



COURSE MANUAL

Name of the Elective Course: International Trade Law and Goods

Course Code: L-CM-0002

Name of the responsible Faculty Instructor:
Prof. Dr. Pallavi Kishore

**FALL 2026
(AY2026-27)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, International Trade and Goods _____, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **International Trade Law and Goods**

Course Code: L-CM-0002

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **_4_ Credits**

Level: **UG & PG**

Medium of Instruction: **English**

Pre-requisites (if applicable): Public International Law

Equivalent Courses: N/A

Part II

1. Acknowledgement of Course Ideators: Dr. Pallavi Kishore

2. Course Description

International trade has gone up considerably in the last few decades. This was governed by GATT rules. However, in view of the changing realities, these rules proved inadequate. Therefore, the WTO came about with a much wider set of rules to govern international trade. The principles for governing international trade remain the same. They include Most-Favoured Nation Treatment, Tariff Bindings, National Treatment, and Elimination of Quantitative Restrictions. There are now many new agreements centred around these principles. These relate to trade in agricultural and non-agricultural goods, services, and intellectual property. Remember that the GATT only dealt with trade in goods. It is imperative to mention that with this plethora of rules in existence, there are also a large number of exceptions to the rules. Apart from these new laws, there is one new agreement dealing with dispute settlement in the WTO. This was briefly mentioned in the GATT but the WTO devotes an entire agreement to it. It creates a two-tier procedure and also has provision for third party participation, a very innovative feature. Moreover, amicus curiae participation has also been allowed.

This course will delve into all these rules. In the beginning, it will also explain the history of the world trading system which itself will provide many answers to the questions that will arise as the course moves on.

3. Course Aims

This course deals with different aspects of the multilateral trading system and aims to foster an understanding of the:

- necessity of studying international trade law and policy
- theoretical concepts involved in the course and their interaction with each other
- principal law/s dealing with the WTO and the interaction between them
- importance of rule-based dispute settlement system (DSS)

4. Teaching Methodology

The class format will combine lecture and discussion, with a primary focus on the latter. Students are expected to prepare for and participate in class discussion on a regular basis. Students are expected to review the delineated course materials in advance of each class and will lead the class through presentations. Every topic will be led by students who will present their thoughts on the material and guide discussion.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Teaching and Learning Activities	Assessment Tasks/Activities	
By the end of the course students should be able to:			
<p>➤ Analytically and critically describe and explain the main substantive rules of international trade law pertaining to the topics to be covered in the syllabus.</p>	<p>50% weight</p>	<p><i>Reading of cases and other material, and research</i></p> <ul style="list-style-type: none"> • Students will acquire knowledge of the substantive rules of international trade law pertaining to the topics to be covered in the syllabus. • Preparation outside the class. <p><i>Lectures</i></p> <ul style="list-style-type: none"> • Students will be given guidance on their reading and research for their lectures and tutorials. • Students will, by responding to questions and performing exercises, develop their analytical and critical capabilities in applying the law regarding international trade. 	<p><i>End-of-course examination</i></p> <p><i>Assignment/s</i></p> <p><i>Class Participation</i></p> <ul style="list-style-type: none"> • Students’ ability to describe and explain the main substantive rules relating to international trade law on topics covered in the syllabus will be tested by all three assessment tasks/activities.
<p>➤ Analyse and critically evaluate:</p> <ul style="list-style-type: none"> • issues and concerns in the field of WTO law and policy • the operation of the substantive rules of trade <ul style="list-style-type: none"> ○ in terms of 	<p>35% weight</p>	<p><i>Lectures</i></p> <ul style="list-style-type: none"> • Students will be introduced to issues, concerns, and aspects of the operation of the substantive rules of WTO law and policy. 	<p><i>End-of-course examination</i></p> <p><i>Tutorials</i></p> <p><i>Assignment/s</i></p> <ul style="list-style-type: none"> • Students’ ability to analyse and critically evaluate will be tested by all three assessment

