

RESOLUTION No 5/2008

INTERNATIONAL TRADE LAW

The 73rd Conference of the International Law Association, held in Rio de Janeiro, Brazil, 17-21 August, 2008:

HAVING CONSIDERED the report of the International Trade Law Committee, especially the reasoning in Chapter VIII on International Trade Law and Human Rights;

RECALLING that by virtue of the UN Charter and human rights conventions and under customary international law and general principles of international law, states have human rights obligations;

CONSIDERING that it is likely that WTO dispute settlement bodies will be confronted – as has happened in national and regional economic courts and arbitral tribunals – with human rights arguments in support of interpreting trade and economic rules in conformity with the human rights obligations of the countries concerned, or with related requests for "judicial comity" or "judicial deference";

DECLARES:

WTO members and bodies are legally required to interpret and apply WTO rules in conformity with the human rights obligations of WTO members under international law.