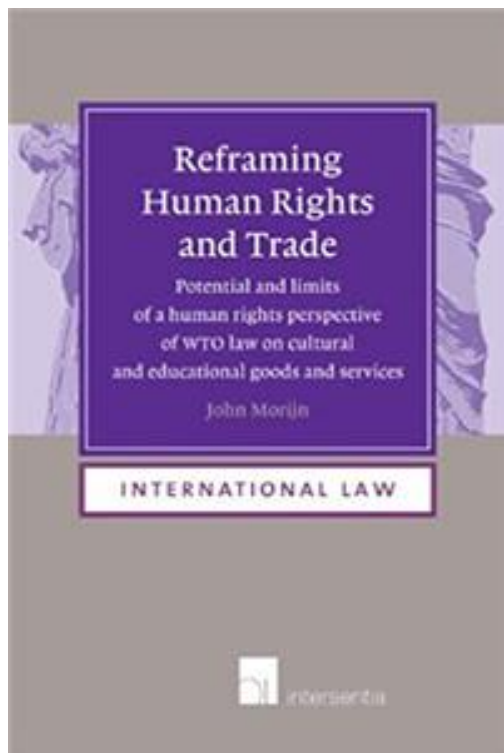


Reframing Human Rights and Trade: Potential and Limits of a Human Rights Perspective of WTO Law on Cultural and Educational Goods and Services (International Law) by John Morijn pdf



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The how and why of connecting international human rights law and WTO law has been a hotly debated topic in international legal scholarship for quite some time. This book explores the extent to which these two sub-regimes of international law can be meaningfully linked as a matter of law and policy. WTO law on cultural and educational goods and services, thus far under-explored in this area of study, is taken as a case study. The book first develops an international law-based framework to assess the interface of human rights and WTO obligations. Its analysis reveals that GATT and GATS driven liberalization, in the area of culture and education, raises tensions with various human rights norms. Applying the human rights/WTO law assessment framework, it is argued that these concerns would be best voiced by relying on the obligation to protect the right to education. In the light of this situation, the book first shows the potential to bring up this obligation in the context of WTO law and dispute settlement. The GATS clause, relating to public services, and the GATT/S General Exceptions provisions are found to be capable of accommodating States' parallel human rights obligations. Yet, the book argues that this possibility alone will not automatically lead to a satisfactory result. Various remaining conceptual, methodological, and institutional barriers will need to be overcome. Further measures are suggested to ensure that human rights and WTO obligations can and will be taken

equally seriously in practice.



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