

SYLLABUS FOR INTERNATIONAL TRADE LAW,
LAW 4143, FALL SEMESTER



*We recognize and respectfully acknowledge that all UNB course interactions take place on
unsundered and unceded traditional lands of Wolastoqiyik.*

Instructor:	Maria Panezi	Class Days:	Tuesdays and Thursdays
Email:	mpanezi@unb.ca	Time:	10:00-11:30
Phone:	(506) 452 6025 Please reach out to me via email or Teams message	Class Location:	Room 15
Office Location:	204	Office Hours:	By appointment (I am in the office most days, and certainly Tuesdays and Thursdays

COURSE DESCRIPTION:

In this class we will discuss main issues relating to the policy options and regulatory frameworks around International Trade- that is trade in goods and services between different countries in the world. A very short introduction to the concept of International Trade can be found here: <https://youtu.be/etkd57IPfPU> . Given the predominance of the General Agreement on Tariffs and Trade (also known as the GATT) and the organization that was created as a successor to the GATT, the World Trade Organization or WTO, the course will focus for the greatest part on the WTO. We will briefly discuss other, regional trade agreements such as CUSMA (the successor of NAFTA) and CETA in this context, mostly from a Canadian perspective.

In this course you will be introduced to and begin exploring the fundamental concepts of international trade regulation, such as trade in goods and services, international trade agreements, tariffs, trade disputes, the so-called “trade wars”, remedies, subsidies, and other issues that have increasingly become more and more prevalent in mainstream media. You are encouraged to monitor media headlines, and publications such as The Economist, The New York Times, The Washington Post and others. Please note that **any materials from the above sources that are directly relevant to issues we will discuss in class will be provided in advance by your instructor. You do not need to subscribe to any of these publications, simply monitor and identify the international trade-related headlines.** You are also encouraged to subscribe and listen to the Trade Talks podcast by Chad Bown and Soumaya Keynes, found free at <https://www.tradetalkspodcast.com/> and podcast providers of your preference. **Please note that any course relevant materials from the podcast will be provided to you in advance and in form of both audio and transcript.**

This course is taught using Peter Van Den Bossche's and Werner Zdouc's textbook, *The Law and Policy of the World Trade Organization, Text, Cases and Materials* 4th edition. It is a textbook, not a casebook. The book contains very short excerpts of cases.

The WTO has served as a focal point for trade negotiations, trade monitoring and the resolution of disputes between states. A few key issues in this course relate to Public International Law. Thus, the course of International Law and Organizations is very useful to understand such issues in depth. However, given that WTO Law is offered for the first time this year, the pre/co-requisite requirement can be waived. Please get in touch with the professor Maria Panezi at mpanezi@unb.ca in order to request a waiver.

Competency levels on these outcomes may vary. To achieve the outcomes, you need to meet all course expectations, including honouring all course policies, regular class attendance, and completing all assigned work in good faith and on time.

REQUIRED TEXTBOOK:

Van den Bossche, P., & Zdouc, W. (2017). *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (4th ed.). Cambridge: Cambridge University Press. doi:10.1017/9781316662496

Also: https://www.wto.org/english/docs_e/legal_e/legal_e.htm all WTO-related legal documents are available through the WTO portal. You are expected to familiarize yourselves progressively throughout the class with the WTO website.

Other materials, cases and commentary, distributed electronically throughout the semester.

ONLINE MATERIALS:

Online course materials can be found in Desire2Learn (D2L/Brightspace), UNB's online Learning Management System. You can access D2L through the MyUNB portal for to all UNB services (<https://my.unb.ca/group/mycampus/home>) or directly at <https://lms.unb.ca/>.

COURSE MARKING SCHEME AND EXAM POLICY

80 % of your grade is from a final exam. The final exam will likely have 4 questions. 2 will be shorter essay-type questions (500 words each approximately), one will be a longer essay-type question (1000 words approximately) and one will be a short practicum (1000 words approximately). The final exam format will be discussed during the review sessions at the end of the semester.

20% of your grade is from participation blogs. You are evaluated based on 4 (four) blog contributions on D2L of 500 words each, which can summarize or further discuss an issue raised in class. You can also email the blogs to me if you prefer. Please make sure you receive confirmation that I have received your blogs. These **written** contributions will be **marked**. In each session, I will be pointing out remarks/themes/ideas that might be suitable for a blog contribution. However, you are welcome to pick them yourself.

