tran Thi Lien Huong	huongttl@ftu.edu.vn	0968049229

## 2. COURSE OBJECTIVES

This course is a compulsory subject within the specialized knowledge block of the Bachelor's degree program in Law, specializing in International Trade Law.

This course provides in-depth legal knowledge about mechanisms for resolving international trade disputes, including the dispute resolution mechanism of the World Trade Organization (WTO) and mechanisms under several free trade agreements in which Vietnam participates. The course also equips learners with skills to apply their knowledge to address practical issues in international trade disputes between nations and separate customs territories. Additionally, it enables students to analyze and draw insights and lessons for Vietnam's process of resolving international trade disputes.

## 3. COURSE LEARNING OUTCOMES

### 3.1. Learning outcomes about knowledge, skills, autonomy and responsibility

Upon the course completion, undergraduate students are able:

#### 3.1.1. Knowledge

**CLO1:** Apply knowledge related to general issues in resolving international trade disputes.

**CLO2:** Analyze the regulations governing the dispute resolution mechanisms of the World Trade Organization.

**CLO3:** Analyze the regulations governing regional dispute resolution mechanisms.

**CLO4:** Analyze the regulations governing bilateral dispute resolution mechanisms.

**CLO5:** Analyze Vietnam's legal issues when participating in the resolution of international trade disputes.

#### 3.1.2. Skills

**CLO6:** Possess skills in gathering information, synthesizing, and systematizing legal issues related to resolving international trade disputes.

**CLO7:** Be able to apply acquired knowledge to address specific international trade dispute scenarios.

**CLO8:** Develop the ability to utilize electronic information resources available on the Internet.

### **3.1.3. *Autonomy and responsibility***

**CLO9:** Confident in practicing international trade professionally; proactive and active in exploring issues related to the resolution of international trade disputes in general, and disputes involving Vietnam in particular.

**CLO10:** Demonstrates a sense of responsibility in learning and researching legal issues concerning dispute resolution in international trade.

## **3.2. Matrix of the contribution of Course learning outcomes to Program learning outcomes**

Course learning outcomes	Program learning outcomes															
	PL O1	PL O2	PL O3	PL O4	PL O5	PL O6	PL O7	PL O8	PL O9	PL O10	PL O11	PL O12	PL O13	PL O14	PL O15	PL O16
CL O1	x	x	x	x												
CL O2	x	x	x	x												
CL O3	x	x	x	x												
CL O4	x	x	x	x												
CL O5					x	x	x	x	x	x	x					
CL O6					x	x	x	x	x	x	x					
CL O7					x	x	x	x	x	x	x					
CL O8					x	x	x	x	x	x	x					
CL O9												x	x	x	x	x
CL O10												x	x	x	x	x

<b>CL O11</b>												x	x	x	x	x
<b>Cou rse</b>	2	3	3	5	3	4	5	5	5	4	3	4	4	4	4	5

#### 4. READING MATERIALS

##### 4.1. Textbook

1. Prof. Dr. Nguyen Thi Mo, *Textbook on International Trade Law*, Labour Publishing House, Hanoi, 2011
2. Hanoi Law University, *Textbook International Trade and Business Law*, People's Public Security Publishing House, Hanoi, (2017) (Vietnamese-English bilingual book), link  
<http://pltmqt.hlu.edu.vn/Images/Post/files/Khoa%20PLTMQT/GT%20LTMQT%20SONG%20NGU-2017.pdf>

##### 4.2. Compulsory readings

3. Dispute Settlement Understanding, DSU
4. Protocol on the Enhanced Dispute Settlement Mechanism of ASEAN 2019
5. Statute of the Court of Justice of the European Union and related processes and procedures.
6. United States–Canada–Mexico Agreement (USCMA)
7. Vietnam – Japan Economic Partnership Agreement
8. Vietnam – Korea Free Trade Agreement
9. Free Trade Agreement between The Socialist Republic of Viet Nam and European Union
10. Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
11. **Regional Comprehensive Economic Partnership (RCEP)**
12. Law On Foreign Trade Management 2017
13. The World Trade Organization, *A Handbook on the WTO Dispute Settlement System*, 2nd Edition, Cambridge University Press, 2017, link: [https://www.wto-ilibrary.org/fr/dispute-settlement/a-handbook-on-the-wto-dispute-settlement-system-2nd-edition\\_c17fbbd6-en](https://www.wto-ilibrary.org/fr/dispute-settlement/a-handbook-on-the-wto-dispute-settlement-system-2nd-edition_c17fbbd6-en)
14. Nguyen Ngoc Ha, *L'intervention des tierces parties dans le règlement des différends à l'OMC*, l'Harmattan, Paris, 2016.
15. Peter van den Bossche, *The Law and Policy of the World Trade Organization: Texts, Cases and Materials*, 2nd Edition, Cambridge University Press, 2008.
16. Nguyen Ngoc Ha & Nguyen Huu Hoang Phuc, Practice of Using Arbitration Procedures under Article 22.6 of the WTO Dispute Settlement Understanding and Recommendations for Vietnam, *State and Law Journal*, 2019, No. 10(378), pp. 37-46, 60.
17. Nguyen Ngoc Ha, Applying developmental interpretation in interpreting certain provisions of the World Trade Organization and implications for Vietnam," *State and Law Review*, 2020, No. 11(391), pp. 61-75.
18. Nguyen Ngoc Ha, **The Current Situation of Vietnam's Participation as a Third Party in the WTO Dispute Settlement Mechanism and Some Recommendations,** in

