

Faculty of Law



DESO2334 International Economic Law

[30h] 4.5 credits

This course is taught in the 1st semester

Teacher(s): Philippe Coppens
Language: French
Level: Second cycle

Aims

The goal of the course is twofold. The first goal is to show that law and economics share intertwined concerns. Some elements of law & economics are developed from this viewpoint. The second goal is to encourage students to have a critical and well-considered vision of the economic, political, and social globalisation movements and of the principles which convey their meaning.

To be constructive, this analysis should be supported by a rigorous command of the technical rules of substantive law set out in the Agreements establishing the World Trade Organisation (WTO).

Main themes

This course consists of an introduction to the specific rules of international economics and international trade: trade (international bodies such as GATT; trade between developed countries; trade between western and eastern countries, etc.), money and finance (IMF, World Bank, etc.), international economic mediators (states, transnational companies); investment; analysis of trade relations; international contracts; international disputes. If requested by the Faculty and the Department of Economic and Social Law, the course can consist of either lectures or of case analysis. The method chosen is applied for a three-year period.

Content and teaching methods

Method

The course method is diversified. Part of the course consists of lectures, either by the professor or guest speakers. The other parts of the course take the form of discussions about legal provisions or legal literature. They can also be prepared and presented by volunteer students, either alone or in groups of two or three. If students so wish, the class is then prepared with the professor.

Content

The subject of the course is the critical analysis of the foundations, the functioning and the principles of the substantive law of the World Trade Organisation (WTO). The first part of the course studies the main economic concepts needed for an understanding of the nature, aims and tensions affecting international economic law in general and the WTO in particular. This subject matter cannot be understood without a simultaneous consideration of international trade-related questions in international law and of specific problems in international economic policy.

The second part of the course is more focused on the WTO. Firstly, its historical evolution is analysed: from the partial failure of the Bretton Woods agreements (1944) to the pragmatic solutions devised during the various rounds of multilateral negotiations, eventually leading to the Marrakesh Agreements establishing the WTO (1994).

Then follows a study of the principles governing the Agreements establishing the WTO, linking them to questions of economic policy: the principle of non-discrimination, comprising the principles of most-favoured nation and national implementation. We also show the nature and the extent of the pragmatic exceptions to these principles. Finally, we analyse substantive law solutions provided by the agreements on trade in goods and services.

The third part of the course is dedicated to the Understanding on Rules and Procedures Governing the Settlement of Disputes and to WTO case law.

Time permitting, a fourth part covers either trade-related aspects of intellectual property rights or the relations between the World Trade Organisation, the International Monetary Fund and the World Bank.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings,

...)

The lectures, supervised reading and research are intended to provide students with knowledge of new concepts, to teach them to discover the facts, failures and loopholes of law in the present state of the international economy and to foster their thinking about new measures which could meet the expectations of the international community in a just and satisfactory way.