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GATT/ WTO

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I. INTRODUCTION

The **General Agreement on Tariffs and Trade** (GATT), which was signed in 1947, is a multilateral agreement regulating trade among about 150 countries. According to its preamble, the purpose of the GATT is the “substantial reduction of tariffs and other trade barriers and the elimination of preferences, on a reciprocal and mutually advantageous basis.”

The GATT functioned *de facto* as an organization, conducting eight rounds of talks addressing various trade issues and resolving international trade disputes. The Uruguay Round, which was completed on December 15, 1993 after seven years of negotiations, resulted in an agreement among 117 countries (including the U.S.) to reduce trade barriers and to create more comprehensive and enforceable world trade rules. The agreement coming out of this round, the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, was signed in April 1994. The Uruguay Round agreement was approved and implemented by the U.S. Congress in December 1994, and went into effect on January 1, 1995. **WorldTradeLaw.net** (<http://library.duke.edu/metasearch/db/id/DUK00934>) contains WTO negotiating history materials.

This agreement also created the **World Trade Organization** (WTO), which came into being on January 1, 1995. The WTO implements the agreement, provides a forum for negotiating additional reductions of trade barriers and for settling policy disputes, and enforces trade rules. The WTO launched the ninth round of multilateral trade negotiations under the “Doha Development Agenda” (DDA or Doha Round) in 2001. “Doha Development Agenda: Negotiations, Implementation and Development” provides information about the Doha Round and links to texts that have been generated by the negotiations (http://www.wto.org/english/tratop_e/dda_e/dda_e.htm).

GATT and WTO materials are available in the Goodson Law Library and in Perkins. The Davis Library at the University of North Carolina has been a depository library for GATT materials, and continues to receive most of the materials published by the WTO.

II. TEXT OF AGREEMENTS AND OTHER DOCUMENTS

The text of the original agreement establishing the GATT, with annexes and schedules, is attached to the Final Act of the United Nations Conference on Trade and Employment. It was not signed as a separate document, but is in force among the contracting parties through the Protocol of Provisional Application and the subsequent Protocols of Accession. These documents are found at 61 Stat. A3 and 55 U.N.T.S. 187. The Protocol of Provisional Application, which was signed by the eight principal states involved in the negotiations (including the U.S.), is published at 61 Stat. A2051 and 55 U.N.T.S. 308.

The Final Act Embodying the Results of the Uruguay Round of Multinational Trade Agreements consists of the Final Act itself, the Agreement establishing the WTO (“WTO Agreement”) and agreements annexed to it, and additional GATT agreements, decisions and declarations. The text can be found in various sources: 1867 U.N.T.S. 3, 33 I.L.M. 9 (1994) (December 1993 text) and 33 I.L.M. 1143 (1994)(April 1994 text), *The Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations* (K4603 1987 .A3 1994), *The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations* (K4603 1987.A4 1999); reprint of *The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts* (Perkins Ref. 382.92 R436, 1994) and in *The Uruguay Round of Multilateral Trade Negotiations* (Microforms Room, filed with GATT Documents). The text is also available online on the WTO Web site (http://www.wto.org/english/docs_e/legal_e/final_e.htm), in Lexis (INTLAW;GATT) and Westlaw (GATT database; to find it run the search *pr (final)*), and on WorldTradeLaw.net (<http://library.duke.edu/metasearch/db/id/DUK00934>). Two of the most important of the annexed agreements are the *General Agreement on Trade in Services* (GATS), 33 I.L.M. 44 (1994)(December 1993 text) and 1869 UNTS 183, 33 I.L.M. 1167 (1994)(April 1994 text) and the *Agreement on Trade Related Aspects of Intellectual Property* (TRIPS), 33 I.L.M. 81 (1994) (December 1993 text) and 1869 UNTS 299, 33 I.L.M. 1197 (1994) (April 1994 text).

WTO Status of Legal Instruments (K4610.A15 W86), prepared by the WTO Secretariat, this publication updates the status of the Agreement establishing the WTO and its annexes, along with protocols of accession and other instruments drawn up under the auspices of the WTO.

The GATT Uruguay Round: A Negotiating History (Terence P. Stewart, ed.)(K4603 1987 .G38 1993) contains commentary and documents related to the negotiations process.

Guide to the Uruguay Round Agreements (K4603 1987 .W67 1999), edited by the WTO Secretariat, provides a detailed explanation of the legal significance of the agreements coming out of the Uruguay Round of negotiations.

