



The Hebrew University of Jerusalem

Syllabus

PUBLIC INTERNATIONAL LAW & ECONOMICS - 62841

Last update 02-07-2018

HU Credits: 1

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: Law

Academic year: 0

Semester: 2nd Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Prof. Moshe Hirsch

Coordinator Email: moshe.hirsch@mail.huji.ac.il

Coordinator Office Hours: Wednesday 12:15-13:15 (BY APPOINTMENT)

Teaching Staff:

Prof Moshe Hirsch

Course/Module description:

This course focuses on international trade law and the particular position of developing countries in the contemporary trading system. The course would address the principal theories of development (i.e., why some countries managed to become 'developed' while the other remained underdeveloped?), the basic principles of the GATT/WTO system, the WTO special rules regarding trade with developing countries

Course/Module aims:

The students will acquire knowledge and analytical tools regarding World Trade Organization Law and the particular rules regarding the position of developing countries in this legal system

Learning outcomes - On successful completion of this module, students should be able to:

*Assess the principal theoretical approaches to developing countries.
Acquire knowledge regarding the legal principles of the international trading system.*

Attendance requirements(%):

90

Teaching arrangement and method of instruction: Teaching and discussions

Course/Module Content:

--. Developing Countries in international economic system

- 1. John Rapley, Understanding Development: Theory and Practice in the Third World (3rth. ed., Lynne Rienner, 2007) pp. 13-34, 47-52, 63-83.*
- 2. Mitsou Matsushita, Thomas J. Schoenbaum and Petros C. Mavoroidis, The World Trade Organization: Law, Practice and Policy (2nd. Ed., Oxford University Press, 2006) pp. 763-780.*
- 3. Trebilcock, Michael J., Between Theories of Trade and Development: The Future of the World Trading System (July 24, 2014). U. Toronto Law Working Paper Series No. 2014-10. <http://dx.doi.org/10.2139/ssrn.2473158>*
- 4. Peerenboom, Randall, Development in a Multi-Polar World: The Post-2015 Agenda*

(December 3, 2014). Available at SSRN: <http://ssrn.com/abstract&eq;2533775> or <http://dx.doi.org/10.2139/ssrn.2533775>

8. Law and Development

1. Davis, Kevin E. and Trebilcock, Michael J., *The Relationship Between Law and Development: Optimists versus Skeptics* (May 1, 2008). *American Journal of Comparative Law*, Vol. 56, No. 4, 2008; Available at SSRN: <http://ssrn.com/abstract&eq;1124045>

2. Yong-Shik Lee, *Call for a New Analytical Model for Law and Development*, *Law and Development Review* 2015; 8(1): 1, <file:///C:/Users/owner/Downloads/ldr-2015-0011.pdf>

9. Investment Law – Basic Principles

1. The 2012 United States Model of Bilateral Investment Treaty, <http://www.ustr.gov/sites/default/files/BIT%20text%20for%20ACIEP%20Meeting.pdf>
2. Peter Muchlinski, *Policy Issues*, in Schreuer, C, Muchlinski, P and Ortino, F, *Oxford Handbook of International Law on Foreign Investment* 6-30 (Oxford, Oxford University Press, 2008).
3. Schreuer, Christoph, *Jurisdiction and Applicable Law in Investment Treaty Arbitration* (2014). *McGill Journal of Dispute Resolution*, Vol. 1, No. 1, 2014. Available at SSRN: <http://ssrn.com/abstract&eq;2520501>

10. Expropriation and the “Fair and Equitable” Standard

1. August Reinisch, *Expropriation*, in in Schreuer, C, Muchlinski, P and Ortino, F, *Oxford Handbook of International Law on Foreign Investment* 407, 420-431 (Oxford, Oxford University Press, 2008). http://www.univie.ac.at/intlaw/reinisch/expropriation_ar.pdf
 2. Isakoff, Peter David, *Defining the Scope of Indirect Expropriation for International Investments* (2013). *Global Business Law Review*, Vol. 3, No. 2, 2013. Available at SSRN: <http://ssrn.com/abstract&eq;2394980>
 3. Moshe Hirsch, “Between Fair and Equitable Treatment and Stabilization Clause”, accepted for publication in the *12 Journal of World Investment & Trade* 783-806 (2011).
 4. *Micula v. Romania* (Award 11 December, 2013), Paragraphs 460-462, 503-521, 527-529, 536, 543-545, 598-599, 665-677, 685-689, <http://italaw.com/sites/default/files/case-documents/italaw3036.pdf>
- ## 11. MFN and Umbrella Clauses

1. Rudolf Dolzer and Christoph Schreuer, *Principles of International Investment Law* 153-162 (2nd. Ed., Oxford University Press, 2012) 206-211 (MFN), 270-275 (MFN and dispute settlement), 166-178 (umbrella clause).
2. *Eureko v. Poland* (Partial Award, 19 August, 2005), paragraphs 36-59, 61-71 244-260, http://www.italaw.com/sites/default/files/case-documents/ita0308_0.pdf
3. Begic Sarkinovic , *Taida, Umbrella Clauses and Their Policy Implications*

(November 20, 2011). *Hague Yearbook of International Law*, Vol. 24, pp. 313-357 (2011). Available at SSRN: <http://ssrn.com/abstract=eq;2540819>

12. Settlement of Investment Disputes

1. *World Duty-Free v. Kenya* (Award, September 2006) paragraphs 125-188, <http://italaw.com/documents/WDFv.KenyaAward.pdf>

2. Rose, Cecily, *Questioning the Role of International Arbitration in the Fight Against Corruption* (2013), Leiden Law School Research Paper, <file:///C:/Users/owner/Downloads/SSRN-id2374452.pdf>

3. Moshe Hirsch, "Investment Tribunals & Human Rights: Divergent Paths", in *Human Rights in International Investment Law and Arbitration* 97-114 (P. M. Dupuy, F. F. Francioni, and E. U. Petersmann, eds., Oxford University Press, 2008).

