Course Description:

The seminar will explore the relationship between international trade and development law, policy, and practice, both currently and historically. This examination will include the connection between legal frameworks and agreements (WTO, regional trade agreements, national economic regulation) and diverse areas of market regulation at the country level. It will connect different substantive areas of policy, law and regulation, highlighting the role of law and regulation along supply chains, and linking broader legal frameworks and policy debates with the needs of individuals and entrepreneurs on the ground. The seminar will critically investigate the link between trade and development that reaches questions of broad-based poverty alleviation, rule of law, human rights, food security, environmental protections, and legal systems within and between nations. Emerging approaches in the field, such as global value chain development, development corridors, spatial development, impact investing, and social entrepreneurship will be introduced and discussed throughout the seminar.

The seminar will take place in two phases. In Phase I the seminar will explore the historical and institutional relationship between trade and development, including international and regional legal frameworks. Phase II will cover a number of aspects of trade, investment, and commercial law and regulation in depth, all of which impact entrepreneurs and communities in developing markets. Specific areas of focus include trade preference programs, investment, trade facilitation, sanitary and phytosanitary measures, goods and services market regulation, and standards and other non-tariff issues. Agricultural regulation will be a core component of the seminar, including measures that determine whether farmers can access high-quality seeds and fertilizer, food safety standards, and land tenure. The reading group will incorporate the work of experts in the field of trade and development, some of whom may join as speakers, in order to highlight different roles in shaping the enabling environment for business and trade and encourage development at the grassroots level.

Phase II of the course will also include short, practical case studies to that illustrate how different issues in trade, development, and economic regulation can be applied from the perspective of an entrepreneur or community. These case studies are drawn from the work of the New Markets Lab and its partner organizations, and examination of the case studies will allow seminar members to apply the understanding gained from reading materials and discussion in analyzing the relationship between trade and development in specific, concrete situations. Seminar members may be asked to assume roles in discussion of these case studies, which will count towards class participation and lay the groundwork for the final paper. Throughout, seminar members are encouraged to bring to resources and points of view beyond those recommended the discussion. Any changes in the syllabus will be noted in advance.
Course Outline and Reading Materials:

PART I – THE LINK BETWEEN TRADE AND DEVELOPMENT

Session One (January 25, 2016): The Intersection Between Trade, Development, and the Common Good

Session 1 will set the stage for the course by introducing the intersection between trade, development, and the common good. In particular, the readings are selected to examine critical legal, economic, social, and political aspects of trade and development and their implications for unlocking inclusive market growth. This session will also include a brief overview of the substantive issues to be covered in the course and explore different approaches to trade and development, evaluating the role of law and policy in promoting the common good.

Readings:

- Joseph E. Stiglitz and Andrew Charlton, *Fair Trade for All*, Ch. 2, pp. 11-40.

Session Two (February 1, 2016): Trade and Development in the Multilateral System

The session will examine the link between trade and development through multilateral policy structures, including special and differential treatment under the World Trade Organization (WTO). It will also include an introduction to trade preference programs (covered in more detail in Session Four), trade capacity building, and legal reform.

Readings:

• Regis Simo, “‘Law and Development in Africa:’ Paving the Way for Regional Integration Through Harmonization of Laws,” 2013.

Session Three (February 8, 2016): Regional Trade Agreements

Session Three will assess trade agreements, including regional trade agreements in sub-Saharan Africa and U.S. free trade agreements, from a trade and development perspective. This session will also examine legal reform initiatives designed to build an enabling environment for enhanced economic opportunity and strengthened rule of law.

Readings:

• Mwangi Kimenyi and Katrin Kuhlmann, African Union: Challenges and Prospects for Regional Integration in Africa, Whitehead Journal of Diplomacy and International Relations, Seton Hall University, 13 no. 2 (Summer-Fall 2012).
• Jagdish Bhagwati, Termites in the Trading System, Chs. 1 and 2, pp. 1-47 (this reading will be discussed in both sessions 1 and 2).

