International Economic Law

Spring 2009
Responsible for course: Ole Kristian Fauchald, e-mail: o.k.fauchald@jus.uio.no

All teaching at 14.15-16.00

Mock exam: Will be posted on the web-page. Deadline: March 25, to be handed in at the Information Centre.

3/2: The basics of international economic law – Lecture, Ole Kristian Fauchald
Reading:
- Mandatory: Bossche chapters 1 and 2
- Mandatory: Dolzer and Schreuer pp. 1-30
Web-pages of interest:
- http://www.wto.org/english/res_e/res_e.htm#publications
- http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm
- ita.law.uvic.ca/

10/2: Methodology in WTO – Lecture and cases, Nils Christian Langtvedt
Reading:
- Mandatory: Bossche chapter 3
Web-pages of interest:
- http://www.wto.org/english/thewto_e/whatis_e/tif_e/displ_e.htm
Primary materials:
- The Dispute Settlement Understanding
To be discussed:
- Questions and Assignments 3.10 in Bossche pp. 206-207.

24/2: Non-discrimination – Lecture and cases, Ole Kristian Fauchald
Reading:
- Mandatory: Bossche chapter 4 and sections 7.2.4 and 8.3.3
- Mandatory: Dolzer and Schreuer pp. 178-191
- Supplementary: Ole Kristian Fauchald, “Flexibility and Predictability under WTO’s Non-Discrimination Clauses”, in 37 Journal of World Trade 3 (2003), pp. 443-482
Primary materials:
- Art. I, III and XXIV of GATT
- Art. II and XVII of GATS
- Investment treaties

1 All WTO dispute document references that end with /AB/R are reports from the Appellate Body. Such documents can be found at the WTO web-site.
To be discussed:
- Prepare for discussion the exercise in Bossche pp. 398-400.
- Appellate Body report: EEC – Bananas III
- Appellate Body report: Japan – Alcoholic beverages II
- Appellate Body report: EC – Asbestos
- Investment arbitration: SD Myers v. Canada

26/2: Tariffs and trade in goods – Lecture and cases, Ole Kristian Fauchald
Reading:
- Mandatory. Bossche section 5.2 and chapter 2
Primary materials:
- Art. I, II, XXIII, XXVII and XXVIII bis of GATT
- The Agreement on Rules of Origin
- The Doha Ministerial Declaration
To be discussed:
- Prepare Questions and Assignments 5.5 and 5.6 in Bossche pp. 422 and 426
- EC – Tariff preferences

3/3 and 10/3: Trade in services – Lecture and cases, Ola Mestad
Reading:
- Mandatory. Bossche sec. 1.4.1.3, sec. 2.5.4, sec. 4.3, sec. 4.5, sec.5.4, sec. 7.3
Primary materials:
- Art. I, II, VI, XVI, XVII and XXVIII of the GATS
- GATS Annex on Negotiations on Maritime Transport Services
To be discussed:
- Are services well suited for regulation through broad principles?
- Liberalization of trade in higher education – the developing country dimension
- The paradox of maritime services under the GATS – the sector is liberalized, but very few GATS commitments

17/3: Trade in services and international investment – Lecture and cases, Ola Mestad
Reading:
- Mandatory. Bossche sec. 2.3.2.2, Dolzer and Schreuer p. 26-27 and p. 82-84
Primary materials:
- Art. I, 2 d) of GATS, Agreement on Trade-Related Investment Measures (under the GATT)
To be discussed:
- Conceptual difference and economic relevance of the distinction between trade and investment
- Investment as a necessary precondition for the supply of some services

24/3 and 31/3: WTO disciplines on dumping and subsidies – Lecture and cases, Nils Christian Langtvedt
Reading:
- Mandatory:
Dumping: Bossche pp. 507-557
Subsidies: Bossche pp. 557-611

Web-pages of interest:
- http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm8_e.htm

Primary materials:
- Dumping: GATT Article VI, Ad Article VI (Interpretive Note), Antidumping Code (Agreement on Implementation of Article VI of the GATT 1994) Articles 1-5, 7-11, 13-14, 17
- Subsidies: GATT 1994 Articles III, para. 8 (b), XVI, Ad Article XVI (Interpretive Note), Subsidy Code (Agreement on Subsidies and Countervailing Measures) Articles 1-11, 13, 15-21, 23, 25, 30

To be discussed:
  Questions and Assignments 6.9 in Bossche p. 533
- Subsidies: Canada - Measures Affecting the Export of Civilian Aircraft, 2 August 1999, WT/DS70/AB/R
  Questions and Assignments 6.29 in Bossche p. 582

2/4: General exceptions and economic emergency exceptions in GATT and GATS – Lecture and cases, Froukje Maria Platjouw

Reading:
- Bossche section 7.1, 7.2, 7.3, and 7.5

Primary materials:
- GATT Preamble and Article XX, sections (b) and–(g),
- GATS article XIV
- GATT article XIX and the Agreement on Safeguards

To be discussed:

14/4: General issues of international investment law – Lecture, Mads T. Andenæs

Reading:
- Reread from 3/2: Dolzer and Schreuer pp. 1-30
- Mandatory: Dolzer and Schreuer pp. 46-70

Primary materials:
- ICSID Convention
- Energy Charter Treaty Parts I, III and V.
- NAFTA Chapter XI.

To be discussed:
- The Norwegian Government’s proposal for Model for Future Investment Agreements and the submissions in the public consultation. There is an English translation of the Model and several of the submissions are
16/4: Minimum standards of treatment in international investment law – Lecture and cases, Mads T. Andenæs

Reading:
- Reread from 24/2: Dolzer and Schreuer pp. 178-191
- Mandatory: Dolzer and Schreuer pp. 119-48

Primary materials:
- ICSID Convention
- Energy Charter Treaty Parts I, III and V.
- NAFTA Chapter XI.

To be discussed:
- *Metalclad v Mexico*, Award, 30 August 2000, 5 ICSID Reports 209.
- *Maffezini v Spain*, Award on the merits, 13 November 2000, ICSID Reports 419.
- *ELSI (United States v Italy)* ICJ Reports 1989, 15.

30/4: Discussion of the mock exam with Froukje Maria Platjouw