

INTERNATIONAL TRADE LAW AND REGULATION

GEORGE MASON SCHOOL OF LAW

Syllabus: Course Outline and Other Information

Spring 2009

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COURSE OUTLINE AND OTHER INFORMATION

I. COURSE REQUIREMENTS

A. Examinations and/or Papers

- Students have the option of either taking a final examination or writing a 25-page paper. The proposed final exam will be a three hour timed open book exam. There will be four questions covering topics discussed in class. Students must choose three of the four exam questions to answer. If the format of the final exam changes the professor will notify the students prior to the exam.
- If, however, students choose the paper option they are responsible for telling the professor by **February 11**. An outline and first draft of the paper are highly recommended. Both the draft and final papers must be supported by substantial independent research. Each section and subsection of the draft should be substantially complete and should include footnotes.
- If students select the paper option a topic should be selected in consultation with the professor. Outlines should be submitted by **February 25**. The outline should include a preliminary statement of your intended thesis or approach, the sources you plan to consult, and a preliminary plan for organizing the paper.
- Completed papers must include complete citations in proper Bluebook form.
- All citations should be in footnote form, not endnote form. The paper must be formatted as follows: 1 inch margins; double line spacing; and 12 pt. typeface. A table of contents must also be included.
- The paper should reflect careful legal research using a variety of sources. Your paper should show that you studied the relevant authorities and appreciate the differences between them. Your research should not be limited to legal authorities (e.g., case law and statutes), but should include law review articles and legal treatises. Your research should show that you have consulted a broad range of resources.
- The paper should articulate a thesis on an international trade law issue and develop it. Your paper must demonstrate critical and novel analysis. (Critical legal analysis is important: for example, it is not enough to simply recite historical or factual events or to restate the opinion set forth in a case.) The paper should demonstrate why you believe that the topic that you have chosen is important and interesting and should reflect good writing and careful

editing. In particular, the paper should be organized in a logical manner that complements your theme. The paper should make good use of road maps, topic sentences and transitions to guide the reader. Your writing should show a command of the standard rules of grammar, a clear style, and the polish that comes from thoughtful rewriting.

B. Additional Requirements

- 1) Reading assignments: All students must complete the reading assignments in the course materials.
- 2) Meaningful class participation is highly encouraged, and the professor may factor class participation into the final course grade.

C. Important Dates

- February 11 – deadline for choosing paper option and topic
- February 25 - deadline for paper outline
- March 9 - March 15 Spring recess
- April 6 – deadline for paper draft
- April 22 Spring semester classes end
- April 28 – final examination and due date for papers

D. Textbook

International Trade Law: Theory and Practice, 3rd ed., 2007
Author: Raj Bhala
Lexis Nexis Publishing
ISBN: 9781422419403

II. SYLLABUS

A. THE INTERNATIONAL TRADING SYSTEM

Dates	Topics	Chapter(s)	Page Numbers
January 7	Introduction – Historical Context	1. Multilateral Trade Negotiations Through the 1970s. and 2. The Uruguay Round (1986-1994) and Birth of the WTO (1995)	Pgs. 3-58
January 12	Free Trade Theory	7. Free Trade Theory 8. Questioning Free Trade Theory	Pgs. 201-240 Pgs. 241-256
January 14	Adjudicatory Foundations of Free Trade	5. Adjudication Mechanisms. and 6. Adjudication Controversies.	Pgs. 143-196
January 19	The Four Legal Pillars of Free Trade	11. The First Pillar: MFN Treatment and GATT Article I. 12. The Second Pillar: Tariff Bindings and GATT Article II	Pgs. 321-372.
January 21	The Four Legal Pillars of Free Trade (continued)	13. The Third Pillar: National Treatment and GATT Article III	Pgs. 373-414.
January 26	Martin Luther King Birthday observed - University closed.		
January 28	The Four Legal Pillars of Free Trade (continued)	14. The Fourth Pillar: Non-Tariff Barriers and GATT Article XI	Pgs. 415-454.
February 2	Customs Law	16. Origin and Entry, 17. Tariff Classification 18. Tariff Valuation	Pgs. 483-496, 506-519. Pgs. 523-537, 544-551 Pgs. 551-564.

February 4	Free Trade Agreements	21. Economic Aspects of FTAs 23. Multilateral Disciplines on FTAs. 24. Preferential Rules of Origin	Pgs. 641-651. Pgs. 707-747. Pgs. 747-791
February 9	Current Issues in the Doha Round	3. The Doha Round: Launch Amidst Schisms (Nov. 2001-Aug. 2004) 4. The Doha Round: Intricate Negotiations and Results (Aug. 2004-Dec. 2007)	Pgs. 59-77 Pgs. 77-97, and 124-141.
February 11	Poor Countries	40. Special and Differential Treatment	Pgs. 1277-1299
February 16	Services	47. Services Trade Negotiations 48. Substantive Services Trade Obligations	Pgs. 1277-1357.
February 18	The Environment	43. The Jurisprudence of GATT Article XX(B) and (G)	Pgs. 1383-1417.

B. U.S. TRADE REMEDY LAWS

Dates	Topics	Chapter	Page Numbers
February 23	Remedies Against “Unfair” Trade: Antidumping	27. Historical and Economic Foundations of AD Law 28. Procedures	Pgs. 871-879, Pgs. 889-923
February 25	Remedies Against “Unfair” Trade: Antidumping	29. The Dumping Margin Calculation	Pgs. 925-965
March 2	Remedies Against “Unfair” Trade: Antidumping	30. Adjustments to Normal Value 31. Adjustments to EP and CEP Price 32. Dumping Margin Calculation Controversies	Pgs. 965-978 Pgs. 989-1019 Pgs. 1019-1043
March 4	Remedies Against “Unfair” Trade: Countervailing Duty Law	33. Historical and Economic Foundations of CVD Law 34. The Subsidy Determination.	Pgs. 1049-1054 Pgs. 1067-1106
March 9 -15	SPRING RECESS		

March 16	Injury and Causation in AD and CVD Law	35. Injury	Pgs. 1111-1141
March 18	Injury and Causation in AD and CVD Law	36. Causation	Pgs. 1141-1179 <i>Diamond Sawblades and Parts Thereof from China and Korea</i> , Invs.Nos. 731-TA-1092 and 1093 (Final), USITC Publication No. 3862 (July 2006)
March 23	Remedies Against “Fair” Trade and Unilateral Remedies	37. Safeguards	Pgs. 1181-1221.
March 25	Judicial Review of Trade Remedy Cases		Diamond Sawblade Manufacturers Coalition v. United States, Slip Op. 08-18 (Feb. 6. 2008)
March 30	Remedies Against “Fair” Trade and Unilateral Remedies	38. Trade Retaliation	Pgs. 1221-1243.
April 1	Intellectual Property	49. Interests and Obligations 50. Enforcement	Pgs. 1611-1645 Pgs. 1645-1682.

C. U.S. EXPORT CONTROL LAWS

Dates	Topic	Chapter	Page Numbers
April 6	Bureau of Industry and Security		TBD
April 8	Office of Foreign Assets Controls	19. Trade Controls	Pgs. 579-611
April 13	Directorate of Defense Trade Controls		TBD
April 15	Foreign Corrupt Practices Act		<i>United States v. Kay</i> , 359 F.3d 738 (5th Cir. 2004).
April 20	Internal Investigations and Compliance Issues		TBD
April 22	LAST CLASS	REVIEW FOR EXAM	

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