the Proceedings of the 1st International Conference for Young Scientists in Economics and Business Management (ICYREB 2015), NEU Publishing House, Hanoi, pp. 677-689.

19. <http://www.wto.org>

20. <http://curia.europa.eu>

21. <http://trungtamwto.vn>

## 5. COURSE CONTENTS AND SCHEDULE

### 5.1. Course contents

III. Course contents						
No.	Contents	Time Allocation				Contribution to CLO
		Hour(s) on the class		Exercises (3)	Self-study with teacher's tutorials (4)	
		Lecture (1)	Practice (2)			
1-3	Chapter 1. Overview of International Trade Dispute Settlement	6	3	0	13.5	1, 6, 7, 8, 9, 10
4-8	Chapter 2: Dispute Settlement within the Framework of the World Trade Organization	10	5	22.5	22.5	2, 6, 7, 8, 9, 10
9	Mid-term Exam	3	0	0	6	1, 2, 6, 7, 8, 9, 10
10-11	Chapter 3: Regional Trade Dispute Settlement	4	2	0	9	3, 6, 7, 8, 9, 10
12-13	Chapter 4: Resolving Bilateral Trade Disputes Between Vietnam and Selected Trade Partners	4	2	0	19	4, 6, 7, 8, 9, 10
14-15	Chapter 5: Vietnam and International Trade Dispute	3	3	0	12.5	5, 6, 7, 8, 9, 10

	Resolution Activities					
<b>Total (hour)</b>		<b>30</b>	<b>15</b>	<b>22.5</b>	<b>82.5</b>	

## 5.2. Schedule of lectures

No.	Teaching and learning activities	Hour(s)	Content	Contribution to CLO
<b>1</b>	<b>Lecture</b>	<b>2</b>	<b>Introduction to the Course</b> <b>Chapter 1 - Overview of International trade dispute settlement</b> <b>1.1. International trade disputes</b>  1.1.1. Definition of International trade dispute  1.1.2. Characteristics of International trade dispute  1.1.3. Classification of International trade dispute  1.1.4. Differentiating International trade dispute and International Business Disputes  <b>1.2. International trade disputes settlement</b>  1.2.1. Definition and Characteristics of International trade disputes settlement	1, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>1</b>		
	<b>Exercise, assignments</b>	<b>0</b>		
	<b>Self-study with the teacher's tutorials</b>	<b>4.5</b>	Read [1, Chapter 5], [2, part 7]	
	<b>Assessment methods</b>	Distinguish between international trade disputes and international business disputes. Provide illustrative examples.		
<b>2</b>	<b>Lecture</b>	<b>2</b>	<b>Chapter 1 - Overview of International trade dispute settlement (cont.)</b>	1, 5, 6, 7, 8, 9, 10, 11
	<b>Practice</b>	<b>1</b>		
	<b>Exercise,</b>	<b>4</b>		

	assignments		<b>1.2. International trade dispute settlement</b>  1.2.2. Definition and Characteristics of <b>International trade dispute settlement</b>  <b>1.3. Key Considerations in International trade dispute settlement</b> 1.3.1. Legal Capacity of Parties 1.3.2. Applicable Law 1.3.3. Principles for Interpreting International Treaties 1.3.4. Jurisdiction and Conflicts of Jurisdiction Among International Trade Dispute Bodies	
	Self-study with the teacher’s tutorials	4.5	Read [1, Ch.5], [2, part 7]	
	Assessment methods	Distinguish the sources of law governing international trade dispute mechanisms. Provide illustrative examples and analyze those examples.		
3	Lecture	2	<b>Chapter 2 – Dispute Settlement in the Framework of the World Trade Organization</b>  <b>2.1. The Formation and Development of the WTO Dispute Settlement System</b> <b>2.1.1. The Formation of the Dispute Settlement System under GATT 1947</b> <b>2.1.2. The Development of the Dispute Settlement System under GATT 1947</b>	2, 6, 7, 8, 9, 10
	Practice	1		
	Exercise, assignments	4		

