

LA932-20 Legal Aspects of International Trade & The World Trade Organisation

22/23

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Credit value

20

Module duration

10 weeks

Assessment

100% exam

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This course offers a comprehensive overview of the law of international trade. The course will build on the short introduction in the IEL core module and explore international trade governance, addressing both the WTO and FTAs. The WTO is regarded as one of the most successful international organisations governing activities between states because of its dispute settlement system and its broad legal scope, covering different trade-related issues. The module will have a critical and interdisciplinary approach, addressing how law and power are closely related in the international trade realm. In this regard, the course will explore whether the WTO remains relevant in an increasingly globalised world where economic relations typically cover national, transnational, and international law, as well as a multiplicity of economic actors, like states and multinational corporations. It will evaluate the relationship between the deadlock in the WTO and the rise of free trade agreements, discussing the reasons, incentives, and goals countries have when entering bilateral and plurilateral trade partnerships. It will consider topical issues in international trade such as trade wars, national security, BREXIT, environment and labour standards, trade and development, and the rise of emerging economies, debating possible solutions to current problems.

Module aims

To introduce students to the principles underlying international trade, and the arguments for and against free trade. To discuss the law and institutions regulating international trade at the multilateral, plurilateral, and bilateral levels. To provide a critical analysis of the WTO legal and institutional frameworks, stressing the heterogeneity of the WTO membership and the different interests at stake. To engage students in problem-solving by analysing trade disputes between states at the WTO level, looking at how panels and the Appellate Body apply and interpret WTO law. To address the main challenges faced by the WTO and possible solutions to keep the institution relevant and updated to respond to new needs. To examine the current discussions on free trade agreements and the main challenges in harmonising different trade policies.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Week 2: Introduction: historical overview (Bretton Woods, GATT/47, UNCTAD, NIEO, WTO); legal and institutional frameworks; the rationale behind free trade; goals and main efforts. Week 3: WTO functions and bodies; basic Agreements – GATT, GATS, and TRIPS; from Uruguay to Doha; non-Discrimination principle; consensus and the single undertaking; transparency; equality; a members-driven organisation. Week 4: Dispute Settlement I: the obligations of the panels and Appellate Body; non-state actors in WTO disputes: treaty interpretation; applicable law; the relevance of WTO law in national law. Week 5: Dispute Settlement II: trade remedies; trade wars; national security exception; the Appellate Body crisis and alternatives. Week 6: Trade measures behind the borders: TBT and SPS; eco-labelling; rules of origin labelling; room for domestic policy space; protecting non-economic concerns; the place of sustainable development in WTO law; the overlap between trade and human rights Week 7: New Issues in the WTO: reinstating the organisation's relevance. Efforts to address the pandemic; Investment Facilitation; E-commerce; Domestic Regulation; Trade and Gender, Small and Medium-Sized Enterprises; Trade and Environmental Sustainability. Week 8: Free Trade Agreements (FTAs): relationship with the WTO; historical overview; regional agreements negotiations and purposes – EU, MERCOSUR, AfCFTA; ASEAN, USMCA. Week 9: The rise of Mega-regionals: the future of trade?: motivation and negotiations; main provisions and challenges (electoral backlash, spaghetti bowl effect, different interests at the table) – CPTPP; RCEP; T-TIP Week 10: Current issues in international trade: state withdrawal from regional agreements (BREXIT/GREXIT); new FTAs - EU-UK Trade and Cooperation Agreement, CETA, digital economy agreements; using international trade as a pressuring tool for labour and environmental standards – CBAM, EU-Mercosur Agreement.

Learning outcomes

By the end of the module, students should be able to:

- Understand both the legal history and the political economy of international trade law.
- Develop a comprehensive understanding of international trade, identifying the role and functions of the WTO and how they may impact domestic policies.

- Apply international trade law to practical situations, using case law to assess the complex issues of trade disputes and the process to settle them.
- Engage in critical debate and analysis of how issues that surpass the legal field, such as political, economic, and social concerns impact the WTO negotiations and dispute settlement system.
- Evaluate the current trade issues and the challenges they pose to international trade law, especially concerning the need to update trade rules to reflect the evolution of the global economy and the rise of new interests and actors.

Interdisciplinary

The discussions touch upon political economy, international relations, and political science issues, benefiting from insights from these areas.

International

This module covers topical international issues, from which students could benefit to start their international careers, undertaking, for example, traineeship programmes at the WTO, the EU, and their respective governments department for international trade.

Subject specific skills

Understanding of the economic principles and legal institutions that govern the negotiation of regional and international trade agreements. Drafting of international trade agreements and memorials for international trade disputes.

Transferable skills

Transferrable skills for careers in a government agency, international organisation, NGOs, or private practice.

Study

Study time

Type	Required
Lectures	9 sessions of 1 hour (4%)
Seminars	18 sessions of 1 hour (9%)
Private study	173 hours (86%)
Total	200 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

Assessment group B3

	Weighting	Study time
Take-home Examination	100%	
3-hour open book exam to be completed within 24 hours.		

Feedback on assessment

Comments on the exam paper.

[Past exam papers for LA932](#)

Availability

Courses

This module is Core option list A for:

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Option list A for:

- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law

This module is Option list C for:

- TPOS-M9PE Double MA in Politics and International Studies (with NTU Singapore)
 - Year 1 of M91F Globalisation and Development (Double Degree - NTU)

- Year 1 of M91L International Development (Double Degree - NTU)
- Year 1 of M91B International Political Economy (Double Degree - NTU)
- Year 1 of M91C International Politics and East Asia (Double Degree - NTU)
- Year 1 of M91D International Politics and Europe (Double Degree - NTU)
- Year 1 of M91G International Security (Double Degree - NTU)
- Year 1 of M91K Political and Legal Theory (Double Degree - NTU)
- Year 1 of M91J United States Foreign Policy (Double Degree - NTU)
- Year 2 of M91L International Development (Double Degree - NTU)
- Year 2 of M91B International Political Economy (Double Degree - NTU)
- Year 2 of M91C International Politics and East Asia (Double Degree - NTU)
- TPOS-M9PP Double MA in Politics and International Studies (with Universität Konstanz, Germany)
 - Year 1 of M92L International Development (Double Degree - Konstanz)
 - Year 1 of M92B International Political Economy (Double Degree - Konstanz)
 - Year 1 of M92C International Politics and East Asia (Double Degree - Konstanz)
 - Year 1 of M92D International Politics and Europe (Double Degree - Konstanz)
 - Year 1 of M92E International Relations (Double Degree - Konstanz)
 - Year 1 of M92G International Security (Double Degree - Konstanz)
 - Year 1 of M92K Political and Legal Theory (Double Degree - Konstanz)
 - Year 1 of M92H Public Policy (Double Degree - Konstanz)
 - Year 2 of M92B International Political Economy (Double Degree - Konstanz)
 - Year 2 of M92C International Politics and East Asia (Double Degree - Konstanz)
 - Year 2 of M92D International Politics and Europe (Double Degree - Konstanz)
 - Year 2 of M92E International Relations (Double Degree - Konstanz)
 - Year 2 of M92G International Security (Double Degree - Konstanz)
 - Year 2 of M92K Political and Legal Theory (Double Degree - Konstanz)
 - Year 2 of M92H Public Policy (Double Degree - Konstanz)
- Year 2 of TPOS-M9PT MA in International Development
- Year 2 of TPOS-M1P8 Postgraduate Taught International Politics and East Asia
- Year 2 of TPOS-M9PS Postgraduate Taught Political and Legal Theory
- Year 2 of TPOS-M9PQ Postgraduate Taught United States Foreign Policy