

WTO Dispute Settlement

8 – 12 January 2018

Course description

This course builds on the basic knowledge regarding WTO dispute settlement, which students have acquired in the course on *International Economic Law* during the first semester. This course will focus on the principles, institutions and proceedings of the WTO dispute settlement system as well as on the practice of WTO dispute settlement to date. Case law relating to jurisdiction of and access to the system and rules of interpretation and burden of proof will be discussed extensively. Also, the rules of conduct, the remedies for breach of WTO law and the special rules and assistance for developing-country Members will be dealt with in detail.

This week-long course is built around a WTO dispute settlement simulation exercise, *Batland – Quantitative Restrictions on Motorbikes*, complaints by Oldland (DS599) and Newland (DS600). The course starts on Monday, 8 January 2018, at 9:00, with a brief introduction of the topic of the course, of the assigned reading materials and of the simulation exercise. Students then have until Wednesday, 10 January 2018, noon, to study the reading materials and prepare for the simulation exercise in groups of three students. WTI staff will be stand-by to assist students where necessary and justified. Students have to write a case brief (one per group) on the issues raised in the simulation exercise. This brief must be submitted via ILIAS before noon.

On Wednesday afternoon, from 15:00 to 18:00, Dr. Werner Zdouc, will give a lecture on 'Recent Development in WTO Dispute Settlement'.

On Thursday and Friday, 11 and 12 January 2018, the students will 'play' the role in the simulation exercise (complainant 1, complainant 2, respondent, third party, WTO bodies and/or other actors) that has been assigned to them on Wednesday, 10 January 2018, 18:00. Students will be assigned a different role in each of the stages of the WTO dispute settlement process. The simulation exercise will be monitored by Dr. Fernando Pierola and Jesse Nicol, who will discuss with the students the multiple procedural issues raised in the simulation exercise and give them detailed feedback on their performance in the simulation exercise.

Course details

Participants: Open course (MILE, TRAIL+, DAS, CAS and à la Carte)

Requirement: Optional

Price: CHF 1'200 (only for à la Carte participants)

Format: Modular, Case study lecture

ECTS: 3 (only for MILE, TRAIL+, DAS and CAS)

Lecturers: Fernando Pierola, Jesse Nicol, Werner Zdouc

Fernando Pierola: Fernando Piérola is Senior Counsel at the Advisory Centre on WTO Law (ACWL) in Geneva, Switzerland. In this position, he represents governments of developing countries in WTO dispute settlement proceedings and provides legal advice and training on WTO law. In the past 15 years, he has participated in numerous disputes on trade remedies, market access barriers in goods, services and internal regulations. Prior to joining the ACWL, Dr Piérola worked for the Anti-Dumping and Subsidies Commission of Peru. He has also worked as a Research Fellow at the World Trade Institute. Dr Piérola is lecturer on international trade law at the World Trade Institute, the LL.M. Programme on International and European Economic and Commercial Law at the University of Lausanne and the LL.M. Programme on European and International Law at the Europa-Institut of Saarland University. Dr Piérola has written two textbooks on WTO dispute settlement and a book on WTO safeguard measures. He is a regular commentator on WTO law and jurisprudence. He is a member of the Editorial Board of the Global Trade and Customs Journal. Dr Piérola has a doctoral degree in law from the University of Bern, a Master's degree in Business Administration from the University of Geneva, and a Master's degree in International Law and Economics (MILE) from the World Trade Institute. He is a lawyer from the Catholic University of Peru.

Jesse Nicol: Mr Jesse Nicol is a Counsellor with the WTO Appellate Body Secretariat, where he provides assistance to Appellate Body Members in their adjudication of international trade disputes. Prior to joining the WTO, Mr Nicol worked as an attorney for the Office of the Legal Adviser at the US Department of State, where he negotiated bilateral investment treaties, litigated matters before international tribunals, and advised policy bureaus on matters of public international law. He also previously worked for the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP on a range of commercial and litigation matters. Mr Nicol completed graduate degrees in law and international relations at Georgetown University, where he served as an editor on the Georgetown Law Journal, and received his undergraduate degree from the University of California at Berkeley.

Werner Zdouc: Werner Zdouc has been Director of the WTO Appellate Body Secretariat since 2006. Mr. Zdouc obtained a law degree from the University of Graz in Austria. He then went on to earn a Ph.D. from the University of St. Gallen in Switzerland, and afterwards a LL.M. from Michigan Law School. Mr. Zdouc joined the WTO Legal Affairs Division in 1995. He moved to the Appellate Body Secretariat in

2001. Currently, he is also a lecturer and visiting professor for international trade law at Vienna Economic University and the University of Zurich. From 1987-1989 he worked for governmental and non-governmental development aid organizations. Mr. Zdouc has authored various publications on international economic law and EU trade law.