

U N I V E R S I T Y of
HOUSTON

LAW CENTER

TRADE AND SUSTAINABLE DEVELOPMENT [DRAFT]

Section 23006-5397

3 Credit Hours

SPRING 2024

SYLLABUS

Professor Elizabeth Trujillo

Location: Rm. 222

Class meeting times: Mon./Wed. 1:00pm-2:30pm

Email: eitrujil@central.uh.edu

Office Hours: Wednesdays, 3-4pm via zoom or by appointment

Faculty Assistant: Jessica Rodriguez, jestrad2@central.uh.edu

COURSE DESCRIPTION AND OBJECTIVES

This course introduces students to basic legal principles for international trade and its relevance to sustainable development. International trade attracts a lot of attention and criticism, especially today. Why do economists say that liberalizing trade flows is a good thing, and (if so) why is economic liberalization such a political controversial proposition? How can this liberalization go hand in hand with other public policy choices such as protecting the environment, addressing health and human rights, or promoting the economic development of poor countries?

Students will review U.S. trade policy in the context of international trade rules established through the World Trade Organization and relevant regional trade agreements. Basic trade law will be examined, with a focus on the rules that relate to sustainability. As countries begin to transition their economies towards clean methods of supply-chain production and clean energy, international trade rules become increasingly relevant in both promoting sustainability and in managing domestic policies that comply with trade rules. The course will address the topic through the lens of the United Nations Sustainability Goals as well as through domestic policy, allowing for a fluid discussion of the local and global aspects of sustainable development. Specifically, related trade topics that impact environmental policy such as dispute settlement, supply-chain management, corporate social responsibility and international standards, border tax adjustments, tariff and non-tariff policies will be discussed. Though the focus of this course is primarily on environmental sustainability, it will also briefly address other relevant areas of sustainability from the local, regional, and global perspectives.

COURSE MATERIALS

There are two required books for this course: 1) a casebook, *Pauwelyn, Guzman & Hillman, International Trade Law* (Wolters Kluwer, 3rd ed.); 2) a book entitled *Pursuing Sustainability: A Guide to the Science and Practice* by Pamela Matson, William C. Clark, and Krister Andersson. Unless otherwise noted, assignments are from the casebook and from *Pursuing Sustainability*. Because the focus of this course is on the aspect of international trade that impact and influence sustainable development strategies, readings from the casebook will focus on the related trade topics.

There is also a corresponding supplement to the casebook, *Pauwelyn, Guzman & Hillman, International Trade Law Documents Supplement* (the “Supplement”) which is strongly recommended but NOT required. Many of the chapters in the casebook indicate “key legal provisions” relevant to the chapter and can be found in the Supplement; however, many of these provisions can also be found online. Students are expected to read these provisions as well as the material in the casebook. Updates on cases and additional readings may be distributed from time to time.

Additional supplementary readings may also be made available on the UH online platform CANVAS. A Provisional Course Outline is attached with the topics and readings that will be covered. It is organized by units and units do NOT necessarily correspond to weekly reading assignments.

The WTO also provides an excellent website, www.wto.org, with a great deal of information. Among other things, this site has all the WTO caselaw available. Another useful site for trade information and caselaw (both US and International) is <http://www.worldtradelaw.net>. For research related to trade and development, see <http://www.cid.harvard.edu/cidtrade/>.

Recommended Readings: If you need additional assistance with understanding the course material, the following may be helpful as optional readings: 1) Folsom's INTERNATIONAL TRADE LAW INCLUDING TRUMP AND TRADE IN A NUTSHELL, 7th (West Publishing, 2018); and 2) Michael J. Trebilcock and Joel Trachtman, ADVANCED INTRODUCTION TO TRADE LAW (Edward Elgar, 2020). PLEASE NOTE that the bookstore will do its best to have these available for you but can not guarantee their arrival by the beginning of the course. If you would like other recommendations, please feel free to ask me directly. There are also many good law review articles that provide helpful overviews to trade concepts and institutions.

COURSE MANAGEMENT

Important information about this course, including the schedule of classes, reading assignments, and important readings will be distributed weekly and made available on the course’s online platform, CANVAS. Please pay attention to your emails regarding updates.

