

Course Name: World Trade Law

Period: Jan-May 2020

Instructor: Dr. Amrita Bahri

Welcome to the Course!!

The course focuses on the laws, principles, functioning and jurisprudence of International Trade Law. Students will understand the principles of multilateral and bilateral 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. There will be a special focus on WTO’s dispute settlement mechanism and the landmark disputes covering different countries, industries and legal issues. 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).

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Aims and Objectives

The aim is to provide students with:

- An overview of international trading system
- An introduction to bilateral and regional trade negotiations and recent trends and developments

- A good working understanding of the WTO
- A sound technical understanding of the core provisions of the GATT
- An introduction to some of the specialised WTO agreements
- A deep understanding of WTO dispute settlement system
- Some practical tools to think critically about the role played by the WTO in global economic governance

Reference Books

- Lester, Mercurio, and Davies, World Trade Law: Text, Materials and Commentary (2nd ed, Hart, 2012);
- Van den Bossche, The Law and Policy of the World Trade Organization: Text, Cases and Materials (3rd ed, Cambridge UP, 2013).

Note: Lester, Mercurio and Davies is relatively concise and easy to follow, hence I suggest that you use this reference book for course preparation.

Topics Covered

Topic 1: An Introduction to Economic Globalisation and Need for International Trading System

1. What is globalisation and liberalisation, and their impacts
2. Need for International Trade Law
3. An Introduction to International Trade Law
4. History of International Trading system

Topic 2: An Introduction to International Trade Negotiations

1. What is trade negotiation
2. Difference between multilateral and bilateral trade negotiations
3. Their respective advantages and disadvantages
4. Recent examples and experience of negotiators in their words
5. NAFTA and the New NAFTA: Mexican experience

Topic 3: The Origins, Architecture and Purpose of WTO

Sub-topics covered include:

1. Economic globalization and international trade
2. Trade Liberalization versus protectionism
3. International trade and need for regulation
4. The origins and evolution of the GATT/WTO system
5. The nature, purpose and principles of the WTO/GATT
6. Sources of WTO Law

7. WTO Law in context
8. Mandate of the WTO
9. Membership of the WTO
10. Institutional architecture of the WTO
11. Decision Making in the WTO
12. Practice Exercise: Globaphiles *versus* Globaphobes/To Join or not to Join?

Topic 4 and 5: Non-discrimination and General Exceptions

Sub-topics covered include:

1. Introduction to non-discrimination (scope, like products, less favourable treatment, regulatory purpose)
2. GATT Article I; Article III:4; Article III:2; Article III:8 of GATT 1994 (MFN and NT under GATT 1994)
3. Introduction to GATT Article XX; General exceptions: public morals; human, animal or plant life or health; securing compliance with laws or regulations; necessity; conservation of exhaustible natural resources
4. Practice Exercise: Beer in Newland

Topic 6: The WTO Dispute Settlement System

Sub-topics covered include:

1. Principles of WTO dispute settlement
2. Institutions of WTO dispute settlement
3. WTO dispute settlement proceedings
4. Main Challenge to the WTO dispute settlement system
5. Participation of Developing Countries
6. Case laws discussion
7. Practice Exercise: Newland seeks justice

Topic 7: Trade and Gender Justice

Sub-topics covered include:

1. Economic empowerment of women
2. Using multilateral law
3. Using bilateral trade agreements
4. Measuring gender responsiveness of trade agreements
5. Student presentations

Other WTO Agreements that might be covered:

1. TBT Agreement
2. SPS Agreement

****This outline is indicative and may undergo minor changes/revisions**

Teaching Methods

Sessions will comprise virtual lectures with the help of illustrative slides, on-the-spot quizzes, discussions, and practice exercises. We will have constant seminar discussions where we will reflect upon the practical application of laws and concepts we discussed in the lectures. Constant feedback on performance will be provided after each exercise.

Assessment Methods

Take-home exam	70%
Class Participation	30%

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

Lecture Schedule

Lectures	Date	Time
Lecture 1	27 Jan	17:30 a 19:00
Lecture 2	29 Jan	17:30 a 19:00
Lecture 3	5 Feb	17:30 a 19:00
Lecture 4	10 Feb	17:30 a 19:00
Lecture 5	12 Feb	17:30 a 19:00
Lecture 6	17 Feb	17:30 a 19:00
Lecture 7	19 Feb	17:30 a 19:00
Lecture 8	24 Feb	17:30 a 19:00
Lecture 9	26 Feb	17:30 a 19:00
Lecture 10	2 March	17:30 a 19:00
Lecture 11	4 March	17:30 a 19:00
Lecture 12	9 March	17:30 a 19:00
Lecture 13	11 March	17:30 a 19:00
Lecture 14	18 March	17:30 a 19:00
Lecture 15	23 March	17:30 a 19:00
Lecture 16	25 March	17:30 a 19:00
Lecture 17	30 March	17:30 a 19:00
Lecture 18	1 April	17:30 a 19:00
Lecture 19	13 April	17:30 a 19:00
Lecture 20	15 April	17:30 a 19:00
Lecture 21	20 April	17:30 a 19:00

