



NATIONAL UNIVERSITY OF LESOTHO

Faculty of Law
Master of Laws (LL.M.) Programme
Course Outline

Course Title: The World Trade Organization and the Regulation of Multilateral Trade			
Course Code: LL828		No. of credits: 4	
Department: Private Law		Faculty: Law	
Course Convenor: Dr Tsotang Tsietsi			
Email Address: tg.tsietsi@nul.ls			
Teaching and learning hours: A recommended 6 hours per week; computed by two contact hours and four self-study hours.			
Course Type			
Core Course	<input type="checkbox"/>	Compulsory	<input type="checkbox"/>
		Elective	<input checked="" type="checkbox"/>
Offer in Academic year			
1 st Semester	<input checked="" type="checkbox"/>	2 nd Semester	<input type="checkbox"/>
		Year Long	<input type="checkbox"/>

Course Description

This course covers the World Trade Organization (WTO) and its regulatory regime for international trade. It covers the origins, institutions, and agreements of the organization. It focuses on the past, present, and the future of the organization, encouraging candidates to grapple, in particular, with the role of African Members in the organization.

Course Objectives

The broad objective is to provide advanced knowledge and understanding of the World Trade Organization: the institutional framework and its rules. Specifically, the course aims to:

- Capacitate candidates with knowledge on the origins and the development of the WTO;
- Instil advanced knowledge of the WTO's institutional framework, principles, and rules, as reflected in key covered agreements;
- Encourage discussion and reflections on the politics of the international trading system, in particular the role developing countries in the system;
- Encourage discussion and reflections on the future of the WTO.

Core Competencies

At the end of the course, each candidate should be able to exhibit:

- Advanced understanding of the history and development of the WTO.
- Advanced understanding of the WTO institutional structure, principles, and rules;
- Advanced understanding of the common perspectives of developing countries, broadly, and African countries, in particular, on the WTO regulation of international trade;
- Skills in researching on WTO issues;
- Writing skills, including the ability to write analytically, in a cogent, structured, and logical manner, citing authorities from various academic sources;
- Presentation skills, by making compelling arguments related to the course content.

Teaching & Learning Methods

This module is taught remotely using the Zoom platform. The recurrent link used for seminars is <https://us06web.zoom.us/j/3362942966?pwd=dkpTOXFXRmtGMWdGNjZJOEpCV25sZz09> (Meeting ID: 864 0923 7325, Passcode: 911728) There will be one two-hour seminar held weekly. All Candidates are expected to read the required material ahead of seminars. Seminars will proceed on the assumption of prior reading of the material. The purpose of the contact periods will be to highlight the salient points, to clarify any questions, and for discussion and debates.

Assessment/Evaluation

Candidate shall be assigned one assignment and one presentation, which will form the basis of their course evaluation.

Course Policy

Candidate are expected to devote time, effort, and dedication to their studies. This includes, but is not limited to:

- reading required material ahead of seminars;
- reading widely;
- actively and regularly participating during seminars;
- devoting time to self-study;
- submitting assignments within the deadlines and adhering to any required formats;
- avoiding plagiarism and all forms of cheating or academic malpractice.

Prescribed Text

van den Bossche, Peter and Werner Zdouc, The Law and Policy of the World Trade Organization: Text, Cases, and Materials (Cambridge University Press, 5 ed, 2021),

Other Prescribed Reading Material

- Treaties and Legal Texts, WTO Secretariat, The WTO Agreements (Cambridge University Press/WTO, 2017); available at http://www.wto.org/english/docs_e/legal_e/legal_e.htm.
- WTO Analytical Index: The third edition of the WTO Analytical Index comprises developments up to September 2011: http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm

Websites

<https://www.wto.org>

<http://www.worldtradelaw.net/>

Databases

The Thomas Mofolo library subscribes to the following databases, that you might find useful.

- LexisNexis AU
- HeinOnline

Other recommended readings will be prescribed from time to time.

Course Content

1. Historical Overview – From GATT to the WTO
2. The WTO Institutional Framework
3. The Basic Principles of the Organization

Recommended Reading

Anderson, Henrik, 'Protection of Non-trade values in WTO Appellate Body Jurisprudence: Exceptions, Economic Arguments and Eluding Questions' (2015) 18(2) Journal of International Economic Law 383.

- Non-discrimination
- Transparency
- Reciprocity
- Consensus

4. The Key Agreements

Recommended Reading

Howse, Robert, 'The World Trade Organization 20 Years On: Global Governance by Judiciary' (2016) 27 European Journal of International Law 9.

- The Agreement Establishing the World Trade Organization
- The General Agreement on Trade in Goods
- The General Agreement on Trade in Services
- Trade Remedies: Anti-Dumping; Safeguard Measures; Subsidies and Countervailing Duties
- Agreement on Sanitary and Phytosanitary Measures
- The Trade Facilitation Agreement
- The Dispute Settlement Understanding

5. Developing Countries and the World Trade Organization

Recommended Reading

- Lamp, Nicholas, 'How Some Countries became "Special": Developing Countries and the Construction of Difference in Multilateral Trade Law making' (2015) 18(4), *Journal of International Economic Law*, 743.
- Blustein, Paul, 'The Nine-Day Misadventure of the Most Favored Nations – How the WTO's Doha Round Negotiations Went Awry in July 2008', *Brookings Global Economy and Development*, Brookings Institution, www.brookings.edu/~media/Files/rc/articles/2008/1205_trade_blustein/1205_trade_blustein.pdf.

6. The Future of the World Trade Organization

Recommended Reading

- Cottier, Thomas, 'The Common Law of International Trade and the Future of the World Trade Organization' (2015)3(1) *Journal of International Economic Law* 3.
- House of Lords, European Union Committee, *Brexit: The Options for Trade*, 13 December 2016, <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldEUcom/72/72.pdf>.
- von Bogdandy, Armin and Markus Wagner, 'The "Sutherland Report" on WTO Reform: A Critical Appraisal' (2005) 4*World Trade Review* 439, https://www.researchgate.net/publication/228149243_The_Development_of_the_WTO_-_Remarks_on_the_Sutherland_Report.
- Wagner, Markus, 'The Impending Demise of the WTO Appellate Body: From Centrepiece to Historical Relic?', in Chang-fa Lo (ed), *The Appellate Body of the WTO and Its Reform* (Springer 2020), available at https://www.researchgate.net/publication/333618046_The_Impending_Demise_of_the_WTO_Appellate_Body_From_Ce
- Ismail, F.: *WTO Reform and the Crisis of Multilateralism. A Developing Country Perspective* South Centre. Geneva, TIPS, Pretoria (2020) Can be found here <https://www.southcentre.int/book-by-the-south-centre-2020-3/>