			<b>2.1.3. The Necessity for a New Dispute Settlement Mechanism in the WTO</b> <b>2.1.4. Negotiations on the Dispute Settlement Mechanism during the Doha Round</b>	
	Self-study with the teacher’s tutorials	4.5	Read [1, chapter 5], [2, part 7]; [3], [13]; [15]	
	Assessment methods	- Analysis of the formation and development of the WTO's dispute settlement mechanism. - Analyze the challenges faced by the WTO's dispute settlement mechanism from 2018 to the present.		
4	Lecture	2	<b>Chapter 2 – Dispute Settlement in the Framework of the World Trade Organization (cont.)</b> 2.2. General Legal Issues of the WTO Dispute Settlement System 2.2.1. Jurisdiction in Dispute Settlement 2.2.2. General Principles of the Dispute Settlement System 2.2.3. Objectives of the Dispute Settlement System 2.2.4. Parties Involved in the Dispute Settlement System 2.2.5. Applicable Law in Dispute Settlement Activities 2.2.6. Interpretation of Law and Principles of Legal Interpretation	2, 6, 7, 8, 9, 10
	Practice	1		
	Exercise, assignments	4		
	Self-study with the teacher’s tutorials	4.5	Read [1, chapter 5], [2, part 7]; [3], [13]; [14],[15], [17]	
	Assessment methods	<input type="checkbox"/> Analyze the jurisdiction of the WTO dispute settlement mechanism. <input type="checkbox"/> Analyze the general principles of the WTO dispute settlement system.		

			<input type="checkbox"/> Analyze the role and regulatory provisions governing the legal status of parties participating in the WTO dispute settlement system.	
<b>5</b>	<b>Lecture</b>	<b>2</b>	<b>Chapter 2 – Dispute Settlement in the Framework of the World Trade Organization (cont.)</b> <b>2.3. Relevant Bodies in the WTO Dispute Settlement System</b> 2.3.1. Dispute Settlement Body (DSB) 2.3.2. Panel 2.3.3. Appellate Body 2.3.4. Other Relevant Bodies and Individuals	2, 5, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>1</b>		
	<b>Exercise, assignments</b>	<b>4</b>		
	<b>Self-study with the teacher's tutorials</b>	<b>4.5</b>	Read [1, ch. 5], [2, part 7]; [3], [13]; [15]	
	<b>Assessment methods</b>		<input type="checkbox"/> Analysis of the functions and authority of the Panel. <input type="checkbox"/> Analysis of the functions and authority of the Appellate Body. <input type="checkbox"/> Analysis of the rules governing decision-making at the Panel and the Appellate Body.	
<b>6</b>	<b>Lecture</b>	<b>2</b>	<b>Chapter 2 – Dispute Settlement in the Framework of the World Trade Organization (cont.)</b> <b>2.4. WTO Dispute Settlement Procedures and Processes</b> 2.4.1. Consultations 2.4.2. Good Offices, Mediation, and Conciliation 2.4.3. Panel Stage 2.4.4. Appellate Stage 2.4.5. Implementation Stage	2, 5, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>1</b>		
	<b>Exercise, assignments</b>	<b>5</b>		
	<b>Self-study with the teacher's tutorials</b>	<b>4.5</b>	Read [1, chapter 5], [2, part 7]; [3], [13]; [15]	

	<b>Assessment methods</b>	<input type="checkbox"/> Analysis of the regulations governing the dispute resolution stage at the Panel. <input type="checkbox"/> Analysis of the regulations governing the dispute resolution stage at the Appellate Body. <input type="checkbox"/> Analysis of the regulations governing the implementation stage of the recommendations by the Panel/Appellate Body.		
7	<b>Lecture</b>	<b>2</b>	<b>Chapter 2 – Dispute Settlement in the Framework of the World Trade Organization (cont.)</b> <b>2.5. Special and Differential Treatment for Developing and Least-Developed Members in the WTO Dispute Settlement System</b> 2.5.1. Provisions on Special and Differential Treatment in Dispute Settlement for Developing and Least-Developed Members under the DSU and Other Relevant Agreements 2.5.2. Legal Assistance for Developing and Least-Developed Members in Dispute Settlement	2, 5, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>1</b>		
	<b>Exercise, assignments</b>	<b>5.5</b>		
	<b>Self-study with the teacher’s tutorials</b>	<b>4.5</b>	<b>Read 1, chapter 5], [2, part 7]; [3], [13]; [15]</b>	
	<b>Assessment methods</b>	<input type="checkbox"/> Analyze Vietnam's regulations on anti-dumping. <input type="checkbox"/> Analyze the current state of Vietnam's application of anti-dumping measures.		
8	<b>Lecture</b>	<b>3</b>	<b>Mid-term exam</b>	1, 2, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>0</b>		
	<b>Exercise, assignments</b>	<b>0</b>		
	<b>Self-study with the teacher’s tutorials</b>	<b>6</b>	Review chapter 1-2	

