



## International Economic Law

The module International Economic Law is part of the Master of Law UZH and consists of the course with the same name. The course takes place weekly, every Thursday from 08:00 to 09:45 in room RAI-F-041, starting on 22 February 2024.

### Course description

The course will provide an overview of current issues and the legal foundations of International Economic Law. You will learn about the legal tools and basic principles of international trade law, international investment law and international monetary law. The course will also provide you with the tools to better understand the impacts of globalisation and the role of international economic law in shaping a more sustainable international economic order. For this purpose, other areas of law, such as human rights law and international environmental law will be discussed.

The course will be held in seminar style. To foster our discussion **all participants are required to prepare for the classes, read the mandatory chapters and papers, participate in classroom discussions and give presentations (in groups).**

### Literature

We recommend using the following textbook:

- CHOUKROUNE LEÏLA, NEDUMPARA JAMES J., International Economic Law: Text, Cases and Materials, Cambridge University Press 2022

Alternatively, you can also use this textbook:

- QURESHI ASIF H, ZIEGLER ANDREAS, International Economic Law, 4th ed., Sweet and Maxwell 2019

### Course requirements

Apart from regular class attendance participants are required to give short group presentations on an assigned topic in class and then lead a discussion on that topic with the whole class. Together with the exam at the end of the semester, the presentation, class attendance and active participation will be part of the final grade. Further information regarding the course requirements will be given in the first class.

### Course administration

Course materials will be uploaded on the platform Moodle via the following link:

<https://moodle-app2.let.ethz.ch/course/view.php?id=12044>

The password will be provided in the first class. Further information can be found on Moodle and on the website of Prof. Kaufmann: [www.ivr.uzh.ch/kaufmann](http://www.ivr.uzh.ch/kaufmann)

Please make yourself acquainted with the specific programme and the documents uploaded on the website before the first class. In case you have questions, don't hesitate to reach out to Anika Fontana, the assistant in charge at the chair of Prof. Kaufmann ([Lst.kaufmann@ius.uzh.ch](mailto:Lst.kaufmann@ius.uzh.ch)).



**COURSE SYLLABUS (SUBJECT TO CHANGE)**

Date	Topic	Reading assignments (mandatory)	Additional materials
22 February 2024	<b>1 Introduction to International Economic Law</b>	CHOUKROUNE/NEDUMPARA, 1-33	
	<i>Overview</i> <ul style="list-style-type: none"><li>- Main areas of IEL</li><li>- Actors and institutions</li><li>- Legal sources</li></ul> <i>Economic fundamentals</i> <ul style="list-style-type: none"><li>- Introduction</li><li>- The theory of comparative advantage</li><li>- Globalization, economic growth, and capabilities</li></ul>	<b>Text 1</b> Smith <b>Text 2</b> Ricardo <b>Text 3</b> Sykes	<b>Text A</b> Rodrik

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29 February 2024 <del>7 March 2024 (no class)</del> 14 March 2024	<b>2 International Monetary Law</b>	CHOUKROUNE/NEDUMPARA, 647-675	
	<i>Historical background</i> <ul style="list-style-type: none"> <li>- Treaty of Versailles</li> <li>- Atlantic Charter and Bretton Woods</li> </ul> <i>IMF and World Bank</i> <i>International monetary policy</i> <i>Monetary Basics</i> <i>Financial crises</i> <ul style="list-style-type: none"> <li>- Financial crisis of 2007-2009</li> <li>- Crisis responses, lending and conditionality</li> <li>- The Greek case</li> </ul>	<b>Text 4</b> Kaufmann <b>Text 5</b> Keynes	<b>Text B</b> Carmen Reinhart and video of Fifth Karl Brunner Distinguished Lecture: <a href="https://www.youtube.com/watch?v=ws3RC0yJvi8">https://www.youtube.com/watch?v=ws3RC0yJvi8</a> <b>Text C</b> Boughton <b>Text D</b> Zellweger-Gutknecht/Weber

