

UNDERSTANDING INTERNATIONAL TRADE LAW

Professor: AHN, Dukgeun
Classroom: Building 140-2/R202
Class: Tuesday 2:00-5:00pm
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COURSE DESCRIPTION

The Korean government announced an increase in the tax rate on *soju* from 35 percent to 72 percent, stating that the measure was necessary to comply with a decision of the World Trade Organization (WTO) Dispute Settlement System. Similarly, the Japanese and Chilean governments were recommended to amend their domestic tax regimes for alcoholic beverages—*shochu* and *pisco*, respectively—following challenges initiated by the European Communities before the WTO. These cases raise fundamental questions concerning “economic sovereignty” in the formulation of domestic tax policies. To what extent may international trade rules constrain national regulatory authority, and which institutions are empowered to make such determinations? The WTO Agreements have played a significant role in establishing and maintaining a rule-based global trading system.

Notwithstanding these developments, the WTO system has faced substantial challenges in recent years. In particular, the policies adopted by the Trump administration raised serious concerns regarding the functioning and legitimacy of the WTO. What were the underlying issues, and why were such policies strongly opposed by a broad range of actors within the international community?

This course examines recent developments in the world trading system, with a particular focus on the core trade rules administered under the auspices of the WTO. The principal objective of the course is to equip students with the essential knowledge and analytical skills required for professional practice or advanced scholarly inquiry in this field. Emphasis is placed on policy and legal issues that have become increasingly salient in the contemporary international trading system. The course includes an analysis of selected reports issued by WTO panels and the Appellate Body, with the aim of enhancing students’ understanding of current WTO jurisprudence. Core issues of the world trading system are addressed in this course, while more applied topics are covered in the separate course entitled *WTO and Multilateral Trade Agreements*.

Student performance will be assessed on the basis of class participation (30 percent), case summaries (20 percent), and a group presentation (50 percent).

COURSE OUTLINE

The assigned reading list for this course is primarily based on P. van den Bossche and Werner Zdouc, *Law and Policy of the World Trade Organization* (5th ed., 2021). Students with a strong interest in particular topics are encouraged to consult the materials listed in the recommended reading sections, which

may not be covered in full during class sessions. In addition, occasional handouts will be distributed to supplement the assigned readings and to reflect ongoing developments in the international trading system.

Students are also strongly advised to remain informed about current developments in international trade. Useful sources include, inter alia, the “World Trade” section of the *Financial Times*, *The Economist*, and specialized trade publications such as *Inside U.S. Trade*.

In recent years, a wide range of additional textbooks and research materials on international trade law—particularly online resources—have become available. Students may find the following works useful for further study and research:

- John H. Jackson, *The World Trading System* (2nd ed., 1997).
- J. Jackson, W. Davey, and A. Sykes, *Legal Problems of International Economic Relations* (7th ed., 2021).
- Petros C. Mavroidis, *The Regulation of International Trade*, Vols. I–III (2020).
- Raj Bhala, *International Trade Law*, Vols. I–VIII (6th ed.), available at the University of Kansas ScholarWorks repository. < <https://kuscholarworks.ku.edu/>>
- H. Gao, J. Hillman, N. Lamp, and J. Pauwelyn, *International Trade Law: A Casebook for a System in Crisis*, available through the Geneva Trade Platform. < <https://genevatradeplatform.org/e-casebook/>>
- J. Weiler, J. Arato, S. Cho, and K. Claussen, *International Trade Law through the Cases* (2025), available through the Jean Monnet Program. <<https://jeanmonnetprogram.org/resources/the-law-of-the-world-trade-organization-through-the-cases/teaching-materials/>>

1. Introduction to the Study of International Trade Law and Policy

REQUIRED

- World Trade Organization, <www.wto.org>.

RECOMMENDED

- Stanford GATT Digital Library <<https://exhibits.stanford.edu/gatt>>
- <www.worldtradelaw.net>
- GATT Analytical Index, <https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_e.htm>
- WTO Analytical Index, <https://www.wto.org/english/res_e/publications_e/ai17_e/ai17_e.htm>
- WTO Document Online, < <https://docs.wto.org/dol2fe/Home.aspx>>
- John H. Jackson, *International Economic Law: Reflections on the “Boilerroom” of International Relations*, *American University Journal of International Law and Policy*, Vol. 10, pp. 595-606 (Winter 1995).
- Alan O. Sykes, “International Trade”, *Encyclopedia of Law and Economics*, <<https://reference.findlaw.com/lawandconomics/5910-international-trade.pdf>> .

