

[00:00:00] Hello, and welcome back to Conflict, Then and Now, Historical and Modern Perspectives on War, created by the Global Law Scholars Class of 2025. Thank you so much for joining with us today, Professor Kuhlman. We have with us Alexis, Ruth, and myself, Jacob, and uh, we're going to be discussing Uh, how trade can be used as a tool for peace within the general international landscape.

[00:00:22] Uh, we don't often associate trade as a tool for peace. Could you contextualize the power of trade and where a lack of it could stimmy peace or even frustrate issues that lead to war? And moreover, how does trade contribute to peace between nations? Well, first of all, I want to thank you for having me and for putting this together.

[00:00:38] I think Global Law Scholars is an amazing program of ours here at Georgetown Law, and I'm honored to have this discussion with you today. I think your questions are really impressive, and you've obviously put a lot of thought into this. Um, first, I want to say this is actually something that's very Very kind of topical right now, the connection between trade and peace.

[00:00:56] The WTO recently launched a trade for peace initiative, um, just a couple of years ago that focuses on how to bring together international economic institutions, international financial institutions, the international humanitarian community to provide assistance to fragile and conflict affected countries, and to focus particularly on those that are in the WTO accession process.

[00:01:18] And I'll say a little bit more about that in a minute, but I think it's kind of notable that there's this new. trade for peace initiative at the WTO, just as you are thinking about more of this in the context of your program. Um, and I also wanted to tell you that years ago when I was in law school, I wrote my 3L paper on the link between peace, economic development, and trade.

[00:01:39] And I argued at the time that economic development and trade should be sort of more central to how we think. think about peacekeeping and about conflict prevention, because sometimes the economic issues were kind of pushed to the side a bit, um, with these very pressing concerns obviously for establishing and maintaining peace.

[00:01:58] Um, but I think that it's interesting to now see where this is being kind of put front and center. There's a much longer history though, which I'm going to explain in just a moment. And interestingly too, though, the U S trade

representative, Catherine Tai had a recent speech at the university of Chicago and she brought this up, the link between trade and peace.

[00:02:15] And she raised the question, which I thought was really interesting of one of whether peace is necessary for prosperity or prosperity is necessary for peace. She kind of emphasized the former peace being necessary for prosperity, but I feel like going back to some of my earlier research and the conversation today, I think the latter is really true as well, that prosperity is necessary for peace and that it really contributes having stability and prosperity.

[00:02:39] In a country or in a region really contributes to peace. So we'll elaborate more on this, but before that, a little bit of the history. So I think the architect of the trade for peace initiative is, is someone I've had the pleasure of knowing for a long time. Um, ambassador Alan Wolf, who was the former deputy director general of the WTO.

[00:02:57] He's now at the Peterson Institute for international economics. And he has some really interesting research published on this. You can find it online. Um, At the Peterson Institute, according to his research, the link between trade and peace can be traced back as far back as 100 AD, which is kind of amazing.

[00:03:14] Um, and then he also points out that in the 1700s, that philosophers like Kant also talked about trade and peace and made this link. Between the sort of central role of trade and economics in establishing lasting peace. And of course, this influenced others like Adam Smith. And so there's kind of this long history of thinking about trade and peace, but it really started, I think, becoming kind of central to policy around the time of the 1st World War and Woodrow Wilson, um, you know, following the 1st World War, really again, emphasize the central rule of trade and establishing peace.

[00:03:51] Um, All of this then contributed to what happened after the Second World War. So here, you know, the, this massive world war, you have all of the, you know, countries coming together to try to decide how to prevent that from happening again. And the emphasis then was on creating the conditions for peace and prosperity.

[00:04:11] So, you know, economic development, financial stability and trade. And these were really the pillars of this package that was put together. We talk a lot in classes, of course, about the Bretton woods institutions. And these came out of that post world war two period with the IMF created on the financial stability side, the world bank on the economic development side.

[00:04:30] And then there was meant to be an international trade organization on the trade side. Now, for political reasons that, um, didn't move forward at the time, but, um, there was of course, a trade instrument as part of this too, the general agreement on tariffs and trade, the GATT. So this was all seen as fundamental and interconnected on how we could really establish peace.

[00:04:52] Um, we've had a relatively stable global, I think, period since then, even though there still are conflicts around the world, we haven't had a world war, fortunately. And so I think international trade is kind of viewed as being central to that system, creating economic conditions that can discourage conflict.

[00:05:10] Um, there are a couple of themes that I'll just touch on really quickly right now, but we'll go into those in more depth with some of the other questions, economic interdependence, shared growth and prosperity. Mutual gains in production and trade shared resources, which is going to become increasingly important, of course, as climate change becomes more and more of a global challenge exchange of ideas, values and technologies.

[00:05:31] And so I think these are some of the reasons that are some of the kind of forces at work and really putting trade central to peace. And then, of course, we have trade rules, which we'll talk about in more depth to and the trade rules focus on things like nondiscrimination. Again, you can see historically how this has evolved transparency rule of law.

[00:05:51] And then I would say this kind of newer trend to focus more on, um, Equality and equity and inclusion and making sure that all countries and all people benefit from the process, um, which I think is really central to this, too. We have dispute resolution mechanisms and a lot of trade rules at the World Trade Organization and a lot of regional trade agreements, which are meant to ensure that trade conflicts don't escalate beyond the economic and get into actual conflict.

[00:06:20] Um, And I also wanted to note that the UN Sustainable Development Goals link trade and peace. So there is an SDG focused on goal 16, focused on peace, justice, and strong institutions. And if you look at the SDGs or you've been in my classes where we talk about the SDGs, you can see that trade is kind of scattered throughout the SDGs.

[00:06:42] So this link really between peace and trade is, is significant. In that too, in that soft law initiative. So I mentioned this new WTO initiative. Maybe I'll close with that. Um, there are two least developed countries, um, Cormoris

and Timor Leste that are meant to accede to the WTO this week. So there is a big ministerial conference this week in Abu Dhabi.

[00:07:01] Um, so 13th ministerial conference of the WTO. And so this trade for peace initiative and these new accessions are linked into that. And then there are also a number of other countries that are part of the accession process, um, that are considered fragile and conflict affected countries. So again, I think this is really notable.