ASSESSMENTS, GRADING, AND PARTICIPATION

There will be primarily 3 assessments for a final grade: 1) your class participation; 2) a short trade project presentation that will focus on one specific area of trade and sustainability (more below) of your choice; and 3) a final take-home essay exam that will reflect your understanding and knowledge of the material covered in class. The final exam will constitute 60% of your final grade. The other two assessments will comprise 40% of your final grade.

Reading Assignments will be provided weekly by the end of the week. They will be from the course textbooks and from additional documents or readings provided in class. The additional readings will also be available on CANVAS. The attached Course Outline provides an overview of topics covered according to units. At the end of the week, reading assignments for the following week will be distributed. All reading assignments are required unless, otherwise noted. The Course Outline is provisional and may change from time to time.

Problems or hypotheticals will be assigned from time to time to help you understand the application of the GATT and WTO Agreements to a set of facts. These are part of your participation grade and they will be discussed in class.

Class attendance is expected and will be taken and count towards your participation grade. If something important does come up and you do need to be absent from class, please let me know in advance.

Class Participation includes regular attendance and class participation on the trade project and in the class discussion. The quality of participation is assessed according to the level of preparation when called on, the thoughtfulness of your answers, and your willingness and ability to engage with the assigned readings and topics being covered. It is not assessed based on outspokenness.

Trade Project Presentations: The presentation will consist of an analysis of one area of trade policy relevant to sustainability, according to the Course Outline. For example, these areas may include: 1) agriculture; 2) energy; 3) corporate social responsibility; 4) supply-chain management and life-cycles of products; 5) labeling and international standards; 6) environmental protection; 7) border tax adjustments and decarbonization strategies; trade and development; 8) health; 9) regionalism; 10) gender, community engagement, and justice issues in trade. Depending on the size of the class, the presentation may be done in a group of two or three persons. A trade project will consist of a 12-minute presentation on the topic, with 10 minute discussion based on the presentation that follows, and a short 2-5 page essay on the topic, with references. Power point may be used but is not required. It may be based on a hypothetical or problem provided in the casebook. The presenter(s) will lead the discussion area with an overview of the topic and then allow the person or team to present the topic for 12 minutes and allow 10 minutes for questions and discussion.

I am willing to work with you beforehand on issues of topic, scope, and the like. Please reach out to set up a meeting (face-to-face; by zoom; by phone).

Points on the trade project go towards the participation grade.

ILLNESS PRECAUTIONS

We all want to support each other's wellness. If you are sick, please let the professor know and do not come to class so as not to spread illness. You are encouraged to get the notes from a classmate and expected to keep up with the materials. If you must be absent for more than a week of classes due to illness, please consult with the law school Dean of Students who can provide any needed support.

Students are encouraged to visit the University's [COVID-19](#) website for important information including diagnosis and symptom protocols, on-campus testing, and vaccine information. Please check the website throughout the semester for updates.

Please see Annex B of this Syllabus for UH university policies and guidelines regarding COVID-19 precautions and necessary steps to take if you are exposed to COVID-19. If you must be absent from class due to illness or the need to quarantine due to exposure to the COVID-19 virus, please consult with the law school Dean of Students who can provide any needed support.

SYLLABUS CHANGES

Due to the changing nature of university syllabi requirements or other administrative reasons, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible on CANVAS or by email.

CLASS DELIVERY FORMAT

This class is currently scheduled to be held face to face format. Due to changes in schedule or for the occasional need for flexibility of the in- person format, some classes may be delivered online via zoom. THE INSTRUCTOR WILL LET YOU KNOW THOSE DAYS AHEAD OF TIME. If we meet online, you will be able to continue to use the assigned classroom to log on if you like or you can log on from anywhere else where there is available space at the law school. You may also log on from home. Attendance will be taken as usual for any online sessions.

IF THE CLASS IS VIA ZOOM, YOU WILL ONLY BE MARKED AS PRESENT IF YOUR VIDEO CAMERA IS ON. If you must have your video off, please let the professor know your reasons in writing prior to class.

Please review the zoom video requirements, the zoom log information, and online professionalism guidelines in Annex A.

Please note that unless you request otherwise, OFFICE HOURS will be VIA ZOOM and a separate link will be established for that. However, I am happy to meet IN PERSON if you prefer.