2. Institutional Evolution of the GATT/WTO and Future Challenges

REQUIRED

- van den Bossche & Zdouc, *Law and Policy of the World Trade Organization*, Ch. 2.

RECOMMENDED

- John Croome, Reshaping the World Trading System: A History of the Uruguay Round (2nd ed. 1999, Kluwer Law International).
- William Diebold, Jr., The End of the ITO (1952, Princeton Univ. Press).
- Douglas Irwin, Petros Mavroidis, Alan Sykes, The Genesis of the GATT (2009, Cambridge Univ. Press).
- John H. Jackson, Restructuring the GATT System (1990, The Royal Institute of International Affairs).
- Orin Kirshner ed., The Bretton Woods-GATT System: Retrospect and Prospect After Fifty Years (1996, M.E. Sharpe).
- Benn Steil, The Battle of Bretton Woods: John Maynard Keynes, Harry Dexter White and the Making of a New World Order (2014, Princeton Univ. Press).
- Craig VanGrasstek, The History and Future of the World Trade Organization (2013).
- Thomas Zeiler, Free Trade, Free World: The Advent of GATT (1999, Univ of North Carolina Press).
- WTO, The Future of the WTO (2004).
- GATT, The WTO: A New Organization for a New Era (GATT/WTO News, GW/11, December 21, 1994).
- Alan Wm. Wolff, Trump's proposed reforms of the WTO: Some good, some not (PIIE) (Dec. 2025) <<https://www.piie.com/blogs/realtime-economics/2025/trumps-proposed-reforms-wto-some-good-some-not>>

3. Current Reality of the WTO Dispute Settlement System

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 3.

RECOMMENDED

- Robert E. Hudec, Enforcing International Trade Law: The Evolution of the Modern GATT Legal System (1993, Butterworth Legal Publishers).
- John H. Jackson, The World Trade Organization: Constitution and Jurisprudence (1998, The Royal Institute of International Affairs).
- John H. Jackson, Dispute Settlement and the WTO: Emerging Problems, Journal of International Economic Law, Vol. 1, No. 3, pp. 329-351 (Sep. 1998).
- Gabrielle Marceau, A History of Law and Lawyers in the GATT/WTO (2015, Cambridge Univ. Press).
- David Palmeter & Petros C. Mavroidis, Dispute Settlement in the World Trade Organization: Practice and Procedure (2nd ed. 2004, Kluwer Law International).
- J. Waincymer, WTO Litigation (2002, Cameron May).
- Special Issue: WTO Dispute Settlement System, Journal of International Economic Law, Vol. 1, No. 2 (June 1998).
- WTO, The WTO Dispute Settlement Procedures: A Collection of the Legal Texts (1995).
- WTO, Handbook on the WTO Dispute Settlement System (2nd ed. 2017).
<https://www.wto.org/english/tratop_e/dispu_e/dispu_settlement_cbt_e/signin_e.htm>

4. Non-discrimination Principle: Most-Favored Nation (MFN) and National Treatment

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 4 & 5.
- WTO, *Indonesia - Certain Measures Affecting the Automobile Industry* (WT/DS54,55,59,64/R)
- WTO, *Korea-Taxes on Alcoholic Beverages* (WT/DS75/R)
- WTO, *Korea-Measures Affecting Imports of Fresh, Chilled and Frozen Beef* (WT/DS161, 169/R)

RECOMMENDED

- Warren F. Schwartz & Alan O. Sykes, *The Economics of the Most Favored Nation Clause*, pp.43-79 (Jagdeep S. Bhandari & Alan O. Sykes eds., Economic Dimensions in International Law: Comparative and Empirical Perspectives (1997, Cambridge University Press)).

5. Regional Trading Arrangement

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 10.
- WTO, *Turkey-Restrictions on Imports of Textile and Clothing Products* (WT/DS34/R).

RECOMMENDED

- W. Davey & A. Sapir, "The Soft Drinks Case: The WTO and Regional Agreements", World Trade Review, 8:1, 5-23 (2009).

