

Course Name: WORLD TRADE ORGANIZATION (WTO) LAW AND TRADE

Instructor: Dr. Amrita Bahri

Welcome to the Course!!

The course focuses on the laws, principles, functioning and jurisprudence of International Trade Law. Students will understand the principles of multilateral and bilateral trade and engage with the practice of international trade law with the help of current jurisprudence and hypothetical dispute scenarios. The students will receive an appreciation of the purpose and functions of the WTO and be familiar with its principal rules, impact and jurisprudence. Students will learn with a unique combination of lectures, class discussions and practice exercises. The approach employed will be practical (with real life examples), critical (with practical assessments) and contemporary (with recent developments)

Aims and Objectives

The aim is to provide students with:

- An overview of international trading system
- An introduction to bilateral and regional trade negotiations and recent trends and developments
- A good working understanding of the WTO
- A sound technical understanding of the core provisions of the GATT
- An understanding of the current challenges threatening the existence of WTO
- Some practical tools to think critically about the role played by the WTO in global economic governance

Reference Books

- Van den Bossche, The Law and Policy of the World Trade Organization: Text, Cases and Materials (3rd ed, Cambridge UP, 2013).

Topics Covered

Lecture 1: The Origins, Architecture and Purpose of WTO

The topic provides a general background to international trade law and multilateral trading system, setting the stage for the remainder of the course. It explains the evolution, procedures, mechanics, substance and significance of WTO agreements.

Topics covered include:

1. Introduction to the course
2. Trade Liberalization versus protectionism
3. International trade and need for regulation
4. The nature, purpose and principles of the WTO/GATT
5. Sources of WTO Law

Lecture 2: The WTO, Current Disruptions and COVID-19

We will initiate this class with a very engaging group discussion on the relevance and importance of WTO. Following that, the lecture will discuss the existential threats that the multilateral trading system is currently facing, such as the dispute settlement deadlock, decision making, tariff wars, vague provisions, and the onset of pandemic. Let's see if we can somehow find a way to rescue multilateralism in our discussions.

Topics covered are:

1. Challenges and threats: an overview
2. The pandemic and trade
3. Dispute settlement deadlock
4. Trade wars and retreats from globalization
5. Importance of globalization in pandemics
6. Group discussion: to join or not to join?

Lecture 3: Trade Agreements and Sustainable Development

After gaining an overview of globalization and international trade laws, we will see how we can make international laws work for gender justice. In this lecture, we will first identify and discuss the barriers that women face to trade, and the reasons behind these barriers. Then, we will discuss how multilateral and bilateral trading systems can help women participate in trade and economic empowerment.

Topics covered are:

1. Trade and sustainable development
2. Trade and Environment
3. Trade and Disability
4. Trade and gender: dual relationship
5. Current trends, Gender responsiveness framework

Lecture 4: Group Presentations: On an allocated topic

In this lecture, each group will be allocated with a specific topic covered in the course. You will research that topic and deliver a presentation in the session on that topic.

Lecture 5: Non-discrimination Principles

Now we turn to the GATT rules on non-discrimination, which are central to the balance that the GATT strikes between disciplining protectionism on the one hand, and maintaining adequate regulatory flexibility for WTO Members on the other. How well has GATT/WTO jurisprudence under these provisions maintained that balance? We start by considering the most-favoured nation (MFN) rule in Article I, then turn to the National Treatment provisions in

Article III.

Topics included are:

1. MFN, Art I GATT
2. NT, Art III GATT
3. Relevant jurisprudence
4. Class discussions

Lecture 6: Mock Litigation 1

In this session, you will be given a problem scenario. You will be asked to research and write your briefs during the course of this session. This will allow you to internalise the understanding of principles of non discrimination you would have learnt in the previous lectures by applying them to a practical scenario. This session will also provide you a great opportunity to practice writing briefs and receive my feedback, as the final exam will follow the same dynamic and challenge.

Lecture 7: General Exceptions

Although WTO is sometimes portrayed as only concerned with promoting free trade, it also recognizes the value of other policy goals. The exceptions in GATT Articles XX and XXI provide regulatory space for Members to protect, among other things, public morals, public health, exhaustible natural resources, and national security. The application of these exceptions has been the subject of intense legal and political debate, resulting in some of the GATT's most contested jurisprudence and its most visible legitimacy crises to date.

Topics covered include:

1. Introduction to GATT Article XX;
2. General exceptions: public morals; human, animal or plant life or health; securing compliance with laws or regulations; necessity; conservation of exhaustible natural resources
3. Is gender equality concern a public morality concern?
4. Relevant jurisprudence

Lecture 8: Mock Litigation 2

In this session, you will be allocated a problem scenario. Working in groups, you will solve the problem and present arguments to represent the side allocated to your group. Let's litigate!

