

Educational Establishment

“Belarusian State Economic University”

APPROVED

Rector of the Educational
Establishment

“Belarusian State Economic
University”

 V.N. Shimov

“*28*” *10* 2015

Registration number 2038-15 st.

TRADE NEGOTIATIONS AND TRADE DISPUTE SETTLEMENT

Study Program for Master’s Degree in the Specialization:

1-24 81 01 International Economics and Trade Policy

The program is made by:

T.S. Taranova – Chief of the department of Civil-Law Disciplines, Doctor of Juridical Sciences, professor

The program is reviewed by:

1. Shishko G.B. – Professor of the Department of Constitutional Law of Belorussian State University, Kandidat of Juridical Sciences, Professor
2. Antonova O.A. - Chief of the Department of State-Law Disciplines of the Belarusian State Economic University, Kandidat of Juridical Sciences, Associate Professor

The program is recommended for approval by:

the Department of Civil-Law Disciplines
(Protocol № 1, «28» August 2015).

Scientific and Methodical Council of Educational Establishment
“Belarus State Economic University”

Protocol № 1, «28» August 2015).

1. EXPLANATORY NOTE

Purposes and tasks of teaching and studying of the Educational Program

The discipline "Trade Negotiations and Trade Dispute Settlement" is discipline of a component of institution of higher education. Relevance and importance of studying by masters of this discipline is caused by active participation of the states in integration processes. The states carry out the economical activity in various legal forms: participate in multilateral trade negotiations, carry out the investment, conclude the international contracts, and participate in other forms of the international cooperation, which are aimed at the development of national economies and world economy. The disputes arising in connection with such activity can be resolved in a non-judicial order. Such order of resolving of disputes helps to keep the partnership between disputing parties.

In modern conditions the specialists in the field of economic and law had to be guided in procedures of settlement of disputes.

The purpose of studying of the discipline "Trade Negotiations and Trade Dispute Settlement" is the receiving by masters the knowledge of a legal mechanism of the international trade negotiations and the solution of trade disputes between the states.

The task of studying of the discipline "Trade Negotiations and Trade Dispute Settlement" consists in that that masters study and understand the norms of international law regulating the order of trade negotiations, norms regulating features of the international model of relationship of the states and other subjects of international law, and practice in this sphere.

Requirements to studding of the discipline

The graduate **has to know:**

- Importance of trade negotiations and trade disputes settlement in system of the international relations;
- • The international documents regulating trade negotiations and procedure of settlement of the international trade disputes, and national legal sources in this sphere;
- • Procedure of settlement of the international trade disputes and its main stages.
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The graduate **has to be able:**

- Legally competently to interpret the provisions of the international law on the trade negotiations and trade disputes settlement;
- • To analyze the practice of the settlement of the international trade disputes;
- • To analyze the practical situations connected with the dispute settlement;
- • To express the opinion on legal consequences of the decisions made by the international judicial authorities in the concrete trade disputes.

The studying of the discipline is directed on the receiving by masters of the knowledge in sphere of the trade negotiations and trade disputes settlement for successful professional activity.

Discipline studying assumes that masters will acquire the essence and problems of carrying out of trading negotiations and consideration at the international level of the disputes concerning to the trade, investment disputes, as well as disputes arising in sphere of protection of intellectual property and other disputes.

The practical role of this discipline is connected with acquisition by masters of skills of legally competently to interpret the existing international law rules in the sphere of trade negotiations and the settlement of the international trade disputes. General education importance of the discipline "Trade Negotiations and Trade Dispute Settlement" is determined by the acquaintance of masters with the international legal acts and the practice in the sphere of trade negotiations and settlements of trade disputes, as well as by increases of legal culture in the society.

At the studying of the discipline "Trade Negotiations and Trade Dispute Settlement" will be used the such forms of lessons as the lectures, the seminars and the independent studding by masters of the legislation.

Lectures are devoted to the most difficult and problematic issues of discipline "Trade Negotiations and Trade Dispute Settlement". Seminars are devoted to the discussions, tests, answers of masters on the questions connected with the topics of seminars.

