

INTERNATIONAL TRADE REGULATION (JPJ2037) (ECO3504HF) (LAW285H1S)
Michael Trebilcock

Second Term: 3 credits; 2 hours
Schedule:(T: 2:10 - 4:00)

Max. Enrol: 40
26 JD
4 LLM/SJD/MSL/NDEGS/SJD
U
5 Economics students and 5
Pol. Sci.

Note: This course satisfies either the Perspective or the International/Comparative/Transnational perspective course requirement.

Note: Students taking this course cannot take International Trade Regulation (LAW285H1F) with Paul-Eric Veel

SUYRP
Perspective Course

ICT

This seminar will explore the regulatory framework governing international trading relations. It will begin with the economic theory of international trade and in particular the case for free trade, then examine the politics of trade policy and objections and sources of opposition to free trade. The following topics will be examined: international economic institutions, the Bretton Woods System, the GATT/WTO, NAFTA, international regulation of tariffs, national tariff administration, the principles of nondiscrimination (most favoured nation and national treatment) with a special focus on antidumping regulation, subsidies and countervailing duties, safeguards, adjustment assistance, trade and agriculture, trade in services, trade-related investment measures, trade-related intellectual property rights, trade and health and safety, trade, labour and human rights standards, trade and the environment and trade and development.

The seminar will strongly emphasize the institutions and political economy of international trading relations and how economic and political forces have shaped current regulatory policies and may shape future policies.

Evaluation: Students will be required to write 500 to 750 page comments on selected readings for five of the classes (50%) and a 3750 word paper on an issue of their choosing (50%). Students writing a SUYRP in this course will be required to write a reduced number of comments (2).

INTERNATIONAL TRADE REGULATION

2011

Michael Trebilcock

VOLUME 1

1) The Evolution of Trade Theory and Policy

Michael J. Trebilcock, *Understanding Trade Law*, (Edward Elgar, 2011) (hereinafter Trebilcock *op. cit.*), Chapter 1

Joost Pauwelyn, "The Transformation of World Trade" 104 *Michigan Law Review* (2005): 1-65. 1 - 1

Michael Trebilcock, "Searching for Hope: The Countries that Globalization Has Left Behind" (2008) 46 *Canadian Business Law Journal*: 184-98. 1 - 66

David S. Christy Jr., "The Problems Facing the Doha Development Agenda" (2008) 8 *Global Economy Journal*: 1367-98. 1 - 74

Michael Trebilcock, "Critiquing the Critics of Economic Globalization" (2005) 1 *Journal of International Law and International Relations*: 213-238 1 - 85

Dani Rodrik, *The Globalization Paradox*, (W.W. Norton & Company, Inc., 2011), Introduction and Chapter 12. 1 - 111

2) Dispute Settlement and Treaty Interpretation

Trebilcock, *op. cit.*, Chapter 2

Kara Leitner and Simon Lester, "WTO Dispute Settlement 1995-2010: A Statistical Analysis," 14(1) *Journal of International Economic Law* (2011): 191-201. 2 - 1

WTO, "Understanding on Rules and Procedures Governing the Settlement of Disputes," in *The WTO Dispute Settlement Procedures* (Geneva: World Trade Organization, August 1995) 2 - 12

WTO, "Historic Development of the WTO Dispute Settlement System," in *A Handbook on the WTO Dispute Settlement System* (Cambridge: WTO/Cambridge University Press, 2004), 12-16. 2 - 32

Debra Steger, "The Future of the WTO: The Case for Institutional Reform," 12 *Journal of International Economic Law* (2009): 803-833. 2 - 35

3) Non-Discrimination: The Most Favoured Nation Principle

Trebilcock, *op. cit.*, Chapters 3 and 4

WTO, *European Communities – Conditions for the granting of Tariff Preferences to Developing Countries*, Report of the Appellate Body (2004) [EU-India dispute] 3 - 1

4) Non-Discrimination: The National Treatment Principle

Trebilcock, *op. cit.*, Chapter 5

WTO, *Japan – Taxes on Alcoholic Beverages*, Edited Appellate Body Report (1996). 4 - 1

WTO, *European Communities – Measures Affecting Asbestos and Asbestos Containing Products*, Edited Appellate Body Report (2000), paras. 1-154. 4 - 14

5) Anti-Dumping Laws

Trebilcock, *op. cit.*, Chapter 6

WTO, *United States - Continued Dumping and Subsidy Offset Act of 2000*, Appellate Body Report Summary (2002). 5 - 1

WTO, *United States - Continued Dumping and Subsidy Offset Act of 2000*, Recourse to Arbitration by the United States under DSU Article 22.6 Summary (2004). 5 - 17

6) Subsidies and Countervailing Duties

Trebilcock, *op. cit.*, Chapter 7

Andrew Green and Michael Trebilcock, "The Enduring Problem of World Trade Organization Export Subsidies Rules," in Kyle Bagwell, George Bermann, and Petros C. Mavroidis, eds., *Law and Economics of Contingent Protection in International Trade*, (New York: Cambridge University Press, 2010): 116-169. 6 - 1

Certain Softwood Lumber Products from Canada, Decision of the Binational Panel of Remand (1993) 6 - 27

Certain Softwood Lumber Products from Canada, Extraordinary Challenge Committee (1994), views of Dissenting Member Wilkey 6 - 46

"Indepth: Softwood Lumber Dispute," *CBC News Online* (28 April 2006), http://www.cbc.ca/news/background/softwood_lumber/. 6 - 51

Karen Cross, "King Cotton, Developing Countries and the 'Peace Clause': The WTO's *US Cotton Subsidies* Decisions," 9 *Journal of International Economic Law* (2006): 149-195. 6 - 56

Brendan McGivern, *WTO Appellate Body Report: United States – Subsidies on Upland Cotton*, Summary (2008). 6 - 103

VOLUME 2**7) Safeguards and Adjustment Assistance**

Trebilcock, *op. cit.*, Chapter 8

A. Sykes, “The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute” 7 - 1
2004 7 *Journal of International Economic Law* 523.

