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# John Jackson and the GATT's Transformation

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John Jackson's long, fruitful association with the General Agreement on Tariffs and Trade (GATT)[1] was unique in the annals of international organizations. His 1969 book, *World Trade and the Law of GATT*, became the Baedeker for government officials, practitioners, and academics seeking an overall understanding of the trading system or an explanation of a particular GATT provision. Yet the uniqueness of Jackson's relationship to the GATT was not just his foundational scholarship; every international organization in the twentieth century spawned a scholarly community. The uniqueness came from his role as a teacher attracting graduate law students from around the world who traveled to Ann Arbor to study with him and then returned to their countries to take on leadership roles in international trade. These decades of students inspired by Jackson and educated by his synoptic understanding of trade law enhanced Jackson's influence on the GATT in a way that has no parallel in other agencies.

Jackson's 1969 book made important points about nearly all of the GATT topics written about over the next 25 years. Regarding the institutional questions, consider, for example, the book's subtle discussion of 'Interpreting GATT Obligations' and 'The Private Citizen and GATT Obligation'.[2] On the substance of trade law, his analysis of numerous issues – for example, the definition of subsidy – anticipates many of the issues that would arise in future caselaw. For Jackson, the traditional distinction between domestic and international was a barrier to enlightenment rather than a roadmap. Explaining his aim 'to be as empirical as possible',[3] Jackson's methodology offered a model for future GATT studies.

Through his seminal scholarship, network of former students, brilliant mind, first class temperament, and boundless energy, Jackson, by the 1980s, had become the intellectual leader of 'The World Trading System' (the title he gave his 1989 book). He was invited to speak at the leading trade law conferences and always gave an edifying presentation that wowed his audience. He saw trade

1 The original GATT was written in 1947 when Jackson was 15.

2 John H. Jackson, *World Trade and the Law of GATT* (The Bobbs-Merrill Company, 1969), at 17–26, 187–89.

3 Ibid. at 795.



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policy as a set of puzzles that could be analyzed and solved through better international institutions.

His position at the center gave him opportunities to counsel trade ministries, Geneva ambassadors, and GATT officials. Indeed, Jackson is credited with a key role in inspiring the decision made in the Uruguay Round to transform the GATT into the World Trade Organization (WTO). After all, Jackson had been writing about 'The Constitutional Structure of a Possible International Trade Institution'[4] as far back as 1969. Moreover, his pragmatic approach had already engendered reforms, for example, by stimulating the de-restriction of a large body of GATT documents in the late 1960s.[5]

The advent of WTO in 1994–1995 transmogrified the trade epistemic community and enlarged participation numerically and geographically. As the WTO matured each year, Jackson's special status at the center may have diminished, yet he still remained highly influential.[6] He was always keen to welcome new voices into the system and to assist young trade law colleagues in their careers. He took a special interest in China's application to join the WTO and traveled to China to help that country carry out its WTO membership duties.

Emancipated from his longtime role of being on call to the world to explicate the GATT, Jackson moved from Michigan to Georgetown and refocused his agenda. He became a more active champion of 'international economic law'[7] and he promoted this concept as founding director of the Institute of International Economic Law, as editor-in-chief of the new *Journal of International Economic Law,* and as general editor of the new International Economic Law book series at Oxford University Press. His attention to 'economic' law reflected his appreciation for the utility of economic analysis in the application of trade law. His Journal became an instant success and featured numerous symposia analyzing key WTO developments.

Jackson was widely admired as a scholar of public international law, particularly regarding the relationship between international treaties and national law. In the mid 00s, he delivered the Hersch Lauterpacht Memorial Lectures and refined this work into a well-received treatise on WTO and sovereignty.[8] Because he was such a superb time manager, Jackson was able to author major books or articles every year. He was delighted to contribute an article for a volume I co-edited to honor Justice Toy Feliciano (who also passed in 2015). Jackson used this Festschrift to explore the nexus of trade and environment about which he had

4 Ibid. at 780.

5 Ibid. at 797.

6 For example, in 2003, the WTO Director-General named Jackson as one of eight members of the Consultative Board on the future of the multilateral trading system.

7 See Steve Charnovitz, 'What Is International Economic Law?', 14 *Journal of International Economic Law* (2011), at 3, 18–20.

8 See Book Symposium, Commentaries on *Sovereignty, the WTO and Changing Fundamentals of International Law*, 6 *World Trade Review* (2007).

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written so thoughtfully in the early 1990s.[9] He also asked me to collaborate with him to co-author an excursus of the WTO's structure and function.[10]

For the thousands of students in his classes, and for the far more numerous group of us who learned so much from him, I join this symposium in honoring the dean of the global college of international trade lawyers.

9 See John H. Jackson, 'Justice Feliciano and the WTO environmental cases: laying the foundations of a "constitutional jurisprudence" with implications for developing countries', in Steve Charnovitz, Debra P. Steger, and Peter Van den Bossche (eds.), *Law in the Service of Human Dignity: Essays in Honour of Florentino Feliciano* (Cambridge University Press, 2005), at 29–43.

10 John H. Jackson and Steve Charnovitz, 'The structure and function of the World Trade Organization', in Kenneth Heydon and Stephen Woolcock (eds.), *The Ashgate Research Companion to International Trade Policy* (Farnham, Surrey: Ashgate, 2012), at 387–403.

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