[00:07:20] I think it's very timely and I, we can elaborate more on some of these ideas as we go along. Yeah, that's really helpful. Thank you so much for kind of giving us that background and history. So maybe turning then to if there are any notable instances you can share with us where trade disputes, what maybe the other were escalated into conflict.

[00:07:40] So I thought it was really interesting that you asked that question because I think often when we talk about the connection between trade and peace, we talk about it more in the, you know, kind of affirmative, I guess, how trade can be something that prevents conflict. conflict from happening. But of course, trade can also, trade conflicts can lead to actual conflict too.

[00:07:57] Um, so we talked about how trade is, has been viewed as an important instrument of peace, especially since the second world war, but going well beyond that too. Um, and, There's something that is really important to think about in that context. It's called the U. S. Smoot Hawley Tariff Act of 1930. So this may be something that you remember.

[00:08:18] I think it's referenced in movies like Ferris Bueller's Day Off, which I don't know whether anyone still watches that, but it's a great movie. Um, but what the, the Smoot Hawley Act did is that it put in place very, very high tariffs. Um, and non tariff measures, quotas, quantitative import restrictions. And so it was really designed to protect the U.

[00:08:38] S. market, reduce unemployment, increase domestic output, you know, at a very critical time, of course, in 1930. But what wound up happening was that by putting in place these extreme measures on the U. S. side, in some cases, average, um, duties went up to 59%, which is an all time high. So these astronomically high duties, um, It wound up then prompting retaliatory measures on the part of, of course, trading partners of the United States and contributing to social and political unrest.

[00:09:08] And as this then fed into World War Two, which had, you know, many causes, of course, that were all intertwined, this was one thing, the Great Depression and, and these kind of, you know, extreme measures that the United States had put in place that, that acted as a factor in that, which I think is important to keep in mind.

[00:09:24] And so sometimes, you know, trying to protect. One country at the expense of others, which we're seeing again right now, too, with this return to nationalism can have very, very detrimental effects. And I think that's really important to keep in mind. Another example that's more recent is the U. S. China trade war that was launched under the Trump administration again to, you know, use tariffs and other trade measures as a way to really try to protect the United States.

[00:09:51] And and put in place measures that are going to have a chilling effect on trade, you know, with the here a particular trading partner. So these punitive tariffs imposed on China, um, were met by other restrictions to and China's access to high tech us products limitations on foreign investment due to security concerns.

[00:10:07] So this whole kind of range of things then, um, That of course, you know, hasn't led to an actual conflict, but is certainly chilling relations between countries. And as an example of something that, that could potentially escalate, uh, over time. And I think the other thing just to kind of close this question out is that, you know, the economics are part of any conflict.

[00:10:27] So even looking at, you know, Russia's war in Ukraine, which is really more about geopolitics, I think, and NATO expansion and, you know, Ukraine, possibly joining the European Union. But it has massive economic implications as well. And according to the council on foreign relations, Russia was paying Ukraine billions of dollars in transit fees on Ukraine's gas pipeline.

[00:10:48] And so some of these things, I think, as you kind of look over the years to at the coverage of the relationship between the countries, these were, I think also kind of, you know, fomenting some, um, discontent between countries. And then the war in Ukraine has led to all kinds of economic implications. And we'll talk about this later, particularly with respect to food security.

[00:11:07] So having a negative impact on trade and wheat, sunflower oil, fertilizer, these things that then have global repercussions. So I think they're very intertwined. The economics again, and conflict are really very closely

connected. How about, um, more on the positive side of trade? Are there any notable instances where trade led to peace?

[00:11:28] Well, again, I think we talked about that a bit already, right? I mean, I think World War II is probably one really good example. Um, it's not the only one, of course. I mean, I think that, that you could say that the piece that we've had globally since World War II is partly because of that emphasis on economics and, and, you know, that package of, of measures that were put in place after that time.

[00:11:49] So, I mean, I, I think that It, you know, it kind of changed our thinking about how we use trade as an instrument. I think coming out of world war two, even though, again, this was something that had been thought about for many years. And so I think that's one really good example, but I feel like, you know, we need to be mindful of this too, as we see politics and policies changing around the world that we don't wind up in a situation where, um, we're faced with conflict that has such economic aspects that could have been avoided.

[00:12:19] Um, so, but. Do you want to talk a little bit to you about how trade has, you know, kind of what the bigger factors of trade are that lead to peaceful relations between countries? I could go into that a little bit more. Some of these things that I know I ticked off very briefly at the beginning that I think, um, maybe relate to this as well.

[00:12:38] And I'll keep giving examples along the way, um, as much as I can. But I mean, I think I think, again, you can see this throughout, you know, relationships all over the world, including the African continental free trade area agreement that references explicitly in its objectives, peace and links peace to trade, which I think is really, really, really interesting.

[00:12:58] So, so maybe I could go a little bit more into some of these kind of dimensions of trade and peace. Does that sound okay? Yeah, I think it's actually a good segue because when we think about the way that the international system was set up post World War II, we thought about trade as a tool for, for peace within the broader Bretton Woods system.

[00:13:18] But today there's so much talk about how, you know, trade is drawing us into greater conflict with countries like China. Uh, in what circumstances Does trade best lead to peaceful relations between nations? And when does trade fail to modify these relations? So I think on the positive side, which is, you know, is quite significant.

[00:13:35] I think there are a number of factors and I think that they're very interconnected too. So one of them is economic interdependence. You know, the idea that countries, nations with strong economic ties will be less inclined to engage in conflict that could disrupt that mutually beneficial economic situation.

[00:13:52] Um, So countries that are heavily reliant on each other economically really have a vested interest in maintaining stable relations. And Ruth, I think this goes back to your question earlier too, because I would say a lot of the examples of trade promoting peace are probably, you know, come from this economic interdependence that now we've really seen, um, since World War II.

[00:14:11] And so hopefully they're, you know, the examples are. In what has happened since then, and the fact that we've had peaceful relations, I think one good example is the European Union, where they're, you know, countries that were once adversaries are now economically interdependent and intertwined in so many ways.

[00:14:28] I mentioned that the African Union and the African continental free trade area agreement where, again, there's this emphasis on peace and stability and trade as a factor in that, um. So I think there's, you know, kind of a lot to, to think about in terms of economic interdependence and in Asia, there are a lot of examples to, I think, um, you know, the association of Southeast Asian nations or ASEAN, where you have this really interconnected, um, region and regional trade agreements that contribute to that, of course.