Session Four (February 18, 2016): Trade Preference Programs and Aid for Trade

This session will examine trade preference programs for developing countries in greater depth, including through Generalized System of Preferences programs and preferences offered on a regional basis, such as U.S. programs covering nations in Africa, the Caribbean, and Central America.

Readings:

• Paul Collier, *The Bottom Billion*, Ch. 7 pp. 99-123.
• Dambisa Moyo, *Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa,* Ch. 8 pp. 114-125.

*Case Study:*


**PART II –CURRENT ISSUES AND TRADE AND DEVELOPMENT IN CONTEXT**

**Session Five (February 22, 2016): Trade and Investment**

This session will explore the relationship between trade and investment, both at the institutional level (including bilateral investment treaties) and at the enterprise level. This session will include a case study and methodology for assessing legal and regulatory challenges in the market.

*Readings:*

• International Finance Corporation, IFC Performance Standards on Environmental and Social Sustainability, 2012 (Read Overview).

*Case Study:*

Session Six (February 29, 2016): Non-Tariff Measures and Market Regulation

This session will examine commercial legal and regulatory issues that arise at all levels of industrial supply chain and agricultural value chain development. This session will include discussion of a legal guide model to raise awareness among entrepreneurs of legal and regulatory issues in agriculture, energy, ICT, and business regulation.

Readings:


Case Study:


NO CLASS: SPRING BREAK

Session Seven (March 14, 2016): Trade and Agriculture

This session will examine the intersection between trade and agricultural development, including agricultural regulation around seeds and other inputs, including fertilizer. It will examine African regional harmonization efforts and regulatory models and best practices.


Case Study:

• Lesotho Asparagus; New Markets Lab Case Study.

Session Eight (March 21, 2016): Customs and Trade Facilitation

This session will cover customs and trade facilitation measures, including the recent WTO Agreement on Trade Facilitation. The session will include a practical examination of best practices in trade facilitation and a case study of advancing priorities in trade facilitation in the East African Community.

Readings:

• WTO, Agreement on Trade Facilitation, WT/L/931, July 15, 2014.

Case Study:


Session Nine (March 28, 2016): Services and Development

This session will explore the connection between services regulation and development, including transport, retail, and distributions services, and financial services, with a particular focus on access to finance in the agricultural sector and finance for underserved populations, including women entrepreneurs.

Readings:


*Case Study:*

Rwanda Access to Finance, New Markets Lab Case Study.

**Session Ten (April 4, 2016): Intellectual Property and Development**

This session will examine the link between intellectual property and development, including access to seeds and medicines. Discussion will include assessment of the role of intellectual property in promoting economic development and innovation in emerging markets.

*Readings:*


*Case Study:*

(TBD) Ethiopian Fine Coffee Trademarking and Licensing Initiative, Light Years IP and Ethiopian Intellectual Property Office.

**Session Eleven (April 11, 2016): Trade, Labor, and Development**

Session eleven will focus on labor as part of the evolving debate on trade and development. This session will include international labor conventions and the treatment of labor in free trade agreements.

*Readings:*


Case Study:

TBD

Session Twelve (April 18, 2016): Trade, the Environment, and Development

Session Twelve will focus on trade, the environment, and development. This session will include treatment of environment in free trade agreements and emerging issues such as environmental and social performance standards for investment and the intersection between climate change and trade.

Readings:

- United States-Peru Trade Promotion Agreement, April 2006 (Environment Chapter).

Case Study:


Session 13 (April 25, 2016): Assessing the Current System’s Potential Contribution to Development and Models for the Future

To conclude, Session 13 will assess trade’s ability to contribute to economic development. Drawing on lessons learned from previous sessions, it will examine how to best use the current system of international rules, policies and practices to deliver on the promise of using trade liberalization and open markets as a tool of economic development and what new models for promoting trade and development might look like.

Required Reading:

- Amartya Sen, Development as Freedom, Ch. 5, pp. 111-126.
- Other, TBD

Seminar Chair: Katrin Kuhlmann