

Trade Law and Development

Rachel D. Thrasher

Frederick S. Pardee School of Global Studies

Boston University

rthrash@bu.edu

Course Description

This course examines the modern world trading regime and explores the implications for global development. After providing a brief background in the economic theory of trade, students will review some policies that various nations have employed to promote diversification and development. We will then dive into bilateral and multilateral agreements pursued by a variety of trading partners. Students will be expected to draw connections between policies aimed at development and the rules laid out in modern trade treaties. We will ask questions such as: Do bilateral or multilateral treaties provide more “policy space” for countries seeking development? Does the size or development level of your trade partner make a difference in what kind of agreement a country should sign? What recommendations would you make to a country involved in these negotiations?

Requirements for the course are class participation (20%), a midterm exam (20%), a 1,000 word literature review (10%) on a topic relevant to a modern treaty currently under negotiation (to be determined), a 2,500 word brief (30%) on the same topic selected previously, and a final exam (20%). Topics will be chosen in consultation with the instructor. *Specific instructions for both the literature review and research brief will be distributed separately.*

Cell phones are not permitted except in the case of emergencies.

Students are expected to maintain high standards of academic honesty and integrity. You must provide citations MLA style (<https://www.library.cornell.edu/research/citation/mla>) in papers for all quotations, paraphrases, and ideas taken from any source other than your own original thoughts. Boston University’s standards for intellectual integrity can be found at the CAS Academic Conduct Code, <http://www.bu.edu/academics/resources/academic-conduct-code/> or the GRS Academic Conduct Code, <http://www.bu.edu/cas/students/graduate/forms-policies-procedures/academic-discipline-procedures/>

Required textbooks

Rodrik, Dani. *The Globalization Paradox*. W.W. Norton and Co., 2012.

Trebilcock, Michael J., Howse, Robert and Eliason, Antonia. *The Regulation of International Trade*. Routledge, 2013.

Taylor, Timothy. *The Instant Economist: Everything You Need to Know About How the Economy Works*. Penguin Group, 2012.

Legal texts available here:

EU Trade Agreements: <http://ec.europa.eu/trade/policy/countries-and-regions/agreements/>

US Trade Agreements: <http://www.ustr.gov/trade-agreements>

Bilateral Investment Treaties (BITs): http://www.unctadxi.org/templates/Startpage_718.aspx

WTO legal texts: http://wto.org/english/docs_e/legal_e/legal_e.htm

Course Overview**Week 1.** What is trade theory?

Rodrik, Dani. *The Globalization Paradox*. W.W. Norton and Co., 2012. (Intro, 1, 2)

Trebilcock, Michael J., Howse, Robert and Eliason, Antonia. *The Regulation of International Trade*. Routledge, 2012. (Chapter 1)

Taylor, Timothy. *The Instant Economist*. The Great Courses, 2012. (Chapter 32)

Read, Leonard E. (1958) "I, Pencil: My Family Tree as told to Leonard Read" (Blackboard).

Week 2. What is development? What is policy space?

Trebilcock and Howse, Chapter 16

Rodrik, Chapters 3,4,7,8

Gallagher, Kevin P. (2008). "Understanding Developing Country Resistance to the Doha Round." *International Political Economy* 15.1 (62-85). (blackboard)

Taylor, Chapter 33

Week 3. How do we read trade and investment agreements?

Vienna Convention, Part III (Articles 26-38) on interpreting treaties (Blackboard or online at http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf)

Trebilcock and Howse, Chapter 2 (Most Favored Nation)

Week 4. How do we read, cont.?

Vienna Convention, Parts IV-V (Articles 39-72) on treaty validity (Blackboard or online at http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf)

Trebilcock and Howse, Chapter 4 (National Treatment)

Week 5. What, then, shall we do?

Rodrik, chapters 9-12 and Afterword

*** Mid-term Exam ***

Week 6. Trade in Services at the WTO and beyond [Literature Review Due]

Trebilcock and Howse, Chapter 13

Leaked text of Trade in Services Agreement Financial Services chapter, available at <https://wikileaks.org/tisa-financial/WikiLeaks-secret-tisa-financial-annex.pdf>

Analysis of leaked text, available at <https://wikileaks.org/tisa-financial/Analysis-of-secret-tisa-financial-annex.pdf>

Week 7. Trade and Intellectual Property

Trebilcock and Howse, Chapter 14 (pp. 514-550, 561-565)

Agreement on Trade Related Intellectual Property (through article 40 only) (Blackboard or online at https://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm)

Week 8. Investment policy and development I: Introduction

Trebilcock and Howse, Chapter 15

UNCTAD 2014 Trade and Development Report: pp. 80-100 (Ch. V, Sections B and C) (Blackboard or online at http://unctad.org/en/PublicationsLibrary/tdr2014_en.pdf)

Week 9. Investment policy and development II: BITs

US-China Economic and Security Review Commission, *Evaluating a Potential U.S.-China Bilateral Investment Treaty: Background, Context and Implications* (Sections I, II) (Blackboard or online at http://origin.www.uscc.gov/sites/default/files/Research/EIU_Report_on_US-China_BIT--FINAL_14_April_2010.pdf)

United States Model Bilateral Investment Treaty (2012) (<https://ustr.gov/sites/default/files/BIT%20text%20for%20ACIEP%20Meeting.pdf>)

Southern African Development Community, *SADC Model Bilateral Investment Treaty Template* (Blackboard or online at <http://www.iisd.org/itn/wp-content/uploads/2012/10/sadc-model-bit-template-final.pdf>)

Week 10. Investment policy and development III: Capital controls

Rodrik, Chapters 5,6

Trebilcock and Howse, Chapter 6 (through page 252)

Taylor, Chapter 35

Week 11. Trade and the Environment

Trebilcock and Howse Chapter 5

International Institute for Sustainable Development, *Trade and Environment Landscape: Evolving Trends* (May 2015) (blackboard)

Trans-Pacific Partnership agreement text, chapter on Environment (Blackboard; not yet available, but agreement announced as of October 4, 2015)

North American Agreement on Environmental Cooperation, *NAFTA side agreement on Environment* (Blackboard or online at <http://www.cec.org/Page.asp?PageID=1226&SiteNodeID=567>)

Week 12. Trade, labor and human rights

Trebilcock and Howse, Chapter 8

North American Agreement on Labor Cooperation, *NAFTA side agreement on labor* (Blackboard or online at http://tcc.export.gov/Trade_Agreements/All_Trade_Agreements/exp_005872.asp)

Trans-Pacific Partnership agreement text, chapter on labor (Blackboard; not yet available, but agreement announced as of October 4, 2015)

International Covenant on Civil and Political Rights (Blackboard or online at <https://treaties.un.org/doc/Publication/UN...>)

International Covenant on Economic, Social and Cultural Rights (Blackboard or online at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en)

Week 13. Final Presentations, Course wrap up [Research Briefs Due]

***** Final Exam: See BU Link for date and time *****