INTRODUCTION

Course Coverage

World Trade Organization: Agreements, Negotiations & Disputes is an advanced course focusing primarily on the World Trade Organization Agreements, with secondary emphasis on current issues relating to the WTO, plurilateral trade negotiations, and development of U.S. trade policy.

The class will concentrate on the substance of the WTO Agreements, but also will examine how they were negotiated and the political and procedural factors that played a role and continue to play a role, and how WTO dispute settlement bodies apply the WTO agreements and adjudicate disputes between members. Finally, the class will examine the U.S. trade apparatus and trade policy formation. The goal is for the student to understand not only the WTO Agreements and the processes by which Members conduct negotiations and disputes, but also the forces that shape U.S. trade policy, including negotiating positions.

Reading Materials for Course

Each student is expected to read the required materials and should be prepared to participate in class discussion. Required reading is indicated under the “read” section for each class. The materials are contained in: (1) the 2013 Documents Supplement to Jackson, J.H., Davey, W.J. & Sykes, A.O., Legal Problems of International Economic Relations, 6th ed. (West 2013) (“Docs. Supp.”) and (2) class outlines and other documents available on the Canvas site for this class. (See the Canvas instructions on page 2, below.)

Secondary materials are listed at the end of this Syllabus and are on reserve in the library. Students are encouraged to read secondary material, which will greatly enhance their understanding of the subject area.
Final Grade

The final grade will be based on a final examination and participation in class discussions. The final examination will be three hours. It will be open book.

Canvas Site: Handouts, class outlines, this Syllabus and other pertinent documents will be posted on this site. Please check it regularly for new postings.

To access the Canvas site: Visit the Student Portal at [Canvas Link]. Click on Canvas in the “Quick Links” area in gray box on the left-hand side of the screen. You will then be prompted to log in with your net ID and password. If you are enrolled in the class – it will appear on your Canvas “Dashboard”.

SYLLABUS

Class 1 – January 19


Dispute settlement, and its history under GATT.

Read:

- Articles XXIV and XXV, “General Agreement on Tariffs and Trade 1947” (pages 56-60 of Docs. Supp.)
- “Agreement Establishing the World Trade Organization” (pages 3-16 of Docs. Supp.)
- Articles XXII and XXIII, “General Agreement on Tariffs and Trade 1947” (pages 55-56 of Docs. Supp.)

Scan:
Class 2 & 3 – January 26 & February 2

Dispute Settlement (reading as above)

Basic obligations of the WTO – MFN, national treatment, no quantitative restrictions and transparency. Exceptions to GATT.

Read:


Class 4 – February 9

Basic obligations of the WTO – MFN, national treatment, no quantitative restrictions and transparency. Exceptions to GATT. (readings from prior class)


Tariffs

Read:

- Articles II, XXVIII and XXVIIIbis, “General Agreement on Tariffs and Trade 1947” (pages 21-23 and 61-64 of Docs. Supp.)
- “Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994” (pages 112-113 of Docs. Supp.)
- USHTS, Table of Contents; posted on the Canvas site.
- USHTS, Rules of Interpretation; posted on the Canvas site.
- USHTS, Chapter 8; posted on the Canvas site.

Scan:

- “Understanding on the Interpretation of Article II:1(b) of the General Agreement on Tariffs and Trade 1994” (pages 95-96 of Docs. Supp.)

Customs

(Continued on next page)
Read:
- Articles V and VII to IX, “General Agreement on Tariffs and Trade 1947” (pages 26-27 and 29-32 of Docs. Supp.)
- “Agreement of Import Licensing Procedures” (pages 297-305 of Docs. Supp.)

Scan:
- “Agreement on Preshipment Inspection” (pages 271-279 of Docs. Supp.)

State Trading

Read:
- Article XVII, “General Agreement on Tariffs and Trade 1947” (pages 44-45 of Docs. Supp.)

Scan:

Balance of Payments and Development

Read:
- Articles XVIII and XXXVI to XXXVIII, “General Agreement on Tariffs and Trade 1947” (pages 45-52 and 67-72 of Docs. Supp.)