[00:14:58] And I think, um, You know, with economic growth that has instability and cooperation that have really flowed from these relationships. So hopefully that does provide some more examples too. But I think kind of unpacking economic interdependence, there are different aspects. There's mutual economic interests, um, you know, shared economic interests, or at least shared prosperity.

[00:15:19] Um, and again, you know, if there's a conflict that is going to disrupt that and jeopardize trade and investment, It's something that both that all parties are going to lose from and have some cost associated. So the cost of conflict then, you know, becomes much higher because of the economics involved. Um, I think that we're going to talk about sanctions.

[00:15:40] I know in a little bit too. And I think that there also is this idea that you can kind of deter, um, you know, a trend towards conflict through economic means. Um. And, you know, but disruptions and conflict really can cause a

significant effect there, you know, disruptions in supply chains, which we've seen for a lot of reasons in recent history.

[00:16:01] Um, so the idea is that again, you know, deterrence is not happening through conflict. Deterrence is happening through, um, economics in some cases sanctions, but we'll talk about whether those are effective because I think there's a big debate around whether sanctions are actually effective. Um, Shared economic growth.

[00:16:17] I mentioned ASEAN as an example. And interestingly, we talked about China as an example, right, of where there has been more tension lately. But if we think back to the 20th century and the U. S. relationship with China, it looked much different than it looks now. And I would say that had been a positive example too, of where trade was really kind of You know, pushing, um, in this direction of, of much more peaceful relationship.

[00:16:40] There was a, um, US China, the PRC trade agreement of 1979, significant mutual benefits from trade. Um, in December, 2021, China joined the WTO bringing China into this global system of rules. You know, the United States concluded trade agreements with a number of countries, um, including countries in the Middle East, um, where I'm soon headed Israel, Jordan, Bahrain.

[00:17:03] So I mean, again, this was all thought about as, you know, kind of this bigger picture way of enhancing economics, but also promoting shared peace and prosperity. Um, there's another aspect of this too, that I think is really interesting and very kind of timely right now, which is focusing on shared resources.

[00:17:20] So I mentioned the EU. As one example of, you know, um, I think this interconnectedness leading to peace and in a longer term, the European coal and steel community was established in 1951 and was really laying the foundation for the European Union. This had six countries initially, including France and Germany, you know, that had previously, um, warred with each other and was a significant step in, in European integration.

[00:17:45] And the, um, ECSC was focused on shared resources on coal and steel resources and fostering collaboration around those. Obviously these are key inputs during war and had very important strategic objectives. But the idea was then to, you know, use that collaboration as a way to prevent conflict. So I think this is such a good example because of what we're seeing right now on resource.



[00:18:07] Um, scarcity and resource allocations and distribution and, and really thinking about how resources are going to be shared around the world, which I think we have not quite figured out yet, you know, in the context of what's happening right now. So maybe some of this history can be helpful as we go forward.

[00:18:25] Um, and again, I really like the way that you have framed it. I think also trade promotes the exchange of ideas and values and technologies. I mean, there's the historic Silk Road, of course. I've traveled on part of it as a prime example of this, you know, where you really had this physical trade route that facilitated not just the movement of goods, but also cultural exchange, um, and contributed to a lot of interconnection at a time when, you know, trade looked very different than it does today.

[00:18:52] today. And speaking of that, one of our professors here at Georgetown Law School, Anupam Chander, wrote a book, um, called The Digital Silk Road, um, looking at how the digital economy now is the new silk road that is connecting countries. So I know we'll go back to that too, but I think that's a big part of this as well.

[00:19:08] Again, that everybody becomes very interconnected. it. And so the idea is that then that promotes peace. Um, now there's a negative side to this though too, right? So trade can also lead to zero sum competition, I would call it. And that's kind of where we see the U S relationship with China right now. It's It's really kind of a clashing of values and this idea that not everybody can benefit that somebody is going to benefit and somebody else is going to lose.

[00:19:34] And I think that focus on trade deficits and the tariffs that came about during the Trump administration really had that kind of thinking behind it. Um, You know, then now there are more disputes over things like intellectual property and, um, territorial claims and human rights and things that are very, very important to talk about that.

[00:19:52] The relationship is much more strained. And I think that now that we've kind of gone into this more adversarial. position, it's going to be harder to talk about some of these important issues. I think, um, I mentioned earlier, and I think it's worth repeating that nationalism, isolationism, these things are now on the rise.

[00:20:09] And so you see nations acting unilaterally in their own interests. Again, look back to 1930 and, you know, the Smoot Hawley Act. And here we kind of go again with some of these things. But some other examples are Brexit,

I think, you know, where This decision to pull out of the EU and to focus more internally and, and focus, you know, shift away from integration, I think, is very telling.

[00:20:31] And it's, I think, having some very detrimental effects, um, in the UK, um, you know, even though the long term sort of remains to be seen yet. And then we also have examples like the United States pulling out of the dispute effectively, you know, kind of crippling the dispute settlement mechanism at the WTO, which I think is another example of this.

[00:20:50] Um, So, you know, it's, it's, the economics are not always going to be the factor that kind of tips us in the direction of peace. It's, it's, they're not always going to prevent confrontation. Um, there are other geopolitical factors. Obviously, this is all very complicated, but, you know, if we look to history again, I think we see that nations with strong economic ties, you know, do tend to find themselves in conflict, you know, on a less frequent basis.

[00:21:17] But it still, it still does sometimes happen. So I think this is really important to keep in mind. That's a great transition to, and you kind of mentioned this, but maybe more specifically, if, I don't know if you see this as a solution to some of those conflicts, but I guess what role do bilateral multilateral and regional trade agreements play in promoting peace?

[00:21:36] So bilateral multi European union comes from trade agreements too, right? I mean, that integration comes from trade agreements. The African continental free trade area is a trade agreement. I mean, it, it has other dimensions to it, but it is a trade agreement. And, and I know I mentioned this before, but again, I, I always like go look at the AFC FTA as Ruth knows when, when I'm trying to find kind of examples of where, you know, this, cause it's such a new agreement and it's evolving, um, in real time.

