

## NCCR Trade Regulation Brown Bag Series

Gabriel Gari, Senior Lecturer, Centre for Commercial Law Studies, at Queen Mary University of London

### Is the GATS approach to international standards on services outdated?

Monday, 15 February 2016, 12.30 – 13.30

Silva Casa Auditorium, World Trade Institute, University of Bern  
Hallerstrasse 6, 3012 Bern, Switzerland

[More Info](#) 

#### Abstract

This paper reviews the role that international standards on services play in defining GATS' Members rights and obligations. It argues that the stagnation of traditional international law-making and the concomitant rise of international standards on services, which in all likelihood will continue to grow, call into question the wisdom of a strictly Member-driven approach to the liberalisation of trade in services based on a rigid understanding of WTO autonomy. It advocates a new approach that: a) gives international standards greater influence in disciplining GATS Members' right to regulate, b) creates new and more effective mechanisms for institutional cooperation between GATS bodies and relevant international standard setting bodies, and c) requests Members to encourage private standard setters to observe open and inclusive standard setting practices. The paper discusses the risks and opportunities of the approach outlined above and the pitfalls of continued rule-making paralysis, arguing that the GATS' embedded flexibility provides ample room to introduce proposed changes without the need for treaty reform. The paper argues, however, that the main obstacle to forward-movement stems from a prevalent rigid understanding of the autonomy of the WTO and the fear of being changed from outside. The paper suggests that intensified debate on the role of national sovereignty, state consent and inter-

governmentalism in services trade governance will be required if workable new disciplines are to emerge.

#### Biography of the Speaker

Gabriel Gari, from Uruguay, is a Senior Lecturer in International Economic Law at the Centre for Commercial Law Studies, at Queen Mary University of London. In 2013–2014, he was a visiting scholar in the Trade in Services Division of the World Trade Organization. His main research interest lies in the regulation of trade in services. He is member of the ICTSD-WEF E-15 Initiative expert group on Services. He has written widely on this matter and has consulted for various international organisations including the Latin American Export Services Association, the Inter-American Development Bank, the European Commission and the European Parliament. Dr Gari holds degrees in law and in sociology from the University of the Republic (Uruguay), an LLM in international business law (Merit) from the London School of Economics and Political Science and a PhD from Queen Mary University of London. He is a member of the Latin American and Caribbean Research Network on Services, the Latin American Network on International Economic Law and the Society of International Economic Law.

#### Participation is free of charge, no registration is needed.

NCCR Trade Regulation Brown Bag Seminars are 30-minute presentations, given by external or in-house researchers. The presentations are followed by a 30-minute Q&A session. The Brown Bag concept comes from the US; it means that people bring their own lunch and eat it during the presentation.