

## International Law

Academic year 2019-2020

## International Economic Law Clinic

### DI105 - Autumn - 9 ECTS

Wednesday 18h15 - 20h00

## Course Description

This seminar/legal clinic offers a unique opportunity to thoroughly analyze international trade and investment law, as well as broader issues of international economic law, and jurisprudence through a combination of practice and theory. Students will work in small groups (“project teams”) and under the close supervision of one or more Professors (“Academic Supervisors”), invited experts (“Mentors”) and the Teaching Assistant (“TA”) on specific legal questions related to international economic law (IEL) coming from “real clients” (“Beneficiaries”) such as international organizations, governments, SMEs or NGOs. In addition, introductory sessions by Mentors will be held to provide substantive background to the respective topics, as well as skills sessions to improve legal writing and oral presentation skills. At the end of the semester, the groups will submit written legal memos and orally present their projects in class in the presence of the Beneficiary and other invited guests. To get an idea of the types of projects done in previous years, see [www.tradelab.org](http://www.tradelab.org).

Spaces are limited and allocated based on CV, acquired knowledge of IEL and the nature of the projects. Students should have taken a basic trade/WTO, investment or human rights law course before applying. CVs together with a brief motivation statement should be submitted to the clinic's TA before 10:00, 13 September (Friday). A notice of the allocation results will be issued on September 15 (Sunday) by 18:00.

## > PROFESSOR

[Joost Pauwelyn](#)

[Office hours](#)

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## > ASSISTANT

Panagiotis A. Kyriakou

[Office hours](#)

## Syllabus

**Grading:** Based 25% on attendance & participation and 75% on the work submitted (written report and oral presentations). Grading will also include an element of self and peer (student) evaluation.

**Timing:** Although the Clinic is formally scheduled to meet on Wednesdays, 18:15 to 20:00, we will also, occasionally, hold meetings on Mondays, 18:15 to 20:00; Tuesdays, 14:15 to 16:00; or any other time as may be arranged in light of the schedules of the Beneficiaries and the Mentors taking into account the course schedule of students. For some weeks, we will not meet with the entire group, but hold smaller team meetings only, with or without the Academic Supervisor / TA. This is a time-intensive seminar where flexibility, hard work, organization and team spirit are highly important.

Note that there is a possibility that certain projects have special time schedules due to the needs of the beneficiary. In that case, the TA will communicate these special schedules to the relevant teams who are expected to meet the adjusted deadlines.

**Team Work:** The Clinic is a course that requires students to engage in team-based operation. Students will be grouped into different project teams. Each project team will be assigned to a specific project (the "main project"), under the supervision and guidance of one Academic Supervisor. Students in the same project team should work together to fulfil the deadlines and requirements of their project as specified in the project proposal, as well as any additional requirements specified in this syllabus.

**Shadow Project:** In addition to the allocation of a "main project", each student will also be allocated to a project other than the main project (the "shadow project"). Students must follow the work progress of their shadow project and are required to provide questions and comments when their shadow project is being presented in class.

**Expert Sessions and Workshops:** The Expert Sessions and Workshops are special sessions that all clinic students must attend.

- **Expert Sessions:** There will be 4 sessions in total. Each session will be divided into two parts: in the first part, the invited expert ("Mentor") will make a presentation on the legal issues and background knowledge concerning the project at issue; for this part, all students are expected to be present. In the second part, the expert will hold a meeting with the project team and provide personal feedback on the work and questions of the team; for this part only the project team concerned is required to be present.
- **Workshop Sessions:** Throughout the Clinic course, the Academic Supervisors and the TA will provide you further training on the following three skills: (1) Legal Writing; (2) Oral Presentation and Communication; and (3) Technology Application. During the Workshop scheduled as Session 4 we will provide a basic introduction on these skill sets, with further sessions and instructions provided throughout the term of the course:
  - ◆ For the Legal Writing and the Oral Presentation and Communication skills, the Academic Supervisors will provide specific instructions during individual team meetings and team presentation sessions. This will ensure that the team members communicate optimally with their Beneficiary, compose a report of the required quality, and effectively present the work of the team during the presentation sessions.
  - ◆ For the Technology Application skill, the team will be introduced to a number of basic technical and research tools that are essential to the operation of the clinic team, such as Zotero, Box, the "Mattermost" online communication forum, available databases, etc. Each team

should make use of these tools to enhance efficiency in the sharing of information and coordination of teamwork. Furthermore, the teams may be required to make use of the TradeLab platform throughout the Clinic course (for the specificities regarding the use of the TradeLab platform, please read the next part).