[00:22:03] And it also, I find how some of the kind of most. Interesting examples of a very forward looking way of thinking about trade. And so I looked at it and I thought, maybe there's a connection between trade and peace in that agreement. And lo and behold, yes. And the objectives, it says an integrated, prosperous, and peaceful Africa, which I think is so interesting that there's that explicit reference.

[00:22:22] Because I think, again, looking at, you know, Ambassador Wolf's research, as I was preparing for this, You know, in some cases he would point out where there's not an explicit reference. And I thought it was just interesting

to see that now we have more explicit references coming up in trade agreements, but these agreements, and there are a lot of them, right?

[00:22:39] We have the multilateral trading system. That's, um, you know, with the world trade organization covers 164 countries soon to be 166 is these new countries, um, exceed this week is expected. Um, this binds the most countries under one state. set of rules. And, um, it's estimated that the WTO covers approximately 98 percent of world trade.

[00:23:00] So the WTO rules cover really a significant portion of world trade. Um, but we also have bilateral and regional trade agreements, and those are on the rise too, particularly as You know, some of the features of the WTO, like the dispute settlement mechanism don't have, you know, the same power that they had before.

[00:23:18] So then we see more and more regional trade agreements and also the negotiating function of the WTO has been slowed down too. Um, so, so the WTO has a database on regional trade agreements they call bilateral and multi and regional agreements, all regional trade agreements just for short. And they say that there are 364 regional trade agreements.

[00:23:37] Probably more than that. But I mean, I think that gives a sense to that. We have this huge, you know, um, number of regional trade agreements. One of the things that I've looked at in some of the work that I've done, including work I've done with the United Nations, where I did a handbook, um, in 2001. You know, coming out of the, or still in the middle of the pandemic, really to thinking about how trade can be used as a tool to prevent crisis, which I think is directly related to our topic.

[00:24:02] Um, and then we did a more recent hand handbook on how trade is connected with sustainable development. And looking at that too, we would often try to understand how trade agreement rules at the regional level were related to trade agreement rules at the multilateral level of the WTO. There's actually a lot of integration of multilateral trade rules into regional trade rules.

[00:24:22] They will often be benchmarked against the WTO. They will often integrate the same language, but there are some important changes. And I think some of the ways in which trade agreements now are evolving, taking on issues like gender and small businesses and indigenous communities and sustainable development, um, other aspects of inclusion, labor, human rights issues.

[00:24:45] This is something that really goes beyond the rules of the WTO by and large. Um, I wish that there were a trade agreement that would incorporate food security. This is something that I've been writing about, but so far we don't see like a big focus on food security yet in the way that some of these other issues are focused on, but hopefully that will come.

[00:25:01] Um, but I think, you know, in terms of the regional trade agreements, again, there are so many of them, but just to mention a few, I mentioned the AFCFTA. Um, there's the CPTPP. We love acronyms by the way, the comprehensive and progressive agreement for trans pacific partnership, um, which is Canada and 10 countries in Asia, Asia Pacific.

[00:25:20] There's the RCEP, the regional comprehensive economic partnership that is China, Japan, South Korea, Australia, New Zealand, and 10 countries from ASEAN, which I mentioned before as an example. So I think, again, all of these are really Kind of interesting examples of integration at a different level and a way of pulling together countries, um, in collaboration.

[00:25:40] They all focus on some of these pillars that I mentioned before, non discrimination, transparency, even though I think again, some of the things that we're seeing right now in the world kind of question, especially for me, whether or not something like non discrimination should be. The kind of fundamental pillar or whether sustainability should be a fundamental pillar or inclusion or something else that kind of goes more at that shared prosperity, because again, I think, as we see growing inequality, I think it pushes towards nationalism.

[00:26:09] It pushes towards isolationism. It pushes towards. you know, unrest, which can be then that flipping of trade being a positive factor or being something that leads to more conflict, which we don't want to see. So again, hopefully we'll kind of go in a direction where we integrate some of these principles even more substantially into trade rules and do it in a way that every country can benefit from.

[00:26:32] Going back a little bit, you mentioned briefly about economic sanctions and punitive trade measures. Do you find that they serve to promote peace or escalate tensions between countries? So again, I think you guys ask such good questions and I think this is a really good one, too. It's just it's a very nuanced and heavily debated topic and you know, there's There are definitely strong arguments on both sides, which I'll just kind of quickly run through But I think generally speaking the evidence shows that sanctions can exacerbate challenges rather than Clearly weeding to promotion of peace.

[00:27:06] So I think that there are a tool that need to be carefully that needs to be carefully considered. The proponents of sanctions will say that they do promote peace by compelling adherence to international norms and diplomatic resolution of conflicts. Again, it's kind of this way of like, if there's a problem, we're going to resolve it through something that's not actual conflict.

[00:27:25] Um, you know, the idea there is that you. exert economic pressure, um, pushing a country to change its behavior or policies and ultimately, hopefully leading to peaceful resolution. So I think one example there is South Africa during apartheid, where I think global sanctions, um, economic sanctions really did play a role in kind of pressuring, um, South Africa to dismantle its institutionalized racial segregation.

[00:27:52] And I think this is a, a good example. Um, But I think there are a lot of other examples, though, that kind of align more with what the critics would say, which is that, you know, sanctions can actually isolate bad governments and enhance corruption and poor governance and, and exacerbate poverty and inequality and these things that we talked about before, rather than promoting peace.

[00:28:15] So this can sometimes be, you know, if they're imposed to unilaterally, um, if they're not specific enough, I think then sometimes they don't target those they're intended to target and can actually have a negative effect on the general population and make that, you know, create instability there and food insecurity and many of the things that we're talking about.

[00:28:35] Um And I think they can also push countries into a defensive stance, um, where there's more resentment and resistance and this kind of siege mentality takes over that makes it much harder to get to resolution. So just a few examples of where I think sanctions have not necessarily, um, you know, worked, um, you know, us sanctions against Cuba, which were in place for a very long time.

[00:28:56] Um, the United States and other countries taking sanctions against Iran, um, sanctions against North Korea, where the leadership has not exhibited a significant change. Ancient behavior and again, has kind of dug in, I think. Um, and then we also see a lot of sanctions being used in Russia's war with Ukraine.

