

INTERNATIONAL TRADE AND INVESTMENT
Syllabus
SPRING TERM 2008

Professor Osofsky

Telephone: 6-5797
Office: Knight Law School 352
Email: hosofsky@uoregon.edu

Class Time: Mon/Weds, 4:45-6:00 pm
Class Location: Knight Law School 110
Office Hours: Tues, 3–5 pm

COURSE MATERIALS:

- JOHN H. JACKSON, WILLIAM J. DAVEY & ALAN O. SYKES, JR., LEGAL PROBLEMS OF INTERNATIONAL ECONOMIC RELATIONS: CASES, MATERIALS AND TEXT (4th ed. 2002).
- Handouts and Weblinks

[Please read materials closely unless the assignment indicates that you should browse them to obtain general background.]

COURSE WEBSITE:

I will be maintaining a website for this course through The West Education Network (TWEN). This website will include the syllabus, focus questions, information on the paper assignment, links to web materials, class notes, and class list serves. Please make sure to check it regularly. You can access this site through lawschool.westlaw.com; click on TWEN and register yourself as a member of the class.

SUMMARY:

The debate over globalization often centers on the benefits and burdens of international trade. This course provides an introduction to these issues by examining the laws and institutions that govern transboundary trade and investment. The course will begin with an introduction to international trade, legal institution, and sales. From this base, the course will provide an overview of key institutions, such as the World Trade Organization, the International Monetary Fund, the International Bank for Reconstruction and Development (World Bank), the European Union, the North American Free Trade Agreement, and the Asian regional institutions. The final part of the course will build upon this foundation to explore a selection of contemporary issues, including the problems posed by wealth disparities among nations and unfair trading practices, the need to protect the environment and maintain labor standards, and the complex dynamics regarding trade in services and intellectual property.

Grades will be based on student research papers (90%), class participation (5%), and oral presentations (5%). Paper topics are due at the beginning of class (4:45 pm) on January 28, 2007 (which gives you the week of January 21–28, when we don't have class, to develop your topic). Then, students will be assigned a presentation day based on the subject matter of their paper. To fulfill the course requirements, student research papers must be 10-15 pages long and turned in by beginning of class (4:45 pm) on the last day of class (April 21, 2007).

I am available to talk with you during my office hours or by appointment. As noted above, my office hours are Tuesday, 3–5 pm. I have a sign-up sheet on my office door for office hours so that no one has to wait in the hall; please sign up if you plan to attend them.

PART I: INTRODUCTION TO INTERNATIONAL TRADE AND INVESTMENT

- 1 **Jan. 7** **Course Overview and Introduction to Trade**
Reading Assignment:
– Text, p. 1–2, 4–12
– Handout: International Trade News Articles
- 2 **Jan. 9** **Introduction to International Legal System**
Reading Assignment:
– Text, p. 170–80
- 3 **Jan. 11** **Introduction to International Sales Transactions**
THIS IS A MAKEUP CLASS. WE WILL MEET FROM 10:00-11:15 AM IN RM 282
Reading Assignment:
– Text, p. 45–55

PART II: KEY INSTITUTIONS IN INTERNATIONAL TRADE AND INVESTMENT

A. INTERNATIONAL INSTITUTIONS

- 4 **Jan. 14** **Introduction to WTO**
Reading Assignment:
– Text, p. 208–23
– Summary of Doha Negotiations, available at
http://www.wto.org/english/tratop_e/dda_e/negotiations_summary_e.htm
– December 2007 Report from Director General on Doha Negotiations, available at
http://www.wto.org/english/news_e/news07_e/tnc_chair_report_dec07_e.htm
- 5 **Jan. 16** **WTO Membership and Its Implications**
Reading Assignment:
– Text, p. 231-36
– Karen Halverson, *China's WTO Accession: Economic, Legal, and Political Implications*, 27 B.C. INT'L & COMP. L. REV. 319 (2004) (available on Westlaw) [Read through I.C. only]

MARTIN LUTHER KING DAY—NO CLASS ON JANUARY 21

CLASS CANCELED ON JANUARY 23

- 6 **Jan. 28** **WTO Dispute Settlement**
PAPER TOPICS DUE AT BEGINNING OF CLASS
Reading Assignment:
– Text, p. 257–71
– Browse the WTO Analytical Index, available at
http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm

- 7 **Jan. 30** **International Monetary Fund & World Bank**
Reading Assignment:
 – Text, p. 1053–56; 1068–70; 1074–78
 – Annual Report 2007, The Board of Executive Directors,
<http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/EXTANNREP/EXTANNREP2K7/0,,contentMDK:21490363~menuPK:4187797~pagePK:64168445~piPK:64168309~theSitePK:4077916,0.html>
 – October 2007 Remarks of President,
<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:21520625~pagePK:34370~piPK:42770~theSitePK:4607,00.html>

