GATT PILLARS

FOUR PILLARS

Idea of four pillars within GATT/WTO system:

1. Most Favored Nations
2. National Treatment
3. Trade Liberalization (negotiated tariff reductions in trade rounds)
4. Non-Tariff Barriers & “Fair Trade”

CONSIDER WTO VIDEO AS PRINCIPLES ACROSS DIFFERENT AGREEMENTS, IDEA ALMOST OF CONSTITUTIONAL PRINCIPLES
GATT AS CONST I

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST

GATT 1947 AGREEMENT

I  Most Favored Nations

II  Schedules of Concessions (tariff reductions)

III National Treatment (internal taxation & regs)
GATT AS CONST II

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)

GATT 1947 AGREEMENT

IV Movies

V Freedom of Transit

VI Antidumping & Counterveiling Duties
GATT AS CONST III

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)

GATT 1947 AGREEMENT

VII Customs Valuation

VIII Import/Export Fees

IX Marks of Origin
GATT AS CONST IV

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)

GATT 1947 AGREEMENT

X Trade Regulation Publication (clear laws)

XI Elimination of Quantitative Restrictions (tariffication)

XII Balance of Payments & Safeguard Provisions
GATT AS CONST V

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)

GATT 1947 AGREEMENT

XIII  Non-Discrim Admin of Quant restrictions

XIV  Non-Discrim Exceptions (mostly monetary basis)

XV  IMF Exchange Arrangements

XVI  Subsidies
GATT AS CONST VI

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)

GATT 1947 AGREEMENT

XVII  State Trading Enterprises

XVIII LDCs & deviation

XIX  Emergency Surge Protection
## GATT AS CONST VII

*LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)*

### GATT 1947 AGREEMENT

<table>
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<th>Exceptions</th>
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<tbody>
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<td>Public Morals</td>
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<td>b.</td>
<td>protecting human, animal or plant life/health</td>
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<td>c.</td>
<td>import/export gold</td>
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<td>d.</td>
<td>intellectual property protection</td>
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<td>e.</td>
<td>Prison Labor Goods</td>
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<td>f.</td>
<td>National Treasures of artistic, historic or archaeological value</td>
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<td>g.</td>
<td>Exhaustible Natural Resources</td>
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<td>h.</td>
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<tr>
<td>i.</td>
<td>Local Market Materials</td>
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<td>j.</td>
<td>Material Shortages</td>
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GATT AS CONST VIII

LOOK AT ARTICLES I & II, WALK THROUGH THE GATT LIKE WOULD US CONST (CONTD)

GATT 1947 AGREEMENT

XXI National Security

XXII Good Faith Negotiation/Consultation

XXIII Nullification or impairment

XXIV Customs Unions & FTAs
MFN

BACK TO ARTICLE I

GATT 1947 AGREEMENT
TARIFF ISSUES I

TARIFF BINDINGS (STATE LEVEL)

Later we talk about tariffs at enterprise level as customs, here we talk about govt schedule level of tariff negotiations:

Problems:

1. Since there are different kinds of tariffs possible, can the govt negotiate under GATT/WTO one variety of tariff bindings, but then switch their tariff system and be in compliance still (US-Argentina proceedings re textiles & footwear)?

2. How to deal with the general problem that tariff schedules are negotiated by category rather than individual product, but then on a product level what do you do about disagreements whether individual products are placed in correct categories (bearing in mind that certain newer products present special problems, since when the categories were negotiated in 1960s the newer products had not yet been invented (US-EU proceedings re LAN as computer versus telecommunications products)?
TARIFF ISSUES II

TARIFF BINDINGS (STATE LEVEL) (Cont’d)

Note at state level the references to the Vienna Convention on treaties for technical rules for interpreting GATT/WTO as int’l agreement:

1. Normal rule is go with plain meaning of text, purpose of the treaty (in context)

2. In cases of ambiguity, can refer to treaty negotiations, etc. (legislative history equivalents)

US LAWYERS NOTE THAT TREATY INTERPRETATION RULES DIVERGE FROM OUR LEGISLATIVE INTERPRETATION RULES, FOLLOWING INSTEAD CIVIL LAW PRACTICE