

International Trade Law and Maritime Transport

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Four Basic Questions

- What is International Trade Law (ITL)?
- Why We Have to Study ITL?
- What to Study in ITL? (Issues)
- How to Study the ITL? (Methodology)

What is Int. Trade Law (ITL) ?

- ITL is a Branch of Public International Law
- Traditional ITL—Cross border Sale of Goods between States
- Modern ITL --- Cross border Exchanges between the Subjects of International Trade Law
- Scope of the ITL Expanded Due to the Inclusion of New Subjects of ITL

Why We have to Study ITL?

- ITL is a New Subject
- ITL is a Broad, Complex and Rapidly Dev. Area
- Practical Problems Needs Practical Solutions
- National Laws Drafted with State's Economic, Political and Social Interests---we cannot apply
- To maintain Uniformity in International system we need ITL

What to Study in ITL ?

- International Economic Relations –History and Development
- International Economic and Trade Institutions(IMF,IBRD,ITO,GATT,WTO) and Their Role
- Issues in ITL includes Market Access, Tariff Regulations, Cross border Sale of Goods, Services, Capital, Labour, Dumping, Anti-Dumping, Subsidies,Countervailing Measures.etc., ,

Modules of ITL

- The entire syllabus of ITL is divided into three modules
- Module I: Focuses on introduction to ITL will be covered in Chapters 1-3 (3)
- Module II: Focuses on International trade and financial institutions from chapters 4-12 (9)
- Module III: Focuses on other contemporary issues in ITL from chapters 13-17 (5)

Ch.1: Introduction to ITL

- Introduction
- International Law and International Economic Relations
- Similarities and Distinctions between the International Economic Law, International Business Law, International Commercial Law and International Trade Law
- Development of International Trade Law – Ancient, Medieval and Modern
- Role of Trade Theories in Development of International Trade Law
- Codification and Development of International Trade Law by the League of Nations and the United Nations
- Perspectives on International Trade Law – First, Second and Third World

2. Sources and Subjects of ITL

- Introduction
- Classification and Sources of International Law
- Sources of International Trade Law
- Debate Between Hard Law and Soft Law Sources: Does ITL Favour Soft Law?
- The U.N. General Assembly Resolutions – A New Source of International Trade Law?
- Agreements between States and Foreign Institutions: Is it an Alternative Source of ITL?
- Bi-lateral Treaties and ITL
- Subjects of International Law and International Trade Law
- Emerging Subjects of ITL - States and Entities Created by States and Multinational Enterprises

3. Basic Principles and Concepts of ITL

- Most favored nation (MFN) Treatment: Its Origin and Application in GATT and WTO
- National Treatment: Its Origin and Application in GATT and WTO
- The Principle of Non-Discrimination and Equality of states
- Changing Concept of Sovereignty & Protection of National Interests
- Transparency and Reciprocity
- Free Trade and Fair Trade
- Binding Commitments
- P.S.N.R and Non-Intervention in Domestic Affairs
- Common Techniques of ITL– Restrictions, Quotas, Subsidies ,etc.,

4. The History and Development of Int. Trade and Financial Institutions- The Role of the IMF

- The Nature and Characteristics of International Institutions
- The Bretton Woods Conference and the Establishment of IMF and IBRD
- **Promotion of Currency Stability: The Role IMF**
- Monetary Regulations before the IMF
- Bretton Woods Regime – Reforms in the IMF
- IMF Initiatives for LDCs
- IMF and Regional Financial Crisis
- SAP and Criticisms on IMF
- The Contribution of the IMF to International Trade

5. The History and Development- IBRD

- **Mobilization of International Capital: The Role of the IBRD**
- The Establishment of International Bank for Reconstructions and Development (IBRD) and its working
- Structure and Functioning of the IBRD
- Constituents of the IBRD–
- International Finance Corporation (IFC)
- International Development Association (IDA)
- International Center for Settlement of Investment Disputes (ICSID)
- Multilateral Investment Guarantee Agency (MIGA)
- Criticism by Socialist and Third World Countries
- Role of the IBRD in Promotion of International Trade

6. ITL and the Regulatory Role of UN

- Is United Nations' Intervention in International Economic and Trade Matters Necessary?
- United Nations and Developing Countries, Characteristics and Problems of Third World Countries
- The United Nations General Assembly Resolutions and Economic and Trade Issues
- United Nations' Initiatives in International Economic and Trade Matters
 - A Study on G77, UNCTAD, UNCITRAL, UNIDO, WIPO
- **The Third World Countries and Their Demand For New International Economic Order (NIEO)**
- The Emergence of a Drive Towards Assisting Less-Developed Countries—Stage-I (1946-1960s): Technical and Financial Assistance, Stage-II (1960s-1973): Trade Not Aid, Stage-III (1974 to the Present): The New International Economic Order
- Declaration on the Establishment of New International Economic Order (NIEO) 1974
- The Charter of Economic Rights and Duties of States, 1974
- The Attempt to Supplement the NIEO by Introducing the Right to Development of 1986

