UNDERSTANDING INTERNATIONAL TRADE LAW

Professor: KIM, Minjung

Class: Wednesday 2:00-5:00
Office Hour: Wednesday 5:00-6:00 or by appointment
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COURSE DESCRIPTION

The Korean government announced the tax increase on “soju” from 35% to 72%, alleging that it should follow the decision by the Dispute Settlement System of the World Trade Organization (WTO). In fact, the Japanese government and the Chilean government were also recommended to modify their domestic tax systems on alcoholic beverages, “shochu” and “pisco”, after the European Communities challenged them in the WTO. What is happening here regarding “economic sovereignty” to establish domestic tax systems? Who has the authority to make a determination on such issues? The WTO Agreements have contributed to the establishment of the rule-based global trading system.

The Trump administration, however, has raised a huge challenge to the WTO system. What was the problem? Why was such endeavor vehemently opposed by various constituents of the global society?

This course deals with new developments in the world trading system, especially concerning the WTO. The main objective of the course is to provide necessary understanding and analytical capability to students who may practice in relevant subject areas or pursue scholarly interests in this field. In particular, the course will focus on policy and legal issues that become increasingly important in the current world trading system. The course will be supplemented by a visual resource and selected case studies.

This course will cover more fundamental issues in understanding the world trading system. The sequential course in the next semester will deal with more advanced topics in the relevant subject.

The course will be provided online. The final examination for the course will be take-home examination (40%). Case summaries and a group presentation are required, each accounting for 20% and 30%, respectively. Attendance and class participation will favorably considered up to 10%.

COURSE OUTLINE

The following reading list is based on P. van den Bossche & Werner Zdouc, Law and Policy of the World Trade Organization (4th ed. 2017). Students with serious interest in a particular issue may want to refer to the reading materials listed in the recommended reading sections that will not be fully covered during the class. Occasional handouts will also supplement reading assignments to keep abreast of new developments that occur almost daily.

Students in this course are also advised to regularly keep up current developments in international trade area. Useful sources include, inter alia, the “world trade” section in the Financial Times, The Economist, and BNA International Trade Reporter.
Recently, many other textbooks for international trade law are available. You may also refer to the following books for your research and studies:

J. Jackson et al., International Economic Relations (5th ed. 2008)
A. Guzman et al., International Trade Law (3rd ed. 2016).
Matsushita et al., The World Trade Organization (3rd ed. 2015)
S. Lester and B. Mercurio, World Trade Law (2nd ed. 2012)

1. Introduction to the Study of International Trade Policy and Law

REQUIRED

RECOMMENDED

2. Institutional Evolution of the GATT/WTO

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 2.

RECOMMENDED
- William Diebold, Jr., The End of the ITO (1952, Princeton Univ. Press).
3. Dispute Settlement System in GATT/WTO

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 3.

RECOMMENDED
- Symposium on the First Three Years of the WTO Dispute Settlement System, International Lawyer, Vol. 32, No. 3 (Fall 1998).
4. Most-Favored Nation (MFN) and National Treatment

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 4 & 5.
- WTO, Korea-Taxes on Alcoholic Beverages (WT/DS75/R)
- WTO, Korea-Measures Affecting Imports of Fresh, Chilled and Frozen Beef (WT/DS161, 169/R)

RECOMMENDED

5. Anti-Dumping Laws

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 11.

RECOMMENDED
- Brink Lindsey & D. Ikenson, Antidumping Exposed (Cato Institute, 2003).

6. Subsidies and Countervailing Duty

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 12.
- WTO, Australia-Subsidies Provided To Producers and Exporters of Automotive Leather (WT/DS126/R).
- WTO, Japan-Countervailing Duties on DRAM from Korea (WT/DS336/R & WT/DS336/AB/R)

RECOMMENDED

7. Safeguard Measures

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 9.

RECOMMENDED
- Dukgeun Ahn, Restructuring the WTO Safeguard Mechanism, in The WTO Trade Remedy System: East Asian Perspectives (eds. by M. Matsushita, D. Ahn and T. Chen; Cameron May, 2006).

8. Regional Trading Arrangement

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 10.
- WTO, Turkey-Restrictions on Imports of Textile and Clothing Products (WT/DS34/R).
- WTO, Peru-Additional Duty on Imports of Certain Agricultural Products (WT/DS457/R)

RECOMMENDED
- Lorand Bartels, Regional Trade Agreements and the WTO Legal System (2007).
- James Mathis, Regional Trade Agreements in the GATT/WTO: Article XXIV and the Internal Trade Requirement (2002).
- Paul Demaret, et al., Regionalism and Multilateralism after the Uruguay Round (European Interuniversity Press, 1997).
9. Article XX & XXI Exceptions

REQUIRED
- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 8.
- WTO, Russia - Measures Concerning Traffic in Transit (WT/DS512/R).

RECOMMENDED