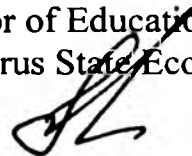


Educational Institution  
"Belarus State Economic University"

APPROVED BY  
Rector of Educational Institution  
"Belarus State Economic University"



V. Shutsilin

29 . 06 2021

Registration № 4781-21

TRADE NEGOTIATIONS AND DISPUTE SETTLEMENT  
The Curriculum of the Institution of Higher education in the academic discipline for  
the specialty  
1-24 80 01 "Jurisprudence"

The Academic Program is based on the curriculum for Masters with a term of study of 1 year in the specialty 1-24 80 01 Jurisprudence (Profiling - Legal Support of Economic Activities)

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**RECOMMENDED FOR APPROVAL:**

Department of Civil Law Disciplines of the Belarus State Economic University  
(Protocol No. 19, 25 May 2021);

Scientific and Methodological Council  
(Protocol No. May 2021)

## EXPLANATORY NOTE

### OBJECTIVES AND TASKS OF TEACHING AND LEARNING

The academic discipline "Trade negotiations and dispute settlement" is the discipline of the higher education establishment component. The relevance and importance of learning by masters this discipline is due to the active participation of States in integration processes. States carry out economic activities in various legal forms: they participate in multilateral trade negotiations, investment, conclude international treaties, as well as participate in other forms of international cooperation aimed at the development of national economies and the world economy. Disputes arising therefrom may be resolved in a non-judicial manner, maintaining a partnership between the parties to the dispute. In today's circumstances, legal professionals need to have knowledge of trade negotiations and dispute resolution procedures.

*The purpose* of study of the academic discipline "Trade negotiations and dispute settlement" is to provide the masters with knowledge on international trade negotiations and the legal mechanism of settlement of trade disputes between States.

*The task* of study of the academic discipline "Trade negotiations and dispute settlement" is to ensure that masters learn about the rules of international law governing trade negotiations, norms, features of the relations between States and other subjects of international law, and practices in this field.

**After completing the course "Trade negotiations and dispute settlement", the master is expected:**

**to know and to be able to:**

- the concept and peculiarities of international negotiations, historical development of the WTO dispute settlement system;
- to acquire knowledge of the mechanism for settling international trade disputes;
- to know the functions, tasks and main features of the WTO dispute settlement system;
- to know the system of WTO bodies involved in dispute settlement;
- to know the provisions of the Dispute Settlement Agreement;
- to know the peculiarities of trade dispute settlement stages within the WTO;
- be able legally to interpret the international legal norms on the settlement of international trade disputes of the WTO;

**to have skills:**

- to apply knowledge of the concept of trade negotiations and the settlement of trade disputes within WTO;
- to analyze from a legal point of view the practical situations arising from trade disputes;

- to apply the legislation governing the WTO trade dispute settlement procedure.

The study of the academic discipline is aimed at mastering the knowledge in the field of trade negotiations and settlement of the international trade disputes for the purpose of successful professional activity.

The practical significance of this training discipline is the acquisition of skills to legally correctly interpret existing international legal norms on the settlement of international trade disputes.

The general educational meaning of the academic discipline “Trade Negotiations and Dispute Settlement” is determined by the content of its course, familiarization of masters with international legal acts and practices in the field of trade negotiations and settlement of trade disputes.

The study of the academic discipline “Trade Negotiations and Dispute Settlement” involves the use of such interacting forms of classes as lectures, seminars and independent work with legislation and scientific literary sources. Lectures are devoted to the most complex and problematic issues of educational discipline. Seminars are conducted with use the methods of discussion, presentation and discussion of reports (abstracts).

Master’s knowledge is monitored in the form of answering the questions, checking their essays, discussing prepared abstracts at seminars, assessing the quality of learning material in the academic discipline “Trade Negotiations and Dispute Settlement” and stimulating the independent work of masters.

The academic discipline “Trade Negotiations and Dispute Settlement” consists of 108 hours: 36 hours of class work, including 20 hours of lectures and 16 hours of seminars, and 72 hours of master student self-study.

The final assessment method is Academic credit.