	Assessment methods	According to the midterm exam		
9	Lecture	2	<b>Chapter 3 –Regional Trade Disputes settlement</b> 3.1. Dispute settlement within the Asean Framework 3.1.1. Formation and Development of the Trade Dispute System in ASEAN 3.1.2. General Legal Issues Related to the Trade Dispute System in ASEAN 3.1.3. Trade Dispute Bodies in ASEAN 3.1.4. Procedures and Processes for Trade Dispute in ASEAN 3.2. Disputes settelment within the European Union Framework 3.2.1. Formation and Development of the European Union's Dispute System 3.2.2. General Legal Issues Related to the European Union's Dispute System 3.2.3. Trade Dispute Bodies in the European Union	3, 6, 7, 8, 9, 10
	Practice	1		
	Exercise, assignments	0		
	Self-study with the teacher’s tutorials	4.5	Read [4], [5]	
	Assessment methods	<input type="checkbox"/> Analyze the characteristics of the dispute resolution mechanism in ASEAN trade. <input type="checkbox"/> Analyze the characteristics of the dispute resolution mechanism in the EU.		
10	Lecture	2		3, 6, 7, 8, 9, 10
	Practice	1		

	Exercise, assignments	0	<p><b>Chapter 3 –Regional Trade Disputes settlement (cont.)</b></p> <p>3.2. Dispute settlement within the European Union Framework</p> <p>3.2.4. Procedures and Processes for Trade Disputes settlement in the European Union</p> <p>3.2.5. Practices in Trade Disputes settlement in the European Union</p> <p>3.3. <i>Trade Disputes settlement</i> within the USCMA Framework</p> <p>3.3.1. Formation and Development of the Trade Disputes settlement under NAFTA</p> <p>3.3.2. General Legal Issues Related to the NAFTA Trade Disputes settlement</p> <p>3.3.3. Trade Disputes settlement Bodies under NAFTA</p> <p>3.3.4. Procedures and Processes for Trade Disputes settlement under NAFTA</p> <p>3.3.5. Practices in Trade Disputes settlement under NAFTA</p>
	Self-study with the teacher’s tutorials	4.5	Read [5], [6]
	Assessment methods	<p><input type="checkbox"/> Analyze WTO regulations on the sequence and procedures for subsidy investigations and the application of countervailing measures.</p> <p><input type="checkbox"/> Study a WTO dispute on subsidies/countervailing and analyze the application of regulations on the sequence and procedures for subsidy/countervailing investigations.</p>	

11	Lecture	2	<b>Chapter 3 –Regional Trade Disputes settlement (cont.)</b>  <b>3.4 Disputes settlement under the CPTPP Framework</b> 3.4.1. Traditional Mechanism for Trade Dispute Settlement 3.4.2. Non-Traditional Mechanism for Trade Dispute Settlement  <b>3.5. Disputes Settlement under the RCEP Framework</b> 3.5.1. General Introduction 3.5.2. Features of the Trade Dispute Settlement Mechanism in RCEP	3, 5, 6, 7, 8, 9, 10, 11	
	Practice	1			
	Exercise, assignments	5			
	Self-study with the teacher’s tutorials	4.5			Read [10], [11]
	Assessment methods	<input type="checkbox"/> Analysis of the content of labor dispute resolution mechanisms in the CPTPP. <input type="checkbox"/> Analysis of the characteristics of dispute resolution mechanisms in the RCEP.			
12	Lecture	2	<b>Chapter 4: Resolving Bilateral Trade Disputes Between Vietnam and Selected Trade Partners</b>  <b>4.1. Resolving Bilateral Trade Disputes between Vietnam and the EU</b> 4.1.1. Overview of Bilateral Trade Relations between Vietnam and the EU 4.1.2. Mechanisms for Resolving Bilateral Trade Disputes between Vietnam and the EU	4, 6, 7, 8, 9, 10	
	Practice	1			
	Exercise, assignments	5			

