



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

**Semester: VII**

**B.A./B.B.A. LL.B. (Hons)**

**Paper Code: LB-705**

**International Trade Law**

**Credit - 04**

### **Introduction:**

The course introduces students to the fundamental principles of international trade law. The primary goal of the course is to acquaint and familiarize with the main pillars in this arena of international law and their effect on domestic law and policy. The course addresses rules and procedures governing the international institutions established to implement the treaties, as well as the dispute settlement mechanism under GATT and WTO.

### **Course Objectives:**

1. To explain and analyse the role of the World Trade Organisation and the principal international trade agreements it administers;
2. To describe and analyse how the rules, principles, and institutions of international trade impact on domestic legal, political, and social arrangements;
3. To select and apply a range of approaches to written communication, and apply the critical thinking required to bring about solutions to complex legal problems in the area of international trade law;
4. To gain insights into the mechanisms for resolving trade disputes between countries.

### **Learning Outcomes:**

On the successful completion of course, students will be able to:

1. Deep knowledge of the nature and function of the treaties and international institutions governing international trade
2. Assess the effects of international trade law on countries' development and their diplomatic relations.
3. Evaluate international and national measures taken to address current international crises and challenges
4. The complex legal landscape of international trade and contribute to the effective facilitation of global commerce while adhering to international trade laws and regulations.

## **Module - I**

### **International Trade Law: Meaning and Concept**

- 1.1. Meaning and Evolution of International Trade Law;
- 1.2. International Commercial Terms (INCOTERMS), 2020;
- 1.3. Formation and Enforcement of International contracts under The United Nations Convention on Contracts for the International Sale of Goods, 1980 (CISG);
- 1.4. Rights Liabilities of Parties to International sales Contracts;
- 1.5. UNCITRAL Model on E-Commerce, 1996.

## **Module - II**

### **Payments in International Trade and Carriage of Goods**

- 2.1. Law Relating to Bills of Exchange;
- 2.2. Letter of Credit: Characteristics and its kinds;
- 2.3. Bank Guarantee in International trade transactions;
- 2.4. Carriage of Goods by Land, Sea and Air;
- 2.5. Bills of lading and Charter Parties, Rights and Liabilities of the Parties to Contract of Carriage.

## **Module - III**

### **GATT and WTO**

- 3.1. Introduction and Evolution to the General Agreement on Tariffs and Trade (GATT);
- 3.2. The WTO: Objective, Function and Structure of WTO; Decision making Process;
- 3.3. The Principle on Non-Discrimination in GATT; Most Favoured Nation (MFN) Treatment; Exceptions to MFN;
- 3.4. National Treatment (NT) principle - Article III, GATT; Regional Trade Agreements and WTO;
- 3.5. WTO Agreements on Technical Barriers to Trade.

## **Module - IV**

### **Trade Remedies under WTO and Dispute Settlement Procedures**

- 4.1 Anti-dumping Agreement and WTO;
- 4.2 Agreement on Subsidies and Countervailing Measures, 1994;
- 4.3 Dispute settlement under GATT: Article XXII, Article XXIII;
- 4.4 Dispute Settlement Procedure under the WTO and Enforcement of WTO rulings; Difference between the GATT and WTO dispute settlement procedures;
- 4.5 Developing Countries in GATT/WTO; India and WTO.

**Prescribed Legislations:**

1. The Foreign Trade Policy of India, 2023.
2. The General Agreement on Trade and Tariff, 1994.
3. The ICC Uniform Customs and Practice for Documentary Credits (UCP 600).
4. The Indian Carriage of Goods Sea Act, 1925.
5. The International Commercial Terms (INCOTERMS), 2020.
6. The Marrakesh Agreement Establishing World Trade Organization and its Annexes, 1994.
7. The United Nations Convention on Contracts for the International Sale of Goods, 1980.

**Prescribed Books:**

1. Autar Krishen Kaul, A GUIDE TO THE W.T.O. AND GATT: ECONOMICS, LAW, AND POLITICS, (Satyam Law International, 2020).
2. Leo D' Arcy et al, SCHMITTHOFF'S EXPORT TRADE: THE LAW AND PRACTICE OF INTERNATIONAL TRADE, (Sweet and Maxwell, London, 2007).
3. Peter Van den Bossche and Werner Zdour, THE LAW AND POLICY OF THE WORLD TRADE ORGANIZATION: TEXT, CASES AND MATERIALS, (Cambridge University Press, 2021).

**Suggested Readings:**

1. Indira Carr and Peter Stone, INTERNATIONAL TRADE LAW, (Taylor and Francis Group, 2018).
2. Ingeborg Schwenzer, Peter Schlechtriem, COMMENTARY ON THE UN CONVENTION ON THE INTERNATIONAL SALE OF GOODS (CISG), (Oxford University Press, New York, 2010).
3. J. C. T. Chuah, LAW OF INTERNATIONAL TRADE, (Sweet and Maxwell: London, 2023).
4. John H. Jackson, THE WORLD TRADING SYSTEM: LAW AND POLICY OF INTERNATIONAL ECONOMIC RELATIONS, (Cambridge: MIT Press, 2d edition, 1997).
5. Matsushita and Mavroidis, THE WORLD TRADE ORGANISATION, LAW, PRACTICE, AND POLICY, (Oxford University Press, 2015).
6. Raj Bhala, INTERNATIONAL TRADE LAW: AN INTERDISCIPLINARY NON-WESTERN TEXTBOOK (VOLS 1 & 2), (Lexis Nexis, 2015).
7. Steve Charnovitz, PATH OF WORLD TRADE LAW IN THE 21ST CENTURY (World Scientific Studies in International Economics, 2014).
8. WTO ANALYTICAL INDEX GUIDE TO THE LAW AND PRACTICE, (Cambridge Publication, 2016).

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