The phenomenon of globalization over the last 50 years has been fueled not just by technological innovation but also legal innovation. However, in 2016, the vote for Brexit in the UK and the election of Mr Donald Trump as the US President, has challenged the movement towards economic integration. Indeed, one of President Trump’s first Executive Orders was to cancel the Trans Pacific Partnership Agreement (TPP) that the previous Obama Administration had worked on for 5 years.

More recently, the Trump Tariffs on a variety of goods including steel and aluminum against a number of trading partners and in particular China has hit all businesses and lawyers have had to understand the legal and financial implications for both these tariffs and the retaliatory tariffs that other countries have imposed on US goods. It is thus, even more important than ever before to understand and appreciate the existing rules so as to promote the rule of law in what may be an increasingly protectionist environment.

The General Agreement on Tariffs and Trade (GATT) and its successor institution, the World Trade Organization (WTO) have attempted to create a system where the rules for the trade in goods and services are clearer and fairer. The legal innovations found in the GATT and subsequent WTO Agreements have also influenced Free Trade Agreements (FTAs) like the TPP and even International Investment Agreements (IIAs).

Fundamental to the WTO disciplines is the principle of non-discrimination. The problem often is, however, what constitutes discrimination, whether such discrimination can be justified and whether non-economic factors such as health and the environment or other public policy considerations can modify the rules. This tension in World Trade Law is a theme in both the disciplines for trade in goods and services as well as the agreements on standards like the TBT and SPS as well as even the trade remedies rules such as Safeguards, Subsidies and Anti-Dumping.

Students interested in other aspects of International Economic Law will find that the principles discussed in the more developed WTO case law are often referred to in disputes relating to other international economic treaties such as Investor to State Arbitration and FTA disputes.

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