WTO, *United States – Safeguard Measures on Imports of Fresh, Chilled, and Frozen Lamb Meat from New Zealand and Australia*, Report of the Appellate Body (2001) 7 - 26

8) Trade in Agriculture

Trebilcock, *op. cit.*, Chapter 9

Masayoshi Honma, “Agricultural Issues in the Doha Development Agenda Negotiations,” in *The WTO in the Twenty-First Century: Dispute Settlement, Negotiations and Regionalism in Asia* (Cambridge: WTO/Cambridge University Press, 2007): 328-40. 8 - 1

Tracey D. Epps and Michael J. Trebilcock, “Special and Differential Treatment in Agricultural Trade: Breaking the Impasse” (June 11, 2008). 8 - 8

Brett Williams, “Did the G20 leaders realize what they are endorsing? The WTO Doha Round and agricultural liberalization. How did we get into such a mess?” 8 - 62

9) Trade in Services

Trebilcock, *op. cit.*, Chapter 10

Simon Lester and Bryan Mercurio with Arwel Davies and Kara Leitner, *World Trade Law: Text, Materials and Commentary* (Portland: Hart Publishing 2008), 597-631. 9 - 1

WTO, *GATS — Fact and Fiction* (2001), a booklet published by the WTO Secretariat 9 - 19

WTO, *United States - Measures Affecting the Cross-Border Supply of Gambling and Betting Services: Recourse to Article 21.5 of the DSU by Antigua and Barbuda*. Report of the Appellate Body, sections 1-2.2, 6. 9 - 36

10) Trade-Related Intellectual Property Rights (TRIPS)

Trebilcock, *op. cit.*, Chapter 12

WTO, *Canada-Patent Protection of Pharmaceutical Products*, Report of Panel (2000) 10 - 1

WTO – “*Declaration on the TRIPS Agreement and Public Health*,” *Ministerial Declaration*, WT/MIN (01)/DEC/W/2, 14 November 2001 10 - 31

- WTO – “Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health,” *Decision of the General Council*, WT/L/540, 8/30/2003 10 - 33
- Alan Sykes, “TRIPS, Pharmaceuticals, Developing Countries and the Doha ‘Solution,’” *Chicago Journal of International Law* 3 (2002): 47-68 10 - 38
- Peter Drahos and John Braithwaite, *Information Feudalism* (New York: New Press, 2003) 5-13, 61-73, 137-149. 10 - 50

VOLUME 3

11) Trade-Related Investment Measures (TRIMS)

Trebilcock, *op. cit.*, Chapter 11

- Stephen Clarkson, “Systemic or Surgical? Possible Cures for NAFTA’s Investor-State Dispute Process,” *Canadian Business Law Journal* 36 (2002): 368-87 11 - 1
- Julie Soloway, “NAFTA’s Chapter 11: Investor Protection, Integration, and the Public Interest” in John Kirton & Peter Hajnal, eds., *Sustainability, Civil Society and International Governance: Local, North American and Global Contributions* (Ashgate: Hampshire 2006): 137-176. 11 - 11
- Chris Tollefson, “NAFTA’s Chapter 11: The Case for Reform” in John Kirton & Peter Hajnal, eds., *Sustainability, Civil Society and International Governance: Local, North American and Global Contributions* (Ashgate: Hampshire 2006): 177-190. 11 - 30
- Howard Mann, “The Final Decision in *Methanex v. United States*: Some New Wine in Some New Bottles,” *International Institute for Sustainable Development* (August 2005). 11 - 37

12) Trade, Health and Safety

Trebilcock, *op. cit.*, Chapter 13

- Cary Coglianese, Adam Finkel, and David Zaring, “Consumer Protection in an Era of Globalization,” in Cary Coglianese, Adam Finkel, and David Zaring, eds., *Import Safety: Regulatory Governance in the Global Economy*, (Philadelphia: University of Pennsylvania Press, 2009): 3-21. 12 - 1
- Tracey Epps and Michael J. Trebilcock, “Import Safety Regulation and International Trade,” in Cary Coglianese, Adam Finkel, and David Zaring, eds., *Import Safety: Regulatory Governance in the Global Economy*, (Philadelphia: University of Pennsylvania Press, 2009): 69-87. 12 - 21

WTO, <i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , Report of the Appellate Body (1997).	12 - 12
Brendan McGivern, “WTO Appellate Body Report: United States – Continued Retaliation in the Hormone Dispute,” (October 2008).	12 - 75
WTO, <i>European Communities – Measures Affecting Asbestos and Asbestos Containing Products</i> , Edited Report of the Appellate Body (2000), paras. 155-193.	12 - 82
WTO, <i>European Communities – Measures Affecting the Approval and Marketing of Biotech Products</i> , Edited Report of the Appellate Body (2006).	12 - 92
13) Trade and the Environment	
Trebilcock, <i>op. cit.</i> , Chapter 14	
WTO, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , Edited Report of the Appellate Body (1998).	13 - 1
WTO, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , Recourse to Article 21.5 of the DSU by Malaysia (2002), paras. 1-11 and 79-154.	13 - 38
WTO, <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> , Report of the Appellate Body (2007).	13 - 76
Paul-Erik Veel, “Carbon Tariffs and the WTO: An Evaluation of Feasible Policies,” <i>12 Journal of International Economic Law</i> (2009): 749-800.	13 - 139
Appendix	
The General Agreement on Tariffs and Trade	A - 1