Control of the knowledge of masters will carried out in the form of answers to questions, resolving of tests, discussion of the prepared abstracts on seminars.

The studding of the subject "Trade Negotiations and Trade Dispute Settlement" comprises 26 hours, of which the amount of classroom time is 26 hours including 20 hours of lectures and 6 hours of seminars. The recommended form of control – credit.

MAINTENANCE OF THE TEACHING MATERIAL

Topic 1. Introduction to the WTO dispute settlement system. Defining Trade Negotiations and Trade Dispute Settlement.

Importance of the WTO dispute settlement system. Historic development of the WTO dispute settlement system (the system under GATT 1947 and its evolution over the years, major changes in the Uruguay Round). The Dispute Settlement Understanding.

Topic 2. Functions, objectives and key features of the dispute settlement system

Participants in the dispute settlement system (parties and third parties, non-governmental organizations. Substantive scope of the dispute settlement system (the “covered agreements”, single set of rules and procedures. Developing country Members and the dispute settlement system.

Topic 3. WTO Bodies involved in the dispute settlement process

The Dispute Settlement Body (DSB). The Director-General and the WTO Secretariat. Panels. Appellate Body. Arbitrators. Experts. Rules of Conduct.

Topic 4. Legal basis for a dispute

Legal provisions in the multilateral trade agreements and the DSU. Types of complaints and required allegations in GATT 1994. Types of dispute in the other multilateral agreements on trade in goods. Types of dispute in the GATS. Types of dispute in the TRIPS Agreement. Disputes on Articles I to XVI of the WTO Agreement and the DSU.

Topic 5. Possible Object of a Complaint — Jurisdiction of Panels and the Appellate Body

Action and inaction; binding and non-binding acts of Members. Government measures can be the object of WTO complaints. Measures taken by regional or local subdivisions of a Member. The possibility of challenging laws “as such”.

Topic 6. The process — Stages in a typical WTO dispute settlement case

Consultations. The panel stage. Appellate review. Implementation by the “losing” Member (non-implementation, compensation). Countermeasures by the prevailing Member (suspension of obligations).

Topic 7. Dispute Settlement without recourse to Panels and the Appellate Body

Legal effect of panel and appellate body reports and DSB recommendations and rulings. Legal status of adopted/unadopted reports in other disputes. Mutually agreed solutions Arbitration pursuant to Article 25 of the DSU. Developing country Members in dispute settlement — theory and practice.

EDUCATIONAL METHODOICAL CARD OF THE DISCIPLINE

Номер раздела, темы	Название раздела, темы	Количество аудиторных часов					Количество часов УСР	Форма контроля знаний
		Лекции	Практические занятия	Семинарские занятия	Лабораторные занятия	Иное		
1	2	3	4	5	6	7	8	9
1	Introduction to the WTO dispute settlement system. Defining Trade Negotiations and Trade Dispute Settlement.	4		2				Oral poll
2	Functions, objectives and key features of the dispute settlement system	2		1				Oral poll
3	WTO Bodies involved in the dispute settlement process	2		1				Oral poll
4	Legal basis for a dispute a	4						Oral poll
5	Possible Object of a Complaint — Jurisdiction of Panels and the Appellate Body	2		1				Oral poll
6	The process — Stages in a typical WTO dispute settlement case	4		1			10	Oral poll
7	Dispute Settlement without recourse to Panels and the Appellate Body	2					8	Oral poll, abstract
TOTAL		20		6				

INFORMATION-METHODICAL PART

Methodical recommendations on the organization of independent work of masters

At the studying of the discipline it is important the independent work of masters. The budget of time for independent work on is 2-2,5 hours per 2 hours of lessons.

The basic directions of work of the masters are:

- Initial detailed acquaintance with the program of discipline;
- Acquaintance with the list of the recommended literature on discipline;
- Studying and expansion of a lecture's material of the teacher at the expense of the special literature, consultations;
- Preparation for seminars with studying of the basic and additional literature;
- Preparation for diagnostic forms of control (Oral poll, abstract.);
- Preparation for credit.