[00:29:13] And unfortunately the conflict is still ongoing. And so I think that the sanctions, while they have had some effect, have not had the desired effect of, of entering the conflict. So I think it's definitely something to carefully

consider. So I think tying, you know, two of these things we've mentioned together about how there's a real need for, uh.

[00:29:35] Treatise and sort of the broader trade narrative to include food security and how economic stations can at times exacerbate problems of poverty, inequality and food insecurity. Maybe we should discuss about how a lack of food security can directly perpetuate further conflict. Um, again, I think this is such a good question, and this is really something that deserves greater focus.

[00:29:56] I mean, we've seen, I think, over the last, you know, let's say 20 years, all kinds of events like financial crisis, pandemic, climate change, um, leading to disruption of supply chains. chains and global production and heightened food insecurity. And there have been cases here where this has led directly to conflict.

[00:30:16] So I think about, I did a lot of work on food security. I'm going back to the financial crisis time. So like 2007, 2008, um, when you saw food shortages around the world and led leading directly to demonstrations and riots. And I think it was just such a, such a telling moment where you could see how, you know, a challenge like food and security really did exacerbate unrest.

[00:30:49] And lead directly to it. And in many cases, there's a 2011 study by the IMF that I think was really interesting to analyze data on 120 countries over a long period of time from 1970 to 2007. So again, that, um, and they found that in low income country shocks and international food prices increase the occurrence of anti government demonstrations, riots, and civil conflict.

[00:31:10] And so I think there is data on this as well. I think sometimes hunger is also Used as a weapon of war, which is really just, you know, I think painfully sad, but we see this in conflicts around the world too, where food supplies will sometimes get cut off as an instrument of war. Um, and you know, we are, I mentioned this earlier too, we're seeing, you know, the, the, the.

[00:31:32] Russia's war in Ukraine having a profound impact on global food security too, where it's really cutting off global supplies, um, of, you know, critical commodities that there's not an easy way to kind of make up the difference for, um, now, one other thing that we're seeing coming out of Ukraine too, and we saw this in the 2007, 2008 food crisis is that in a time like this, when there is a crisis, you see other countries reacting.

[00:31:56] And sometimes they react in a way that, Kind of looks at national interest and protects them rather thinking about these broader implications Which I I think is something that really needs to be kind of carefully reconsidered And it does have a direct relationship to the rules, which I know we're going to get into in a moment So but I I do want to say though that here you see a lot of countries imposing export restrictions you know limiting what can go out of their borders and When you have a country that has food resources and they are limiting their Um, trade and those food resources, it's going to have a big effect on other countries.

[00:32:28] So of course, this is all I think interconnected to with poverty, financial hardship, um, you know, other factors of economic development, economic disparity. So, um, and then I think one other point that I'd like to make here too, is that there are implications for migration and displacement when you have, You know, any kind of conflict, of course, but also with food insecurity as communities that are facing chronic shortages might be compelled to leave to seek resources elsewhere.

[00:32:58] And this brings in a whole different set of challenges to, um, you know, displaced populations and competition for resources, not necessarily having the protections that they need and deserve. Um, and this can also intensify conflict. So, um, and then I know we'll talk about this. A little bit more too, but I think the whole interconnection that we were discussing before, which is this net positive, you know, can be really complicated when you have these, these global supply chain disruptions that again, you know, it's not easy to sort of respond to and react to.

[00:33:31] Um, and so you see then when there's a supply chain disruption and these very interconnected supply chains, you see price hikes, you see heightened geopolitical. You know, that tension, um, and disruptions and traits. So I think everything is so much more interconnected now than it was before, which is a net positive in terms of this link with peace, but it's also a complicating factor that tends to have spillover effects.

[00:33:55] So maybe a question on the flip side is how can trade serve to alleviate some of these food and resource and security issues that nations face? So this is something I've been thinking about a lot. I just wrote a blog on this for CSIS, um, mainly to, or partly because, one, because as I said before, I'm really hoping that there's more of a focus on food security in the context of trade rules.

[00:34:17] And also there's a ministerial conference happening this week, as I mentioned, in the UAE. Where countries are getting together to think about, um,

you know, how trade rules should proceed going forward. And food security was a big topic of conversation at the last ministerial conference. Hopefully it will be a topic at this ministerial conference as well.

[00:34:37] So so food security is really about these interconnected principles, access to food and improved availability and affordability of food. So these like three components, you know, trying to ensure that there is a food system that can really deliver. For all, um, international trade is central to all of this.

[00:34:55] It is central to access to food, to availability of food and to affordability of food. So the market is, I think, a critical factor and all of this moving food physically from areas of surplus to areas of deficit, um, is something that I think really deserves careful attention. And it's both the rules at the border and the.

[00:35:14] You know, relationships between countries, and it's also physical infrastructure to be able to do that and to be able to store food and make sure that it doesn't spoil and that it can get quickly enough to where it needs to go. Um, I think trade also creates a lot of opportunities for smaller businesses.

[00:35:29] And certainly in agriculture, we see a lot of smaller stakeholders. A lot of small farmers in many parts of the world. Um, that's kind of the norm for agricultural production in most places. The United States is, is an anomaly in a sense to Brazil, others where they've really had such kind of focused on such large scale of agriculture.

[00:35:47] But in many cases, it really is much smaller farmers and smaller businesses that make up the sector. And trade can create tremendous opportunities or it can also, the trade rules can also create hurdles, I think, um, which is what we need to really be thinking about. And then of course now. Um, we need to look at all of this through the lens of climate change and sustainability.

[00:36:07] So I do want to also say too, that there isn't, you know, a human right to food that, so this is, this is not a theoretical conversation on how to make trade rules work better for food. It's actually something that is related to a, you know, very important rights and, um, and I think all countries to have some national interest and food security.

[00:36:29] Every country that I have ever worked with. wants to be able to make sure that they can protect themselves. Um, in the case of a shortage, we saw this too during the pandemic with vaccines. I mean, you know, it's when



you get into a situation where only certain countries are producing and then they're controlling the distribution.

[00:36:48] Of those goods, it creates a lot of problems for the countries that don't produce. And so there's been this natural tendency, I think, for every country to want to be able to produce them with food. Every country does produce food to some extent, um, may not all be trading on the same level. And so I think it's really important to take a look at the international rules.