In addition to the texts of all the agreements, *Law and Practice of the World Trade*

Organization (K 4600. L38) contains other primary documents such as ministerial declarations and decisions. *Guide to GATT Law and Practice: Analytical Index* (K4602.2 .G84 1995) includes the text of the agreement, the application and interpretation of its provisions, the drafting history and other relevant documents. It is succeeded by the *WTO Analytical Index: Guide to WTO Law and Practice* (Reserve).

Other GATT & WTO documents are available in a variety of sources:

The “Documents Gateway” on the WTO website provides links to WTO legal texts and official documents (including texts of the WTO agreements) as well as to documents issued under the GATT (http://www.wto.org/english/docs_e/docs_e.htm).

Basic Instruments and Selected Documents (BISD) (K4602 .B36). This annual publication is the primary source of GATT documents. It contains the text of GATT agreements and amendments, *Protocol of Provisional Application* and Annexes and other legal instruments (such as decisions, declarations, resolutions, and other selected documents). The WTO considers the documents in *BISD* to have the legal standing of the originals. Unfortunately, it is several years behind.

Basic Documents of International Economic Law (K3820 .A35 B37 1990 and on Lexis (Short Name INTLAW;BDIEL) and Westlaw in the IEL database) contains many of these same materials. The online versions are more current than the book.

GATT Digital Library (<http://gatt.stanford.edu/page/home>). This online library of more than 30,000 GATT documents from 1947 to 1994 is a joint project of the WTO and Stanford University. You must register to access the full texts of the documents, but registration is free. This site also includes bibliographies, research guides and links to other useful websites (<http://gatt.stanford.edu/page/resources>).

The WTO is working to produce a digital archive with all official documents issued under the GATT; more than half of the documents are available on the WTO website (http://www.wto.org/english/docs_e/gattdocs_e.htm). *GATT Documents* (called *WTO Documents* after 1994) (Microforms Room) is a microfiche set containing documents from 1984 to 1996 de-restricted by GATT. The fiche set includes committee reports, press releases, speeches, etc., as well as “Trade Policy Reviews” for member countries. Some documents, including documents from multilateral trade negotiations, have never been de-restricted or released. Documents are arranged by fiche number. These documents can be accessed by subject, product, GATT instrument number, and geographical location through a printed guide, the *List and Index of Documents Issued* (Microforms Room).

International Legal Materials (Periodicals) is a good source for current GATT documents. Legal materials are published here before they appear in *BISD*. *I.L.M.* also publishes selected GATT and WTO panel reports. It is online in HeinOnline (<http://library.duke.edu/metasearch/db/id/DUK00693>), Lexis (INTLAW;ILM) and Westlaw

(ILM database).

III. BACKGROUND INFORMATION

Raj Bhala, *Modern GATT Law* (K4600 .B53 2005) provides an article-by-article analysis of the GATT along with an examination of the case law (including WTO decisions) and a discussion of the legal aspects of GATT.

Current members of the Duke Law community have access to BNA's *WTO Reporter* and *International Trade Reporter* (<http://library.duke.edu/metasearch/db/id/DUK02057>) which are excellent sources for both primary and background materials (older print editions of the *International Trade Reporter* are in Superseded Looseleaves). You can view issues online or sign up for e-mail delivery of upcoming issues. The *WTO Reporter* is a daily digest covering issues such as accession to the WTO, antidumping regulations, and taxation; it also includes regular analysis of domestic and international case law on trade issues. The *International Trade Reporter* contains both digests and full texts of administrative and judicial decisions on U.S. trade policy along with information on pending legislation and proposed regulations, Congressional hearings and information on/by the International Trade Commission, U.S. Trade Representative and other bodies.

Walter Goode, *Dictionary of Trade Policy Terms* (5th ed.) (Ref. HF1373 .G66 2007) is a guide to the terminology used in trade negotiations, focusing on the WTO.

John Howard Jackson, *The World Trade Organization: Constitution and Jurisprudence* (K4600 .J34 1998) and *The World Trading System: Law and Policy of International Economic Relations* (2d ed.) (K4602.2 .J34 1997 & NetLibrary).

Law and Practice of the World Trade Organization (K4600 .L38) includes texts of documents that created the WTO, commentary, and decisions of the WTO Dispute Settlement panels. It continues *Law and Practice Under the GATT* (K4602.2 .L38 1988) which provides basic documents, analysis, and commentaries.

Mitsuo Matsushita, Thomas J. Schoenbaum and Petros C. Mavroidis, *The World Trade Organization: Law, Practice and Policy* (2d ed.) (K4602.2 .M384 2006) provides an analysis of WTO activities with an emphasis on the dispute settlement system.