Date	Topic	Reading assignments (mandatory)	Additional materials
21 March 2024 28 March 2024 4 April 2024 (easter break)	<b>3 International Trade Law</b>	CHOUKROUNE/NEDUMPARA, 35-117; 332-370; 412-454	
	<p><i>Institutional framework of the WTO</i></p> <ul style="list-style-type: none"> <li>- From GATT to WTO</li> <li>- Objectives, functions and scope</li> <li>- Goods and services</li> <li>- Organisation, membership and decision-making</li> </ul> <p><i>Principles of non-discrimination under GATT and GATS</i></p> <ul style="list-style-type: none"> <li>- Most-favoured-nation treatment</li> <li>- National treatment</li> </ul> <p><i>Economic integration and regional agreements</i></p> <ul style="list-style-type: none"> <li>- Customs unions</li> <li>- Free trade agreements</li> </ul> <p><i>WTO dispute settlement</i></p> <ul style="list-style-type: none"> <li>- Principles</li> <li>- Institutions</li> <li>- Proceedings</li> </ul> <p><i>Reform of the WTO</i></p> <ul style="list-style-type: none"> <li>- Current state</li> <li>- Art. 25 DSU as alternative appeals mechanism</li> </ul> <p><i>Current developments</i></p> <ul style="list-style-type: none"> <li>- WTO Investment Facilitation Agreement</li> </ul> <p><i>Group Presentations</i></p>	<p><b>Text 6</b> EC – Asbestos</p> <p><b>Text 7</b> Canada – Automotive Industry</p> <p><b>Text 8</b> Japan – Alcoholic Beverages</p> <p><b>Text 9</b> EC – Bananas</p> <p><b>Text 10</b> Low</p>	<p><b>Text E</b> Miranda/Sanchez Miranda</p>

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11 April 2024 18 April 2024 25 April 2024	<b>4 International Investment Law</b>	CHOUKROUNE/NEDUMPARA, 457-535	
	<p><i>Fundamentals</i></p> <p><i>Customary international law</i></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><i>"Investment" and investor</i></p> <p><i>Investment protection</i></p> <ul style="list-style-type: none"> <li>- Fair and equitable treatment</li> <li>- Direct and indirect expropriation</li> <li>- Umbrella clauses</li> </ul> <p><i>Evolving standards of international law</i></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: from NAFTA to USMCA</li> </ul> <p><i>Dispute settlement (ISDS)</i></p> <ul style="list-style-type: none"> <li>- Procedures</li> <li>- Recent case law</li> </ul> <p><i>Group Presentations</i></p>	<p><b>Text 11</b> Lowenfeld on Barcelona Traction</p> <p><b>Text 12</b> Metalclad Case</p> <p><b>Text 13</b> S.D. Myers Case</p> <p><b>Text 14</b> David A. Gantz on Pope Talbot Case</p>	

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2 May 2024 16 May 2024	<b>5 Trade and Environmental Protection</b>	CHOUKROUNE/NEDUMPARA, 371-399	
	<p><i>Historical overview of international environmental protection</i></p> <p><i>Environmental measures under WTO law</i></p> <ul style="list-style-type: none"> <li>- Environmentally unfavourable process and production methods</li> <li>- Extraterritoriality of environmentally favourable regulations</li> <li>- “Environmental exemptions” of Art. XX GATT</li> </ul> <p><i>SPS agreement</i></p> <ul style="list-style-type: none"> <li>- Harmonization: The benchmark of international standards</li> <li>- Risk assessment</li> </ul> <p><i>Group Presentations</i></p>	<p><b>Text 15</b> Bernasconi-Osterwalder et al. on Tuna/Dolphin Cases</p> <p><b>Text 16</b> Bernasconi-Osterwalder et al. on Shrimp/Turtle Case</p> <p><b>Text 17</b> China – Raw Materials</p> <p><b>Text 18</b> China – Rare Earths</p> <p><b>Text 19</b> Brazil – Retreaded Tyres</p> <p><b>Text 20</b> EC – Hormones</p>	<p><b>Text F</b> Declaration of the UN Conference on the Human Environment</p> <p><b>Text G</b> Julia Qin on Retreaded Tyres</p> <p><b>Text H</b> Julia Qin on Raw Materials and Rare Earths</p>

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23 May 2024 30 May 2024	<b>6 Human Rights, Trade and Investment</b>	CHOUKROUNE/NEDUMPARA, 727-736	
	<p><i>The role of labour rights</i></p> <ul style="list-style-type: none"> <li>- International Labour Organization (ILO)</li> <li>- Core Labour Standards (CLS)</li> </ul> <p><i>Labour provisions in trade agreements</i></p> <ul style="list-style-type: none"> <li>- WTO agreements</li> <li>- Free trade agreements</li> </ul> <p><i>Health Protection and Investment Agreements</i></p> <p><i>Group Presentation</i></p> <p><i>Summing Up</i></p> <p><i>Q&amp;A</i></p>	<p><b>Text 21</b> ICSID Philip Morris v. Uruguay (skim)</p> <p><b>Text 22</b> Australian High Court Decision on Philip Morris Ltd.'s submissions</p>	