[00:37:05] Um, uh, you know, imports can be important diversification of, of food inputs. But again, I think that there is something to be said to about making sure that these systems really work well. Everywhere. Um, and so trade is meant to stimulate this growth and development in the agricultural sector and facilitate access to markets.

[00:37:26] Um, and diffusion of technology and decreased efficiency and sustainability, all these great things, right? But then I think some of this comes back to what the rules look like, which I think is where we're headed next. So I will pause for a second and we can talk more about that. Yeah. Um, how do you think trade officials approach food security and economic development, um, such that it doesn't cause long term harm, even if it might bring current peace.

[00:37:56] So again, I think this is such an important topic of conversation and it's one that I hope is being discussed this week, right now, as we sit here and, and talk about this in Washington, D. C. I hope this is is It was really being given a lot of attention, um, at the ministerial conference in Abu Dhabi. Um, food security is a global challenge.

[00:38:15] This is not just a challenge that certain countries face over other countries. This is a collective global challenge. And the way that the international rules are designed, I think they're not really designed to deal with collective global challenges. In general, I think that's true of food insecurity. I think it's true.

[00:38:30] We, again, we saw this during the pandemic. I think it's true of climate change that we need to kind of rethink the rules a little bit so that doesn't give countries that ability to really resort to, I'm just going to protect myself, um, at the expense of others. So. But we do have a pretty comprehensive system of global rules.

[00:38:46] They cover market access, important export restrictions, subsidies, transparency, um, provisions for developing economies and small producers.

Um, but if you look at the WTO agreement on agriculture, there's a reference in there that I think is really telling. It refers to food security as a non trade concern.

[00:39:06] And. I think that this implies doesn't really elaborate on that, but I think that it implies that market access and nondiscrimination kind of these principles of trade, um, that, you know, have been part of the system from the beginning again, could sort of outweigh food security considerations. And that is, I think, something that we really need to think about is how do these.

[00:39:26] share global challenges actually reflect in the rules. So I can tell you a little bit about what the rules do. And then maybe I can tell you a little bit about what's on the table and maybe what we hope to see coming out of this week. So, so there are rules on export restrictions. Um, they are not specific to agriculture, but they have, um, they, they do make special mention of critical shortages.

[00:39:47] a food stuffs. Um, so they anticipate that there might be a reason to put them in place, um, if there's a critical shortage, but they're supposed to be used in a way that's temporary, transparent, and targeted. In practice, however, that's not necessarily what we see. So we see countries kind of. Keeping them in place for longer, not really having effective checks during crisis.

[00:40:06] Um, and again, I think the way that the rules are designed, they really protect kind of prioritize national interests. So you can have a bunch of countries putting export restrictions in place all at once, and then having this profound effect on global markets. Where the rules were really kind of written in a way that was designed to deal with like, you know, one country putting in place a restriction for a particular reason.

[00:40:26] Um, there is a loose agreement, um, among WTM members coming out of a prior ministerial conference not to impose export restrictions on essential foodstuffs for, that are destined for food deficit developing countries, including, Food, um, net food importing developing countries. So one of the things that we talk about in international trade law too, is how to differentiate between countries at a more, um, uh, you know, more specific level.

[00:40:52] And in food security, we see that where there's really this recognition that certain countries are net food importing and that there are food deficit developing countries that really need to be given special attention. But the rules so far, um, kind of the agreements tend to focus more on emergency situations and humanitarian purposes.

[00:41:11] And I think we need like more comprehensive binding rules. So I'll go back to that in a moment. Um, there also are provisions to be able to provide special programs for resource poor agricultural producers. Um, But there are a lot of rules on how subsidies can be used. I won't go into all of those in detail, but I will just say that those who focus on this area from a food security perspective, really advocate strongly that some of these rules should be changed and updated.

[00:41:36] Um, one of the things in that realm that gets a lot of attention is something called public stockholding. Um, and this is also allowed under the rules, but it's allowed under certain conditions. It's meant to be a market place. Prices and not a government administered prices. And this has been a big debate among countries on what exactly the discipline should look like on public stock holding.

[00:41:56] Um, so I expect that this will continue to get, um, you know, a lot of discussion and hopefully there's kind of a temporary. solution on this, um, but hopefully it gets more permanent attention. And then some countries are pushing for, um, more financial support and technical support and, um, you know, diffusion of agricultural technology, um, to where it's needed the most.

[00:42:20] So, and then a range of other issues, again, sustainable resource management, inclusive development, education and skills training, economic diversification, social and environmental standards. So, so much is tied up into food security. So. What do we think is going to happen? You know, what are policy makers likely to do?

[00:42:39] Uh, uh, so coming out of the ministerial conference in June of 2020, there was some progress on trade and food security, um, but not sort of real kind of comprehensive binding rules. And a lot of issues like export restrictions and public stock holding kind of got deferred. So the two main outcomes out of M212 were the same.

[00:42:58] exemption for humanitarian food aid on, um, and a ministerial declaration on emergency response to food security. So this limited export restrictions and it dealt with emergency response, but it didn't necessarily deal with all aspects of how these measures might be used. Um, and really. you know, what, what kind of needs countries have in a food insecure situation.

[00:43:21] It's not just a humanitarian emergency situation, but that does actually tie into our topic of peacekeeping. I think too. And there was also some movement on addressing sanitary and fight a sanitary measures and the context

of some of the more pressing challenges right now, like climate change. So I think that's also, um, that's also promising, but I think then some of the proposals now are to exempt least developed countries and net food importing developing countries completely from the application of export restrictions.

[00:43:49] So if a country imposes export restrictions, it would not apply to those countries. Um, India has actually done this a little bit on more kind of an ad hoc basis, but it's not something that really is, is yet incorporated into the rules. Um, Further disciplines on import restrictions. So we talked about export restrictions, but there could also be import restrictions, um, that are sometimes used to deal with price volatility.

[00:44:10] Um, there are a lot of proposals on domestic support. So they range from some of the more developed economies, um, arguing for a more holistic approach. And then some of the developing economies and institutions like UNCTAD at the UN, um, arguing for an expanded range of what's permissible, um, particularly to deal with low income and resource poor farmers.

