



## International Economic Law

### General Information

The lecture will take place weekly, on Thursday from 12:15 to 13:45, Room RAI-F-041.

Due to the interdisciplinary dimension of International Economic Law, we will address different fields of law such as economic law, human rights and environmental law. The lecture will provide an overview of the current issues and the legal foundations of International Economic Law and serve as a starting point for class room discussion of reading materials, cases and current developments.

In order to foster our discussion **all participants are required to prepare for the course and read the assigned papers in advance.** The reading load is 30-50 pages per week on average. All reading assignments, slides and additional documents for the lectures will be regularly posted on the following Moodle platform (password will be disclosed during the first lecture):

<https://moodle-app2.let.ethz.ch/course/view.php?id=1921>

In addition, for the section on WTO law, the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS) as well as the WTO Dispute Settlement Understanding (DSU) need to be brought to class. All these documents are available on the Moodle platform.

An exam will take place at the end of the course. Further information will be given in class.

Office hours are by appointment (Lst.kaufmann@rwi.uzh.ch for Professor Kaufmann or Lst.weber@rwi.uzh.ch for Professor Weber). For questions related to the course, please contact, according to the program, the assistants of Prof. Kaufmann (Lst.kaufmann@rwi.uzh.ch or 044 634 48 65) or Prof. Weber (Lst.weber@rwi.uzh.ch or 044 634 48 88).

We look forward to our discussions and to seeing you in class soon!

Christine Kaufmann and Rolf H. Weber

**Course syllabus (subject to change)**

<b>Date</b>	<b>Topic</b>	<b>Reading assignments (mandatory)</b>	<b>Additional readings</b>
Feb. 25	<p><b>INTRODUCTION TO INTERNATIONAL ECONOMIC LAW (PROF. KAUFMANN)</b></p> <p><b>Overview</b></p> <p><b>Economic Fundamentals</b></p> <ul style="list-style-type: none"> <li>– Introduction</li> <li>– The Theory of Comparative Advantage</li> <li>– Monetary systems and exchange rates, balance of payments</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 1</b> Frank Garcia</li> <li>– <b>Text No. 2</b> Adam Smith</li> <li>– <b>Text No. 3</b> David Ricardo</li> <li>– <b>Text No. 4</b> Alan O. Sykes</li> <li>– <b>Text No. 5</b> Dani Rodrik</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 6</b> Paul Krugman</li> <li>– <b>Text No. 7</b> Paul Samuelson</li> </ul>

Date	Topic	Reading assignments (mandatory)	Additional readings
March 3	<p><b>THE WORLD FINANCIAL AND TRADE ORDER – A HISTORICAL AND CONTEMPORARY PERSPECTIVE (PROF. WEBER)</b></p> <p><b>Historical Background</b></p> <ul style="list-style-type: none"> <li>– Treaty of Versailles</li> <li>– Atlantic Charter and Bretton Woods</li> </ul> <p><b>IMF/World Bank</b></p> <ul style="list-style-type: none"> <li>– Co-operation IMF/World Bank and WTO</li> </ul> <p><b>International Monetary Policy</b></p> <p><b>Financial/Economic Crisis</b></p>	<ul style="list-style-type: none"> <li>– <b>Text No. 8</b> Peace Treaty of Versailles</li> <li>– <b>Text No. 9</b> John Maynard Keynes</li> <li>– <b>Text No. 10</b> Atlantic Charter</li> <li>– <b>Text No. 11</b> Rolf H. Weber</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 12</b> James M. Boughton</li> </ul>

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<b>March 10, 17 and 24</b>	<p><b>INTERNATIONAL TRADE – THE LAW OF THE WTO (PROF. WEBER)</b></p> <p><b>Institutional Framework of the WTO</b></p> <ul style="list-style-type: none"> <li>– From GATT to WTO</li> <li>– Objectives and functions</li> <li>– Organization and decision-making</li> </ul> <p><b>Principles of Non-Discrimination under GATT and GATS</b></p> <ul style="list-style-type: none"> <li>– Most-favored-nation treatment</li> <li>– National treatment</li> <li>– Relevant cases</li> </ul> <p><b>Dispute Settlement</b></p> <ul style="list-style-type: none"> <li>– Principles</li> <li>– Institutions</li> <li>– Proceedings</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 14</b> Qureshi/Ziegler</li> <li>– <b>Text No. 15</b> Robert Hudec</li> <li>– <b>Text No. 16</b> Cottier/Oesch</li> <li>– <b>Text No. 17</b> Spain – Unroasted Coffee</li> <li>– <b>Text No. 18</b> Canada – Automotive Industry</li> <li>– <b>Text No. 19</b> Japan – Alcoholic Beverages</li> <li>– <b>Text No. 20</b> EC - Asbestos</li> <li>– <b>Text No. 21</b> Rolf H. Weber</li> <li>– <b>Text No. 23</b> Panel Process Overview</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 13</b> WTO Doha Trade Round</li> <li>– <b>Text No. 22</b> Rolf H. Weber</li> </ul>
<b>April 7</b>	<p><b>WTO-LAW – MOOT COURT EXERCISE (MLAW RIKA KOCH)</b></p>	<ul style="list-style-type: none"> <li>– <b>2 DSB cases will be communicated later</b></li> </ul>	

