

FUNDAMENTALS OF INTERNATIONAL ECONOMIC LAW

Course Description

This course is an introduction to international economic law. It starts out with an exploration of the principles and sources as well as the history of international economic law and discusses the role of states, organizations and other actors in international economic law. It also addresses the issues of treaty making and treaty interpretation in international economic law as well as the settlement of international economic disputes. The course covers the rules governing: non-discrimination in trade in goods and services, market access for goods and services, dumping and subsidies, technical barriers to trade and sanitary and phytosanitary measures, the protection of intellectual property as well as the general and other exceptions to basic rules on trade in goods and services. The course subsequently addresses the rules on the protection of aliens and foreign investors in international law, the international framework of investment law, and the relationship between investment law and public policies. The course concludes with an overview of other rules of international economic law, and in particular the rules of international monetary and financial law, and an examination of the relationship between international economic law and domestic legal systems. This course consists of 17 lectures and 7 case-study-based seminars. The exam is an open book exam and is composed of a written and oral portion.

Course details

Participants: MILE and TRAIL+ cohort

Requirement: MILE Mandatory

Price: N.A. (course is not offered à la Carte)

Format: Non modular, expository-interactive lecture

ECTS: 10

Lecturers: Michael Hahn, Thomas Cottier, Rodrigo Polanco, Stacy Sean, Susan Emmenegger,

Biographies

Michael Hahn: Michael Hahn is the Director of the Institute for European and International Economic Law of the University of Bern Law School and a Director at the World Trade Institute. He also is Adjunct professor at Murdoch University Law School (Perth, Australia), Honorary professor at the University of Waikato Law School (Hamilton, New Zealand) and, since 2005, Visiting professor at the Europa-Institute of Saarland University, Saarbrücken, Germany. Michael holds a Doctorate from the University of Heidelberg and an LL.M. from the University of Michigan Law School, where he served as a research assistant to John H. Jackson. Before joining the University of Bern, he has been a Full professor at the University of Lausanne, Switzerland and at Waikato Law School, Hamilton, New Zealand. He received his basic legal training (1st and 2nd State Exam) in Germany, and was, inter alia, a Research fellow at the Max-Planck-Institute for Comparative Public and Public International Law and a Senior lecturer at Saarland University. Michael is an Associate editor of the Journal of World Trade and an Editor of the Zeitschrift für Europarechtliche Studien (ZEuS). A recent publication is Matsushita/Schoenbaum/Mavroidis/Hahn, *The World Trade Organization – Law, Practice, and Policy*, 3rd edition, OUP: 2015 [paperback 2017]).

Thomas Cottier: Thomas Cottier, former Managing Director of the World Trade Institute, is Professor Emeritus of European and International Economic Law at the University of Bern. He published widely in the field of international economic law, with a particular focus on constitutional theory and intellectual property. He directed the national research programme on trade law and policy (NCCR International Trade Regulation: From Fragmentation to Coherence) located at the WTI from 2006-2014. He is an associate editor of several journals. He was a visiting professor at the Graduate Institute, Geneva, the Paris I Sorbonne, University of Barcelona, and regularly teaches at the Europa Institut Saarbrücken, Germany, at Wuhan University, China, at the University of Torino and more recently at the University of Ottawa, Canada. He was a member of the Swiss National Research Council from 1997-2004 and served on the board of the International Plant Genetic Resources Institute (IPGRI) Rome during the same period. He served the Baker & McKenzie law firm as Of Counsel from 1998 to 2005. He held several positions in the Swiss External Economic Affairs Department and was the Deputy-Director General of the Swiss Intellectual Property Office. Prof. Cottier has a long-standing involvement in GATT / WTO activities. He served on the Swiss negotiating team of the Uruguay Round from 1986 to 1993, first as Chief negotiator on dispute settlement and subsidies for Switzerland and subsequently as Chief negotiator on TRIPs. He has served as a member or chair of several GATT and WTO panels and served on a high-level panel reviewing the International Health Regulations of the World Health Organization.

Rodrigo Polanco: Rodrigo is an Assistant Professor of International Economic Law at the University of Chile where he has taught Foreign Investment Law, International Trade Law, and International Environmental Law, both at the Faculty of Law and at the Institute of International Studies. Until February 2013 he also served as the Director of International Relations at the same School of Law, where he was in charge of academic relations with foreign universities and international organizations. He holds a Bachelor and a Master of Laws from Universidad de Chile School of Law, an LL.M. in International Legal Studies from New York University (NYU) School of Law, and a PhD from the University of Bern, Graduate School of Economic Globalisation and Integration, specialised in international investment law. Rodrigo is also a published scholar and legal practitioner with more than 15 years' experience in both the public and private sectors. Rodrigo specialises in economic and international law, investment law, trade law, air and space law and litigation. Rodrigo is also visiting professor at Universidad Externado Colombia and member of the editorial team of their Law and Economy Review (Contexto) and founder of Fiscalía del Medio Ambiente (FIMA) a Chilean non-profit organization working in public interest environmental cases, and teaching local communities and members of the judiciary on environmental law. He serves as Director of their environmental law journal (Justicia Ambiental). Rodrigo joined the WTI as a researcher/lecturer, under the SECO Project which supports development of Regional Competence Centres for Trade Law and Policy in Peru, South Africa, Vietnam, Indonesia and Chile.

Susan Emmenegger: Susan Emmenegger is a professor of law and the director of the Institute of Banking Law at Bern University. She is also an adjunct professor at Cornell Law School. She is a member of the Brunetti Commission (advisory board to the Swiss government on financial policy and regulation) and former vice-president of the Swiss Takeover Board.

Prof. Emmenegger studied in Fribourg and Bologna. She holds a bilingual French/German law degree, a doctorate and a habilitation from Fribourg University. She received an LL.M. from Cornell Law School and she has been a visiting scholar at Berkeley Law School, Paris IV, the Max-Planck-Institute for Foreign and International Private law in Hamburg, the European University Institute in Florence and NYU Law School (Hauser Global Fellow)..

Prof. Emmenegger's research focus is on financial markets law, contracts, and legal methods. She is the co-author of a standard textbook on Swiss contract law and of a treatise on legal methodology. She has also written extensively on various aspects of contractual and regulatory aspects of banking law and she is the editor of a book series on banking law and co-editor of several journals in financial market law.

Stacy Sean: Sean Stacy, a dual citizen of the United States and Ireland, holds advanced degrees in law (J.D. Harvard University Law School) and economics (M.A. New York University (NYU)). Prior to joining the WTI as a doctoral student, Sean

worked as a practising attorney with a large New York law firm doing transactional legal work and also served as a Visiting Assistant Professor of Law in an American law school where, in the course of teaching classes in international trade law, secured transactions and contracts, he was named “Professor of the Year”. Sean’s research interests focus on the ability of legal institutions (be they the laws themselves or the bodies that interpret and/or enforce the law) to be catalysts for, or facilitators of, economic growth. To date, Sean has explored areas of commercial law, such as banking and secured transactions law, in an attempt to determine the capacity for certain legal reform efforts to foment growth and development. While at the WTI, Sean anticipates continuing on this trajectory, with a greater attention paid to trade-related growth initiatives.

Intrigued by the near universal support that has been garnered for the creation and implementation of so-called “rule of law” (ROL) programmes, Sean proposes to make a detailed study of past and present ROL projects conducted by international organisations, with a particular focus on those aimed at strengthening market-centric institutions. Through a qualitative and quantitative analysis of ROL programmes, Sean hopes to begin to assess the efficacy of these initiatives, relative to other development alternatives.