**Collaboration with TradeLab:** The Clinic is part of the broader TradeLab network and operates in collaboration with TradeLab ([www.tradelab.org](http://www.tradelab.org)) to enable Beneficiaries to submit projects, to facilitate the operation of the teams and to promote the completed works to the public. TradeLab is an online platform that allows countries, NGOs and other smaller stakeholders easy and smart access to legal talents in the field of trade and investment law, allowing these actors to reap the full development benefits of global trade and investment rules by making WTO, preferential trade and bilateral investment treaties work for everyone. TradeLab will serve two main functions:

- Online Forum (the “Forum”): The teams will be required to use the “Mattermost” online communications forum. The Forum will serve as the main channel to make public announcements, to serve as a communication hub between academic supervisors, the TA and the students, and to serve as a team communication platform where members can coordinate and discuss the works of their respective projects. Academic Supervisors and the TA will monitor the discussions of the teams and, if situation demands, provide instant support to the operation of the team.
- Promotion of your completed work: After the completion of your project, based on the level of confidentiality of your allocated main project, TradeLab will make available to the public either the full final report, or at least a non-confidential summary of the project result. For each project, a very brief “Law Guide” will also be made available that summarizes the issue, analysis and conclusions reached for a broader, non-technical audience. For this purpose, each student must register on the TradeLab website as a student member (further details on the arrangement will be disclosed via email after Session 4).

**Projects confirmed for Autumn 2019 – 2020:** The following projects have been confirmed for the upcoming semester:

- Project 1: Analysing the Strengths and Weaknesses of International Legal Instruments and Dispute Settlement Procedures Available to Indigenous Communities and NGOs for the Protection of the Amazon (beneficiary: NGO)
- Project 2: Identifying Trade Measures Affecting a South American Country’s Exports and Suggesting Product-specific Negotiation Strategies at the WTO/FTA level (Beneficiary: Trade Ministry of a South American country)
- Project 3: Drafting Written Submissions for the 18<sup>th</sup> edition of the John H. Jackson Moot Court Competition on WTO Law (no beneficiary)
- Project 4: Improving Transparency, Information Flow and Monitoring in the WTO: Analysing Current Proposals & Thinking “Outside The Box” (Beneficiary: coalition of former Ambassadors to the WTO)
- Project 5: Taxation of Income from Services Provided by Non-Residents and Attribution of Income to Permanent Establishments through Fractional Apportionment: Studying Double Taxation Treaties and National Laws (beneficiary: NGO)

## Seminar Schedule

**Note:**

In-class sessions/weeks where all Clinic students will meet are **marked grey**; weeks where “beneficiary” input/meeting is called for are **marked yellow**; important deadlines are **marked red**

SEMINAR	TOPICS & ASSIGNMENTS	COMMENTS
<p><b>WEEK 1</b></p> <p><b>SESSION 1</b>  <b>18 Sept.</b>  <b>(Wed.)</b>  <b>18:15 - 20:00</b></p>	<p><b>Introduction</b></p> <ol style="list-style-type: none"> <li>1. Introduction to the seminar, activities and grading system.</li> <li>2. Presentation of topics and available projects.</li> <li>3. Selection of project and shadow teams and setting of dates for the discussion, preparation and presentation of projects.</li> </ol>	<p>Selected students will receive a copy of the projects before the session. Please carefully read the <b>description of the projects</b> before our first meeting and make a ranking of your own preference.</p> <p><u>Please send your list of preference to Panagiotis Kyriakou at the latest on 16 September (Monday), at 18:00.</u></p>
<p><b>WEEK 2</b></p> <p><b>SESSION 2</b>  <b>23 Sept.</b>  <b>(Mon.)</b>  <b>18:15 - 20:30</b></p>	<p><b>Prior to this session, each project team should:</b></p> <ol style="list-style-type: none"> <li>1. Have its 1<sup>st</sup> internal meeting regarding the project.</li> <li>2. Appoint a project coordinator in charge of future communication with the beneficiary.</li> <li>3. Do preliminary research on the topic.</li> <li>4. Get in touch with the beneficiaries to set out a timetable (further instructions will be provided in light of each individual case).</li> </ol> <p><b>During this session: Presentation of topics &amp; research questions – Teams 1, 2 &amp; 3, followed by in-class discussion:</b></p> <p>Each project team should prepare a brief presentation of the topic &amp; research questions for discussion in the seminar.</p>	<p>Each project coordinator should contact Panagiotis Kyriakou to schedule a meeting with the academic supervisor for a first, in-depth discussion of the issues to be examined (see Session 11 below).</p> <p><u>The beneficiary should not be contacted yet on the substance of the project.</u></p> <p>Read the question/issue, do background research and present your preliminary ideas in class.</p>
<p><b>SESSION 3</b>  <b>24 Sept.</b>  <b>(Tue.)</b>  <b>14:15 - 16:00</b></p>	<p><b>Continue: Presentation of topics &amp; research questions – Teams 4 &amp; 5, followed by in-class discussion</b></p>	<p>Id.</p>
<p><b>SESSION 4</b>  <b>25 Sept.</b></p>	<p><b>WORKSHOP SESSION</b></p>	<p>Readings may be assigned by the instructors.</p>

