

**Professor Larry A. Bakken**  
**Law/Grad Bldg. – Room 220E**  
**Office:651-523-2189**  
**Home:763-521-6011**  
**E-mail: lbakken@hamline.edu**

**Office Hours**  
**Mon. 9:00am-11:00**  
**Wed. Fri. 9:00-10:00; 11:00-12:00**  
**Other times by appointment**  
**Students are welcome to stop by anytime**

## **SYLLABUS**

**Selected Topic: NAFTA**  
**Fall Semester – 2009**  
**Wednesday & Friday, 10:00-10:50**  
**Classroom Law 06**

**Required Texts:** **NAFTA and Free Trade In The Americas: A Problem-Oriented Coursebook;**  
**R. Folsom, M.W. Gordon & D. Gantz, West Pub. 2005. ISBN:**  
**9780314153975**

**NAFTA and Free Trade in The Americas in a Nutshell, Folsom:**  
**3<sup>rd</sup> Ed. Thomson West Pub. 2008. ISBN 13:078031489622**

**Purpose:** International Trade is increasingly important for the stability of domestic economies. Changes have occurred in recent years in the regulatory mechanisms governing international trade, including the creation of the World Trade Organization (WTO) and the creation of the North American Free Trade Agreement (NAFTA). The NAFTA creates one of the largest free trade areas in the world, resulting in a continental market for the movement of goods and services in North America. The President has proposed its expansion to Latin America through the Free Trade Area of the Americas and recently the Central American Free Trade Agreement (CFTA) has been signed, this agreement closely follows NAFTA. A bi-lateral treaty has also been signed with Australia and seven other countries. Negotiations are preceding with the Andean Pact countries in South America.

**Coverage:** Because of the differences in legal systems among the three NAFAT partners, each has taken a different approach to fulfill the common legal requirements of the agreement. After an introduction to the NAFTA agreement and a discussion of the different legal approaches we will examine chapters of the agreement governing trade in goods, intellectual property services, investments, some technical provisions, and dispute settlement. We will also look at important related issues such as the labor and environment side agreements and the future development of the agreement.

**Class Format:** The class format will include lectures, questions/answers, and discussion. in addition, selected problems will be examined and each student will be expected to have read required materials and be able to discuss these materials in class.

**Objectives:** The Course is designed introduce students to the basic terms and principles found in the North American Free Trade Agreement; to explain potential problems relating to trade barriers (factual and hidden), culture, legal services, trucking,, financial services; to study the NAFTA dispute resolution mechanisms. Students will also evaluate the success of the labor and environmental side of agreements. The course will provide students with an understanding of the significance of NAFTA in the international trade community and how it is being used as a model for other trade agreements.

Finally, students will have the opportunity to study a narrow subject related to NAFTA by submitting a seminar paper and making an oral presentation defending that paper.

**Optional:** Students may submit a research paper for a portion of their final grade. If the paper is C+ quality or better, the final course grade will be raised one-half grade. The topic of the paper must be approved by the instructor. A two-page sentence outline must be submitted to the instructor by October 14, 2009. The paper should be typed, double-spaced, and 10-12 pages in length. Text should be in a 12-point font Margins should be 1” on the right side and top; bottom, and left margins should be 1¼”. The paper should include a table of contents, footnotes, bibliography and a separate two page executive summary. **The extra credit paper must be submitted to TWEN by midnight December 2, 2009.** The final copy will not be returned.

**Class Participation:** The instructor reserves the right to increase the final exam grade by a half grade for any students making significant positive and regular contribution to class discussion. Students must participate in the class presentation.

**Attendance:** Students are expected to attend class and be prepared each day. According to school policy, students may miss six hours of class. When students miss the seventh hour of class a ten-page paper must be submitted to the instructor. If an eight hour of class is missed, a second ten-page typed paper will be turned in. On the ninth hour missed, the name of the student will be submitted to the Dean’s office and the student will be dropped from class. Please remember each class session is two hours in length.

**Grading:** The course grade will be based upon a take home examination and a 10-12 page paper.

**Research Paper:** The topic must be approved by the instructor The paper should be a typed, double-spaced, and 12-15 pages in length. Text should be in a 12-point font Margins should be 1” on the right side and top; bottom, and left margins should be 1¼”. **The must be submitted to TWEN by 12:00 Midnight December 2, 2009.** The final copy will not be returned.

