

開講科目名	WTO Law				
担当教員	Rostam J. NEUWIRTH、James Claxton			開講区分	単位数
				前期	1.0単位
ナンバリングコード		曜日・時限	他	時間割コード	1J577

#### 授業のテーマ

In more than half a century, international economic law in general and the multilateral trading system established first under the General Agreement on Tariffs and Trade (GATT 1947) and later under the World Trade Organization (WTO) in particular had undergone drastic changes. Initially, the legal framework established by the GATT 1947 had only covered trade in goods but subsequently underwent significant changes in the course of numerous multilateral negotiations rounds. It was with the creation of the World Trade Organization in 1994 that the framework was extended to other related areas, such as trade in services (GATS) as well as trade-related aspects of intellectual property rights (TRIPS). At the same time, a trend towards an increase in the negotiation and conclusion of regional trade agreements (RTAs) could be observed on each continent and even between countries of different continents. Despite the overall success in the initial goal of reducing tariffs and ending the discrimi

#### 授業の到達目標

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#### 授業の概要と計画

In terms of content and structure, following a brief general introduction to the context of the global governance debate, the course will first trace back the history and evolution of the GATT/WTO system from its beginnings in the first half of the 20th century until the creation of the WTO in 1994. Against the backdrop of the theory of comparative advantage, it then presents the basic legal tools and principles governing the regulation of international trade, among which feature notably the National Treatment (NT) and the Most-Favoured Nation (MFN) principles. The legal instruments and the dynamics they generate will be critically contrasted with various theories of economic integration and their respective stages from trade liberalization to market integration (e.g. 1. international cooperation; 2. free trade area; 3. a customs union; 4. an economic and monetary union; and 5. political or complete integration). This part will also be complemented by a discussion of the role of regional trade agreements (RTAs) for the progress of multilateral trade negotiations. Subsequently, the central agreements administered by the WTO, notably the GATT, GATS, TRIPS as well as the TBT & SPS Agreements will be briefly presented. This will be followed by a discussion of the problems related to regulatory gaps between so-called “trade issues” and “non-trade issues”, as they are subject to the “trade linkage debate” featuring several “trade and … problems”, such as ‘trade and culture’, ‘trade and public health’, or ‘trade and environment’ to mention but a few. Finally, and before concluding with an outlook to the future of the regulation of international trade law, various conceptual and theoretical models, such as those captured by the terms “creative economy”, “creative industries”, “international inter-regime regulatory co-opetition” or “multilateralization of regionalism” will also be touched upon. Their discussion also serves to highlight the conceptual and cognitive challenges in the regulatory process caused by an increasing complexity and acceleration of the pace of change that characterize the present era.

#### 成績評価方法

The evaluation will be based on course participation and a short (research) term paper (approx.. 3000 words incl. footnotes)

#### 成績評価基準

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#### 履修上の注意（関連科目情報）

It is strongly recommended to read the course outline carefully as well as the suggested reading materials. Supplementary materials are made available for background information on the issues discussed.

#### 事前・事後学修

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#### オフィスアワー・連絡先

To be announced in the first session.

#### 学生へのメッセージ

Teaching devices in lectures: teaching, discussion and presentation.

#### 今年度の工夫

#### 教科書

\*<http://jiel.oxfordjournals.org/content/early/2015/03/02/jiel.jgv012>

\*[https://papers.ssrn.com/sol3/papers2.cfm?abstract\\_id=2651123](https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=2651123)

Governance in the 21st Century; 1 Global Governance 13 / James N. Rosenau : ,1995 ,ISBN:

Global Market Integration and the Creative Economy: The Paradox of Industry Convergence and Regulatory Divergence;

18:1, 21-50 / Neuwirth, Rostam J. : Journal of International Economic Law ,2015 ,ISBN:

International Trade, Intellectual Property and Competition Rules: A Case for “Regulatory Cooperation” ?; 19, 393-

425 / Neuwirth, Rostam J. and Svetlicinii, Alexandr : Comparative Law Journal of the Pacific ,2015 ,ISBN:

#### 参考書・参考資料等

\*[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1688222](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1688222)

\*[http://unctad.org/en/Docs/ditctab20103\\_en.pdf](http://unctad.org/en/Docs/ditctab20103_en.pdf)

\*<http://www.un.org/sustainabledevelopment/sustainable-development-goals/>

The Metamorphoses of the GATT: From the Havana Charter to the World Trade Organization; 34 Colum. J. Transnat’ l L. 123 / Paul Demaret : ,1995 ,ISBN:

‘Relations of the WTO with other International Organizations and NGOs ‘, in International Economic Law with a Human Face eds. Friedl Weiss, Erik Denters and Paul de Waart / Wolfgang Benedek : The Hague: Kluwer Law International ,1998 ,ISBN:

“United in Divergency” : A Commentary on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions” ; 66 Heidelberg Journal of International Law 819-862 / Neuwirth, Rostam J. : ,2006 ,ISBN:

#### 授業における使用言語

英語

#### キーワード

Global Governance, International Economic Law, WTO Law, Trade Linkage Debate, Trade and ... Problems, Creative Economy, International Inter-regime Regulatory Cooperation