[00:44:31] And, um, there's a, uh, something called the VLARS framework. We had an event here at Georgetown Law a couple of weeks ago, um, on this through the Center on Inclusive Trade Development, which I co direct, and that focuses too on integrating other disciplines into subsidies, on integrating sustainability and climate change considerations into subsidies, and really kind of refocusing the whole conversation on subsidies around that too.

[00:44:54] So I hope that is that. Conversation goes forward. The food security is something that's also connected. Um, I mentioned already public stockholding and that governments are advocating. Some governments are advocating for more latitude to purchase at administered prices, particularly to support low income producers.

[00:45:11] It gets really in the weeds. It gets very technical. And I think that's something that's important though, to keep in mind, right. That is a lawyer. That there is this, um, importance of really looking at the details and the rules too, and what kind of impact they're going to have. And there's some really good scholarship on this too, that looks at kind of the whole global system of rules and agriculture and whether they negatively impact developing economies that, you know, don't have, um, such a significant market share, um, and such a significant ability to impact the design of the rules.

[00:45:44] So I think it's really important to keep a lot of this in mind. in mind. Um, so I would say, you know, hopefully with MC 13, that food security kind

of takes center stage a little bit more. Um, and then we start thinking about how the rules need to change, because I do think that they need to change somewhat.

[00:46:01] It's, it's been interesting to see some related proposals come out of, especially some developing economies on, um, Improving access to finance and, um, um, and technology and I think some of that actually aligns with some of the other, um, things that I know that we're going to discuss. So I'll leave them.

[00:46:18] I'll leave that one there. Well, thank you so much for that really comprehensive overview. I mean, food security is such a complex, but also very salient issue in the national trade right now, but it's also not the only hot button issue that we've got going on, uh, specifically the critical minerals trade and other related green trade has become a much more sensitive topic.

[00:46:37] They can often put stress on relationships between countries, particularly between, uh, producing countries and consuming countries. How do you imagine this issue can best be approached by trade negotiators? Well, you are absolutely right. This is definitely a big topic right now. Um, and it's becoming central to.

[00:46:55] You know, both to how we think about climate, you know, mitigation and also how we really think about what the rules should look like going forward and what kind of agreements countries should have in place for this. I think there are these sort of interconnected aspects of this. I think one is, um, again, is, is more and more countries are rightfully so thinking about how to address climate change.

[00:47:14] climate change, how can that take place in the context of these, you know, trade and scarce critical minerals? How do we make sure that we don't repeat history in a sense that those minerals are just extracted and taken from the places where they're produced without a lot of benefit going back in again, that's.

[00:47:32] It's, you know, seems to be a kind of situation where you could see conflict really brewing if there's not a lot of economic return and there's just an extraction, um, but looking at global supply chains, they really need to be enhanced and diversified, um, particularly when it comes to processing right now, a lot of the processing is done in China.

[00:47:51] And so it's very concentrated and I think that can be a situation, um, that creates a lot of complexity. We also don't have a really good system of rules

around, uh, trade and critical minerals. And so I think that is something to be considered. Um, and also some of these, these kind of, I would say issues that right now are really rising to the surface, the things that used to be called trade and issues that are now Central to trade on economic social rights on human rights on sustainability.

[00:48:23] These are also being integrated into the critical minerals discussion. So there's a lot to impact. They're just looking at the market itself. It's. There's been a significant increase in trade, um, in critical minerals, um, in platinum group metals in particular, like rhodium, iridium. Um, they have recorded annual growth rates of up to 72 percent since 2017, which is pretty astronomical.

[00:48:49] Um, helium and lithium have had impressive growth rates of about, of up to 53 percent again, which is still quite significant. Um, over the past five years, trade and platinum growth. Um, platinum group metals, I'm sorry, rare earths and other minerals has almost doubled, um, reaching us 219 billion in 2022 and just continuing to go up.

[00:49:11] Um, copper is very heavily traded, um, as well as unwrought aluminum. And so again, you know, as we think about the things that both play, you know, that play a role in conflict in so many different ways, we see that really, um, clearly in this, in this whole focus. Um, Now, one of the things that my work focuses onto is thinking about, um, trade and development.

[00:49:36] And so, um, looking at the African continent, for example, there's a significant share of critical minerals, about 85 percent of the world's manganese, 80 percent of the world's platinum and chromium, 47 percent of cobalt, a lot of that's in the DRC, um, 21 percent of graphite, 6 percent of copper and 4 percent of lithium, but that's expected to go up.

[00:49:58] And so, um, so I think this is really kind of, you know, to me is a compelling reason too, that we need to think about this very globally and not just think about it, um, in terms of these kind of very limited trade arrangements. Um, so. So here are a couple of tools that have been put out there for how to deal with this.

[00:50:18] One is international agreements. No surprise, right? How do we put in place frameworks that promote responsible extraction and trade of critical minerals? Um, there is something called the mineral security partnership that the U. S. and the E. U. Okay. In Canada, Japan, Republic of Korea are part of this is more of a collaborative effort.

[00:50:38] The United States has started doing critical minerals agreements. There's one with Japan, um, again, but these are quite limited still so far, uh, resource transparency and certification, how you can verify that there's ethical and responsible, um, environmentally responsible sourcing of critical minerals is something that's being discussed.

[00:50:58] Um, how to disseminate technology. Again, I think. I think technology dissemination keeps coming up over and over and over in all of these areas, um, and really build local capacity. So how can this be done in a way that some of these resources are really, um, you know, distributed around the globe in a way that's going to have a lasting benefit, um, transferring knowledge and capacity development, ensuring that innovation is still happening.

[00:51:19] So protecting the innovation, but making sure that it is widespread. And this is true in agriculture. This is true here. It's true in climate. It's true in a lot of different areas. investment in sustainable practices. So we're starting to see language come into trade instruments too on sustainable investment.

[00:51:37] Again, one of the notable and recent examples is the investment protocol under the African continental free trade area agreement, diversification of suppliers, Conflict free certification and then linking inclusion and sustainability. And so a lot of different tools are being talked about right now. I think probably the approach will be something that combines these things.

[00:51:59] Um, we have a, uh, I know a lot of research and student work thinking about this. So I'm confident that there are some really good ideas that will come forward. That's really helpful. Kind of related to critical minerals, but moving maybe to a bigger picture, what role does foreign investments of green energies into developing countries play in creating peace or destabilization?

