

Cardozo School of Law
INTERNATIONAL TRADE LAW
Fall 2009/CRN 18313

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BASIC INFORMATION and SYLLABUS – version 03

Class room: Room 205

Class hours: Tuesdays and Thursdays, 2:30 – 3:51pm

There will be NO class on Thursday, 17 September, and there will be a make-up class at NOON on Monday, 21 September. Class on October 15 may also be rescheduled.

Office hours: Wednesdays 1:30 – 3:30pm

Course Materials:

1. DANIEL C.K. CHOW AND THOMAS J. SCHOEBBAUM, INTERNATIONAL TRADE LAW: PROBLEMS, CASES, AND MATERIALS (2008) Do not read authors' "PROBLEMS" and "NOTES AND QUESTIONS" in assigned pages unless specifically directed in this syllabus.
2. WTO treaties posted on ANGEL. We will focus on "GATT 1947," "GATT 1994" and the "DSU" but elements of other posted treaties will be discussed.
3. *Supplemental materials as described in the syllabus.* As with treaties, all supplemental readings are available on ANGEL.

Evaluation and Class Format:

Grading in the course will be based on a 24 hour final take home examination. In addition, class participation will be used to adjust grades upward or downward. Students are expected to be prepared each class to participate based on class readings. Internet use during class is strictly FORBIDDEN with the same potential penalties as poor class participation (which it is).

SYLLABUS

Again, there is NO need to read the casebook authors' "PROBLEMS" or "NOTES AND QUESTIONS" unless specifically assigned in the syllabus; otherwise, skip all that text.

I. THE REALITY, HISTORY, AND INSTITUTIONS OF THE GLOBAL ECONOMY

Casebook pages

10 - 43

Additional readings, briefly review (do not read in detail):

Hawaii-US Treaty of Friendship, Commerce, and Navigation 1849

Argentina-US Treaty of Friendship, Commerce, and Navigation 1853

Casebook pages

50 - 58 [including Figure 1-12 and do read "Notes on Implementation and Remedies" on 56-57]

60 - 66 ["B. Trade Remedies" to *Japan – Measures Affecting...Paper*]

78 - 82 ["E. Principles of Interpretation . . ."]

Dispute Settlement Understanding (DSU)

GATT 1947

GATT 1994

[do not try to read GATT 1947 in detail, but see the structure of how GATT 1994 integrates almost all of GATT 1947. Do study the DSU carefully enough to understand the procedures which are summarized in Figure 1-12]

II. THE INTERNATIONAL LAW/DOMESTIC LAW INTERFACE FOR TRADE

Casebook pages

101 - 122

124 - 127 [to "Agreement Establishing the WTO"]

III. NATIONAL TREATMENT -- GATT ARTICLE III

GATT 1947 – Article III

Casebook pages

143 - 144 ["Introduction"]

159 - 196

IV. THE MOST-FAVORED-NATION CLAUSE – GATT ARTICLE I

GATT 1947 – Article I

Casebook pages

- 144 - 145 ["II. The Most Favored Nation Principle]
150 - 153 [Treatment of Germany of Imports of Sardines]

Additional readings, excerpts from

- Japan – Tariff on Imports of Spruce-Pine-Fur (SPF) Dimension Lumber*, GATT Panel Report adopted 19 July 1989, 36th Supp. BISD 167 (1990) [Japan – SPF edited.doc]
Spain – Tariff Treatment of Unroasted Coffee, GATT Panel Report, adopted 11 June 1981, 28th Supp. BISD 102 (1982) [Spain Coffee edited.doc]

Casebook pages

- 153 - 159 [*Canada – Certain Measures Affecting the Automobile Industry* and “D. Exceptions to MFN Obligations”]

V. CUSTOMS AND TARIFF LAW – CLASSIFICATION, VALUATION AND RULES OF ORIGIN

Casebook pages

- 345 - 348 [to Notes & Questions]
352 - 353 ["III. Harmonized Tariff System"]
355 - 360 [to “V. Product Classification”]
375 - 391 [*Bausch & Lomb, Lon-Ron Manufacturing, Mead Corporation, and I.E. Dupont de Nemours*]
360 - 365 ["V. Product Classification" to *EC – Frozen Boneless Chicken Cuts*]
398 - 421 [*Luigi Bormioli through Brother International*]

VI. CLASSIC NON-TARIFF BARRIERS

GATT 1947 – Articles X.I, XI, III.1, III.2 and IV

Casebook pages

- 433 - 451 [to *European Communities – Regime for . . . Bananas*]
466 - 480 ["V. Technical Regulations and Product Standards"]

VII. REGIONAL AND HISTORY-BASED TRADING ARRANGEMENTS

GATT 1947 – Article XXIV

Casebook pages

- 90 - 99 ["VII. Preferential Trade Agreements"]
451 - 457 [*European Communities – Regime for . . . Bananas*]
422 - 425 [VIII. Customs & Free Trade Areas & *Cummins* case]
427 - 431 [Article 401 and NAFTA: A Guide . . . (skim formulae at end)]

VIII. THE “GENERAL EXCEPTIONS” TO WTO/GATT

GATT 1947 – Articles XX and XXI

WTO Agreement on Sanitary and Phytosanitary Measures

Casebook pages

489 - 491

510 - 535

492 - 510

147 - 149

535 - 537

[II. Protection of Human Health to V. Workers’ Rights]

[II. Environmental Protection]

[Belgian Family Allowances]

[V. Workers’ Rights]

Suggested reading, excerpts from

PETER SINGER, ONE WORLD: THE ETHICS OF GLOBALIZATION (2d edition, 2004) pp. 55-75 [“The Four Charges” up til “The WTO is Undemocratic”]

I will make an announcement about copies being on reserve or otherwise available.

IX. DUMPING, SUBSIDIES, AND SAFEGUARDS

Casebook pages

639 – 648

652 – 660

681 – 692

712 – 714

716 – 719

728 – 737

744 – 757

[to “Backgrounder, The Heritage Foundation”]

[“B. The Operation of the U.S. Anti-Dumping Law”]

[“E. International Law Discipline” through *United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products*]

[to Michael K. Young reading]

[“C. Challenging . . .” to *United States – Tax Treatment . . .*]

[*Indonesia – Certain Measures Affecting the Automobile Industry*]

I sincerely doubt we will be able to cover all the material in Part IX. So, stay tuned, as I update on readings and pages.

End of syllabus, version 03

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THIS IS AVAILABLE ON THE ANGEL SYSTEM