For questions concerning use of zoom and/or computer issues, please contact UH computer services at Lawcomputerhelp@central.uh.edu

INTERNET

Internet access is available in the classroom; however, it is PROHIBITED during class (except to log onto zoom), unless doing so is part of a classroom assignment (e.g. accessing legal materials). Please be respectful to the professor and other students by adhering to this request. I reserve the right to restrict or ban laptops (and other computing devices like smartphones) for not following this rule.

RECORDING OF CLASS

According to UH University guidelines, students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. This policy also PROHIBITS the taking of pictures in class (including of slides or whiteboard notes) without the professor's approval.

If you have or think you may have a disability such that you need to record class-related activities, please contact the [Justin Dart, Jr. Student Accessibility Center](#) and in the law school, Assistant Dean for Student Affairs, Pilar Mensah at mebuckne@Central.UH.EDU. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

OFFICE HOURS

The professor will be available to talk with you during office hours or by appointment via zoom. Regular office hours will be via zoom on **Wednesdays, 3:00-4:00 or by appointment**. If you would prefer to meet in person, we can make arrangements to meet in person at the law school.

The zoom link for my office hours is as follows:

[INSERT]

I would recommend you submit written questions by email before meeting. If you send me questions by e-mail, I may not respond immediately; but instead, will answer them in class as part

of a short questions session at the beginning of class of the following week. For the first ten minutes of first class of the week, I will discuss the questions posted for the previous week. If after class discussion you still have questions, you are encouraged to meet with me. I find this method helps you because the exercise of writing the question itself may help to clear up misunderstandings, and most likely your classmates have similar questions and it helps them think about the issues as well. That said, I encourage students to ask questions in person when needed.

INSTRUCTIONAL METHODS

A variety of instructional methods will be used in class, as I have found that a mixture helps students with different learning styles. Among those methods, I will use Socratic method where I may randomly call on students to present the assignments for that day. Sometimes, class assignments will be assigned ahead of time to one or more students; however, all students are still expected to discuss the assigned material. I also use discussion, problem solving and analysis, and interactive exercises, as well as lecture. Given the trade projects for this course, students assigned for that day will have the opportunity to present for that class day, but other students are expected to also participate in the discussion.

HONOR CODE

The UHLC Honor Code applies to all aspects of my class. YOU ARE RESPONSIBLE FOR KNOWING ALL HONOR CODE PROVISIONS AND FOR COMPLYING WITH THE HONOR CODE. Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. IT IS AN HONOR CODE VIOLATION TO REVIEW THE GRADED ASSIGNMENTS DISTRIBUTED TO, OR WRITTEN BY, ANY OF MY STUDENTS FROM PRIOR YEARS. Please note that any complaints made to the instructor regarding possible violations of the Honor Code ARE NOT CONFIDENTIAL and that the instructor will be required to report those complaints.

AI GENERATED TEXT

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as "generative" large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking "intelligence" and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

In accordance with UH requirements, your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated

Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless of whether it is graded content or not. Assessments include briefs, class problems, mid-terms and final exams.

RESOURCES FOR ONLINE LEARNING

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

UH EMAIL

Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your CougarNet email, login to your Microsoft 365 account with your CougarNet credentials. Visit University Information Technology (UIT) for instructions on how to connect your CougarNet e-mail on a mobile device.

WEBCAMS

Access to a webcam is required for students participating remotely in this course. Webcams must be turned on whenever this course meets online (via zoom) or if the exam is through EBB portal to ensure academic integrity of exam administration.

REASONABLE ACADEMIC ADJUSTMENTS/AUXILIARY AIDS

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

STUDENT WELLNESS

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE (<https://uh.edu/dsa/coogscare/>) and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center (<https://www.uh.edu/healthcenter/>) offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

ANTI-DISCRIMINATION AND SEXUAL MISCONDUCT POLICIES

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08.

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

SECURITY ESCORTS AND COUGAR RIDE

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you

feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

OTHER UH RESOURCES CAN BE FOUND HERE:

<https://uh.edu/about/index>

- Diversity and Inclusion Statement
- Non-Discrimination Statement
- Center for Diversity and Inclusion
- Center for Students with DisABILITIES
- LGBTQ Resource Center
- Cougars in Recovery
- Counseling and Psychological Services (see Section XIII)
- Veterans Services
- Cougar Cupboard
- CoogsCare (student assistance resources)
- DACA: What You Need to Know
- Student Health Center
- Wellness

FIRST WEEK READING ASSIGNMENT

Unit 1 & Unit 2:

