INTRODUCTION TO TRANSNATIONAL LAW

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Course objective:

The aim of the course is to introduce the concepts and methods that make up transnational legal studies. Selected aspects of comparative, international, and global law will be studied not only on the basis of theoretical readings, but also through practical examples and case studies drawn from very different legal disciplines. First classes are devoted to a general presentation of the components of transnational law and its issues, e.g., multilingualism. Thereafter, three main topics will be analysed from both a theoretical and a practical perspective: (1) dispute settlement in a globalized market on an example of the WTO dispute settlement system; (2) jurisdiction issues in transnational conflicts – e.g., what court has jurisdiction or what law applies in a transnational conflict; and (3) transborder sales law – through the discussion of such regulatory measures as the CISG (Vienna Sales Convention), the UCC (Uniform Commercial Code) and the CESL (Common European Sales Law).

Course requirements:

Prerequisite knowledge: Some knowledge of aspects of international law or international contracting is recommended.

Attendance: Per the Law Center’s attendance policy, students who miss more than one class may be dropped. Please plan to arrive for each class on time.

Class participation: For the class to proceed in optimum fashion, student preparation and participation are necessary. Grades may be adjusted upward or downward by one increment (e.g., from B to B+ or B-) based on class participation.

Cell phones/pagers: Please set to vibrate/silent mode for all classes.

Examination and grading: Grading will be based on a final examination (taking place on Friday 10 January), modified if appropriate on the basis of class participation as indicated above.

Course plan and reading materials per class:

NOTE: Readings are set forth below in the manner in which it is anticipated they will be covered. The readings for each class after the first will be announced in the preceding class; readings for each class will also be posted in advance on the BB. Readings are subject to change.
THURSDAY 2 JANUARY

CLASS 1

Introduction to transnational law. What is transnational law?

Reading material:


CLASS 2

Limits of transnational law: the Babel of languages.

Reading material:


FRIDAY 3 JANUARY

CLASS 3

Introduction to comparative law. Common vs. Civil Law: two different paths leading to the same goal.

Reading material:


CLASS 4

101 in comparative research.

Reading material:


SATURDAY 4 JANUARY

CLASS 5

Globalized market: WTO dispute settlement system.

Reading material:

Barbara Marchetti, ‘The WTO Dispute Settlement System: Administration, Court or Tertium Genus?’, 32 Suffolk Transnational Law Review 567, 2009

CLASS 6

Globalized market: due process in the EU-US beef hormone dispute case.

Reading material:

Case WT/DS320/AB/R from 16 October 2008 – read only section V (http://www.wto.org/english/tratop_e/dispu_e/ab_reports_e.htm)

MONDAY 6 JANUARY

CLASS 7

Choice of court in Brussels I. Transnational conflict: which court has jurisdiction?

Reading material:


CLASS 8

All roads lead to Rome I. Transnational conflict: which law applies?

Reading material:


TUESDAY 7 JANUARY

CLASS 9
Quo vadis, Brussels I? Transnational conflict: recognition and enforcement of judgments

Reading material:


CLASS 10
Transnational conflict – on judicial review.

Reading material:

WEDNESDAY 8 JANUARY

CLASS 11
Transborder Sales Law. Understanding the Vienna Sales Convention (CISG).

Reading material:

CLASS 12
Transborder Sales Law. The Common European Sales Law (CESL) Rises.

Reading material:
THURSDAY 9 JANUARY

CLASSES 13-14


Reading material:
