

City University of Hong Kong

Course Syllabus

offered by School of Law  
with effect from Semester B 2017/18

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**Part I Course Overview**

**Course Title:** Current Issues in WTO Law

**Course Code:** LW6167E

**Course Duration:** One semester

**Credit Units:** 3

**Level:** P6

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:**  
(Course Code and Title) Nil

**Precursors:**  
(Course Code and Title) \_\_\_\_\_

**Equivalent Courses:**  
(Course Code and Title) LW5567 Current Issues in WTO Law  
LW6547E WTO Law  
LW6548E Advanced Issues in WTO Law  
(Students who have completed LW6547E or LW6548E are not allowed to take LW6167E.)

**Exclusive Courses:**  
(Course Code and Title) LW6567E Current issues in WTO Law

## Part II Course Details

### 1. Abstract

This course is designed to depict the legal system of the World Trade Organization (WTO), one of the most important international economic organizations, and to provide guidance on the analysis of current legal issues within the WTO.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, describe and synthesize current issues relating to WTO law		√	√	√
2.	Apply the rules of WTO law to cases		√	√	√
3.	Reflect critically on current legal, political and economic problems of the WTO		√	√	√
		100%			

A1: Attitude

*Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

A2: Ability

*Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

A3: Accomplishments

*Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

### 3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.						Hours/week (if applicable)
		1	2	3				
Lectures	The course leader will present the substantive law on the topics listed below in the course syllabus	√	√	√				3
Interactive class discussion	Students will learn how to apply the law to cases. Students will also be engaged in debates to develop a critical view on the strengths and deficiencies of international trade law	√	√	√				

**4. Assessment Tasks/Activities (ATs)**

*(ATs are designed to assess how well the students achieve the CILOs.)*

Assessment Tasks/Activities	CILO No.					Weighting	Remarks
	1	2	3				
Continuous Assessment: 50%							
Coursework, or a closed-book mid-term exam, or another means of assessment with similar difficulty	√	√	√			30%	
Class participation (including mainly class attendance, class discussion, concentration in the classes, and oral presentation (if presentation tasks are assigned by the instructor))	√	√	√			20%	
Examination: 50% (duration: 3 hours)						100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

## 5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Class Participation	<p>Demonstration of concentration on lectures and class discussions.</p> <p>Demonstration of ability and willingness to answer questions in class and to participate in class/group discussion.</p> <p>Demonstration of oral presentation skills and willingness.</p> <p>Demonstration of attention and patience to other students' speech or presentation.</p> <p>Demonstration of full respect for different opinions from others in the class.</p>	<p>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</p>	<p>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</p>	<p>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.</p>	<p>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</p>	<p>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</p>
2. Coursework	<p>Demonstration of understanding of concepts, principles, and theories.</p> <p>Demonstration of ability to identify legal issues.</p> <p>Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.</p> <p>Application of legal writing and research skills.</p> <p>Demonstration of ability to engage in argument-based analysis based on critical thinking.</p> <p>Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.</p>	<p>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</p>	<p>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</p>	<p>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.</p>	<p>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</p>	<p>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</p>

<p>3. Examination</p>	<p>Demonstration of understanding of concepts, principles, and theories.          Demonstration of ability to identify legal issues.          Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.          Application of legal writing and research skills.          Demonstration of ability to engage in argument-based analysis based on critical thinking.          Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.</p>	<p>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</p>	<p>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</p>	<p>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.</p>	<p>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</p>	<p>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</p>
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**Part III Other Information** (more details can be provided separately in the teaching plan)

**1. Syllabus**

**1.1 Keyword Syllabus**

*(An indication of the key topics of the course.)*

Institutional framework of the WTO; WTO dispute settlement; principles of non-discrimination; rules of market access; rules on unfair trade; trade liberalization and other social values; TRIPs; DSB caselaw.

**1.2 Detailed Syllabus**

I. Introduction

II. The WTO (I)

Origins

Mandates

Sources of law

III. The WTO (II)

Membership

Institutional structure

Decision-making

IV. WTO Dispute Settlement (I)

Origin of the WTO DSM

The DSU of the WTO

Causes of actions

Rules of interpretation

Burden of proof

Remedies

Institutions – panels and the AB

V. WTO Dispute Settlement (II)

Consultation proceedings

Panel proceedings

Appellate proceedings

Implementation and enforcement of DSB reports

VI. Principles of Non-Discrimination

MFN Treatment

National Treatment

VII. Rules of Market Access (I)

Tariff reduction

Schedules

Interpretation of Article II GATT

Exceptions to Article II GATT

Rectification/modification of Schedules

VIII. Rules of Market Access (II)

Non-tariff barriers to trade in goods

Barriers to trade in services

## IX. Rules on Unfair Trade (I)

Dumping

WTO treatment of dumping

Zeroing

## X. Rules on Unfair Trade (II)

Subsidies

WTO treatment of subsidies

Response to injurious subsidized trade

S&D Treatment in subsidized trade

Agriculture subsidies

## XI. Trade Liberalization versus Other Social Values and Interests

General exceptions under the GATT

General exceptions under the GATS

Security exceptions

Economic emergency exceptions

Regional integration exceptions

Balance-of-payment exceptions

Economic development exceptions

## XII. TRIPs

Introduction to the TRIPs

General provisions and basic principles

Enforcement of IPRs

## XIII. Course review

### 2. Reading List

#### 2.1 Compulsory

*(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)*

#### Book

Peter van den Bossche, *The Law and Policy of the World Trade Organization*, Cambridge Univ. Press 2005

#### 2.2 Recommended

*(Additional references for students to learn to expand their knowledge about the subject.)*

#### Books

Guiguo Wang, *The Law of the WTO: China and the Future of Free Trade*, Sweet and Maxwell 2005

George Bermann/Petros Mavroidis, *WTO Law and Developing Countries*, Cambridge Univ. Press 2007

Michael Trebilcock/Robert Howse, *The Regulation of International Trade*, Routledge 2005

Xing Lijuan, *Behind the Multilateral Trading System: Legal Indigenization and the WTO in Comparative Perspective*, Carolina Academic Press 2014.

Raj Bhala, *International Trade Law : Interdisciplinary Theory and Practice*, Lexis Publishing 2008 (3rd edn).

## Journals

Journal of World Trade

Journal of World Investment and Trade

World Trade Review

Asper Review of International Business and Trade Law

International Trade and Business Law Review

## 2.3 Online Resources

[www.wto.org](http://www.wto.org)

Other resources to be advised in the lecture.