THE ORGANIZATION OF INDEPENDENT WORK OF MASTERS

Current independent work of masters is directed on deepening and fastening of knowledge of masters, development of practical abilities. Current independent work of masters includes:

- Material analysis;
- Legislation application to concrete practical situations;
- Preparation for polls;
- Preparation of abstracts.

Creative problem-focused independent work is directed on the development of the intellectual abilities, universal (common cultural) and professional competition, practical skills, includes the following kinds of works:

- Search, the analysis, presentation of the information;
- Work on the practical situation.

The maintenance of the independent work of masters

1. Work with materials of lectures and seminars: repetition of materials, preparation for lessons, independent search of the additional information (according to the topics of discipline).
2. Work on preparation of abstracts.
2. The analysis of the legislation and practice of its application

Control of the independent work of masters

1. Quality of work of masters is controlled on seminars in the form of polls, individual tasks.
2. Abstract's protection is held in the form of presentation on seminars. Abstracts are checked and estimated by the teacher.

The estimation of current knowledge of masters is carried out by results:

- Checks of abstracts;
- Oral monitoring of knowledge.

The credit on discipline give the chance to masters to show, and to the teacher to estimate the degree of the knowledge and level practical skills of masters.

For studying of the discipline "Trade Negotiations and Trade Dispute Settlement" is necessary:

Knowledge in sphere of economic relations and their legal regulation;

Abilities: to put into practice the acquired knowledge, to interpret the norms of the international documents on trade negotiations and on consideration of the international trade disputes.

Skills: to operate with a terminological material, to acquire a theoretical material independently, ability to participate in discussion and to formulate own conclusions and offers.

LEGAL ACTS

Agreement Establishing the World Trade Organization (Marrakesh, 15.IV.1994)
Agreement on Trade-Related Investment Measures (TRIMS) (Marrakesh, 15 April 1994)
(General Agreement of Trade in Services), GATS
Agreement on Trade-Related Aspects of Intellectual Property Rights

BASIC

Understanding in Rules And Procedures Governing the Settlement of Disputes (Marrakesh, 15.IV.1994)

ADDITIONAL LITERATURE

1. Andreas F. Lowenfeld International Economic Law 2008
2. Antidumping Law and Practice: A Comparative Study (John H. Jackson & Edwin A. Vermulst, eds., 1989).
3. Harry Bowen et al., Applied International Trade Analysis (1998).
4. Ian Brownlie, Principles of Public International Law (5th ed. 1998).
Смбатян А.С. Международные торговые споры в ГАТТ/ВТО: избранные решения (1952 - 2005 гг.). М.: Волтерс Клувер, 2006. 344 с.
5. Трунк-Федорова, М.П. Разрешение споров в рамках Всемирной торговой организации М.П.Трунк-Федорова, / . – СПб: Изд. Дом С.-Петербур. гос. у-та, 2005. – 312 с.
6. Михневич, С.И. 115 вопросов о многосторонней торговой системе ГАТТ/ВТО / С.И. Михневич; Проект «Содействие Правительству Республики Беларусь при вступлении в ВТО через усиление экспертного и институционального потенциала». – Минск: Белэкс, 2009. – 71 с.

**THE REPORT OF THE COORDINATION OF THE CURRICULUM
WITH OTHER DISCIPLINES OF THE SPECIALITY**

Название дисциплины, с которой требуется согласование	Название кафедры	Предложения об изменениях в содержании учебной программы по изучаемой учебной дисциплине	Решение, принятое кафедрой разработавшей учебную программу (с указанием даты и номера протокола)
Общая теория права	Теории и истории права	<i>К.И.М. 28.09.15</i>	<i>№1</i>

ADDITIONS AND CHANGES TO THE PROGRAMM

For an _____ academic year

№№ пп	Дополнения и изменения	Основание

Учебная программа пересмотрена и одобрена на заседании кафедры
государственно-правовых дисциплин (протокол № 28 от августа 2015 г.)

Заведующая кафедрой
доктор юридических наук, профессор

Т.С.Гаранова