[00:52:21] So again, I think, you know, could be, could have a tremendous impact foreign investment, you know, local investment. Um, um, but I think the impact depends on a lot of different factors and there are some particular aspects of foreign investment too that are worth noting. So, um, this all kind of fits into the broader geopolitical landscape and some of these, you know, kind of trade-offs and tensions that we talked a little bit about already.

[00:52:43] So I, I think in terms of establishing peace and creating really positive conditions, obviously for investment, especially in green energy, where. think there's a real need, um, to move away from dependence on fossil

fuel. I think there's this huge opportunity can create economic development and job creation, improve living standards, reduce poverty, increase stability.

[00:53:08] Um, There's a huge energy security aspect of this. And this is something that really a lot of countries struggle with too, how to have reliable, consistent energy, um, availability, this impacts everything. It impacts every aspect of life. It impacts every aspect of health. It impacts every aspect of doing business, including trade digitally, where you have to rely on a, you know, an ongoing, um, energy source and able to, to be able to, to, to trade and do business.

[00:53:36] And so all these. You know, kind of implications of where the digital economy goes, I think, are related here as well. And then, of course, environmental cooperation and how to really, you know, encourage more collaborative efforts here globally on a transition to green energy. So I think it's a hugely important area.

[00:53:52] Now, I think what we've seen, you know, already is that there could be some destabilizing elements of this too. Um, competition over resources and use of land, um, foreign investment can lead to competition over these resources. And if not managed transparently and equitably, there can be disputes over resource allocation.

[00:54:14] Um, local stakeholders could be disputed. And I think that's something to really think about, um, it could exacerbate social inequality if investments are not managed in the right way. And if local communities are not part of the solution to bring in green energy, there could be some complications, I think.

[00:54:32] So again, I feel like we should learn from some of the, you know, things that we have seen go wrong, particularly when you have such an important opportunity like this. Um, Sometimes countries can perceive, you know, outside investment as being a way to, as being an interference. Um, even though a lot of countries of course are very, um, you know, or desire, you know, um, uh, seeking foreign investment and really see this as a positive thing for their economies, but they can, you know, also worry that it leads to over reliance on, on foreign entities.

[00:55:03] Um, and then of course, geopolitics enter into all of these things too. So. But I just want to give one example. Um, as we close this out, which again is, I'm not, I'm not trying to give all of my examples from the African Continental Free Trade Area Agreement, but again, it has some of this kind of



cutting edge look at these important issues, which I think we're going to see then, um, you know, spread across other agreements as well.

[00:55:26] And so there's a new investment protocol. It was, Just, um, uh, this is just as of last year. So this is a very new development. It has provisions on incentives for sustainable investment, which I think is really interesting related to this, including financial and fiscal incentives. It has a provision stating that investors shall not exploit or use local.

[00:55:47] natural resources to the detriment of the rights of local interests, which I think is really important in telling here it has minimum standards on environment, labor, and consumer protection. Again, this is really kind of, and it has a lot of reference to business and human rights, um, and labor standards.

[00:56:04] Um, there's also an article on indigenous peoples and local communities, and this is something I've been thinking about lately. I know it's something that you've been about lately too, Jacob. So, um, And it has provisions saying that investors in their investments shall respect the rights and dignity of indigenous peoples and local communities.

[00:56:21] Um, it has a provision on free prior and informed consent and participation of local communities, um, in the benefit of the investment. It, um, References also concluding agreements with local groups before there has been an investment, making sure that they're really involved in the process. It has a requirement, shall respect legitimate tenure rights to land, water, fisheries, and forests, um, in accordance with relevant laws and regulations.

[00:56:51] So this also makes domestic law really important to you and the, the implementation of domestic law. And then. Um, it has a requirement for environmental and social impact assessment. So I think this is just really interesting that there's this recognition of some of these tensions maybe that could arise.

[00:57:09] And now the evolution of some of these trade and investment rules and investment, um, rules will often get incorporated into trade agreements. Um, that there is a recognition that these things really should be thought about and brought into those rules. That really is so important. I was writing my paper on the Lake Turkana wind power plant project in Kenya and basically the whole paper was identifying And you know in tangent with a lot of literature about it Yeah All of these problems that you're saying and how a lot of the international frameworks don't have they have really great environmental impact assessments, etc Etc.

[00:57:43] But it can be hard to kind of get in there and actually get these things done. And they're not always as clear as what it sounds like this, this new investment framework looks like. So it should be really interesting to see moving forward, kind of how enforcement looks with this. And then just in general, how it kind of shakes out because these are really important issues, as you're saying, that are really getting at the core of a lot of the main problems with some really.

[00:58:04] Potentially positively impactful projects. Absolutely. And I mean, I think this is something, you know, within the global law scholars program and with all of your research, you know, that it's really good to dig into even deeper as you're doing and to track and, you know, to the best that we can, like try to figure out like, how are these provisions being applied going forward?

[00:58:22] How are they having an impact? And, um, it's at least, I think, heartening to see. That there is, you know, some recognition of the importance of all of these interconnected issues. And I think the way you've laid out the conversation today really ties them all together in such an amazing way. Well, thank you so much, Professor Kuhlman.

[00:58:40] This has been a really enlightening conversation about so many different issues, and we've really appreciated being able to hear your take on all this stuff. And I know that some of the listeners might want to be, uh, looking deeper into this. So where can, uh, people find more of your work online? Well, it is on the Georgetown Law website, um, on my faculty page.

[00:59:00] I also use as, as, um, you know, many, uh, academics. And, uh, others writing in the space do, um, SSRN. So I think that's also a good source to find more information. And I, I just would say there's, you know, every time I go and do research on these topics, I find new and interesting things. And I hope that with our conversation today, that we've been able to kind of cover a lot of different angles to this.

[00:59:26] Both, you know, some of the things that are happening, um, here in Washington, D C that are happening within the global trade community that are happening in different regions around the world. I really would suggest trying to look broadly and think about, you know, where developments might be happening in places that, um, we don't necessarily think about, um, first, but I think it is a time of tremendous.

[00:59:48] Um, even as we have these interconnected challenges that we're trying to grapple with. So thank you for having me. Thank you so much. And

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