## **COURSE CONTENT**

### **Topic 1. Main provisions on trade negotiations and dispute settlement.**

Historical development of the WTO dispute settlement system. The GATT system of 1947 and its evolution. Articles XXII and XXIII of GATT and their practice. Agreement on Notifications, Consultations, Settlement of Disputes and Observations adopted at the result of the Tokyo Round of Negotiations of the GATT States Parties. Shortcomings of the GATT dispute settlement system. Settlement of disputes in the Tokyo Round. Major developments in the Uruguay Round: Dispute Settlement Understanding.

### **Topic 2. Functions, tasks and main features of the WTO dispute settlement system**

Participants in the dispute settlement system. Legal status of parties and third parties. Legal status of non-governmental organizations. Substantive scope of the dispute settlement system (the “covered agreements”, single set of rules and procedures). Main area of application of the dispute settlement system: within the framework of agreements; non-agreement dispute settlement. Developing member countries and the dispute settlement system

### **Topic 3. System of WTO bodies involved in the dispute settlement process**

The Dispute Settlement Body (DSB), its functions and composition, decision-making. Role of Chairman of Dispute Resolution Body, Director-General and WTO Secretariats. Panel, functions and composition, administrative support and legal support. Appellate body, tasks and main provisions of activities, composition and structure. Arbitrators. Experts. Article 11.2 of the Agreement on the Application of Sanitary and Phytosanitary Measures; Articles 14.2, 14.3 and Protocol 2 of the Agreement on Technical Barriers to Trade; Articles 19.3, 19.4 and Protocol 2 of the Agreement for the Implementation of Article VII of GATT 1994; Articles 4.5 and 24.3 of the Agreement on Subsidies and Countervailing Measures. Code of conduct, structure and guidelines

### **Topic 4. Legal basis of the dispute**

Legal provisions of multilateral trade agreements and the Dispute Settlement Understanding. Different types of disputes under Article XXIII GATT 1994. Complaint of violation. Types of complaints under GATT 1994. Types of disputes under multilateral Agreements on trade in goods. Types of disputes under GATTs. Types of disputes according to TRIPS. Dispute resolution under articles I to XVI of the WTO Agreement and the Dispute Settlement Understanding

### **Topic 5. Stages dispute settlement within WTO**

Consultations, purpose of consultations, legal basis, procedure. Panel, establishment, powers, composition, functions Procedure applied in the case of complaints by several parties. Third parties. Right to request information.

Preliminary review stage. Discussion of the arguments made at the preliminary consideration stage. Timing and adoption of the reports of the panels. Appeal procedure. Time frame for filing an appeal. Right to appeal. Third parties in appeal procedure. Subject of appeal. Composition of the Appellate Body. Appeal procedure. Adoption of the Report of the Appellate Body. Conclusions and recommendations of the Appellate Body. Adoption by DSB of the report of the Appellate Body. Special procedures relating to least developed member countries.

**Topic 6. The subject matter of the dispute and its subordination to the arbitral panel and/or the Appellate Body.**

Action and omission; mandatory and non-binding acts of participants. Government action as a matter of dispute within WTO. Measures taken by regional or local entities of States parties. Discretionary and binding legislation. Acts of legislation, not effective.

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

The legal validity of the recommendations and decisions of the Panels, the appeals body, the DSB. Obligations in the context of a "regional or local" breach. Legal status of accepted/rejected reports in other disputes. Mutually agreed solutions. Bilateral consultations. Good offices, conciliation and mediation. Arbitration in accordance with Art. 25 Dispute Settlement Understanding. Developing countries and the regulation of trade disputes - theory and practice. Special and differential treatment in consultations. Procedure pursuant to the Decision of 5 April 1966. Developing countries and dispute management. Legal aid.

## Teaching and methodical card of the course

### Day Training Form

№	Theme number	Quantity of Academic hours						Other	Testing
		Lectures	Practical studie	Seminar	Laboratory work	Controlled independent work			
						LC	PS		
1	2	3	4	5	6	7	8	9	10
1	Main provisions on trade negotiations and dispute settlement	4		4				[1,2,3, 4, 5, 6, 7]	interview
2	Functions, tasks and main features of the WTO dispute settlement system	4		2				[1,7]	Interview Preparatio n of essay
3	System of WTO bodies involved in the dispute settlement process	4		2				[1, 11, 12]	interview
4	Legal basis of the dispute	2		2				[5, 6, 7]	interview
5	Stages of dispute settlement within WTO	2		2				[5, 7]	written work
6	The subject matter of the dispute and its subordination to the arbitral panel and/or the Appellate Body	2		2				[1,2,3, 4, 5]	interview
7	Dispute	2		2		2		[5, 6, 7]	interview