<p>their objectives</p> <ul style="list-style-type: none"> ○ their utility. 		<p><i>Preparation for tutorials</i></p> <ul style="list-style-type: none"> • Students will research issues relating to the subject. <p><i>Tutorials</i></p> <ul style="list-style-type: none"> • Students will give presentations on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in WTO law and policy. 	<p>tasks/activities to determine their ability to apply the law to a given situation.</p>
<p>➤ Apply the principles of WTO law to solve legal problems by:</p> <ul style="list-style-type: none"> • researching relevant issues • analysing and resolving problems concerning trade disputes • effectively communicating their solutions orally and in writing. 	<p>15% weight</p>	<p><i>Lectures</i></p> <ul style="list-style-type: none"> • Students will be shown how legal problems are solved applying rules of WTO dispute settlement. <p><i>Preparation for tutorials</i></p> <ul style="list-style-type: none"> • Students will research issues relating to settlement of disputes in international trade. <p><i>Tutorials</i></p> <ul style="list-style-type: none"> • Students will give presentations on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in settlement of disputes in international trade. 	<p><i>End-of-course examination</i></p> <ul style="list-style-type: none"> • Students’ ability to apply rules of WTO dispute settlement to given situations and resolve problems will be tested. <p><i>Tutorials</i></p> <ul style="list-style-type: none"> • Students will be required to make presentations on problems and questions allotted to them and all students will be required to contribute to tutorial discussions whether they are making a presentation or not. • Students’ ability to research, analyse and resolve problems, and communicate solutions orally will be tested. <p><i>Assignment/s</i></p> <ul style="list-style-type: none"> • Students’ ability to research, analyse and resolve problems, and communicate solutions in writing

			will be tested.
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6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessment (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

As per the Office of Academic Affairs, JGLS strives to provide on the academic transcript a consistent, fair and accurate portrayal of the extent of subject-mastery. For this, both internal and end of semester grades will be based on relative performance of other students in the class.

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
	Marks	

Assessment	Weightage	Remarks
Type of Assessment		
Type of Assessment	Marks	
Type of Assessment	Marks	
End Semester Examination (Compulsory)	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course who have successfully met the requisite attendance as per the governing JGU policies.

Part III

Course/Class Policies

Cell Phones, Laptops and Similar Gadgets

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing

academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Keywords Syllabus

Appellate Body, *amicus curiae*, compensation, covered agreements, dispute settlement, Dispute Settlement Understanding, GATT, globalization, international trade, Ministerial Conference, Most-favored nation, National treatment, non-discrimination, panels, non-tariff barriers, protectionism, Quantitative restrictions, retaliation, rule-based system, tariffs, tariff bindings, tariff schedules, third party, Uruguay Round, WTO, WTO secretariat

READINGS

a. Essential Reading

Lester, Simon; Mercurio, Bryan, *World Trade Law Text, Materials and Commentary*, New Delhi: Universal Law Publishing co. Pvt. Ltd., 2010, 892 p.

b. Supplementary Reading (preferably latest editions)

Trebilcock, Michael J; Howse, Robert, *The Regulation of International Trade*

Bethlehem, Daniel; Neufeld, Rodney; Damme, Isabelle Van; McRae, Donald, *The Oxford Handbook of International Trade Law*, New York: Oxford University Press, 2009, 801 p.

Stoll, Peter-Tobias; Schorkopf, Frank, *WTO – World Economic Order, World Trade Law*, Max Planck Commentaries on World Trade Law, Leiden: Martinus Nijhoff Publishers, 2006, 291 p.

Wolfrum, Rüdiger; Stoll, Peter-Tobias; Kaiser, Karen, *WTO Institutions and Dispute Settlement*, Max Planck Commentaries on World Trade Law, Leiden: Martinus Nijhoff Publishers, 2006, 671 p.

Lowenfeld, Andreas F, *International Economic Law*, Second Edition, International Economic Law Series, New York: Oxford University Press, 2008, 956 p.

Qureshi, Asif H; Ziegler, Andreas R, *International Economic Law*, London: Sweet & Maxwell, 2007, 548 p.

Guzman, Andrew T; Sykes, Alan O, *Research Handbook in International Economic Law*, Research Handbooks in International Law Series, Cheltenham: Edward Elgar, 2007, 624 p.

Jackson, John Howard, *The World Trading System Law and Policy of International Economic Relations*, Second Edition, Cambridge: MIT Press, 1997, 441 p.

Jackson, John H; Davey, William J; Sykes, Alan O, *Legal Problems of International Economic Relations Cases, Materials and Text*, American Casebook Series, Fifth Edition, Thomson/West, 2008, 1210 p.

Matsushita, Mitsuo; Schoenbaum, Thomas J; Mavroidis, Petros C, *The World Trade Organization Law, Practice and Policy*, Second Edition, Oxford University Press

Bossche, Peter Van Den, *The Law and Policy of the World Trade Organization Text, Cases and Materials*, Second Edition, Cambridge University Press

Koul, Autar Krishen, *Guide to the WTO and GATT Economics, Law and Politics*, Kluwer Law International

Hoekman, Bernard M; Mavroidis, Petros C, *The World Trade Organization Law, economics, and politics*, Routledge, 2007, 143 p.

