

COURSE OUTLINE

Instructor: Dr. Amrita Bahri

World Trade Law

The course focuses on the laws, principles and jurisprudence of World Trade Law. Students will understand the basic principles of multilateral trade and engage with the practice of international trade law with the help of current jurisprudence and hypothetical dispute scenarios. The students will receive an appreciation of the purpose and functions of the WTO and be familiar with its principal rules, impact and jurisprudence. Students will learn with a unique combination of lectures, class discussions and practice exercises. The approach employed will be practical (with real life examples), critical (with practical assessments) and contemporary (with recent developments).

Date	Time CEST	Teaching	Activities
Monday 26 July	3PM-5PM Zoom Session	Lecture: Course Introduction; Introduction to International Trade Law	Readings
Tuesday 27 July	Pre-recorded: Uploaded by 26 July	Lecture: Principles of Non- Discrimination	Post-class quiz, readings
Wednesday 28 July	3PM-5PM Zoom Session	Seminar Discussion: Mock Litigation Practice	Discussion
Monday 2 August	Pre-recorded: Uploaded by 1 August	Lecture: General Exceptions	Readings, Post- class quiz,
Tuesday 3 August	3PM-5PM Zoom Session	Lecture: Disruptions in International Trade: COVID-19 and Beyond	Readings
Wednesday 4 August	3PM-5PM Zoom Session	Seminar Discussion: Mock Litigation Practice	Discussion

Syllabus

In this Syllabus you'll find information about the structure of the course, learning activities, and assessment and grading.

Important dates!

10 August 2021 Final take-home submission deadline

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1. Reading

Reference Book

- Van den Bossche, The Law and Policy of the World Trade Organization: Text, Cases and Materials (CUP) [e-version will be provided]

Additional Reading: Additional readings will be in the form of judgments, articles and book chapters. These will be provided to you before the course starts.

2. Reading instructions

Use one of the reference books as a core reading material. The journal articles and book chapters allocated for each topic are advanced readings. These advanced readings will be provided to you when the course starts. In addition, you will be reading WTO decisions and judgments. These will also be provided to you when the course starts.

All case decisions and judgments can be accessed at:

https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm.

All primary WTO agreements can be accessed at:

https://www.wto.org/english/docs_e/legal_e/legal_e.htm

For an in-depth understanding of a particular legal provision, you can consult WTO analytical index at:

https://www.wto.org/english/res_e/publications_e/ai17_e/ai17_e.htm

3. Teaching

Topics Covered

Topic 1: The Origins, Architecture and Purpose of WTO

The topic provides a general background to international trade law and multilateral trading system, setting the stage for the remainder of the course. It explains the evolution, procedures, mechanics, substance and significance of WTO agreements.

Topics covered include:

1. Introduction to the course
2. Trade Liberalization versus protectionism
3. International trade and need for regulation
4. The nature, purpose and principles of the WTO/GATT
5. Sources of WTO Law

Topic 2: Non-discrimination

Now we turn to the GATT rules on non-discrimination, which are central to the balance that the GATT strikes between disciplining protectionism on the one hand, and maintaining adequate regulatory flexibility for WTO Members on the other. How well has GATT/WTO jurisprudence under these provisions maintained that balance? We start by considering the most-favoured nation (MFN) rule in Article I, then turn to the National Treatment provisions in Article III.

Topics covered include:

1. Introduction to non-discrimination (scope, like products, less favourable treatment, regulatory purpose)
2. GATT Article I and Article III of GATT 1994 (MFN and NT under GATT 1994)
3. Practice Exercise: Beer in Newland

Topic 3: General Exceptions

Although WTO is sometimes portrayed as only concerned with promoting free trade, it also recognizes the value of other policy goals. The exceptions in GATT Articles XX and XXI provide regulatory space for Members to protect, among other

things, public morals, public health, exhaustible natural resources, and national security. The application of these exceptions has been the subject of intense legal and political debate, resulting in some of the GATT's most contested jurisprudence and its most visible legitimacy crises to date.

Topics covered include:

1. Introduction to GATT Article XX;
2. General exceptions: public morals; human, animal or plant life or health; securing compliance with laws or regulations; necessity; conservation of exhaustible natural resources
3. A possible gender exception?
4. Practice Exercise: Northland v Southland

Topic 4: Disruptions in International Trade: COVID-19 and Beyond

This topic provides an overview of threats that globalization in general and multilateral trading system in particular is facing due to protectionist trends and the ongoing health pandemic. The topics covered include:

1. Threats from COVID-19 to trade liberalization
2. Protectionist threats and trade wars
3. Judicial wing is dying, and so is negotiating wing

4. The Learning Outcomes, Assessment & Attendance

Aims and Objectives

The aim is to provide students with:

- A good working understanding of the WTO
- A sound technical understanding of the core provisions and principles of WTO Law
- Some practical tools to think critically about the role played by the WTO in global economic governance

Teaching Methods

Sessions will comprise lectures with the help of illustrative slides, quizzes, discussions, and practice exercises. Constant feedback on performance will be provided after each exercise. The Zoom sessions will be recovered and made available on request by any student who cannot attend the live Zoom session at the scheduled hour.

Assessment Methods

Final Take-Home Exam	80%
Class Participation	20%

**Marking criteria will be provided individually for each assessment activity.

5. The final exam

Final exam is a take home written exam. It will be a problem question, which you will have to solve as a judge. It will be allocated to you on 4 August and your submission deadline is 10 Aug (9 PM CEST). Failing to submit the exam on time will result in a failing grade. You will receive further instructions on this during the course.

6. Grading

The Final Exam provided at the end of the course is worth 80% of the grade. The marking criteria will be provided to you before the allocation of this assignment.

The Class Participation is worth 20%. (Active participation in live sessions, quizzes and group discussion participation will be considered.) The marking criteria will be assessment-specific, and will be provided to you before every assessment.

7. Housekeeping

- ✓ All readings, quizzes, pre-recorded lectures, and other materials will be uploaded on the platform Athena
- ✓ Please check all deadlines for submissions at Athena and submit your responses accordingly
- ✓ In the live sessions, please keep your cameras on, but your audios on mute unless you are speaking
- ✓ If you have a question or any doubt, please raise hand (using hand raise function) or type a comment in the comment box
- ✓ Please do all readings assigned for every lecture right after that lecture, and before the other lecture

If you have any questions or comments about this course, please do not hesitate to contact me at amrita.bahri@itam.mx