	Settlement without recourse to Panels and the Appellate Body								test
	<b>Total</b>	<b>18</b>		<b>16</b>		<b>2</b>			<b>Academic credit</b>



# **EDUCATIONAL-METHODICAL MAP OF THE ACADEMIC DISCIPLINE “TRADE NEGOTIATIONS AND DISPUTE SETTLEMENT”**

## **Methodical recommendations on the organization of independent work of master students in the academic discipline**

In mastering the knowledge of the educational discipline, an important stage is the independent work of masters. The recommended time for self-service is an average of 2-2.5 hours per 2-hour classroom.

The main directions of independent work are:

- initially is detailed introduction to the curriculum;
- acquaintance with the list of recommended literature on the discipline, its availability;
- the study of the necessary literature on the topic, the selection of additional literature;
- studying and expanding the lecture material of the teacher with the special literature, consultations;
- preparation for seminars with the study of basic and additional literature;
- preparation for diagnostic monitoring forms (abstract, essay and so on);
- preparation for the academic credit.

## **Content of independent work of masters within the academic discipline “Trade negotiations and dispute settlement”:**

1. Work with materials of lectures and for practical classes: preparation for classes, self-search for additional information (in accordance with the topics of the classes).
2. Work on the preparation of abstracts and essays.
3. Analysis of legislation and its implementation/

### **Control over independent work of masters:**

1. The quality of the work of masters with practical materials is controlled in classes in the form of interview, fulfilment of individual tasks.
  2. The abstract is presented in the form of a presentation.
  3. Preparation of essays.
- Abstracts and essays are reviewed and evaluated by the teacher.

The assessment of the activity of masters is carried out according to the results of:

- checking of abstracts and essays;

- interviewing in the classroom.

The study of the discipline "Trade negotiations and dispute settlement" is based on the knowledge of other legal disciplines, including the disciplines "International private law", "Civil Law".

To study the discipline "Trade negotiations and dispute settlement", the following knowledge and skills are necessary:

*Knowledge:* in the sphere international legal relations;

*Skills:* apply acquired knowledge, interpret the norms of international instruments on trade negotiations and settlement of international trade disputes; to operate with terminology; to learn theoretical material independently, to participate in discussions and to formulate own conclusions.

## LITERATURE

### *Main*

1. Marrakesh Agreement Establishing the World Trade Organization// [Electronic Resource]. - Access mode: [https://www.wto.org/english/docs\\_e/legal\\_e/04-wto\\_e.htm](https://www.wto.org/english/docs_e/legal_e/04-wto_e.htm)- Access date: 15.05.2021.
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5. Understanding on Rules and Procedures Governing the Settlement of Disputes // [Electronic Resource]. - Access mode: [https://docs.wto.org/gtd/WTOlegaltexts/Legal\\_texts\\_e.pdf](https://docs.wto.org/gtd/WTOlegaltexts/Legal_texts_e.pdf)  
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Trade and Development. - Geneva : United Nations, 2019. - XVIII, 217 p. :  
il.

13.Hill, Ch. W. International Business. Competing in the Global Marketplace /  
Hill Ch.W., G. T. Hult. - 12 ed. - New York : McGraw-Hill Education,  
2019. - XXXII, 667 p. : il.

## CURRICULUM APPROVAL PROTOCOL

Academic subject title to be matched	Name of the Department:	Proposals for changes in the curriculum content of the higher education institution on an academic subject	The decision taken by the department that worked out the curriculum (mentioning the date and the protocol number)
Philosophy and methodology of science	Philosophy	<p><i>Утвержден акт Заб. нац. науки Д-р А. В. Таубер</i></p>	<p><i>5 MAR N10</i></p>

**ADDITIONS AND MODIFICATIONS TO THE CURRICULUM**  
\_\_\_\_\_ academic year

№	ADDITIONS AND MODIFICATIONS	Basis
1		

The curriculum is revised and approved at a meeting of the Department of Civil-Law Disciplines (Protocol No. 2021)

Head of the Department  
of Civil-Law Disciplines  
Doctor of Juridical Sciences, Professor

T.S. Taranova

CONFIRM

Dean of the Faculty of Law

A.N. Shklyarevsky