Chow, Daniel C K; Schoenbaum, Thomas J, *International Trade Law Problems, Cases, and Materials*, 2008, Wolters Kluwer

Hoekman, Bernard M; Kostecki, Michel M, *The Political Economy of the World Trading System The WTO and Beyond*, Third Edition, Oxford University Press

VanGrasstek, Craig, *The History and Future of the World Trade Organization*, WTO Publications 2013, https://www.wto.org/english/res_e/publications_e/historyandfuturewto_e.htm

Macrory, Patrick F J; Appleton, Arthur E; Plummer, Michael G (Eds.), *The World Trade Organization: Legal, Economic and Political Analysis Volume 1*, Springer, 2005, <https://www.scribd.com/document/323411639/The-World-Trade-Organization-Legal-Economic-and-Political-Analysis-Winham-pdf>

c. Laws

General Agreement on Tariffs and Trade 1947 and 1994
Agreement Establishing the World Trade Organization
Select Multilateral Agreements on Trade in Goods
Understanding on Rules and Procedures Governing the Settlement of Disputes

d. Cases

GATT Cases, and WTO Cases and one page summaries www.wto.org

Course Design and Overview (Weekly Plan)

The following programme is intended to be only indicative and is subject to variation as and when circumstances may render necessary. Students must note the speed at which the class proceeds. It is possible that the class proceeds faster/slower than that mentioned in the course manual.

Week	Topics
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1.	ECONOMIC GLOBALISATION AND THE INTERNATIONAL TRADING SYSTEM
2.	THE WORLD TRADE ORGANIZATION
3.	DISPUTE SETTLEMENT
4.	PRINCIPLES OF NON-DISCRIMINATION
5.	PRINCIPLES OF NON-DISCRIMINATION
6.	RULES ON MARKET ACCESS
7.	RULES ON MARKET ACCESS
8.	RULES ON MARKET ACCESS
9.	TRADE REMEDIES
10.	TRADE REMEDIES
11.	TRADE REMEDIES
12.	EXCEPTIONS UNDER THE GATT
13.	EXCEPTIONS UNDER THE GATT
14.	REVISION WEEK [NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

Module Descriptions:

Part V Relevant Readings / Essential Readings

WEEK 1 ECONOMIC GLOBALISATION AND THE INTERNATIONAL TRADING SYSTEM

Economic globalisation and international trade
The law of comparative advantage
Trade liberalisation versus protectionism
Is international trade beneficial for all?

Recommended Reading

Simon Kemp, Psychology and Opposition to Free Trade, 6(1) World Trade Review, 2007, pp. 25-44

WEEK 2 THE WORLD TRADE ORGANIZATION

The origins of the WTO
Sources of WTO law
Basic rules and principles of WTO law
WTO law and international law
WTO law and national law
Mandate of the WTO including its objectives and functions

Membership of the WTO
Institutional structure of the WTO
Decision-making in the WTO

Laws
Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations
Agreement Establishing the World Trade Organization

Recommended Reading

Thomas J. Dillon, Jr., *The World Trade Organization: A New Legal Order for World Trade?*, 16 *Michigan Journal of International Law*, 1994-1995, pp. 349-402, refer pp. 350-373

WEEK 3 DISPUTE SETTLEMENT

Articles XXII and XXIII GATT, WTO Dispute Settlement Understanding

MPIA

Origins

Principles

Institutions

Procedure

Critique

Cases

WTDS26 and 48 EC - Hormones Articles 21.3(c) and 22.6 DSU Arbitration

WT/DS126 Australia – Automotive Leather II Article 21.5 DSU Panel

WT/DS135 EC – Asbestos article XXIII:1(b) GATT

WT/DS306 India – Lead Acid Batteries

Mandatory Readings

J.H.H. Weiler, *The Rule of Lawyers and the Ethos of Diplomats: Reflections on the Internal and External Legitimacy of WTO Dispute Settlement*, Harvard Jean Monnet Working Paper 9/00

M.A. Taslim, *Dispute Settlement in the WTO and the Least Developed Countries: the Case of India's Anti-Dumping Duties on Lead Acid Battery Import from Bangladesh*, ICTSD Case Study, Jakarta, Indonesia, 25-26 January 2006, 18 p.