- Lorand Bartels, Regional Trade Agreements and the WTO Legal System (2007).

- James Mathis, Regional Trade Agreements in the GATT/WTO: Article XXIV and the Internal Trade Requirement (2002).

- Jeffrey A. Frankel, Regional Trading Blocs: In the World Economic System, (1997, Institute for International Economics).

- Jon R. Johnson, The North American Free Trade Agreement: A Comprehensive Guide (Canada Law Book, 1994).

- Bruce E. Moon, Dilemmas of International Trade (1996, Westview Press).

- Paul Demaret, et al., Regionalism and Multilateralism after the Uruguay Round (European Interuniversity Press, 1997).

6. General Exceptions for Trade: GATT Article XX

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 8.

- WTO, *United States-Import Prohibition of Certain Shrimp and Shrimp Products* (WT/DS58/R & WT/DS58/RW).

RECOMMENDED

- Dukgeun Ahn, "Environment Disputes in the GATT/WTO: Before and After US-Shrimp Case", Michigan Journal of International Law, Vol. 20, No. 4 (1999).

- Daniel C. Esty, Greening the GATT: Trade, Environment, and the Future (1994, Institute for International Economics).

- Ernst-Ulrich Petersmann, International and European Trade and Environmental Law After the Uruguay Round (1995, Kluwer Law International).

- Thomas J. Schoenbaum, *International Trade and Protection of the Environment: The Continuing Search for Reconciliation*, American Journal of International Law, Vol. 91, No. 2, pp. 268-313 (April 1997).

7. Security Exceptions for Trade: GATT Article XXI

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 8.
- WTO, *Russia - Measures Concerning Traffic in Transit* (WT/DS512/R).
- WTO, *Saudi Arabia - Measures Concerning the Protection of Intellectual Property Rights* (WT/DS567/R).

RECOMMENDED

- CRS, Section 232 Investigations: Overview and Issues for Congress, May 18, 2021.
- P. V. Bossche and S. Akpofure, *The Use and Abuse of the National Security Exception under Article XXI(b)(iii) of the GATT 1994*, WTI Working Paper No. 03, 2020.
- K. Claussen, 'Trade's Security Exceptionalism', *Stan. L. Rev.*, 2020, 72, 1097-1164.
- Ji Yeong Yoo & Dukgeun Ahn, "Security Exceptions in the WTO System: Bridge or Bottle-Neck for Trade and Security?", *Journal of International Economic Law*, Vol. 19, pp.417-444 (June 2016).
- A. Roberts, H. C. Moraes and V. Ferguson, 'Toward a Geoeconomic Order in International Economic Trade and Investment,' *Journal of International Economic Law*, 2019, 22(4), 655-676.
- J. B. Heath, 'The New National Security Challenges to the Economic Order,' *Yale Law Journal*, 2020, 129, 1020.
- M. Pinchis-Paulsen, 'Trade Multilateralism and U.S. National Security: The Making of the GATT Security Exceptions,' *Michigan Journal of International Law*, 2020, 41(1), 109-193.
- James Bacchus, "The Black Hole of National Security," (CATO Policy Analysis No.936, Nov. 2022).

8. Trade Remedy Rules 1: Anti-Dumping Laws

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 11.
- WTO, *Korea - Sunset Review of Anti-Dumping Duties on Stainless Steel Bars* (WT/DS553/R)

RECOMMENDED

- Rainer M. Bierwagen, GATT Article VI and the Protectionist Bias in Anti-Dumping Laws (1990, Kluwer Law International).
- John H. Jackson & Edwin A. Vermulst eds., Antidumping Law & Practice: A Comparative Study (1989, University of Michigan Press).
- M. Matsushita, D. Ahn, & T. Chen, The WTO Trade Remedy System: East Asian Perspectives (2006, Cameron May).
- P. Mavroidis et al., The Law and Economics of Contingent Protection in the WTO (2010, Edward Elgar).
- Jorge Miranda et al., *The International Use of Antidumping: 1987-1997*, Journal of World Trade, Vol. 32, No. 5, pp. 5-71 (1998).
- Brink Lindsey & D. Ikenson, Antidumping Exposed (Cato Institute, 2003).
- E. Vermulst, The WTO Anti-dumping Agreement: A Commentary (2005, Oxford Univ. Press).