Topic:

Class Introduction and Introduction to International Trade, Sustainability Principles, and the Structure of the WTO [readings from Pauwelyn, Guzman & Hillman, *International Trade Law* case book, “PGH Casebook”]

Monday, January 15, 2024: No class. Martin Luther King Day

Wednesday, January 17, 2024: ***Please note that this class will be held via zoom**

PGH casebook Ch. 1: pp. 1-20

Please read the Preamble of the WTO Agreement which can be found in the PGH Supplement or online at https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_preamble_gatt47.pdf (attached)

Please also reading the following article, Jonathan Watts, *The World will Look Back at 2023 as Year Humanity Exposed its inability to Tackle Climate Crises, Scientists Say*, in THE GUARDIAN, Dec. 29, 2023, available at <https://www.theguardian.com/environment/2023/dec/29/world-will-look-back-at-2023-as-year-humanity-exposed-its-inability-to-tackle-climate-crisis>

Please also read the following UN Climate press release regarding COP 28, available here: <https://unfccc.int/news/cop28-agreement-signals-beginning-of-the-end-of-the-fossil-fuel-era>

Study Question: What do you think is the connection between international trade and climate change challenges?

Looking Ahead:

Monday, January 22, 2023: Guzman & Pauwelyn (3rd ed) [PGH Casebook]: Please read pp. 21-47 *Pursuing Sustainability* [PS Book]: Please read Ch. 1 (pp. 1-13). We will connect the sustainability principles and case studies to the readings in the PGH Casebook and additional readings (to be assigned).

***This class and the rest of the semester will be conducted in person, unless otherwise instructed.**

SYLLABUS ANNEX A

Online Guidelines

Zoom Professionalism and Video Requirements:

If the course is offered via Zoom, this annex outlines the guidelines for online instruction.

The course Zoom link will be provided to all enrolled students before the beginning of the semester and is not to be shared with anyone who is not registered for this course. This class will convene in the usual scheduled classroom and the professor may be in person or may appear, via zoom, on the classroom TV screens or just on the class zoom page online. If there is a compelling reason to switch to online delivery of the course (such as an emergency in the Houston area) and there remains the need for vigilance, including social distancing, students will have the option to attend via zoom from other locations outside the classroom setting.

During class, all class members are to have their videos on for the entire class session. If for some reason a student's video cannot be turned on for all or part of a class meeting, the student must contact and receive permission from me in advance of that specific class meeting to be able to attend class without video.

If you attend class in person, you **MUST** mute yourselves throughout the class to avoid echoing in the background as a result of the professor zooming into the classroom. If you are called on and are speaking, you may turn on your audio feature. However, if the professor appears on TV monitors and is livestreaming into the classroom, you should keep the mute button on while you respond in person and the speakers in the classroom should suffice.

Comments on Zoom: If you would like to make a comment in class or ask a question, please use the chat feature on Zoom. I may not answer your question immediately, but will attempt to assemble a few comments and questions and take time during class, to address these. If there is an immediate clarifying question, please use the blue hand feature on zoom. Please use the raise your hand feature if you have a question.

Zoom and Computer: For questions concerning use of zoom and/or computer issues, please contact UH computer services at Lawcomputerhelp@central.uh.edu

Online Professionalism

Most of us are new to participating on online courses on a regular basis. Please remember that when your video is turned on, everyone participating can see you and your background. We would like to respect everyone's privacy and home, especially during these challenging times where we are spending a lot of time at home and all are dealing different personal circumstances. To this end, please participate online as if you were in class. Please be respectful in your attire and as much as possible, minimize background distractions and noise. In some cases, you may not be able to control background noise, for example, if you have a dog or are caring for young children.

Unless you are speaking, please be sure to turn on your **mute button** to avoid these distractions.

By the start of class, please be situated in a comfortable place, ready to fully participate. Please **DO NOT** be logging on from your car or on your way to class, or any other setting in which you can not fully participate and be present, with your video turned on, during class.

I will address you according to the name you use on your zoom page. I want to address each of you in a manner that corresponds to your identity. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun or if you have concerns about how I or your classmates address you.

The zoom link for this course is as follows:

[INSERT HERE]

SYLLABUS ANNEX B

University Requirements regarding COVID-19:

It is important that we be mindful of each other's wellness and health. If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, DO NOT come to class. Please see [Student Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.