The due dates for blogs are as follows:

Blog 1: September 30

Blog 2: October 21

Blog 3: November 18

Blog 4: December 9

COURSE POLICIES

1. Please be present and participate in each session. Please notify me if, for a serious reason, you need to miss a session.
2. All class slides and handouts will be uploaded on D2L. Everyone will have access to these as well as all materials uploaded on D2L.
3. I will try to respond to your emails as soon as possible. I am generally available for office hours at all times when I do not teach another course. Please email me if you need an appointment.

SERVICES FOR STUDENTS WITH DISABILITIES

If you have a disability of any type (physical, mental, learning, medical, chronic health, sensory; visible or invisible) please consult the Associate Dean, Catherine Cotter early in the term. Depending on the nature of the issue, the Associate Dean may refer you to the Student Accessibility Centre, which will assess your disability and the accommodations you may need. **For this process to unfold, in each term there is a deadline, normally two weeks before the end of classes, to request accommodations due to disability, after which assistance will only be granted for the following term.** The Faculty of Law and the University are committed to supporting students with disabilities, but you must be proactive and timely in requesting accommodation. You may also wish to consult the Student Accessibility Centre's (SAC) website for more information about the services available:

<http://www.unb.ca/fredericton/student-services/academics/accessibility/index.html>.

CLASS COPYRIGHT

If you wish to distribute course notes or other similar materials provided, you must obtain my written consent beforehand. Otherwise all such reproduction is an infringement of copyright and is absolutely prohibited and subject to academic penalties (see Academic Offences below). In the case of private use by students with documented disabilities, my consent will not be unreasonably withheld.

COURSE TOPICS AND READINGS

Below is the intended schedule and topics covered, together with page numbers. It is subject to change in the event of extenuating circumstances, by mutual agreement, and to ensure better student learning. I will notify you if and when changes are made by email **and** in D2L.

COURSE OVERVIEW AND READINGS:

VDB refers to your textbook. It is the acronym of the first author's last name, Van Den Bossche. I will be using this acronym to refer to your textbook in our communications.

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| 1. Session 1- September 9: Introduction: In this session we will all introduce ourselves and each person will be encouraged to answer questions regarding their interest in international trade. We will discuss the main themes this course will explore, learning outcomes as well as the evaluation methods in detail.
Readings: Please read VDB Pages 1-33 and watch https://youtu.be/etkd57IPfPU |
| 2. Session 2- September 14: Sources of WTO law: In this session we will map all the WTO Agreements and other sources of WTO law.
Readings: Please read VDB Pages 33-78 and browse through https://www.wto.org/english/docs_e/legal_e/legal_e.htm |
| 3. Session 3- September 16: The origins and structure of the WTO: In this session we will discuss the history of the ITO, the GATT and the WTO, its mandate, membership and institutional structure. |

<p>Readings: Please read VDB Pages 80-145 [<i>Please note that this is a particularly long readings session. Also note that we will be not reading as much in the session 4</i>]</p>
<p>4. Session 4- September 21: The theory and reality of WTO Decision-Making: In this session we will discuss how WTO decision-making occurs, the legal and political dimensions of the WTO. Readings: Please read VDB Pages 145-156</p>
<p>5. Session 5- September 23: WTO Dispute Settlement: In this session we will introduce the WTO Dispute Settlement Process, jurisdictional parameters, potential parties to disputes as well as key features and the description of the basic structure of the WTO Dispute Settlement. Readings: Please read VDB Pages 164-246 and WTO Dispute Settlement Understanding https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm [<i>Please note that this is a particularly long readings session. Focus on pages 165-183 and 199-246 and skim the rest. Also skim the WTO Dispute Settlement Understanding</i>]</p>
<p>6. Session 6- September 28: The WTO Dispute Settlement Process: In this session you will become familiar with the different stages of WTO Dispute Settlement as outlined in Figure 3.2 (page 247) of your textbook. Readings: Please read VDB Pages 246-296 and WTO Dispute Settlement Understanding https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm (from the last session).</p>
<p>7. Session 7- September 30: Cardinal Rules I: MFN: In this session we will discuss Article I of the GATT (and II of GATS), the Most-Favoured-Nation Treatment Rule in trade and services. Readings: Please read VDB Pages 305-339</p>
<p>8. Session 8- October 5: Cardinal Rules I: NT: In this session we will discuss Article III of the GATT, the National Treatment obligation in Trade [we will also briefly touch upon the GATS, although it is not in your readings]. Readings: Please read VDB Pages 341-399</p>
<p>9. Session 9- October 7: Tariff Barriers: In this session we will discuss Customs Duties and other types of duties on imports and exports. Readings: Please read VDB Pages 415-473</p>
<p>10. Session 10- October 12: Non-Tariff Barriers to Trade I: In this session we will discuss quantitative restrictions Readings: Please read VDB Pages 478-498</p>
<p>11. Session 11- October 14: Non-Tariff Barriers to Trade II: In this session we will discuss other NTBT. Readings: Please read VDB Pages 498-517</p>
<p>12. Session 12- October 19: Cardinal Rules: The Exceptions I: In this session we will discuss General Exceptions of Article XX in the GATT. Readings: Please read VDB Pages 544-605 and Article XX of the GATT https://www.wto.org/english/docs_e/legal_e/gatt47_02_e.htm#articleXX</p>
<p>13. Session 13- October 21: Cardinal Rules: The Exceptions II: In this session we will discuss General Exceptions of Article XIV in the GATS and the Security Exceptions of Article XXI of the GATT and XIV <i>bis</i> of the GATS.</p>

