

INTERNATIONAL TRADE LAW

2021

WORLD TRADE
ORGANIZATION



Lecturer: Adv Shuaib Rahim
Office: S1
Telephone: 046 603 8751
Email: s.rahim@ru.ac.a

INTRODUCTION

International Trade Law is an elective course offered to final-year LLB students. The objective of the course is to provide a broad overview of what is an extremely large and complex area of law, together with a more detailed consideration of certain key topics. The course follows set topics that will be delivered by PowerPoint and augmented PowerPoint (with audio) lectures.

The course will introduce foundational principles and articles related to global trade and then also focus on the South African commitment to the African Continental Free Trade Agreement as expressed through the Department of Trade Industry and Competition (DTIC).

The lectures will encourage you to actively work through various sites which include:

<http://www.wto.org>

<http://www.itac.org>

<https://www.tralac.org/resources/by-region/cfta.html>

<http://www.thedtic.gov.za/>

ASSUMPTIONS OF PRIOR LEARNING

It is assumed that students entering the course are able to:

- Understand and communicate effectively in both written and spoken English;
- Locate, read, interpret and extract legal principles from international agreements, decisions of South African and foreign courts and tribunals and various academic works;
- Study autonomously;
- Apply legal principles in order to solve practical problems.

OUTCOMES

By the end of the course, students should:

- Have a broad understanding of the scope and importance of international trade law;
- Have a general understanding of the main organisations (in particular the World Trade Organisation) international agreements and relationships which govern and enforce the terms of international commercial transactions;
- Understand the nature of the legal relationship between international buyers and sellers of goods;

- Have engaged fully with the current issues in international trade law;
- Be able to solve complex legal problems involving international trade law;
- Be able to be critical of the current law, and be able to propose ways in which the law can be developed;
- Have a better understanding of the different views and perspectives on international trade law and how they relate to the students' own views.

Course Topic Outline:

PART A

1. An introduction to the World Trade Organisation
2. The Dispute Settlement Understanding (DSU)
3. The Most Favoured Nation Principle (MFN)
4. National Treatment (NT)
5. Antidumping and Countervailing Duties
6. The Agreement on Subsidies and Countervailing Measures (SCM)
7. The Agreement on Technical Barriers to Trade (TBT)
8. The Agreement on Sanitary and Phytosanitary Measures (SPS)
9. Mainstreaming trade to attain the Sustainable Development Goals (SDG)
10. The African Continental Free Trade Agreement (AfCFTA)

PART B

11. Formation of international sales contract, history and overview of the regulation of such contracts
12. Problems in international commercial transactions
13. The United Nations Convention of Contracts for the International Sale of Goods (CISG)
14. The buyer's obligations and the seller's remedies
15. The seller's obligations and the buyer's remedies
16. Critical evaluation of the CISG.

RESOURCES

There is no prescribed textbook for this course, as no single textbook covers all the material included in the course. Instead, there are four textbooks which cover different parts of the course, all of which are on short loan. These texts are:

PART A

- P van den Bossche *The Law and Policy of the World Trade Organization* 4 ed (2017) Cambridge University Press
- M Matsushita *The World Trade Organisation: Law, Policy, and Practice* 3 ed (2015) Oxford University Press

PART B

- CF Forsyth *Private International Law* 5 ed (2012) Juta
- R Fentiman *International Commercial Litigation* (2010) Oxford University Press
- GC Shaffer and R Melendez-Ortiz *Dispute Settlement at the WTO* (2011) Cambridge University Press R Leal-Arcas *International Trade and Investment Law* (2010) Edward Elgar Publishing Limited

Students will further be provided with a separate reading list for each section during lectures which will refer to a range of journal articles and cases, some of which are available in the Law Library, others are available online. In this regard, students are expected to make frequent use of RUConnected where links to important readings for the course will be posts from time to time.

TEACHING METHODOLOGY

Students are encouraged to register with specific sites in order to gain a deeper understanding of pertinent topics within trade and economic law. As we progress through universal and foundational concepts, the course will apply these concepts through real-world examples and economic trade data. We will also look at how these principles are applied in South Africa and Africa through Regional Trade Agreements that seek to reduce or eliminate barriers to trade and eradicate inequalities across the continent.

The course will encourage you to look at resolving a fictional trade dispute based on all the skills that you will have acquired throughout the semester.

ASSESSMENT

There will be one assignment and one test. Together, these assessments comprise the class component of the course and account for 30% of the final mark. The summative assessment will take place in June, comprises the remaining 70%.

I wish you a fantastic year and I hope that you find this dynamic field as exciting as I do.

Adv Shuaib Rahim

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