Lecture 22	22 April	17:30 a 19:00
Lecture 23	27 April	17:30 a 19:00
Lecture 24	29 April	17:30 a 19:00
Lecture 25	4 May	17:30 a 19:00
Lecture 26	6 May	17:30 a 19:00
Lecture 27	11 May	17:30 a 19:00
Lecture 28	13 May	17:30 a 19:00

Office Hours: Monday and Wed: 9 – 11 AM

Should you wish to see me outside these hours, email me and we can find a mutually convenient time and date. I can be reached at amrita.bahri@itam.mx

Housekeeping Rules!!

- Make Schoology account as a student. <https://www.schoology.com/>
- Join my course with access key ZSBD-6GMC-BJZRF - Join it now!
- All readings, class exercises and materials will be uploaded on schoology before and after every lecture
- Check notifications on schoology every day and keep up to date with all materials posted on it
- Do all readings uploaded in the lecture folder at schoology after every class
- Class attendance and participation is a must
- Come on time for every class, no late entries will be allowed
- Always come to class with laptop/tablet

Grading Rubric (for written and oral assessments)

Grading Brackets	Standard	Criteria/Requirements
9 - 10	Excellent	<p>Will be awarded where:</p> <ul style="list-style-type: none"> ➤ the student will demonstrate an ability to deal confidently with relevant principles of law; ➤ the student will show a capacity for independent thinking (with appropriate reference to case law and statutes); ➤ the student will show an ability to critically assess arguments made and views expressed in the

		<p>relevant literature (for example books, journal articles and parliamentary reports);</p> <ul style="list-style-type: none"> ➤ the discussion will show evidence that the writer/speaker has a point of view on the issue at hand. However this will be a reasoned view which is supported by evidence, argument, or authority and will address alternative perspectives or arguments which may be raised; ➤ assessed work will contain relevant quotations from and or references to views expressed in the relevant literature where and as appropriate in the work; ➤ all points raised will be arranged in a logically coherent manner; ➤ all issues and arguments raised will be made succinctly and presented effectively.
7 - 8.9	Good	<p>Will be awarded where:</p> <ul style="list-style-type: none"> ➤ the student will demonstrate a good understanding of law but without demonstrating an ability to deal confidently with the relevant principles of law or, alternatively, the law may be confidently expressed in places but not consistently throughout; ➤ the student will show sound capacity for independent thinking (with some appropriate reference to case law and statutes); ➤ the discussion will show sound evidence that the writer/speaker has a point of view on the issue at hand. However this will be a reasoned view which is supported by evidence, argument, or authority and will address some of the alternative perspectives or arguments which may be raised; ➤ assessed work will contain some relevant quotations from and or references to views expressed in the relevant literature where and as appropriate in the work; ➤ most points raised will be arranged in a logically coherent manner; ➤ most issues and arguments raised will be made succinctly and structured effectively.
6 - 6.9	Satisfactory	Will be awarded where:

		<ul style="list-style-type: none"> ➤ the student will demonstrate some understanding of law but that understanding may either be expressed poorly or may be strong in some places and weak in others; ➤ the work/presentation will contain some reference to case law and statutes but without an adequate explanation of how that links to the points raised; ➤ the work/presentation will contain some reference to views expressed in published materials but it is likely to be either largely irrelevant or too brief to demonstrate an appropriate depth of knowledge; ➤ the work/presentation will typically demonstrate a lack of ability to deal confidently with relevant principles of law; ➤ the discussion will show only limited evidence that the writer/speaker has a point of view on the issue at hand or, if the writer/speaker has a point of view, it will not be well-reasoned and supported by evidence, argument, or authority and will fail to address alternative perspectives or arguments which may be raised; ➤ most points raised will be arranged in a logically coherent manner but will not be structured effectively.
<p>0 - 5.9</p>	<p>Non Satisfactory</p>	<p>Will be awarded where:</p> <ul style="list-style-type: none"> ➤ the student will demonstrate only an awareness of some of the more obvious legal issues; ➤ there will be marginal or no reference to the main relevant case law and statutes; ➤ there is unlikely to be any reference to relevant literature to support arguments made; ➤ there will be some weakness in the presentation of points raised and in the application of the law to the facts; ➤ points raised will not be arranged in a logically coherent manner; ➤ there may be some misunderstanding of the question or of some of the relevant principles of law; ➤ the discussion will show little or no evidence that

		the writer/speaker has a point of view on the issues at hand or any point of view expressed will not be supported by evidence, argument, or authority and will not address alternative perspectives or arguments which may be raised.
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NOTE: This is a general grading rubric. I will provide specific rubrics for every class assignment, midterm exam, oral and written exam closer to time.