INTERNATIONAL TRADE LAW

The Law of the World Trade Organization (WTO)

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Columbia Law School
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Introduction and Overview

A. Substantive Aspects

The course provides a comprehensive examination of the WTO Agreements on Goods (GATT) and Services (GATS) as well as on the WTO Dispute Settlement Understanding (DSU). Following a brief introduction to the history and evolution of trade liberalization at a multilateral level (ITO - GATT), we will essentially focus on a presentation of the WTO contract. Our discussions will be limited to liberalization of trade in goods, the GATT (and its annexed agreements), and liberalization of trade in services, the GATS. We have invited several distinguished experts to address the class on select topics such as intellectual property under the WTO (Professor Jane Ginzburg); investment (Dr. Edward Graham) and Financial Services in the GATS (Dr. Sydney Key).

By now there is a critical mass of case-law (both Panel and Appellate Body -AB- reports) in the WTO on which this course relies heavily. The rationale for starting with an analysis of the GATT contract has to do with the fact that the GATT preceded chronologically the GATS and provided (and indeed continues to provide) a very useful source of inspiration for interpretation of the GATS contract. In addition, the core nondiscrimination principles of the GATT remain central to the WTO. To some extent the GATS is modelled after the GATT and hence, knowledge of the basic GATT concepts is essential for any discussion of the GATS.

The course will be taught from an interdisciplinary perspective. Particular attention will be paid to economic perspectives on the law of the WTO. As a result, the course will not be limited to a mere demonstration of the multilateral behavioural regularity established by the WTO.

The course is divided in Five Parts: Part One deals with the model for liberalization of trade in goods and explains the principle of non-discrimination. Part Two focuses on the exceptions (for both economic and non-economic motives) from the principle of non-discrimination. In Part Three, we turn to the model for liberalization of trade in services. Part Four deals with the Structure of the WTO and its Dispute Settlement function. The Fifth Part of the course examines areas of WTO law and policy that currently has only rudimentary coverage under the WTO rules (e.g., TRIMS) as well as other areas that are currently under discussion for possible inclusion (e.g., labor, competition policy).

(b) Procedural Aspects

The class will meet twice a week (Monday from 4-5:15 and Wednesday from 1:30-2:45) for one hour and thirty minutes. The class will meet in room 105 of the law school, Jerome Green Hall. Almost all of the required readings are contained in the reading packages available at the copy center with two exceptions: students are expected to purchase Free Trade Today, by Jagdish Bhagwati (available at columbia university book store or
labrynth); and in addition, students are expected to review weekly the relevant portions of
the WTO Agreements, which can be viewed on line at: www.wto.org or at many other
cites. Hardcopies of the Uruguay Round Agreements are available in the library or can be
purchased. Additional suggested but not mandatory readings are identified on the list of
readings for some weeks.

Certain additional readings will be assigned for guest lectures.

Please see the attached outline of subjects.

**Contact Information:**

Professor Merit E. Janow: tel: 854-1724; email: MJ60@columbia.edu,
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Professor Bhagwati, jb38@columbia.edu
International Trade Law: Subject Outline

Part I: The History of Trade Liberalization and the GATT Model

Week 1: September 4: From the Havana Charter to the WTO: Why Liberalize Trade?
     Conversation with Professor Jagdish Bhagwati

Week 2  9/9      The WTO Discipline
         9/11     Scheduling Concessions in the GATT

Week 3  9/16     The MFN Discipline: A Legal Evaluation
         9/18     National Treatment: Tax Policies

Week 4: September 23 National Treatment: Non Fiscal Policies Affecting Trade and the Principle of Non Discrimination

Part II: Exceptions to the Principle

September 25     Shrimp/Turtle and the Management of Regulatory Diversity in WTO

Week 5: September 30 The SPS Agreement
          October 2     The TBT Agreement

Week 6: October 7     The Subsidies Agreement
          October 9     The Antidumping Agreement

Week 7: October 14     Safeguards
          October 16     The TRIPS Agreements
                           Professor Jane Ginsburg
                           (additional readings to be provided)

Part Three: Liberalization of Services

Week 8: October 21     GATS: Scheduling Concessions
          October 23     GATS: Financial Services Liberalization
                           Guest Speaker: Dr. Sydney Key, Federal Reserve Bank (additional readings to be provided)
Part Four:  Structure and Operations of the WTO

Week 9:   October 28  Dispute Settlement: Overview of the System
          October 30  Dispute Settlement: Institutional Aspects

Week 10:  November 4  Dispute Settlement: Remedies
          November 6  Regional Integration Agreements

Part Five:  Rudimentary Coverage and Possible Future Agenda Items
            (readings for this segment will be available at the law school
            Secretariat in early October)

Week 11  November 11 Trade and Investment
          Guest Speaker: Dr. Edward Graham
          November 13 Trade and Labor

Week 12  November 18 Agriculture & the WTO
          November 20 Developing Countries & the WTO

Week 13:  November 25 Competition and the WTO
          November 27 Institutional Reform of the WTO

Week 14  December 2  The Future Shape of the World Trading System

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