SOUTH ASIAN UNIVERSITY

Faculty of Legal Studies

LLM

Winter Semester 2026 (Second Semester)

Course Information

Part I

Course Title	International Trade Law
Course Code	LAW505
Course Instructor	Prof. Ravindra Pratap
Course Duration	One semester
Course Credit	4
Medium of Instruction	English
Prerequisites	Nil
Precursors	Nil
Equivalent Courses	N/A

Part II

Course Overview

International trade law has become more important today due to unprecedented developments in international trade relations in the last few decades. The Uruguay Round of trade negotiations, the eight and last round of GATT trade negotiations, brought about major changes in the international trading system and led to the establishment of the World Trade Organization (WTO). The majority membership of the WTO now consists of developing and least-developed countries. The implementation of the WTO obligations of these countries has been presenting added difficulties as these obligations, it is argued, have shrunk the policy space for these countries. It is therefore important for the student to understand both the legal and institutional framework of the WTO.

Course Objectives

The objectives of the course are to equip the graduate student with the necessary knowledge and skills of international trade law contained in the WTO agreements and with emphasis on the South Asian countries.

Course Outcomes

Successful completion of the course should enable the student to understand the law and practice of international trade law, covering the implementation issues under several WTO agreements, including GATT, GATS and TRIPS agreements and particularly for the South Asian countries.

Part III

Course Structure

Week 1 Introduction to international trade law: International trade theories, policies and debates; assessment.

Required Reading

Joost H B Pauwelyn et al, *International Trade Law* (Aspen 2016) Chapter 2.

Supplementary Reading

Paul Krugman et al, *International Economics: Theory and Policy* (Pearson 2017) Chapter 1.

Further Readings

Treaty of Amity, Commerce and Navigation, 1794, Articles III and XIII.

Jagdish N Bhagwati (ed), *Protectionism* (MIT 1988) Chapter 3.

Joseph E Stiglitz and Andrew Charlton (eds), *Fair Trade For All* (Oxford 2005) 11–86.

Week 2 Institutions of the international trading system: GATT and WTO: Evolution; objectives, principles, structure, functions and decision-making; perspectives.

Required Reading

Marrakesh Agreement Establishing the World Trade Organization, 1994 (WTO Agreement) Preamble, Articles II–IV, IX, XVI.

Supplementary Reading

Mitsuo Matsushita et al, *The World Trade Organization: Law, Practice and Policy* (Oxford 2015) Chapter 1.

Further Readings

General Agreement on Tariffs and Trade, 1947, Preamble.

India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Report of the WTO Appellate Body, WT/DS50/AB/R (19 December 1997).

John H Jackson, 'The Puzzle of GATT: Legal Aspects of a Surprising Institution' in Jackson, *The Jurisprudence of GATT and the WTO* (Cambridge 2000) 17.

Week 3 The principle of non-discrimination: Most-Favoured-Nation and National Treatment, "less favourable treatment", "like product"; assessment.

Required Reading

GATT Articles I, III, XX and XXIV.

Supplementary Reading

Simon Lester et al (eds), *World Trade Law: Text, Materials and Commentary* (Hart 2018) Chapter 7.

Further Readings

India – Certain Measures Relating to Solar Cells and Solar Products, Report of the WTO Appellate Body, WT/DS456/AB/R (16 September 2016).

European Communities – Conditions for the Granting of Tariff Preferences to the Developing Countries, WT/DS246/AB/R, Report of the WTO Appellate Body (7 April 2004).

T N Srinivasan, 'Non-discrimination in GATT/WTO: Was There Anything to Begin with and is There Anything Left' (2005) 4 World Trade Review 69.

Week 4 Tariff, quantitative restrictions and other barriers to trade: Reciprocity; balance of payments; developmental policy; assessment.

Required Reading

GATT Articles II, XI, XIII, XVIII, XVIII*bis*.

Supplementary Reading

Mitsuo Matsushita et al, *The World Trade Organization: Law, Practice and Policy* (Oxford 2015) Chapter 8.

Further Readings

Negotiating Group on Market Access, Minutes of the Meeting, 21 July 2017.

WTO Understanding on the Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade, 1994.

India – Quantitative Restrictions on Imports of Agricultural, Textile and Industrial Products, Report of the WTO Appellate Body, WT/DS90/AB/R (23 August 1999).

