

Module Number: TBA	Module Title: <b>International Trade Law</b>	
Module Status: Core		
Semester: 2	Level: M (7)	Credits: 15
Module Leader: Maryrose Molloy		
Direct/Assisted Learning Hours: 44	Lectures: 24 Seminars/Workshops: 20	Independent Student Learning: 106
Assessment mode & Weighting: 50% Presentation/coursework; 50% Essay.		
Pre-requisites: Research Methods Module		
Concurrent Module: None		
Post-requisites: Research Dissertation Project		
Advisory Constraints: None		

## 1. Rationale for Module:

This course will seek to inform the student on issues central to the legal framework of trade between states. The course therefore will focus on the organizations put in place to regulate such economic relationships as they relate to international business. The European Union now consists of twenty five member states that stretch from Western Europe as far as the borders of Russia. European Union trade law will be treated in the manner in which it affects both trade between member states and trade between the EU and other states. The World Trade Organisation Agreements underpin the conduct of international trade in over one hundred and forty countries and the manner in which it implements the General Agreement on Trade and Taffifs will be treated. The WTO is of direct relevance not just for governments but just as importantly for businesses and individuals. This course will provide the student with an overview of the WTO multilateral trading system. Trade liberalization as it has been implemented through the policies of the WTO will be critiqued. Contemporary discourse treating the enormous implications of the change in the legal order for international trade and debates surrounding trade liberalization and globalisation and the role of the WTO in this debate will be treated. Finally international trade law will be looked at in the context of sustainable development.

## 2. Principal Module Aims:

The principal aims of the module are to:

- Examine the legal mechanisms that underlie the regulation of trade both within the EU and between member states of the EU and others; further in this context to have an appreciation of the decision-making process within the EU in so far as it affects the regulation of trade;

- Develop an understanding of the fundamental legal principles underpinning the multi-lateral trading system, the three pillars of this trading system being the General Agreement on Tariffs and Trade, General Agreement on Trade in Services and the Agreement on Trade Related Aspects of Intellectual Property Rights;
- Critically assess the dispute settlement mechanism of the WTO; likewise with the decision-making process and the institutional structure;
- Explore the ongoing discourse on liberalisation/globalisation in so far as it relates particularly to international trade.

### **3. Distinctive Features of the Module:**

The distinctive features of the module will be:

- As a specialist module on a Masters Programme it will offer students the possibility to develop their understanding and knowledge of international trade law;
- The forms of assessment employed on the module, which will be further discussed below, will allow the student to express themselves in different contexts thereby exposing the student to different learning experiences; specifically the student will be involved in both group work, presentation and individual essay work;
- Guest lecturers will be a feature of the delivery of this course; from the NGO perspective discussing the impact of WTO and EU policy on the developing world a representative of, for example, Oxfam ( who are very active in this area and have a specific Dublin office); discussing EU trade a representative from the Commission office here in Dublin and also a representative from the IFA discussing agricultural trade both within the EU and more specifically between EU states and other markets; finally an appropriate representative to discuss the WTO perspective. Students will be expected to attend all visiting lecturers and they will be invited to participate in Q and A discussion post lecture.
- Students will develop valuable skills, knowledge and capabilities that will facilitate further specialist studies, promote career development and further the student's own personal development in international business.

#### **4. Principal Learning Outcomes:**

On completion of the module students will have:

- an informed awareness of the underlying structures and mechanisms that apply to European Union and International Trade Law;
- a critical assessment of the affect of European Trade Law as it operates between member states and as it operates internationally;
- developed an understanding of the basic legal principles underpinning the multilateral trading system;
- examined the rights and obligations which member states have under the WTO through a number of cases in which the interpretation of the dispute settlement rules has been developed;
- considered the major trends in international trade and the role of the WTO in the context of trade liberalisation/globalisation;
- critically assessed the conflicts that have arisen in international trade in the manner in which it impacts on the right to sustainable development, international environmental protection and international human rights.

#### **5. Indicative Module Content:**

- Introduction to the commercial policy as a field of unique core significance in the European integration process; from the ECSC to the EC to the EU;
- Free movement of goods and its crucial significance to the construction of the common market as interpreted in the case law of the European Court of Justice;
- Free movement of services, workers and capital;
- Introduction to the multilateral trading system; history from GATT to WTO;
- Economic theory underpinning trade liberalisation; function of the negotiating rounds; the institutional framework;
- Overview of the WTO agreements; Principles of non-discrimination and application of WTO rules to government measures;
- Market access and Most Favoured Nation;

- Subsidies and trade remedies – safeguards, anti-dumping and countervailing duties;
- The GATT general exceptions; balancing WTO obligations and legitimate government objectives; the general exceptions of Article XX and the chapeau;
- Dispute settlement under GATT and the WTO Dispute Settlement Understanding (DSU) – procedures and remedies;
- Relevant case study of pre and post GATT ; product versus process argument;
- Trade and the environment – relationship between WTO Agreements and Multilateral Environment Agreements;
- New issues and the future of the WTO and its relationship to civil society.