7. ITL and The GATT

- Origins of the GATT System: The Role of GATT-ITO Preparatory Work
- ITO and the Havana Charter
- Objectives, Structure and Functions of GATT 1947
- Constitutional Law of GATT
- Core Principles of the GATT – The MFN, National Treatment, Binding Commitments, Removal of QR's and Transparency
- GATT and the Balance of Payment Problems
- Dumping and Anti-Dumping under the GATT
- Development of the GATT System – Various Rounds of Negotiations
- Dillon, Kennedy & Tokyo Rounds of Negotiations and the GATT
- Role of GATT in International Trade

8. GATT and Developing Countries

- Some Economic Theories of Trade of Less-Developed Countries
- Preparatory Work for GATT Article XVIII: The London Compromise and the Geneva Debate
- The Havana Conference and the 1955 Amendment to Article XVIII
- The Haberler Report, and Other GATT Initiatives to Help Developing Countries
- The Rights of a Developing Country to Deviate from GATT Obligations: Analysis of GATT Clauses
- Uruguay Round and Developing Countries: New Issues—Market Access, Agriculture, Textiles and Clothing, TRIPS, Trade in Services, and Institutional Matters.

9. Uruguay Round and the WTO

- From GATT to WTO - The Need for Uruguay Round
- The Uruguay Round Negotiations - Objectives, Issues and Achievements
- Establishment of the WTO - Scope, Objectives, Structure & Functions
- The Law of WTO Obligations
- GATT 1994 and Trade in Goods
- GATT 1994 and Trade in Services
- GATT 1994 and Trade Related Intellectual Property Rights (TRIPS)
- GATT 1994 and Trade Policy Review Mechanism
- Post-Uruguay Round Developments

10. WTO Multilateral Agreements on Trade in Goods

- Distinction between GATT 1947 and GATT 1994
- WTO Agreements on Trade in Goods – A Study on Agreement on Agriculture, Textiles and Clothing, Sanitary & Phytosanitary, Technical Barriers to Trade
- Other Agreements including Agreement on Anti-Dumping, Customs Valuation, Pre-Shipment Inspection, Rules of Origin, Import Licensing Procedures, Subsidies and Countervailing Measures, Safeguards, Investments
- Agreements on Trade in Goods – Issues and Challenges for Developing Countries

11. ITL and Trade in Services

- Distinction Between GATT and GATS
- Growing Importance of Services in International Trade
- International Agreements for Liberalization for Trade in Services
- GATS and Liberalization of Trade in Services
- General Obligations and Specific Commitments under GATS
- GATS and Developing Countries
- GATS and Legal Services – A case Study of India

12. Intellectual Property &ITL

- IPR Regulations under Paris and Berne Regimes
- WIPO and IP Regulations – Concerns of Developing Countries
- Uruguay Round Negotiations and IPR Issues
- TRIPS Agreements – A Critical Analysis
- TRIPS and Developing Countries
- TRIPS and India – Issues, Challenges and Achievements

13. WTO and Recent Developments

- TPTM and Trade Developments
- Post WTO Developments
- Doha Round Negotiations
- Recent Other developments

14. ITL and Environment

- Linkage Between International Trade Law and Environment
- Concept of Free Trade and the Environmental Implications
- **Trade and Environment Issues: International Environmental Conventions**
- Basel Convention and Trade Issues; CITES Convention and Trade Issues;
- Montreal Protocol on Substances that Deplete the Ozone Layer;
- UN Framework Convention on Climate Change, 1992; and the Convention on
- Biological Diversity, 1992
- The Tuna/Dolphin Controversy-1 and II
- **GATT Provisions and Protection of the Environment**
- Article XX of the GATT Agreement on Measures to Protect Environment
- Environment Provisions of the Uruguay Round
- **WTO and Environment**
- Trade and Environment and Other WTO Agreement
- Report of the Committee on Trade and Environment
- Law Relating to the Concept of Sustainable Development

15. Domestic Implementation of ITL in India

- Domestic Implementation of International Law in India
- Nature and Quantum of India's International Trade Relations
- India's Accession to Various International Trade Treaties
- India and GATT
- India's Accession to the WTO
- Implications of Various WTO Provisions on India
- New Issues and India's Response
- India and WTO Dispute Settlement

How to Study the ITL?

Thanks