Mustafizur Rahman and Mohammad A Razzaque, 'Non-tariff Barriers in South Asia: Nature and Modalities to Address the Attendant Issues' in Mohammad A Razzaque and Yurendra Basnett (eds) *Regional Integration in South Asia: Trends, Challenges and Prospects* (Commonwealth Secretariat 2014) Chapter 6.

Week 5 Dumping and Anti-Dumping Measures.

Required Reading

GATT Article VI; Anti-Dumping Agreement, Articles 1, 2, 3, 4, 7, 8, 15, 17.

Supplementary Reading

Peter Van den Bossche and Werner Zduoc, *The Law and Policy of the World Trade Organization* (Cambridge 2013), 674–711 and 734–737.

Further Readings

European Communities – Anti Dumping Duties on Imports of Cotton Type Bed Linen from India, Appellate Body Report, WT/DS141/AB/R, adopted 12 March 2001.

Philippe De Baere et al, *The WTO Anti-Dumping Agreement: A Detailed Commentary* (Cambridge 2021).

Week 6 Subsidies and countervailing measures: Introductory, prohibited subsidies, actionable subsidies, special and differential treatment, countervailing measures.

Required Reading

Agreement on Subsidies and Countervailing Measures, 1994, 1–3, 5–8, 11–12, 15–16.

Supplementary Reading

Peter Van den Bossche and Werner Zdouc, *The Law and Policy of The World Trade Organization: Text, Cases and Materials* (Cambridge 2017) Chapter 12.

Further Readings

New and Full Notification by India to WTO, Supplement, 5 September 2017.

United States – Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India, Report of the WTO Appellate Body, WT/DS436/AB/R (8 December 2014).

Dominic Coppens, 'How special is the Special and Differential Treatment under the SCM Agreement? A legal and normative analysis of WTO subsidy disciplines on

developing countries' (2013) 12 World Trade Review 79.

Week 7 General exceptions: Domestic policies; "necessity"; non-discrimination; non-arbitrariness; proportionality; assessment.

Required Reading

GATT Article XX.

Supplementary Reading

Joost H B Pauwelyn et al, *International Trade Law* (Aspen 2016) Chapters 13–14.

Further Readings

India – Certain Measures Relating to Solar Cells and Solar Products, Report of the WTO Appellate Body, WT/DS456/AB/R (16 September 2016).

United States – Import Prohibition of Certain Shrimp and Shrimp Products, Report of the WTO Appellate Body, WT/DS58/AB/R (12 October 1998).

Asif H Qureshi, 'Interpreting exceptions in the WTO Agreement' in Qureshi, *Interpreting WTO Agreements* (Cambridge 2015) Chapter 4.

Week 8 Regional Trade Agreements: Customs Union and Free Trade Areas, SAFTA.

Required Reading

GATT Article XXIV.

Supplementary Reading

Simon Lester and Brian Mercurio et al, *World Trade Law: Text, Materials and Commentary* (Hart 2012) 327–415.

Further Readings

Agreement on South Asian Free Trade Area, 2004.

Turkey – Restrictions on Imports of Textile and Clothing Products, Appellate Body Report, WT/DS34/AB/R, adopted on 19 November 1999.

Jagdish Bhagwati, 'Regionalism and multilateralism: An overview' in Jagdish Bhagwati, Pravin Krishna, and Arvind Panagariya (eds.), *Trading Blocs: Alternative Approaches to Analyzing Preferential Trade Agreements* (MIT 1999) 3–32.

Week 9 Agriculture: Domestic support, market access, export subsidy; developing and least-developed countries; food security; assessment.

Required Reading

Agreement on Agriculture, 1994, Articles 1, 4-6, 7, 9, 13, 15, 16, Annex 2.

Supplementary Reading

Mitsuo Matsushita et al, *The World Trade Organization: Law, Practice and Policy* (Oxford 2015) Chapter 9.

Further Readings

Public Stockholding for Food Security Purposes, Ministerial Decision of 19 December 2015.

India – Measures Concerning Sugar and Sugarcane, Report of the WTO Panel, WT/579, 580, 581/R (14 December 2021).

Ramesh Chand and Seema Bathla, 'WTO Agriculture Negotiations and South Asian Countries: Concerns, Viewpoints and Consensus' (2005) 6 South Asia Economic Journal 1.