## **5. Teaching and Learning Strategy:**

A combination of learning strategies will be used in this course to deliver the information in a stimulating fashion. The traditional lecture method will be at the core of the teaching methodology. However students will be expected to have prepared specific texts before class and be prepared to contribute to discussion of same in the general lecture context. To this end a detailed reading list for each lecture topic will be given to the students and specific texts will be highlighted for discussion purposes. Peer presentation will also form an important part of the learning process as group presentations will be done in lecture time with the delivery of information to the class as a whole being a key part of such assessment. Students will be encouraged to use power-point in order to gain good audiovisual presentation skills.

## 7. Assessment Strategy:

50% Group presentation ; this weighting is further divided 50% for the presentation itself and 50% for a one thousand word written statement summarising and critiquing the area of research relevant to the presentation.  
50% Essay.

## 8. Indicative Reading/Research:

The WTO as a Legal System - Essays on International Trade Law and Practice, Palmeto et al, Cameron May Ltd. 2003.

The EU and the WTO Legal and Constitutional Issues, De Burca and Scott (eds), Hart Publishing 2003.

EC Law, Text, Cases and Materials, De Burca and Craig, OUP 2002 (3<sup>rd</sup> Ed.).

Trade Law and Global Governance, Charnovitz, Cameron May Ltd. 2002.

The World Trade Organisation - Law, Practice and Policy, Matsushita et al, OUP 2004.

Basic Legal Instruments for the Liberalisation of Trade: A Comparative Analysis of EC and WTO Law, Ortino, Hart Publishing 2004.

International Trade and Economic Law and the European Union, Dillon, Hart Publishing, 2002.

The Political Economy of International Trade Law: Essays in Honour of Robert E. Hudec, Kennedy and Southwick (eds), Cambridge University Press, 2002.

Corporations and Transnational Human Rights Litigation, Joseph, Hart Publishing, 2004.

Business and Human Rights: a Compilation of Documents, Mares, Martinus Nijhoff 2004.

Ecological Sensitivity and Global Legal Pluralism: Rethinking the Trade and Environment Conflict, Perez, Hart Publishing 2004.

The EU, the WTO and NAFTA, Towards a common Law of International Trade, Howse, Oxford University Press, 2000.

Critical Reflections on the Westphalian assumptions of International Law and Organisation: a crisis of legitimacy, Cutler, Review of International Studies, 2001.

International Law in a Changing International Legal System, Higgins, Cambridge Law Journal, Vol.58 March 1999.

Globalisation and its Discontents, Stiglitz, Penguin Books, 2002.

The Myth of the Powerless State: Governing the Economy in a Global Era, Weiss, Polity Press, 1998.

Taming Globalisation: Frontiers of Governance, Held and Koenig-Archibugi, Polity Press, 2003.

One World: The Ethics of Globalisation, Singer Peter, Yale University Press, 2<sup>nd</sup> ed. 2004.

## **Journals:**

Portobello College has hard copies of the following journals which may contain articles on international law from time to time:

The Law Quarterly Review  
Cambridge Law Journal  
Modern Law Review New  
Law Journal.

The library also subscribes to lexis-nexis database. The relevant journal on this database **is:**

Journal of Environment Law (1998 to date).

[www.foreignpolicy.com](http://www.foreignpolicy.com) is the web address of the journal Foreign Policy which offers links to relevant sites and an index of past articles. Also note that further reading is usually offered at the end of key articles.

## **Web Sites:**

World Trade Organisation - this site, which although very large is easily navigable, links directly to international free trade treaties, the dispute settlement body and the appellate body. There is good explanatory material on the dispute mechanism and some critical articles on same.

[www.europa.org](http://www.europa.org) The EU home page which links to all EU institutions and databases.

World Trade Organisation.

World Bank.

“The Role of International Institutions in the Current Global Economy” Speech given by

Joseph Stiglitz, Senior Vice President of the World Bank, February 1998.

International Monetary Fund.

World Intellectual Property Organisation.

The United Nations - this site links to various internal organs as well as to other international regional organizations.

Sample Assessment:

Essay Title:

Discuss the role of globalisation in the development of the judicial arm of the WTO and its dispute settlement system.

3000 words.

Presentation Title:

The WTO is the best model for global governance in the world today. Discuss.

The presentation should not last more than 20 minutes. This will be followed by a 10 minute Q and A. It is up to the group to make decisions as to whether all or one or two should speak. Analytical and conceptual argument should be presented and you should presume that the class will be familiar with the basics of the issue as laid out in the class reading. Style of presentation is left to the individual group. Clarity, creativity, accuracy and quality will all be assessed. Subsequent to the presentation each student will hand up an *individual* 1000 word statement assessing the presentation.