Recommended Reading

Thomas J. Dillon, Jr., *The World Trade Organization: A New Legal Order for World Trade?*, 16 *Michigan Journal of International Law* 1994-1995, pp. 349-402, refer pp. 373-402

WEEKS 4-5 PRINCIPLES OF NON-DISCRIMINATION

1. Most-Favoured Nation Treatment article I GATT

Cases

- a. GATT

Spain - Unroasted Coffee

Belgium - Family Allowances

b. WTO

WT/DS27 EC – Bananas

WT/DS139 and 142 Canada - Autos

2. National Treatment article III GATT

Cases

a. GATT

Italian Discrimination against Imported Agricultural Machinery

US – Section 337 of the Tariff Act of 1930

b. WTO

WT/DS8, 10 and 11 Japan - Taxes on Alcoholic Beverages

WT/DS31 Canada – Certain Periodicals

WT/DS135 EC - Asbestos

WT/DS139 and 142 Canada - Autos

WT/DS161 and 169 Korea – Beef

Recommended Reading

Ole Kristian Fauchald, Flexibility and Predictability under the World Trade Organization's Non-Discrimination Clauses, 37(3) Journal of World Trade, 2003, pp. 443–482

WEEKS 6-8 RULES ON MARKET ACCESS

1. Tariff barriers (Border measure) article II GATT

Cases

WT/DS62, 67 and 68 EC – Computer Equipment (LAN)

WT/DS360 India – Additional Import Duties

2. Non-tariff barriers

a. Quantitative Restrictions/Quotas (Border measure) articles XI and XIII GATT

Cases

i. GATT

Japan - Trade in Semi-Conductors

ii. WTO

WT/DS90 India - Quantitative Restrictions Panel Report

b. TBT Agreement

Cases

WT/DS135 EC – Asbestos

WT/DS231 EC — Trade Description of Sardines

Recommended Reading

Peter Van den Bossche et al., WTO Rules on Technical Barriers to Trade, Maastricht Faculty of Law Working Paper 2005/6

c. SPS Agreement

Cases

WT/DS26 and 48 EC – Hormones
WT/DS291, 292 and 293 EC - Biotech (GMOs) Panel Report

Recommended Reading

WT/DS245 Japan - Apples

Peter Van den Bossche et al., WTO Rules on Technical Barriers to Trade, Maastricht Faculty of Law Working Paper 2005/6

WEEKS 9-11 TRADE REMEDIES

1. Anti-dumping Agreement, article VI GATT, dumping and anti-dumping measures, injury, causal link

Cases

WT/DS141 EC — Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India

WT/DS206 US - Anti-Dumping and Countervailing Measures on Steel Plate from India

WT/DS217 and 234 US — Continued Dumping and Subsidy Offset Act Of 2000

Recommended Readings

Julien Chaisse, Debashis Chakraborty, K.D. Raju, Growing Misuse of Anti-Dumping Provisions Analysing Some Pertinent Concerns, NCCR Trade Regulation, Swiss National Centre of Competence in Research, Working Paper No. 2007/30, August 2007

Prakash Narayanan, Anti-dumping in India - Present State and Future Prospects, 40(6) Journal of World Trade, 2006, pp. 1081-1097

2. Subsidies and Countervailing Measures Agreement, articles VI and XVI GATT, types of subsidies

Cases

WT/DS70 Canada - Aircraft and article 21.5 DSU Report

WT/DS138 US - Hot-Rolled Lead and Bismuth Carbon Steel Products

WT/DS217 and 234 US — Continued Dumping and Subsidy Offset Act Of 2000

3. Economic Emergency exceptions under article XIX GATT, Safeguards Agreement

Case

WT/DS177 and 178 US – Lamb

Recommended Reading

Dukgeun Ahn, Restructuring the WTO Safeguard System

WEEKS 12-13 EXCEPTIONS UNDER THE GATT

1. General exceptions under article XX GATT

Cases

WT/DS401 EC – Seal Products article XX(a)

WT/DS135 EC – Asbestos article XX(b)

WT/DS161 and 169 Korea – Beef article XX(d)

WT/DS456 India – Solar Cells article XX(d) and XX(j)

WT/DS58 US – Shrimps article XX(g)

Recommended Reading

Brandon L. Bowen, *The World Trade Organization and its Interpretation of the Article XX Exceptions to the General Agreement on Tariffs and Trade, in Light of Recent Developments*, 29 *Georgia Journal of International and Comparative Law*, 2000-2001, pp. 181-202, refer pp. 181-195

2. Security exception under article XXI GATT

Cases

a. GATT

US – Restrictions on exports to Czechoslovakia

b. WTO

WT/DS512 Russia – Traffic in Transit

3. Regional integration exception under article XXIV GATT

Case

WT/DS34 Turkey – Textiles and Clothing

Recommended Reading

Mitsuo Matsushita, *Legal Aspects of Free Trade Agreements: In the Context of Article XXIV of the GATT 1994 in WTO and East Asia: New Perspectives*, pp. 497-514

4. Balance of payments exception under article XII GATT

WEEK 14 REVISION