Scan:
- “1979 Understanding on Trade Measures Taken for Balance-of-Payments Purposes” (pages 102-106 of Docs. Supp.)
- “Decision on Measures in Favour of Least-Developed Countries” (pages 513-514 of Docs. Supp.)
**Classes 5 & 6 – Feb. 16 & March 2** (No class February 23)

The three “trade remedies”: Analysis of the WTO Agreements on Anti-Dumping, Subsidies and Countervailing Measures, and Safeguards.

Read:

- Articles VI, XVI and XIX, “General Agreement on Tariffs and Trade 1947” (pages 27-29, 43-44, and 52-53 of Docs. Supp.)


- “Agreement on Subsidies and Countervailing Measures” (pages 307-355 of Docs. Supp.)

- “Agreement on Safeguards” (pages 357-366 of Docs. Supp.)

**Class 7 – March 9**

The WTO Agreements on Agriculture, Sanitary and Phytosanitary Measures, and Technical Barriers to Trade.

Read:

- “Agreement on Agriculture” (pages 115-143 of Docs. Supp.)

- “Agreement on the Application of Sanitary and Phytosanitary Measures” (pages 145-159 of Docs. Supp.)

- “Agreement on Technical Barriers to Trade” (pages 179-202 of Docs. Supp.)

**Class 8 – March 23** (No class March 16)

The WTO Agreements on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Trade-Related Investment Measures (TRIMS).

Read:

- “Agreement on TRIPs” (pages 403-439 of Docs. Supp.)


- “Agreement on Trade-Related Investment Measures” (pages 203-207 of Docs. Supp.)
Class 9 – March 30

The WTO General Agreement on Trade in Services (GATS).

Read:

- “General Agreement on Trade in Services” (pages 367-402 of Docs. Supp.)
- “Understanding on Commitments in Financial Services” (pages 545-549 of Docs. Supp.)
- GATS “Sectoral Classification”; posted on the Canvas site.
- US GATS Schedule; posted on the Canvas site.

Class 10 – April 6

The WTO Agreement on Government Procurement. Accession to the WTO.

Read:

- Article III:8(a), “General Agreement on Tariffs and Trade 1947” (page 25 of Docs. Supp.)
- Amended “Agreement on Government Procurement,” GPA/113 (2 April 2012); posted on the Canvas site
- Article XXXIII, “General Agreement on Tariffs and Trade, 1947” (page 66 of Docs. Supp.)
- Article XII of “Agreement Establishing the World Trade Organization” (page 12 of Docs. Supp.)
- “Accession to the World Trade Organization”; posted on the Canvas site

Class 11 – April 13

Discuss the U.S. trade policy apparatus and how the U.S. conducts international trade negotiations, including setting negotiating objectives and the congressional-private sector-Executive Branch consultation process. Review constitutional powers of Congress and the Executive Branch in the international economic sphere, including authority to negotiate trade agreements and implementation of trade agreements in U.S. law. Analyze the U.S. Trade Promotion Authority law. Discuss the disparate factors that influence the formation of U.S. trade policy.

(Class 11 reading assignment on next page)
Read:

- Crosby v. Nat'l Foreign Trade Council, 530 U.S. 363. [Westlaw] [Lexis Advance] [HeinOnline] [please use links]
- Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579. [Westlaw] [Lexis Advance] [HeinOnline] [please use links]
- Corus Staal BV v. DOC, 395 F.3d 1343. [Westlaw] [Lexis Advance] [HeinOnline] [please use links]

**Class 12 – April 20**

U.S. Trade Policy Exercise: Students will divide in teams (at the end of the previous class) and lead discussion to develop models of U.S. trade policy that would maximize benefits to the U.S. economy or to the global economy. Topics will focus on specific U.S. trade policies and proposals by the Trump administration and U.S. Congress.

**Class 13 – April 27** [last class]: Open Forum. Review major concepts covered during the semester and discuss the exam.
Secondary Material (on reserve at the Library):