Week 10 Trade in services: Introductory: market access, national treatment, domestic regulation; South Asian countries; evaluation.

Required Reading

General Agreement on Trade in Services, 1994, Articles I, II, IV-VI, XII, XVI-XIX, XXIV.

Supplementary Reading

Mitsuo Matsushita et al, *The World Trade Organization: Law, Practice and Policy* (Oxford 2015) Chapter 16.

Further Readings

SARRC Agreement on Trade in Services (SATIS), 2010.

Argentina – Measures Relating to Trade in Goods and Services, Report of the WTO Appellate Body, WT/DS453/AB/R (14 April 2016).

Saman Kelegama (eds), *Trade in Services in South Asia: Opportunities and Risks of Liberalization* (Sage 2009).

Week 11 Trade-related intellectual property: Introductory: History, objectives, principles, exceptions, least-developed countries.

Required Reading

Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994, Preamble, Articles 1, 7, 8, 30, 31, 61, 63, 64, 66.

Supplementary Reading

Michael Trebilcock et al, *The Regulation of International Trade* (Routledge 2012) Chapter 14.

Further Readings

Amendment of the TRIPS Agreement, Decision of 30 November 2017.

Canada – Patent Protection of Pharmaceutical Products, Report of WTO Panel, WT/DS114/R, adopted 7 April 2000.

Suman Sahai, 'GATT/WTO and the TRIPS Agreement: A South Asian Perspective' (2000) 1 South Asia Economic Journal 25.

Week 12 Developing and Least-Developed Countries: Special and differential treatment, trade preferences; assessment.

Required Reading

GATT Decision of the Contracting Parties of 28 November 1979, Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries, 28 November 1979.

Supplementary Reading

Raj Bhala, *International Trade Law* (LexisNexis 2015) Chapter 98.

Further Readings

Asian-African Legal Consultative Organization, *Background Paper on Special and Differential Treatment under the WTO*, 2003.

European Communities – Conditions for the Granting of Tariff Preferences to the Developing Countries, WT/DS246/AB/R, Report of the WTO Appellate Body (7 April 2004).

Amrita Narlikar, *International Trade and Developing Countries* (Routledge 2003) Chapter 1.

Weeks 13–14 WTO Dispute Settlement: Evolution; salient features; working: panels, Appellate Body and Multi-Party Interim Appeal Arbitration Arrangement; reforms; assessment.

Required Readings

WTO Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994 (DSU) Articles 2, 3, 4, 6, 8, 11, 17, 21, 22, 23.

WTO, Statement on a Mechanism for Developing, Documenting and Sharing Practices and Procedures in the Conduct of WTO Disputes: Multi-Party Interim Appeal Arbitration under Article 25 of the DSU, JOB/DSB/1/Add.1 (30 April 2020).

Supplementary Readings

Mitsuo Matsushita et al, *The World Trade Organization: Law, Practice and Policy* (Oxford 2015) Chapter 4.

Joost Pauwelyn, 'The WTO's Multi-Party Interim Appeal Arbitration Arrangement (MPIA): What's New?' (2023) 22 World Trade Review 693.

Further Readings

Rules of Conduct under the DSU (1996).

Columbia – Anti-Dumping Duties on Frozen Fries from Belgium, Germany and The Netherlands, Arbitration under Article 25 of the DSU, WT/DS591/ABB25 (21 December 2022).

India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Report of the Appellate Body, WT/DS50/AB/R (19 December 1997).

Petros C Mavroidis, *The WTO Dispute Settlement System: How, Why and Where* (Edward Elgar 2022).

WTO, Special Session of the Dispute Settlement Body, Report by the Chairman, Coly Seck, TN/DS/31 (17 June 2019).

Ravindra Pratap, 'India and DSU Reform Negotiations: A Critical Appraisal', in Koen Byttebier & Kim Van der Borght, eds., *WTO Obligations and Opportunities: Challenges of Implementation* (London: Cameron May, 2007), 367.

Part IV

Course Teaching

The course will be taught using a combination of lectures and class discussions. The students are expected to prepare and debate the course materials in the class.

Part V

Course Evaluation

There will be two written examinations of 80 marks and a term paper/case study/written assignment of 20 marks.