

Cardozo School of Law
INTERNATIONAL TRADE LAW
Spring 2011

Professor Justin Hughes
212-790-0260
hughes@yu.edu

BASIC INFORMATION and SYLLABUS – version 01

Class room: Room 303

Class hours: Mondays and Wednesdays, 2:30 – 3:45pm

Make-up classes: Because of my Washington obligations – I have scheduled our classroom for make-up classes on the following dates:

31 January, 7 February, 16 February, 9 March

All these make-up classes will be in our regular classroom Room 303 and run from NOON to 1:15. If you need to bring your lunch those days, that's fine.

Office hours: Tuesdays, 2-4:00pm

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 - 56

["Negotiating Trade Concessions" to "Notes on Implementation and Remedies"]

60 - 66

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

78 - 82

["E. Principles of Interpretation . . ." to "F. Trade Retaliation . . ."]

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 on page 55]

II. THE INTERNATIONAL LAW/DOMESTIC LAW INTERFACE FOR TRADE

Casebook pages

101 - 122 [to Notes and Questions]

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

III. NATIONAL TREATMENT -- GATT ARTICLE III

GATT 1947 – Article III

Casebook pages

143 - 144

["Introduction"]

159 - 196

["National Treatment" to Notes and Questions]

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.1, 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	[<i>European Communities – Regime for . . . Bananas</i>]
422 - 425	[VIII. Customs & Free Trade Areas & <i>Cummins</i> 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

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

492 - 510

[II. Environmental Protection]

147 - 149

[*Belgian Family Allowances*]

535 - 537

[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

[to “Backgrounder, The Heritage Foundation”]

652 – 660

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

681 – 692

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

712 – 714

[to Michael K. Young reading]

716 – 719

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

728 – 737

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

744 – 757

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 01

#####

THIS IS AVAILABLE ON THE ANGEL SYSTEM