The Phrasing of GATS V

Implications for the Architecture of International Trade Law

Doctoral Workshop 2011, Bern, February 25-26
Charlotte Sieber-Gasser, charlotte.sieber@wti.org
The Task of GATS V: General

- Enable deeper Integration
- Prevent Dilution of WTO Law
- Protect Systemic Logic of Int. Trade
- Empower Members
The Reality of GATS V: General

- Enable Deeper Integration ✅
- Prevent Dilution of WTO Law ❌
- Protect Systemic Logic ❌
- Empower Members ❓

→ Case-Law, Amending GATS V, Framework-Treaty
GATS V and the Global South

- Protect weak Economies
- Promote Economic Development
- Enable the South to Catch-Up
- Encourage South-South Integration
GATS V: Challenge in the South

- Protect weak Economies ✓
- Promote Economic Development ☐
- Enable the South to Catch-Up ☑
- Encourage South-South Integration ☑

→ Flexibility (Sectors, single Services), Legal Security, Development Focus, Waiver
GATS V and WTO Law

- Lack of Legal Security weakens the System
- Too much vs. Too little Flexibility
- Too many Spaghettis are unhealthy

Thank you!

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Discussion

Are the Weaknesses of GATS V typical?

• If **yes**, why bother?
• If **yes**, is the WTO Law no longer up to the task?
• If **no**, but Change is unlikely to happen – are there other, better equipped Instruments to deal with the Task of GATS V?