

Course title	WTO Law				
Teacher(s)	Rostam J. NEUWIRTH, SAITO Akira			開講区分	単位数
				2nd semester	1.0
Numbering Code		Day・Period	Other	Timetable Slot Code	3J334

Lesson topic

International trade law and policy is back in the global news. Since the Doha round negotiations were initiated in 2001, international trade law and in particular multilateral trading rules under the aegis of the World Trade Organization (WTO), were either neglected or shadowed by vast regional economic integration projects, like the Transatlantic Trade and Investment Partnership (TTIP), the Trans-Pacific Partnership (TPP) and the Trade in Services Agreement (TiSA) as well as more novel initiatives like the BRICS cooperation and the Belt and Road Initiative (BRI). Since the change in the US administration in 2017, a global trade war between the United States and China as well as other important trading partners has emerged and is currently waging as well as threatening to further escalate.

To counter the dangers of global trade relations turning from a constructive and mutually beneficial relationship requires first a good knowledge of the rules laid down in the existing multilateral trading regime. Second, it also requires a proactive global governance debate that addresses the “trade linkage debate” and the regulatory challenges arising from the complexity of global affairs today with the overall aim of reforming the architecture of the global legal system.

For these reasons, the course retraces half a century of the evolution of 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 WTO in particular. The course will also follow the trend towards an increase in the negotiation and conclusion of regional trade agreements (RTAs), which could be observed on each continent and even between countries of different continents.

Lesson target

The general objective of the present course is to address the past achievements in International Economic Law and to critically contrast them with the main challenges deriving from a constantly as well as rapidly changing global environment as captured by the notion of the “global governance debate” .

Particularly the course aims to provide the participant with a comprehensive overview of the central features, basic processes as well as most important challenges to the successful regulation of international trade matters against the wider context of the governance of global affairs in a peaceful and sustainable manner. It will also focus on the conceptual challenges linked to the trade linkage debate, which covers numerous “trade and … pairs” and aims at reconciling so-called “trade issues” with “non-trade issues” . Finding a sustainable solution to the great “trade and … problems” , like “trade and culture” , “trade and environment” , “trade and health” or “trade and human rights” reflects the urgent and growing need for greater coherence in global law and policymaking in the future.

Syllabus and plan

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” as well as the “data economy” 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.

Evaluation method

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

Evaluation baseline

With the method stated above, grades will be determined in accordance with the degrees of achievement of the objectives.

Notice (include info. on related class)

N/A

Review and preparation

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.

Office hour · Contact information

Message for student

Teaching devices in lectures: teaching, discussion and presentation.

Improvements in Teaching

Text

Details will be notified to participants before the course starts.

Law in the Time of Oxymora: A Synaesthesia of Language, Logic and Law, pp1-24 / Rostam J. Neuwirth : Routledge ,2018 , ISBN:

“The Day After Tomorrow: Evaluating the Burden of Trump’ s Trade War” (2018) 17(1) / Meixin Guo et al. : Asian Economic Papers 101 ,2018 , ISBN:

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

Reference Material

Details will be notified to participants before the course starts.

“The Metamorphoses of the GATT: From the Havana Charter to the World Trade Organization” (34 Colum. J. Transnat’ l L123) / 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:

The Theory of Economic Integration (at 1-17) / Bela Balassa : London: George Allen & Unwin Ltd ,1962 , ISBN:

Classroom Language

English

Keywords

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