- 8 **Feb. 1** **International Arbitral Institutions**
THIS IS A MAKEUP CLASS. WE WILL MEET FROM 10:30-11:45 AM IN RM 282
Reading Assignment:
 – Handout on International Arbitration
 – Browse Website for International Chamber of Commerce’s Commission on Trade and Investment, available at <http://www.iccwbo.org/policy/trade/>

B. REGIONAL INSTITUTIONS

- 9 **Feb. 4** **Introduction to EU**
Reading Assignment:
 – Text, p. 142–53; 165–68
 – Browse The EU at a Glance, available at http://europa.eu/abc/index_en.htm
- 10 **Feb. 6** **EU’s External Commercial Relations**
Reading Assignment:
 – Text, p. 153–65
- 11 **Feb. 18** **Introduction to NAFTA**
Reading Assignment:
 – Text, p. 465–70
 – NAFTA, Preamble, Chapter 1, available at http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=78
 – NAAEC, Preamble, Arts. 1–7, available at http://www.cec.org/pubs_info_resources/law_treat_agree/naaec/index.cfm?varlan=english
 – NAALC, Preamble, Parts One and Two, available at <http://www.naalc.org/english/agreement.shtml>

- 12 **Feb. 20** **NAFTA Chapter 11 Arbitration**
Reading Assignment:
 – NAFTA, Articles 1101–1114, available at http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=160
 – NAAEC, Articles 14, 15 & 22, available at http://www.cec.org/pubs_info_resources/law_treat_agree/naaec/index.cfm?varlan=english
 – Materials on NAFTA Chapter 11 Arbitration (Available for download on TWEN under Course Materials)
- 13 **Feb. 25** **Asian Regional Institutions**
Reading Assignment:
 – Thomas C. Fischer, *A Commentary on Regional Institutions in the Pacific Rim: Do APEC and ASEAN Still Matter?*, 13 DUKE J. COMP. & INT’L L. 337 (2003) (available on Westlaw).

PART III: CROSS-CUTTING ISSUES IN INTERNATIONAL TRADE

A. FAIR TRADE IN AN UNFAIR WORLD? DISPARITIES IN WEALTH AND UNFAIR TRADE PRACTICES

- 14 **Feb. 27** **Disparities in Wealth**
Reading Assignment:
 – Text, p. 1167, 1177–90
 – October 2007 Declaration by Leaders of Brazil, India, and South Africa that Reaffirms Commitment to Doha Negotiations, <http://www.dfa.gov.za/docs/2007/ibsa1018.htm>
 – October 2006 African Union Statement on Suspension of Doha Round, available at http://www.wto.org/english/news_e/news06_e/benin_30oct06_e.htm
- 15 **Mar. 3** **Unfair Trade Practices**
Reading Assignment:
 – Text, p. 676–82, 688–93
 – Browse EU’s Anti-Dumping Measures, available at <http://europa.eu/scadplus/leg/en/lvb/r11005.htm>
- 16 **Mar. 5** **Class Presentations**
Reading Assignment:
 – Review Readings and Notes from Classes 14 and 15
- 17 **Mar. 10** **Class Presentations**
Reading Assignment:
 – Review Readings and Notes from Classes 14 and 15

**B. ENGAGING EXTERNALITIES:
TRADE, ENVIRONMENT, AND LABOR**

- 18 **Mar. 12** **Trade and Environment**
Reading Assignment:
– Text, p. 1006–08; 552–63
– Browse WTO materials on trade and environment,
available at
http://www.wto.org/english/tratop_e/envir_e/envir_e.htm
- 19 **Mar. 17** **Trade and Labor**
Reading Assignment:
– Text, p. 1033–45
– Position Paper on Labor Standards and the WTO,
available at
http://www.wto.org/english/forums_e/ngo_e/labor_standards_e.doc
- 20 **Mar. 19** **Class Presentations**
Reading Assignment:
– Review Readings and Notes from Classes 18 and 19

SPRING BREAK—NO CLASS MAR 24 AND 26

- 21 **Mar. 31** **Class Presentations**
Reading Assignment:
– Review Readings and Notes from Classes 18 and 19

**C. BEYOND TRADITIONAL GOODS:
TRADE IN SERVICES AND INTELLECTUAL PROPERTY**

- 22 **Apr. 2** **Trade in Services**
Reading Assignment:
– Text, p. 853–68
– WTO Materials on GATS, available at
http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm6_e.htm

CLASS CANCELED—NO CLASS ON APRIL 9

- 23 **Apr. 7** **Trade and Intellectual Property**
Reading Assignment:
– Text, p. 921–27; 960–68
– Browse WTO Materials on TRIPS, available at
http://www.wto.org/english/tratop_e/trips_e/trips_e.htm
- 24 **Apr. 14** **Class Presentations**
Reading Assignment:

– Review Readings and Notes from Classes 22 and 23

25

Apr. 16

Class Presentations

Reading Assignment:

– Review Readings and Notes from Classes 22 and 23

26

Apr. 21

Class Presentation and Concluding Reflections

FINAL PAPERS DUE AT BEGINNING OF CLASS

Reading Assignment:

– Review Reading and Notes from Classes 1–3