<p>Readings: Please read VDB Pages 605-623 and Article XIV of the GATS, Article XXI of the GATT and XIV <i>bis</i> of the GATS (found at the WTO website and your book).</p>
<p>14. Session 14- October 26: Safeguards and Balance of Payments Measures: In this session we will discuss the Agreement on Safeguards and other safeguard measures in WTO Agreements. We will also discuss BOP measures under the GATT and the GATS. Readings: Please read VDB Pages 630-668</p>
<p>15. Session 15- October 28: Regional Trade Agreements: In this session we will discuss Regional Trade Agreements and briefly the ones that Canada has recently signed with the EU- CETA, the US and Mexico- CUSMA and the CPTPP. Readings: Please read VDB Pages 671-694</p>
<p>16. Session 16- November 2: Dumping I: This session will introduce the concept of dumping and antidumping measures and their treatment at the WTO. Readings: Please read VDB Pages 697-737 and watch https://youtu.be/Oc2ONjGXA6I</p>
<p>17. Session 17- November 4: Dumping II: In this session we will discuss the initiation of antidumping investigations and measures as well as the institutional components of the AD Agreement. Readings: Please read VDB Pages 737-765</p>
<p>18. Session 18- November 16: Subsidies: This session will discuss covered subsidies in the SCM, non-actionable, prohibited and actionable subsidies. Readings: Please read VDB Pages 770-846</p>
<p>19. Session 19- November 18: Countervailing Measures: This session will continue the discussion on SCM and discuss Countervailing Duty imposition procedures. Readings: Please read VDB Pages 846-877</p>
<p>20. Session 20- November 23: Technical Barriers to Trade: This session will discuss the TBT Agreement. Readings: Please read VDB Pages 883-932</p>
<p>21. Session 21- November 25: Page selection of Chapter 14 of the Sanitary and Phytosanitary Agreement [Not in the exam]</p>
<p>22. Session 22- November 30: Page selection of Chapter 15 of the Intellectual Property Rights at the WTO [Not in the exam]</p>
<p>23. Session 23- December 2: REVIEW SESSION 1</p>
<p>24. Session 24- December 7: REVIEW SESSION 2</p>
<p>25. Session 24- December 9: REVIEW SESSION 3</p>

TECHNICAL SUPPORT

Information Technology Services (ITS) Help Desk can be reached by phone (506.453.5199), email (helpdesk@unb.ca), or visited in person at the Harriet Irving Library Learning Commons.

ACADEMIC ADVISING

For academic advising information and assistance, please speak to the Associate Dean, Catherine Cotter.

ACADEMIC OFFENCES

Academic offences include, but are not limited to, plagiarism, which includes:

1. quoting verbatim or almost verbatim from any source, regardless of format, without acknowledgement;
2. adopting someone else's line of thought, argument, arrangement, or supporting evidence (such as, statistics, bibliographies, etc.) without indicating such dependence;
3. submitting someone else's work, in whatever form (essay, film, workbook, artwork, computer materials, etc.) without acknowledgement; and
4. knowingly representing as one's own work any idea of another.

For more information, see the Undergraduate Calendar, *University Wide Academic Regulations, Regulation VIII.A*, or visit: <http://go.unb.ca/tlsPb0XX5>. **It is your responsibility to know the regulations.**

Please note that the provincial law societies, including the Law Society of New Brunswick and the Law Society of Ontario, require applicants for admission to disclose whether allegations of academic misconduct were made against them during their post-secondary studies. Accordingly, a law student who is implicated in an academic offence, even if he or she graduates from law school, may have difficulty becoming a lawyer. Also note that many law school instructors are lawyers and as such have a professional obligation to report to the Law Society dishonesty that may interfere with a person's ability to practice law.