SEMINAR	TOPICS & ASSIGNMENTS	COMMENTS
<p>(Wed.) 18:15 - 20:00</p>	<ol style="list-style-type: none"> <li>1. Introduction to Legal Writing (<u>Prof. Joost Pauwelyn</u>)</li> <li>2. Introduction to Oral Presentation and Communication Skills (<u>Prof. Gian Luca Burci</u>)</li> <li>3. Introduction to Technology Application (<u>Panagiotis Kyriakou</u>)</li> </ol>	
<p><b>WEEK 3</b></p> <p><b>SESSION 5</b> 30 Sept. (Mon.) 18:15 - 20:00</p>	<p><b>EXPERT SESSION 1</b></p>	<p>Readings may be assigned by the instructor.</p> <p>The speaker of the expert session will also serve as the mentor for the project.</p> <p>Project team and shadow project students should prepare detailed questions for discussion in class.</p>
<p><b>SESSION 6</b> 1 Oct. (Tue.) 14:15 - 16:00</p>	<p><b>WORKSHOP: ZOTERO AND OTHER RESEARCH TOOLS &amp; DATABASES</b></p> <p>Instructors: <u>Catherine Brendow</u> (IHEID Library) <u>Céline Vilmen</u> (IHEID Library) (TBD)</p>	<p>Before the start of this session, please:</p> <ol style="list-style-type: none"> <li>1. Download the Zotero software to your working laptop (<a href="#">link here</a>);</li> <li>2. Read through the the IHEID Library Zotero guide (<a href="#">link here</a>).</li> </ol> <p>For this Workshop Session, all students must bring their working laptop to class, with Zotero installed.</p>
<p><b>SESSION 7</b> 2 Oct. (Wed.) 18:15 – 20:00</p>	<p><b>EXPERT SESSION 2</b></p>	<p>Readings may be assigned by the instructor.</p> <p>The speaker of the expert session will also serve as the mentor for the project.</p> <p>Project team and shadow project students should prepare detailed questions for discussion in class.</p>
<p><b>WEEK 4</b></p> <p><b>SESSION 8</b> 7 Oct. (Mon.)</p>	<p><b>EXPERT SESSION 3</b></p>	<p>Id.</p>

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18:15 - 20:00		
SESSION 9 9 Oct. (Wed.) 18:15 – 20:00	EXPERT SESSION 4	Id.
SESSION 10 Any time between 24 Sept- 11 Oct. (based on appointment)	Individual project team meetings with your respective academic supervisor to discuss individual projects and prepare for meeting with the beneficiary.	Each project coordinator should contact the beneficiary to schedule the 1st meeting (to be held <b>after</b> meeting with your academic supervisor).
SESSION 11 Any time after expert session for the specific project, and in any case before 25 Oct. (based on appointment)	<b>1<sup>st</sup> project team meeting with the “beneficiary”:</b> Present preliminary ideas/research and receive further information and guidance on project questions, deliverables; agree on timeline.	Meeting with “beneficiary” (only <b>after</b> meeting first with the Academic Advisor).  <u>Business attire is required for this meeting.</u>  Teams must debrief about the meeting with the beneficiary with their respective academic supervisors via skype or face-to-face meeting.
<b>WEEKS 5 &amp; 6</b>	No in-class meetings  Teams should focus on the preparation of the first draft taking into account instructions and suggestions by their supervisor, mentor and beneficiary.	
<b>DEADLINE</b> 25 Oct. (Fri.) by midnight	Submit 1 <sup>st</sup> draft of memo	Please send to <a href="mailto:panagiotis.kyriakou@graduateinstitute.ch">panagiotis.kyriakou@graduateinstitute.ch</a> only; <b><u>do not send the draft to your beneficiary.</u></b>
<b>WEEK 7</b>  SESSION 12 Any time between 28 Oct. - 1 Nov. (based on appointment)	Individual project team meetings with your respective academic supervisor to discuss 1st draft of memo	Each project coordinator should contact Panagiotis Kyriakou to fix a meeting time.  <b>Workshop:</b> Specific instructions on legal writing and oral presentation