Petros C. Mavroidis, *The General Agreement on Tariffs and Trade: A Commentary* (*Oxford Commentaries on the GATT/WTO Agreements*) (K4600 .M288 2005)

Amrita Narlikar, *The World Trade Organization: A Very Short Introduction* (HF1385 .N37 2005) focuses on the politics of the WTO.

The Oxford Handbook of International Trade Law (Daniel Bethlehem [et al.], eds.) (K1005 .O94 2009)

Jeanne Rehberg, *WTO and GATT Research* (<http://www.law.nyu.edu/library/research/researchguides/wtogattresearch/index.htm>) provides sources for WTO/GATT research with citations and descriptions.

Ellen G. Schaffer, "The World Trade Organization: A Bibliographic Overview of its Publications" in *Introduction to International Business Law: Legal Transactions in a Global Economy* (Ref. K 1001 .I57 1996).

To find other works about the GATT, search in the online catalog under Library of Congress subject headings such as "*General Agreement on Tariffs and Trade (Organization)*," "*World Trade Organization*" and "*Foreign Trade Regulation*."

IV. DISPUTE RESOLUTION

Reports by panels of experts have been an essential part of the GATT dispute settlement system since the 1950's. This system continues in the WTO, with some changes in procedure and enforcement. *The WTO Dispute Settlement Procedures: A Collection of the Relevant Legal Texts* (2d ed.) (K3943 .A35 W86 2001) contains the dispute settlement materials under GATT 1947 and the Agreement Establishing the WTO.

The WTO website (http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm) contains the full text of adopted GATT reports and WTO panel, appeal and arbitration rulings along with updates of all WTO dispute settlement cases. You can print reports in either HTML or Word (by choosing E (for English) under "Original Format"). To print them in Word, go to "File" | "Page Setup" and change the default paper size from A4 (a European format) to "letter" (you don't have to change the paper size if you print in HTML). Be aware that these decisions are often very lengthy; Worldtradelaw.net (<http://library.duke.edu/metasearch/db/id/DUK00934>) is an excellent source for summaries. Because these reports are available in many sources, it's a good idea to cite to paragraph numbers since they all include the paragraph numbering.

Dispute Settlement Reports (K4600.A53 W67) includes Panel and Appellate Body reports and arbitration awards under the WTO agreements. These are the WTO authorized and paginated English reports (coverage begins in 1996).

World Trade Organization Dispute Settlement Decisions: Bernan's Annotated Reporter (K4600 .A495 W67) provides the full text of all WTO Panels and Appellate Body decisions in chronological order (updated through 2003).

Worldtradelaw.net includes GATT and WTO panel reports (<http://library.duke.edu/metasearch/db/id/DUK00934>), along with statistics, summaries and analyses (<http://www.worldtradelaw.net/dsc/stats.htm>). Links to submissions of various governments in WTO disputes can be found on this Web site as well

(<http://www.worldtradelaw.net/submissions.htm>). U.S. briefs filed in WTO Dispute Settlement Proceedings are also available on the Web site of the Office of the U.S. Trade Representative - (<http://www.ustr.gov/trade-topics/enforcement/dispute-settlement-proceedings>).

WTO Appellate Body Repertory of Reports and Awards, 1995-2004 (K4610.A7 W67 2005) is an excellent subject guide to Appellate Body and Arbitration awards; it will be updated regularly. *The American Law Institute Reporters' Studies* (K2400.A53 W78) is a series of yearly analyses of case law from the adjudicating bodies of the WTO, beginning with *The WTO Case Law of 2001*.

Other places to find panel reports and decisions include:

Basic Instruments and Selected Documents (K 4602 .B36) contains GATT dispute settlement decisions.

Basic Documents of International Economic Law (K 3820 .A35 B37 1990 and on Lexis (INTLAW;BDIEL) and Westlaw (IEL database)); the online versions are more up-to-date, but still run a year or so behind).

International Legal Materials (Periodicals and in HeinOnline, Lexis (INTLAW;ILM) and Westlaw (ILM database)).

International Trade Law Reports (K3943.I58) includes commentaries along with the texts of decisions.

Law and Practice Under the GATT (K4602.2 .L38 1988), which is continued by *Law and Practice of the World Trade Organization* (K4600 .L38).

WTO Law, Litigation & Policy: Sourcebook of Internet Material (K4610 .M34 2007) is a compendium of important legal and policy documents made available on the Internet.

Lexis

Lexis contains GATT and WTO reports which you can find with keyword searches (INTLAW; GTTWTO).

