



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A., LL.B (HONS.) FYIC

DETAILS OF COURSE OFFERED

EVEN SEMESTER (X) – ACADEMIC YEAR

SL NO	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	BL1005.8	INTERNATIONAL TRADE LAW	4 PER WEEK		1 PER WEEK	4	

- A. CODE AND TITLE OF THE COURSE: BL1005.8 , INTERNATIONAL TRADE LAW ,SPECIALIZATION GROUP PAPER(BUSINESS LAW)
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)
- C. MEDIUM OF INSTRUCTION: ENGLISH
- D. COURSE COMPILED BY: DR.MONMI GOHAIN
- E. COURSE INSTRUCTOR: DR.MONMI GOHAIN

1. COURSE OBJECTIVES:

This course examines impact of international trade law upon the regional and global trading system. The focus is necessarily upon the regulatory effect of that law, in particular as regards the creation of the global trading system and the harmonization of national regimes and, more generally, in terms of the globalization process as applied to trade practices. The course further aims to:

1. Advancing legal knowledge in the field of international trade law and business transactions and related provisions of public and private international law
2. Enhancing competencies for comparative legal analysis international trade law concepts
3. Providing fundamental tools and competencies needed to deal with the complex reality of international trade transactions from Indian and an international perspective

2. TEACHING METHODOLOGY

National Law University and Judicial Academy, Assam has developed its own methodology of teaching which will bring maximum facilitation to the students in legal field. This method focuses on participatory teaching which includes classroom lecture and also inputs from the students. There will be discussion on important concept of International Trade Law .To develop independent thinking, develop the quality of research and to inculcate study attitudes individual project topics are allotted to students in advance. The students prepare their topics from the list of sources suggested to them under the supervision of the teacher-in-charge of the subject. In the classroom every student is required to present his/her project topic through seminar presentation and to have his/her doubt cleared through discussion. The teacher will guide the students in their pursuit of learning and clarify doubts and queries of students, if any ,and put forward suggestions for further readings. The topics will be taught through projected teaching aids like power point presentation and whiteboard.

3. COURSE LEARNING OUTCOMES

After the completion of the course, a student is expected to have a depth understanding of the following:

1. Have an in depth knowledge of history and evaluation of international trade law as an academic discipline and also as a subject which is important for practical applications.
2. To have a deep understanding of the international legal development of international trade law through the evolutions of various international institutions.
3. To know about the development of international trade law in the way of having connection with international trade law and business law.
4. To look into the implementation of international legislations in trade law into the domestic framework and what will be the impact of the same in our country.
5. The students will also have an in-depth knowledge about the position of our country in international trade system.

4. COURSE EVALUATION METHOD

The Course will be evaluated on 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES; REFERENCE MATERIALS AND SUGGESTED/COMPULSORY READING)

MODULE I

1. Introduction to International Trade Law: Definitions, Scope, Codification and Development of International Trade Law

1.1. Introduction

1.2. Definitions

- 1.3. Similarities and Distinctions between the International Economic Law, International Business Law, International Commercial Law and International Trade Law
- 1.4. Development of International Trade Law – Ancient, Medieval and Modern
- 1.5. Role of Trade Theories in Development of International Trade Law
- 1.6. Codification and Development of International Trade Law by the League of Nations and the United Nations
- 1.7. Perspectives on International Trade Law – First, Second and Third World

2. Basic Principles and Concepts of International Trade Law

- 2.1. Most favored nation (MFN) Treatment: Origin & Application in GATT & WTO
- 2.2. National Treatment: Its Origin and Application in GATT and WTO
- 2.3. The Principle of Non-Discrimination and Equality of states
- 2.4. Changing Concept of Sovereignty & Protection of National Interests
- 2.5. Transparency and Reciprocity
- 2.6. Free Trade and Fair Trade
- 2.7. Binding Commitments
- 2.8. P.S.N.R and Non-Intervention in Domestic Affairs
- 2.9. Common Techniques of ITL– Restrictions, Quotas, Subsidies, etc.,