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		skills will be provided during discussion if needed.
<b>WEEK 8</b>  <b>SESSION 13</b> <b>4 Nov.</b> <b>(Mon.)</b> <b>18:15 - 20:00</b>	<b>In-class presentation of work accomplished to date – Teams 1 &amp; 2 followed by in-class discussion</b>	Each project team should prepare a presentation focusing on the difficult issues/questions that occurred/remain during the research process.  Shadow project students should prepare comments based on first draft and present them in class.
<b>SESSION 14</b> <b>5 Nov.</b> <b>(Tue.)</b> <b>18:15 - 20:30</b>	<b>Continue: In-class presentation of work accomplished to date – Teams 3, 4 &amp; 5, followed by in-class discussion</b>	Id.
<b>WEEK 9</b>  <b>DEADLINE</b> <b>15 Nov.</b> <b>(Fri.)</b> <b>by midnight</b>	<b>No in-class meetings</b>  <b>Submit 2nd draft of memo</b> (for comments by both your academic supervisor and your beneficiary.)	Please send to <a href="mailto:panagiotis.kyriakou@graduateinstitute.ch">panagiotis.kyriakou@graduateinstitute.ch</a> and <b>also</b> to “beneficiary”.
<b>WEEK 10</b>  <b>SESSION 15</b> <b>Any time in the</b> <b>week of</b> <b>18-22 Nov.</b> <b>(based on</b> <b>appointment)</b>	<b>2nd project team meeting with the beneficiary:</b> Discuss and receive feedback on 2nd draft.	Team must debrief about the meeting with their beneficiary with their academic supervisor in skype or face-to-face meeting.  <u>Business attire is required for this meeting.</u>
<b>WEEKS 11 &amp; 12</b>	<b>No in-class meetings</b>  <b>Teams should focus on incorporating "beneficiary" comments</b>	
<b>DEADLINE</b> <b>6 Dec.</b> <b>(Fri.)</b> <b>by midnight</b>	<b>Submit 3rd draft taking into account “beneficiary” comments &amp; instructions</b>	Please send to <a href="mailto:panagiotis.kyriakou@graduateinstitute.ch">panagiotis.kyriakou@graduateinstitute.ch</a> and <b>also</b> to “beneficiary”.

SEMINAR	TOPICS & ASSIGNMENTS	COMMENTS
<p><b>WEEK 13</b></p> <p><b>SESSION 16</b> Any time between 9-13 Dec. (based on appointment)</p>	<p><b>Feedback from academic supervisor on 3rd draft</b></p> <p>Adapt report according to comments for presentation.</p>	<p>Each project coordinator should contact Panagiotis Kyriakou to fix a meeting time.</p> <p><b>Workshop:</b> Specific instructions on legal writing and oral presentation and communication skills will be provided during discussion if needed.</p>
<p><b>WEEK 14</b></p> <p><b>SESSION 17</b> 16 Dec. (Mon.) 18:15 - 20:00 (subject to adjustment based on schedule of beneficiaries)</p>	<p><b>In-class presentations of reports (with “beneficiary” and invited guests)</b></p>	<p>Specific time/team to be determined based on beneficiary schedule.</p> <p>The final report must be made available beforehand to the whole class.</p> <p>Shadow project students should prepare comments and present them in class.</p> <p><u>Business attire is required for presenting teams.</u></p>
<p><b>SESSION 18</b> 18 Dec. (Wed.) 18:15 - 20:30 (subject to adjustment based on schedule of beneficiaries)</p>	<p><b>Continued: In-class presentations of reports (with “beneficiary” and invited guests)</b></p>	<p>Id.</p>
<p><b>DEADLINE</b> to be determined</p>	<p><b>Submit final report taking into account discussions at oral presentation</b></p>	