9. Trade Remedy Rules 2: Subsidies and Countervailing Duty

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 12.
- WTO, *Australia-Subsidies Provided to Producers and Exporters of Automotive Leather* (WT/DS126/R).
- WTO, *United States - Countervailing Duty Measures on Certain Products from China* (WT/DS437/R & WT/DS437/AB/R)

RECOMMENDED

- Jacques H.J. Bourgeois, Subsidies and International Trade: A European Lawyers' Perspective (1991, Kluwer Law and Taxation).
- M. Jean Anderson & Gregory Husisian, *The Subsidies Agreement*, pp. 299-358 (Terence P. Stewart ed., The World Trade Organization: The Multilateral Trade Framework for the 21st Century and U.S. Implementing Legislation (1996, American Bar Association)).
- Cartland, Michel, Depayre, Gérard & Woznowski, Jan. "Is Something Going Wrong in the WTO Dispute Settlement?", Journal of World Trade 46:5 (2012), 979–1016.
- Meredith A. Crowley and David Palmetter, "Japan – Countervailing Duties on Dynamic Random Access Memories from Korea", World Trade Review, 8: 1, 259–272 (2009).
- G. Horlick & P. Clarke, "Rethinking Subsidy Disciplines For the Future" (2016, ICTSD & WEF),
- WTO, World Trade Report 2006: Exploring the links between subsidies, trade and the WTO (2006).

10. Trade Remedy Rules 3: Safeguard Measures

REQUIRED

- van den Bossche & Zdouc, Law and Policy of the World Trade Organization, Ch. 9.
- WTO, *Korea- Definitive Safeguard Measures on Imports of Certain Dairy Products* (WT/DS98/AB/R).
- WTO, *United States - Definitive Safeguard Measures on Imports of Certain Steel Products* (WT/DS248,249,251,252,253,254,258,259/R)

RECOMMENDED

- Dukgeun Ahn, *Restructuring the WTO Safeguard Mechanism*, in The WTO Trade Remedy System: East Asian Perspectives (eds. by M. Matsushita, D. Ahn and T. Chen; Cameron May, 2006).
- Alan O. Sykes, The WTO Agreement on Safeguards: A Commentary (2006).
- Edwin Vermulst & Folkert Graafsma, "EU Safeguard Law and Practice: 1995–2018", Global Trade and Customs Journal, 13:9 (2018).

Course Schedule

Date (provisional)	Topics
3/3	1. Introduction to the Study of International Trade Policy and Law
3/10	2. Institutional Evolution of the GATT/WTO and Future Challenges
3/17	3. Current Reality of the WTO Dispute Settlement System
3/25 [12:30-2:00]	Guest Lecturer
3/31	4. Non-discrimination Principle MFN: <i>Indonesia – Automobile</i> (DS54,55,59,64) NT 1: <i>Korea- Alcoholic Beverages</i> (DS 75) NT 2: <i>Korea- Beef</i> (DS 161, 169)
4/7	5. Regional Trading Arrangement <i>Turkey- Textile</i> (DS 34)
4/14	6. General Exceptions for Trade <i>United States- Shrimp</i> (DS 58) <i>United States- Shrimp</i> (DS 58) (Article 21.5)
4/21	7. Security Exceptions for Trade <i>Russia - Traffic in Transit</i> (DS 512) <i>Saudi Arabia - Intellectual Property</i> (DS567)
4/28	8. Trade Remedy Rules 1: Anti-Dumping Laws
5/12	8. Trade Remedy Rules 1: Anti-Dumping Laws <i>Korea - Stainless Steel</i> (DS553)
5/19	9. Trade Remedy Rules 2: Subsidies and Countervailing Duty
5/26	9. Trade Remedy Rules 2: Subsidies and Countervailing Duty <i>Australia- Automotive Leather</i> (DS 126) <i>United States - Countervailing Duty</i> (DS437)
6/2	10. Trade Remedy Rules 3: Safeguard Measures <i>Korea- Dairy Products</i> (DS 98) <i>United States - Steel Safeguards</i> (DS248,249,251,252,253,254,258,259)