You can also find GATT and WTO decisions in the online version of *Basic Documents of International Economic Law* (INTLAW;BDIEL). For GATT reports use the search query *title(gatt and panel report) and [key words]*; for WTO reports used the query *title (world trade organization and report) and [key words]*.

To search the online version of *International Legal Materials* (INTLAW;ILM) use the query *title(general agreement and panel report) and [key words]* to find GATT panel reports. To find WTO reports used the query *title (world trade organization and report)*

and [key words].

Westlaw:

GATT and WTO panel reports are available in the WTO-DEC database. For GATT reports use the search query *so*("general agreement") & *ti*(key words). For WTO reports use the search query *so*("world trade organization") & *ti*(key words). GATT and WTO panel reports are also available in the online version of *Basic Documents of International Economic Law* (IEL). Use the query *ti*(gatt & "panel report" & [key words]) to find GATT reports. To find WTO reports use the search query *ti*("world trade organization" & report & [key words]) .

Search *International Legal Materials* online (ILM) for GATT panel reports with the query *ti*("general agreement" & "panel report" & [key words]). For WTO reports use *ti*("world trade organization" & report & [key words]).

Useful works about the dispute settlement system include:

A Handbook on the WTO Dispute Settlement System (prepared by the WTO Legal Affairs Division and the Appellate Body) (K4610 .W67 2004).

Mitsuo Matsushita, Thomas J. Schoenbaum and Petros C. Mavroidis, *The World Trade Organization: Law, Practice and Policy* (2d ed.) (K4602.2 .M384 2006) .

David Palmeter and Petros C. Mavroidis, *Dispute Settlement in the World Trade Organization: Practice and Procedure* (2d ed.) (K4610 .P346 2004).

Joost Pauwelyn et al., *The WTO Dispute Settlement System 1995-2003* (K4610 .W786 2004).

Pierre Pescatore et al., *Handbook of WTO/GATT Dispute Settlement* (K4602.2 .P47 1991) provides an overview of GATT, and includes texts of the agreements and selected and edited dispute settlement decisions. It also explains how to find texts of panel reports and analyzes dispute settlement decisions. It is current through August 2000 and will no longer be updated.

V. PERIODICALS

The WTO's *Annual Report* (K4610.A15 A56 & http://www.wto.org/english/res_e/reser_e/annual_report_e.htm) (formerly *GATT Activities in [year]*) is the annual review of the work of the organization.

WTO Focus (http://www.wto.org/english/res_e/focus_e/focus_e.htm) (formerly *GATT Focus*) is a newsletter that comes out six times a year and covers negotiations, dispute settlements and other activities.

World Trade Review (Periodicals & <http://library.duke.edu/metasearch/db/id/DUK01972>), established by the WTO in cooperation with Cambridge University Press, this journal contains articles on issues of relevance to the multilateral trading system.

The *Yearbook of the United Nations* (Periodicals & <http://unyearbook.un.org>) briefly covers GATT activities.

VI. U.S. LEGISLATION, REGULATIONS AND JUDICIAL DECISIONS

The implementing legislation, known as the Uruguay Round Agreements Act, was passed in December, 1994 (Pub. L. No. 103-465, 108 Stat. 4809).

Other legislation and regulations can be found in *Statutes at Large*, the *U.S. Code*, and the CFR. Some cases interpreting the statutes and regulations will be in the *Decisions* section of the *BNA International Trade Reporter* (<http://library.duke.edu/metasearch/db/id/DUK02057>). Congressional materials (hearings, reports, etc.) are available through the regular resources such as the *CIS Annual*.

VII. INTERNET SOURCES

The WTO website (<http://www.wto.org>) contains press releases, panel reports, trade policy reviews and other materials.

Worldtradelaw.net (<http://library.duke.edu/metasearch/db/id/DUK00934>) includes the texts of WTO agreements, and GATT and WTO panel reports along with statistics, summaries and analyses .

The United States Trade Representative's Web site (http://www.ustr.gov/WTO/Section_Index.html) includes materials pertaining to the WTO.

VIII. CITING WTO & GATT DOCUMENTS

Rule 21.8.4 (a) of the *Bluebook* explains how to cite WTO panel decisions and rulings.

Rule 21.8.4 (b) explains how to cite GATT panel decisions.

Rule 21.8.4 (c) provides citation formats for reports.

Rule 21.8.4 (d) covers the founding agreements.

Guidelines for Finding and Citing Paper Sources for GATT/WTO Documents (<http://local.law.umn.edu/library/pathfinders/GATT-WTOcites.html>) provides detailed explanations and examples illustrating how these documents should be cited.

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