Teaching Methods

Sessions will comprise live lectures with the help of illustrative slides, on-the-spot quizzes, discussions, and practice exercises. We will have constant seminar discussions where we will reflect upon the practical application of laws and concepts we discussed in the lectures. Constant feedback on performance will be provided after each exercise.

Assessment Methods

Take-home exam	70%
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Class Participation	30%
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**Marking criteria will be provided individually for each assessment activity.

Housekeeping Rules!!

- All readings, class exercises and materials will be uploaded on blackboard before every lecture
- Check notifications on blackboard every day and keep up to date with all materials posted on it
- Do all readings uploaded in the lecture folder at blackboard after every class
- Class attendance and participation is a must
- Come on time for every class, no late entries will be allowed
- Please stay on mute if you are not the one who is speaking. If you have a question or comment, raise hand using reaction feature or type it in the comment section
- Please keep your cameras on during discussions and activities at all times

Grading Rubric (for written and oral assessments)

Grading Brackets	Standard	Criteria/Requirements
9 - 10	Excellent	<p>Will be awarded where:</p> <ul style="list-style-type: none"> ☐ the student will demonstrate an ability to deal confidently with relevant principles of law; ☐ the student will show a capacity for independent thinking (with appropriate reference to case law and statutes); ☐ the student will show an ability to critically assess arguments made and views expressed in the

		<p>relevant literature (for example books, journal articles and parliamentary reports);</p> <ul style="list-style-type: none"> ☐ the discussion will show evidence that the writer/speaker has a point of view on the issue at hand. However this will be a reasoned view which is supported by evidence, argument, or authority and will address alternative perspectives or arguments which may be raised; ☐ assessed work will contain relevant quotations from and or references to views expressed in the relevant literature where and as appropriate in the work; ☐ all points raised will be arranged in a logically coherent manner; ☐ all issues and arguments raised will be made succinctly and presented effectively.
7 - 8.9	Good	<p>Will be awarded where:</p> <ul style="list-style-type: none"> ☐ the student will demonstrate a good understanding of law but without demonstrating an ability to deal confidently with the relevant principles of law or, alternatively, the law may be confidently expressed in places but not consistently throughout; ☐ the student will show sound capacity for independent thinking (with some appropriate reference to case law and statutes); ☐ the discussion will show sound evidence that the writer/speaker has a point of view on the issue at hand. However this will be a reasoned view which is supported by evidence, argument, or authority and will address some of the alternative perspectives or arguments which may be raised; ☐ assessed work will contain some relevant quotations from and or references to views expressed in the relevant literature where and as appropriate in the work; ☐ most points raised will be arranged in a logically coherent manner; ☐ most issues and arguments raised will be made succinctly and structured effectively.

6 - 6.9	Satisfactory	Will be awarded where:
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		<ul style="list-style-type: none"> ☐ the student will demonstrate some understanding of law but that understanding may either be expressed poorly or may be strong in some places and weak in others; ☐ the work/presentation will contain some reference to case law and statutes but without an adequate explanation of how that links to the points raised; ☐ the work/presentation will contain some reference to views expressed in published materials but it is likely to be either largely irrelevant or too brief to demonstrate an appropriate depth of knowledge; ☐ the work/presentation will typically demonstrate a lack of ability to deal confidently with relevant principles of law; ☐ the discussion will show only limited evidence that the writer/speaker has a point of view on the issue at hand or, if the writer/speaker has a point of view, it will not be well-reasoned and supported by evidence, argument, or authority and will fail to address alternative perspectives or arguments which may be raised; ☐ most points raised will be arranged in a logically coherent manner but will not be structured effectively.
<p>0 - 5.9</p>	<p>Non Satisfactory</p>	<p>Will be awarded where:</p> <ul style="list-style-type: none"> ☐ the student will demonstrate only an awareness of some of the more obvious legal issues; ☐ there will be marginal or no reference to the main relevant case law and statutes; ☐ there is unlikely to be any reference to relevant literature to support arguments made; ☐ there will be some weakness in the presentation of points raised and in the application of the law to the facts; ☐ points raised will not be arranged in a logically coherent manner; ☐ there may be some misunderstanding of the question or of some of the relevant principles of law; ☐ the discussion will show little or no evidence that

		the writer/speaker has a point of view on the issues at hand or any point of view expressed will not be supported by evidence, argument, or authority and will not address alternative perspectives or arguments which may be raised.
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NOTE: This is a general grading rubric. I will provide specific rubrics for every class assignment, midterm exam, oral and written exam closer to time.