

The rules and practice of treaty interpretation,
including a specific focus on WTO law

16 – 20 September 2024

Course Goals and content

This interactive course combines in-depth analysis of the rules and practice of treaty interpretation with activities inviting participants to apply these rules to specific interpretative questions related to current challenges and conundrums. The course focuses on the Public International Law rules of interpretation, including those codified in the Vienna Convention on the Law of Treaties, other principles of interpretation not codified therein, and on the institutional, as well as the political and historical factors that influence the interpretation of treaties. During the first part of the week, participants will explore the use of these rules and principles in the practice of different international adjudicating bodies dealing with investment, environment, and law of the sea matters. During the second part of the week course, the focus will be on WTO dispute settlement reports. Participants will thus gain an understanding of the rules and practice of treaty interpretation both in general and in the specific context of WTO disputes. In addition, various exercises, including an "interpretation game", will allow them to acquire practical skills and to assess the role, the power, and the limits of interpretation in judicial reasoning and beyond. Students will be graded on the basis of exercises and class participation.

"All meanings, we know, depend on the key of interpretation." (George Eliot)

Grading

Class participation (20%); interpretation exercise (80%).

Timetable

The course takes place from Monday 16.09 to Friday 20.09. Schedule: The course takes place from Monday to Friday from 9.30 to 12.00 and from 13.30 to 16.00 at the World Trade Institute.

This is an intensive course. Please try to do (some) readings already before the course-week starts. Lecture notes, data, and code are made available prior to the lecture.

Course hours: 25 ECTS: 4

Lecturers



Jenya Grigorova is a Dispute Settlement Lawyer with the Legal Affairs Division of the WTO. She serves as a legal advisor to WTO dispute settlement panels. Jenya holds a PhD in International Law, an LLM in International Legal Studies and two Master of Laws. She is a visiting lecturer at University of Mannheim and was previously research and teaching assistant at NYU. She also served as assistant editor for the European Journal of International Law (EJIL). Before joining the WTO, Ms Grigorova worked in private practice as associate with Sidley Austin LLP (Brussels). She interned at the European Commission's Legal Service and the WTO Appellate Body and worked as research fellow at the Energy Charter Secretariat.

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Gabrielle Marceau, PhD, is Senior Counsellor in the Research Division (ERSD) of the WTO Secretariat since 1 May 2020. In September 1994 Ms Marceau joined the GATT Secretariat and for several years her main function was to advise panelists in WTO disputes, the Director-General's Office, the Secretariat and WTO Members. From September 2005 to January 2010, Ms Marceau was legal advisor in the Cabinet of former WTO Director-General Pascal Lamy, and from September 2016 to January 2017, she was acting director, Officer in Charge for Legal Affairs Division. Gabrielle Marceau is also Associate Professor at the Law Faculty of the University of Geneva. She is also involved with associations and groups promoting international (economic) law.

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Organization

The course is intended for PhD students in law or a closely related field who are interested in treaty interpretation, with a specific focus on WTO. Students from all Swiss universities may enrol. A limited number of people with relevant professional or academic interest may also be admitted.

Tuition fee: 500 CHF

Free of charge for students from Swiss Universities.

Location: World Trade Institute, University of Bern. Hallerstrasse 6, 3012 Bern

Send your application to:
phd.applications@wti.org