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April 14 and 21	<p><b>TRADE AND ENVIRONMENTAL PROTECTION (PROF. WEBER)</b></p> <p><b>Historical Overview of International Environmental Protection</b></p> <p><b>Environmental Measures under WTO Law</b></p> <ul style="list-style-type: none"> <li>– Environmentally unfavorable process and production methods</li> <li>– Extraterritoriality of environmentally favorable regulations</li> <li>– “Environmental exemptions” of Art. XX GATT</li> </ul> <p><b>SPS Agreement</b></p> <ul style="list-style-type: none"> <li>– Harmonization: The benchmark of international standards</li> <li>– Risk assessment</li> <li>– Consumer rights to protection?</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 26</b> Tuna/Dolphin Cases</li> <li>– <b>Text No. 27</b> Shrimp/Turtle Case</li> <li>– <b>Text No. 28</b> Julia Qin (Retreaded Tyres Case)</li> <li>– <b>Text No. 29</b> Weber/Koch (Ontario Feed-in Tariff Case)</li> <li>– <b>Text No. 30</b> Trebilcock/Howse (Hormones Case)</li> <li>– <b>Text No. 31</b> Kerr/Hobbs (Hormones Case)</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 24</b> Declaration of the UN Conference on the Human Environment</li> <li>– <b>Text No. 25</b> Aaron Cosby</li> <li>– <b>Text No. 34</b> Hufbauer et al.</li> </ul>

Date	Topic	Reading assignments (mandatory)	Additional readings
<p><b>April 28, May 12 and 19</b></p>	<p><b>INVESTMENT (PROF. KAUFMANN)</b></p> <p><b>Fundamentals</b></p> <p><b>Customary International Law</b></p> <ul style="list-style-type: none"> <li>– Before World War I</li> <li>– Breakdown of the consensus</li> <li>– The classical Western view</li> <li>– Theory and practice</li> <li>– The UN’s attempts to codify customary international law</li> </ul> <p><b>Developments in Jurisprudence</b></p> <ul style="list-style-type: none"> <li>– International Court of Justice</li> <li>– National courts</li> </ul> <p><b>Evolving Standards of International Law</b></p> <ul style="list-style-type: none"> <li>– International Centre for the Settlement of Investment Disputes (ICSID)</li> <li>– Multilateral Investment Guarantee Agency (MIGA)</li> <li>– Protection of investment under NAFTA</li> </ul>	<ul style="list-style-type: none"> <li>– <b>Text No. 35</b> Barcelona Traction</li> <li>– <b>Text No. 36</b> ICSID (Convention)</li> <li>– <b>Text No. 37</b> MIGA (Convention)</li> <li>– <b>Text No. 38</b> NAFTA (Agreement)</li> <li>– <b>Text No. 39</b> Metalclad Case</li> <li>– <b>Text No. 40</b> S.D. Myers Case</li> <li>– <b>Text No. 41</b> Pope Talbot Case</li> </ul>	

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May 26	<p><b>INVESTMENT AND HUMAN RIGHTS</b> (PROF. KAUFMANN)</p> <p><b>The Role of Labour Rights</b></p> <ul style="list-style-type: none"> <li>– International Labour Organization (ILO)</li> <li>– Core Labour Standards (CLS)</li> </ul> <p><b>OECD Guidelines on Multinational Enterprises</b></p>	<ul style="list-style-type: none"> <li>– <b>Text No. 44</b> Treaty of Versailles, Part XIII</li> <li>– <b>Text No. 45</b> ILO (Constitution)</li> <li>– <b>Text No. 46</b> ILO Declaration on Fundamental Principles and Rights at Work</li> <li>– <b>Text No. 47</b> ILO Declaration for a Fair Globalization</li> <li>– <b>Text No. 48</b> OECD Guidelines on Multinational Enterprises</li> </ul>	
June 2	<p><b>LINKING IT ALL: CASE STUDIES</b> (PROF. KAUFMANN)</p> <p><b>Investment, Trade, Environmental Protection and Human Rights</b></p> <ul style="list-style-type: none"> <li>– Tobacco Cases</li> <li>– Recent case law</li> </ul> <p><b>Transatlantic Trade and Investment Partnership (TTIP)</b></p>	<ul style="list-style-type: none"> <li>– <b>Text No. 42</b> Bilateral Investment Treaty Switzerland Uruguay</li> <li>– <b>Text No. 43</b> Australian High Court Decision on Philip Morris Ltd.'s submissions</li> <li>– <b>Text No. 49</b> Dutch NCP Final statement ABP/APG</li> <li>– <b>Text No. 50</b> Fact Sheet on TTIP</li> </ul>	