• 2. The World Trade Organization: Basic Principles

1. Understanding the WTO (pp. 1-21),

http://www.wto.org/english/thewto_e/whatis_e/tif_e/utw_chap1_e.pdf

2. M. Trebilcock, R. Howse, and Antonia Eliason, *The Regulation of International Trade* (4th. Ed., 2013) pp. 24-41.

• 3. Tariffs and the Most-Favored Nation Principle

1. Articles I and II of the General Agreement on Tariffs and Trade (GATT),

http://www.wto.org/english/docs_e/legal_e/gatt47_e.pdf

2. Peter Van den Bossche, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (3rd. Ed., Cambridge University Press, 2014) 315-330 (MFN) 330-335 (Enabling Clause), 418-445 (tariffs).

3. WTO Appellate Body, *European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries*, WT/DS246/AB/R, 7 April 2004, Paragraphs 1-8, 126– 174, http://wto.org/english/tratop_e/dispu_e/ab_reports_e.htm

4. Sonia E. Rolland, *Development at the WTO* (Oxford University Press 2012) 109-117, 153-164.

• 4. Quantitative Restrictions, Non-Tariff Barriers & Agricultural Products

1. Article XI of the General Agreement on Tariffs and Trade

http://www.wto.org/english/docs_e/legal_e/gatt47_e.pdf

2. *The 1994 WTO Agreement on Agriculture*,

http://www.wto.org/english/docs_e/legal_e/legal_e.htm#ag

3. Peter Van den Bossche, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (3rd. Ed., Cambridge University Press, 2014) pp. 479-490.

4. Bernard M. Hoekman and Michel M. Kostecki, *The Political Economy of the World Trading System: The WTO and Beyond* (3rd. ed., 2009) 203-208 (on QRs), 236-259 (on standards), 199-203 (on 'national treatment').

5. Melaku Desta & Moshe Hirsch, "The African Countries in the World Trading

System: *International Trade, Domestic Institutions and the Role of International Law*", *International & Comparative Law Quarterly* (January 2012).

• 5. National Treatment and Exceptions

1. Articles III, XX, XXI of the General Agreement on Tariffs and Trade

http://www.wto.org/english/docs_e/legal_e/gatt47_e.pdf

2. Andrew T. Guzman and Joost H. B. Pauwelyn, *International Trade Law* (2ed. Ed., 2012) pp. 245-262 (NT),

3. Petros C. Mavroidis, *Trade in Goods* (2nd, ed., Oxford University Press, 2012) 231-239 (NT), 260-278 (tax discrimination).

4. Peter Van den Bossche, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (3rd. Ed., Cambridge University Press, 2014) pp. 545-560 (general exceptions) 595-599 (security exception)

6. Regional Trade Agreements and WTO law

1. Article XXIV of the General Agreement on Tariffs and Trade

http://www.wto.org/english/docs_e/legal_e/gatt47_e.pdf

2. Caroline Freund and Emanuel Ornelas, *Regional trade agreements: blessing or burden?* (2010) <http://cep.lse.ac.uk/pubs/download/cp313.pdf>

3. WTO Report of the Appellate Body, *Turkey - Restrictions on Import of Textile* (2009), https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language&eq;E&CatalogueIdList&eq;64010&CurrentCatalogueIdIndex&eq;0&FullTextSearch&eq;

4. Moshe Hirsch, "The Sociology of International Economic Law: Sociological Analysis of the Regulation of Regional Agreements in the World Trading System", 19 *European Journal of International Law* 277-279 (2008).

Required Reading:

Updated reading list will be updated before the course starts

1. Developing Countries in international economic system

1. John Rapley, *Understanding Development: Theory and Practice in the Third World* (3rth. ed., Lynne Rienner, 2007) pp. 13-34, 47-52, 63-83.

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http://www.univie.ac.at/intlaw/reinisch/expropriation_ar.pdf
2. Isakoff, Peter David, *Defining the Scope of Indirect Expropriation for International Investments* (2013). *Global Business Law Review*, Vol. 3, No. 2, 2013. Available at SSRN: <http://ssrn.com/abstract&eq;2394980>
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 2. Rose, Cecily, *Questioning the Role of International Arbitration in the Fight Against Corruption* (2013), Leiden Law School Research Paper, <file:///C:/Users/owner/Downloads/SSRN-id2374452.pdf>
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3. Peter Van den Bossche, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (3rd. Ed., Cambridge University Press, 2014) pp. 479-490.

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- 5. *National Treatment and Exceptions*

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3. Petros C. Mavroidis, *Trade in Goods* (2nd, ed., Oxford University Press, 2012) 231-239 (NT), 260-278 (tax discrimination).

4. Peter Van den Bossche, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (3rd. Ed., Cambridge University Press, 2014) pp. 545-560 (general exceptions) 595-599 (security exception)

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2. Caroline Freund and Emanuel Ornelas, *Regional trade agreements: blessing or burden?* (2010) <http://cep.lse.ac.uk/pubs/download/cp313.pdf>

3. WTO Report of the Appellate Body, *Turkey - Restrictions on Import of Textile* (2009), https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language&eq;E&CatalogueIdList&eq;64010&CurrentCatalogueIdIndex&eq;0&FullTextSearch&eq;

4. Moshe Hirsch, "The Sociology of International Economic Law: Sociological Analysis of the Regulation of Regional Agreements in the World Trading System", 19 *European Journal of International Law* 277-279 (2008).

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

Every student will submit a written assignment that will constitute 100% of the final grade