MODULE II

3. The History and Development of International Trade and Financial Institutions

- 3.1. The Nature and Characteristics of International Institutions
- 3.2. The Bretton Woods Conference and the Establishment of IMF and IBRD
- 3.3. Promotion of Currency Stability: The Role IMF
- 3.4. Monetary Regulations before the IMF
- 3.5. Bretton Woods Regime – Reforms in the IMF
- 3.6. IMF Initiatives for LDCs
- 3.7. IMF and Regional Financial Crisis
- 3.8. SAP and Criticisms on IMF
- 3.9. The Contribution of the IMF to International Trade
- 3.10. Mobilization of International Capital: The Role of the IBRD
- 3.11. The Establishment of International Bank for Reconstructions and

Development (IBRD) and its working

3.12. Structure and Functioning of the IBRD

3.13. Constituents of the IBRD–

3.14. International Finance Corporation (IFC)

3.15. International Development Association (IDA)

3.16. International Center for Settlement of Investment Disputes (ICSID)

- 3.17. Multilateral Investment Guarantee Agency (MIGA)
- 3.18. Criticism by Socialist and Third World Countries
- 3.19. Role of the IBRD in Promotion of International Trade

MODULE III

4. GATT and Developing Countries

- 4.1. Some Economic Theories of Trade of Less-Developed Countries
- 4.2. Preparatory Work for GATT Article XVIII: The London Compromise and the Geneva Debate
- 4.3. The Havana Conference and the 1955 Amendment to Article XVIII
- 4.4. The Haberler Report, and Other GATT Initiatives to Help Developing Countries
- 4.5. The Rights of a Developing Country to Deviate from GATT Obligations: Analysis of GATT Clauses
- 4.6. Uruguay Round and Developing Countries: New Issues—Market Access, Agriculture, Textiles and Clothing, TRIPS, Trade in Services, and Institutional Matters.

5. International Trade law and Trade in Services

- 5.1. Distinction Between GATT and GATS
- 5.2. Growing Importance of Services in International Trade
- 5.3. International Agreements for Liberalization for Trade in Services
- 5.4. GATS and Liberalization of Trade in Services
- 5.5. General Obligations and Specific Commitments under GATS
- 5.6. GATS and Developing Countries
- 5.7. GATS and Legal Services – A case Study of India

6. Intellectual Property and International Trade

- 6.1. IPR Regulations under Paris and Berne Regimes
- 6.2. WIPO and IP Regulations – Concerns of Developing Countries
- 6.3. Uruguay Round Negotiations and IPR Issues
- 6.4. TRIPS Agreements – A Critical Analysis
- 6.5. TRIPS and Developing Countries
- 6.6. TRIPS and India – Issues, Challenges and Achievements

MODULE IV

7. International Trade and Environment

- 7.1. Linkage Between International Trade Law and Environment
- 7.2. Concept of Free Trade and the Environmental Implications
- 7.3. Trade and Environment Issues: International Environmental Conventions
- 7.4. Basel Convention and Trade Issues; CITES Convention and Trade Issues;
- 7.5. Montreal Protocol on Substances that Deplete the Ozone Layer;
- 7.6. UN Framework Convention on Climate Change, 1992; and the Convention
- 7.7. Biological Diversity, 1992
- 7.8. The Tuna/Dolphin Controversy-I and II
- 7.9. GATT Provisions and Protection of the Environment
- 7.10. Article XX of the GATT Agreement on Measures to Protect Environment
- 7.11. Environment Provisions of the Uruguay Round
- 7.12. WTO and Environment
- 7.13. Trade and Environment and Other WTO Agreement
- 7.14. Report of the Committee on Trade and Environment
- 7.15. Law Relating to the Concept of Sustainable Development

6. PRESCRIBED READING

- 1. Indira Carr and Peter Stone, International Trade Law, 1996
- 2. Michael Trebilcock, Advanced Introduction to International Trade Law, 2011
- 3. Jason Chuah, International Trade Law, 1995
- 4. Carole Murray, Daren Timson-Hunt, and David Holloway, Schmitthoff the Law and Practice of International Trade, 2000
- 5. Daniel Bethlehem, The Oxford Handbook of International Trade Law, 2009
- 6. Simone Lamont-Black, Understanding International Trade Law, 2006
- 7. Andrew T. Guzman and Joost Pauwelyn, International Trade Law, 2009
- 8. John Spanogle, Michael W. Gordon, and Ralph Folsom, International Trade and Economic Relations in a Nutshell, 2004
- 9. Raj Bhala, Dictionary of International Trade Law, 2009

Peter Van den Bossche, Marie Denise Prévost, Essentials of WTO Law, 2016