			<b>4.2. Resolving Bilateral Trade Disputes between Vietnam and Japan</b> 4.2.1. Overview of Bilateral Trade Relations between Vietnam and Japan	
	Self-study with the teacher’s tutorials	9.5	Read [8], [9]	
	Assessment methods	Analyze the characteristics of the dispute mechanism between Vietnam and the EU.		
13	Lecture	2	<b>Chapter 4: Resolving Bilateral Trade Disputes Between Vietnam and Selected Trade Partners (cont.)</b>  <b>4.2. Resolving Bilateral Trade Disputes between Vietnam and Japan</b>  4.2.2. Mechanisms for Resolving Bilateral Trade Disputes Between Vietnam and Japan  <b>4.3. Resolving of Bilateral Disputes Between Vietnam and South Korea</b> 4.3.1. Overview of Bilateral Trade Relations Between Vietnam and South Korea 4.3.2. Mechanisms for Resolving Bilateral Trade Disputes Between Vietnam and South Korea	4, 6, 7, 8, 9, 10
	Practice	1		
	Exercise, assignments	0		
	Self-study with the teacher’s tutorials	9.5	Read [7], [8]	

	<b>Assessment methods</b>	Analyze the characteristics of the dispute resolution mechanism between Vietnam and South Korea		
14	<b>Lecture</b>	<b>2</b>	<b>Chapter 5 – Vietnam and the Resolution of International Trade Disputes</b> <b>5.1. Vietnam's Legal Framework for Resolving International Trade Disputes</b> 5.1.1. Formation and Development Process 5.1.2. The 2017 Law on Foreign Trade Management and the Resolution of International Trade Disputes	5, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>1</b>		
	<b>Exercise, assignments</b>	<b>0</b>		
	<b>Self-study with the teacher's tutorials</b>	<b>4.5</b>	[12]	
	<b>Assessment methods</b>	Analysis of the provisions of the 2017 Law on Foreign Trade Management regarding the resolution of international trade disputes.		
15	<b>Lecture</b>	<b>2</b>	<b>Chapter 5 – Vietnam and the Resolution of International Trade Disputes (cont.)</b> 5.2. Vietnam's Participation in International Trade Dispute Settlement Mechanisms 5.2.1. Vietnam's Participation in the WTO Dispute Settlement Mechanism 5.2.2. Vietnam's Participation in Other Trade Dispute Settlement Mechanisms	5, 6, 7, 8, 9, 10
	<b>Practice</b>	<b>1</b>		
	<b>Exercise, assignments</b>	<b>0</b>		
	<b>Self-study with the teacher's tutorials</b>	<b>4.5</b>	[18]	
	<b>Assessment methods</b>	Analysis of Vietnam's participation in the WTO dispute settlement mechanism and lessons learned.		

## 6. COURSE POLICY

### 6.1. Missions of students

- Read materials and prepare before attending class.

- Fulfill all assigned tasks.
- Prepare the discussion of the course.

### 6.2. Regulations of exam

- Students have to attend at least 80% of the total class.
- Fulfill all assigned tasks of the course.
- The midterm exam score must be at least 4
- Others regulations in accordance with current training regulation;

## 7. COURSE ASSESSMENT

- **Score ladder: 10**

- **Type of assessment**

Form		Content	Criteria	CLO	Proportion
Formative	Attendance	Roll-call; in-class discussions; homework correction	The number of attendances and participation in lesson. Levels of preparedness and contribution of learners	1,2,3,4 ,5,6,7, 8,9,10	10%
	Mid-term exam	Open-book exam taking the form either 01-hour in-class exam or take-home assignments/essays and consisting of multiple-choice, short-answered and case-solving questions.	<ul style="list-style-type: none"> <li>- Multiple-choice questions: correct answers</li> <li>- Short-answer questions: correct answers; provision of correct legal bases and complete and detailed justifications</li> </ul>	1,2,6,7 ,8,9,10	30%
Summative	Final exam	Open-book exam taking the form either 01-hour in-class exam or take-home assignments/essays and consisting of multiple-choice, short-answered and case-solving questions.	<ul style="list-style-type: none"> <li>- Multiple-choice questions: correct answers</li> <li>- Short-answer questions: correct answers; provision of correct legal bases and complete and detailed justifications</li> </ul>	1,2,3,4 ,5,6,7, 8,9,10	60%

			- Case-solving questions: application of the IRAC/IPAC model; analyses of legal issues; identification of relevant applicable legal rules/principles; proper application of the law to the issues; provision of correct conclusions.		
				<b>Total:</b>	<b>100%</b>

**DEAN OF FACULTY**

**HEAD OF DEPARTMENT**