**Class Schedule:**

Date	Topic	Problem	Text	Nutshell	NAFTA
Aug 19	Introduction Chaps. 1-4		1-66	1.76	Chap.1 pgs. 101-104
Aug 21	Introduction Continued				Chap. 2 pgs 263-266
Aug 26	Free Trade in Goods	5.1 NAFTA Rules of Origin	66-105	Goods 77-103	Chaps. 3-4, 5 pgs. 266-301 Chap. 8 300-511
Aug 28	Non Tariff	5.2 Non Tarrif/Barriers	105-116 Ques. 117-188 134-136	Goods 103-126	Chaps. 6, 7, 8, 9 & 10 pgs. 301-346
Sept. 2	Non Tarriff	5.3 Media Mogul	136-167 Quest. 165.166	Goods	Article 2101-2106 pgs. 461-466
Sept. 4	Free Trade	5.4	167-195	Goods	Article 6 pgs. 301-108

		Monopoly State Enterprises	Ques. 193-1995		
Sept. 9	Trade In Services	6.1 Professional Services	Pgs. 196-234 Ques. 234-235	Services 127-140 150-155	pgs. 346-400 Sept. 11
Sept. 11	Trade In Services	6.2 Cross Border Transportation	Pgs. 235-268 Ques. 264-268	140-150	
Sept 16	Trade in Services	6.3 Financial Services	Pgs. 269-305 Ques. 304-305	156-178	Chap. 14, 15, 16 pgs. 387-405
Sept. 18	Investments	7.1 Restrictions on Investments	Pgs. 306-341 Ques. 331-335 338-341		Chap. 18 pgs. 346-371
Sept. 23	Investments	7.2 Settlement of Investment Disputes	Pgs. 341-378 Quest. 374-378		
Sept. 25	Dispute Settlement	9.1 Dispute Settlement Section and Code of Conduct	Pgs. 454-488 Ques. 489-490	194-213	Chap. 19 pgs. 430-446
Sept. 30	Dispute Settlement	9.2 Dumping Disputes: New England Apples Mexican Peaches	Pgs. 490-523 Ques. 523-524	205-211	
Oct. 2	Dispute Settlement	9.3 Material Inquiry & Extraordinary Challenge Proceedings	Pgs. 525-547 Ques. 579-582	208-213	Chap. 20 pgs. 446-461
Oct. 7	Dispute Settlement	9.4 Chap 20 Dispute Procedures	Pgs. 550-579 Ques. 5470550	208-213	Chap. 20 pgs. 446-461
Oct. 9	Dispute Settlement	9.5	Pgs.	Dispute	9.5

			582-614 Ques. 614-615	Settlement	
Oct. 14	Intellectual Property	8.1 Gray Market Trading	Pgs. 379-414 Ques. 401-402 413-414	179-193	Chap. 17 pgs. 405-430
Oct. 16	Semester Break				
Oct. 21	Intellectual Property	8.2 Compulsory Licensing and Counterfeiting	Pgs. 415-453 Ques. 434-436 452-453		
Oct. 23	Labor Side Agreement	10.1 Labor Organization	Pgs. 618-644 Ques. 644-645	227-248	Appendix III pgs. 499-522
Oct. 28	Labor Side Agreement	10.2 Discrimination In the Workplace	Pgs. 645-691 Ques. 675-676 691=692		
Oct. 30	Environmental Trade Agreement	11.1 Conservation Enforcement  11.2 Mexican Enforcement	Pgs. 693-720 Ques. 720-722  Pgs. 722-743 Ques. 743-744	215-226	Appendix II pgs. 469-498
Nov. 4	Environmental Side Agreement	11.3 US Enforcement	Pgs. 744-766 Ques. 766-768		
Nov. 6					
Nov. 11					
Nov 13					
Nov. 18					
Nov. 20					
Nov. 25 & Nov. 27 <sup>th</sup>	Thanksgiving Break				
Nov. 30	Handout Take				

	Home Exam				
Dec. 2	Return Take Home Exam				