

Online Course Outline

Instructor: Dr. Amrita Bahri, Assistant Professor of Law, ITAM University

Name: WTO Law: Understanding Law and Jurisprudence

The course focuses on the laws, principles, functioning and jurisprudence of World Trade Organisation. Students will understand the principles of multilateral 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. There will be a special focus on WTO's dispute settlement mechanism and the landmark disputes covering different countries, industries and legal issues. 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:

- A good working understanding of the WTO
- A sound technical understanding of the core provisions of the GATT
- An introduction to some of the specialised WTO agreements
- A deep understanding of WTO dispute settlement system
- Some practical tools to think critically about the role played by the WTO in global economic governance

Reference Books

- Lester, Mercurio, and Davies, World Trade Law: Text, Materials and Commentary (2nd ed, Hart, 2012);
- Van den Bossche, The Law and Policy of the World Trade Organization: Text, Cases and Materials (3rd ed, Cambridge UP, 2013).

Note: Lester, Mercurio and Davies is relatively concise and easy to follow, hence I suggest that you buy this reference book for course preparation.

Topics Covered

Topic 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. Economic globalization and international trade
3. Trade Liberalization versus protectionism
4. International trade and need for regulation
5. The origins and evolution of the GATT/WTO system

6. The nature, purpose and principles of the WTO/GATT
7. Sources of WTO Law
8. WTO Law in context
9. Mandate of the WTO
10. Membership of the WTO
11. Institutional architecture of the WTO
12. Decision Making in the WTO
13. Practice Exercise: Globaphiles *versus* Globaphobes/To Join or not to Join?

Topic 2 and 3: Non-discrimination and General Exceptions

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.

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 non-discrimination (scope, like products, less favourable treatment, regulatory purpose)
2. GATT Article I; Article III:4; Article III:2; Article III:8 of GATT 1994 (MFN and NT under GATT 1994)
3. Introduction to GATT Article XX; General exceptions: public morals; human, animal or plant life or health; securing compliance with laws or regulations; necessity; conservation of exhaustible natural resources
4. Practice Exercise: Beer in Newland

Topic 4: The WTO Dispute Settlement System

The WTO Dispute Settlement System is often referred to as the 'jewel in the crown' of the multilateral trading system. What has earned it this magnificent title? We explore the relationship between WTO law and dispute settlement, as well as the role of WTO, national government, industries, civil society, lawyers in the disputes litigated at WTO DSS. We will also consider the role played by developing countries in WTO negotiations and decision-making and in dispute settlement.

Topics covered include:

1. Principles of WTO dispute settlement
2. Institutions of WTO dispute settlement
3. WTO dispute settlement proceedings
4. Main Challenge to the WTO dispute settlement system
5. Participation of Developing Countries
6. Case laws discussion

7. Practice Exercise: Newland seeks justice

**This outline is indicative and may undergo minor changes/revisions

Teaching Methods

Sessions will comprise virtual lectures with the help of illustrative slides, on-the-spot quizzes, discussions, self-study hours and practice exercises. Constant feedback on performance will be provided after each exercise. At the end of the course, we will reserve two hours for virtual questions and answers session where students can get their doubts clarified.

Assessment Methods

Take-home exam	70%
Class Participation	30%

**Marking criteria will be provided individually for each assessment activity.

Timeline

Dates	2-4 PM	4-4.30 PM Break Time	4.30-6 PM
1 Dec	Lecture		Lecture
5 Dec	Group Discussion Session, Quiz		Self-study session, Quiz
8 Dec	Lecture		Lecture
12 Dec	Group Discussion Session, Quiz		Self-study session, Quiz
15 Dec	Lecture		Lecture
19 Dec	Group Discussion Session, Quiz		Self-study session, Quiz
22 Dec	Lecture (to be uploaded as a slide podcast; available between 16 – 26 December)		Lecture (to be uploaded as a slide podcast; available between 16 – 26 December)
26 Dec	Online Q n A Session		Self-study session

If you have any questions or comments about this course, please do not hesitate to contact me at amrita.bahri@itam.mx