

COURSE TITLE:

SUSTAINABLE DEVELOPMENT AND GLOBAL TRADE GOVERNANCE

Responsible Faculty Instructor:

Shailja Singh

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Professor of Practice and Director, LL.M. Programme

Credits: 4

Credits Type: Law

Cross-registration: Yes

Pre-requisites: Public International Law

COURSE DESCRIPTION (COURSE VISION):

The 2030 Agenda for Sustainable Development recognizes international trade as an engine for inclusive economic growth and poverty reduction. However, the relation between trade and sustainable development is far more complex in practice. While international trade has undoubtedly played an important role in economic growth, its impact on gender, labour and climate outcomes remains contested.

Even more uncertain is the role that international trade law plays and can potentially play in the attainment of the related sustainable development goals (SDGs). The existing legal disciplines at the World Trade Organization (WTO) are limited in this respect, though they attempt to reconcile free trade with societal objectives. These can primarily be seen in the available exceptions, subsidy rules, and rules on technical barriers to trade in the WTO Agreements. At the same time, a range of sustainability-related measures, particularly those introduced by the European Union are testing the boundaries of existing WTO rules. Parallely, there is a growing set of rules under Free Trade Agreements (FTAs) that now incorporate environmental protection, labour rights and gender-related issues.

Many Global South countries, including India, have traditionally been reluctant to integrate these “non-trade” issues into binding trade disciplines. They argue that such matters are more appropriately addressed under specialised international regimes and institutions, such as the UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement in the climate context, and the International Labour Organization (ILO) in relation to labour and gender concerns. These developments raise important questions of regime interaction, fragmentation, regulatory asymmetry and the appropriate institutional forum for advancing sustainable development objectives.

Against this background, this course examines whether international trade law can serve as a vehicle for advancing sustainable development, or whether the integration of sustainability concerns risks distorting both trade and environmental governance. In particular, it aims to cover the following:

- a. Examine whether and how international trade law can contribute to the advancement of the Sustainable Development Goals (SDGs).
- b. Examine the existing international trade law framework at the WTO and under FTAs as it relates to sustainable development, with particular focus on climate change, labour rights, and gender-related provisions.
- c. Assess the compatibility of major sustainability-related regulatory measures, including the European Union's Carbon Border Adjustment Mechanism (CBAM) and Deforestation Regulation, as well as the United States' Inflation Reduction Act, with international trade law disciplines.
- d. Critically evaluate the normative and institutional implications of integrating climate change, labour, and gender-related concerns into binding international trade disciplines, particularly from a Global South perspective. Special focus on the developing countries' demand for technology transfer and recognition of common but differentiated responsibility at the WTO.

TEACHING METHODOLOGY:

The course combines lectures with seminar-style discussions and group work. Weekly readings, including case studies, are assigned to guide class discussions, reflections, and student presentations. Each module begins with an introduction by the instructor, outlining the key concepts and legal issues. This is supported by core materials such as journal articles, book excerpts, treaty provisions, and relevant dispute-settlement decisions.

INTENDED LEARNING OUTCOMES:

By the end of the course, students will be able to:

- Explain the relationship between international trade, sustainable development, and the SDGs, including the theoretical and policy debates surrounding this interface.
- Analyse relevant WTO disciplines and FTA provisions addressing climate change, labour, and gender-related measures, including the role of exceptions and sustainability chapters.
- Assess the consistency of major sustainability-related regulatory measures (such as the EU's CBAM and Deforestation Regulation, and the US Inflation Reduction Act) with international trade law.
- Critically evaluate the normative and institutional implications of integrating sustainability concerns into trade law, particularly from a Global South perspective, with reference to India.

READING LIST (upto 10 select readings):

1. WTO, *World Trade Report: Climate Change and International Trade*. 2022.
2. Park D-Y (ed), *Legal Issues on Climate Change and International Trade Law* (Springer International Publishing 2016).
3. Giulia Claudia Leonelli, Anti-deforestation npr-PPMs and Carbon Border Measures: Thinking About the Chapeau of Article XX GATT in Times of Climate Crisis, *Journal of International Economic Law*, Volume 26, Issue 3, September 2023, Pages 416–434.

4. Esty D.C. and others, Remaking International Trade to Fulfill Its Sustainable Development Mandate in Sonia E Rolland (ed), *Research Handbook on Trade Law and Development* (Edward Elgar Publishing 2025)
5. J. Norris, Trade and Environment Back in the Spotlight: Measuring-up the EU’s Rules on Biofuels – WTO Panel Report in EU – Palm Oil (DS600). 51(2) *Legal Issues of Economic Integration*, 2024, Pages 195-226
6. Zaker Ahmad, Brigitta Brand-Imeli, The Principle of Common but Differentiated Responsibilities and WTO Law: Room for (Mis)interpretation?, (2025), 59, *Journal of World Trade*, Issue 4, Pages 669-700.
7. Submission by India at the WTO, Concerns On Emerging Trends of Using Environmental Measures as Protectionist Non-Tariff Measures and circulated on 10 February, 2023 (Job/TE/78).
8. Marios Tokas, The concept of the level playing field in International Economic Law, *Journal of International Economic Law*, Volume 27, Issue 3, September 2024, Pages 558–576.
9. Amrita Bahri, Women at the Frontline of COVID-19: Can Gender Mainstreaming in Free Trade Agreements Help?, *Journal of International Economic Law*, Volume 23, Issue 3, September 2020, Pages 563–582.
10. Gabrielle Marceau, Rebecca Walker, Andreas Oeschger, The Evolution of Labour Provisions in Regional Trade Agreements, (2023), 57, *Journal of World Trade*, Issue 3, Pages 361-410.

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
<p>MODULE 1: SUSTAINABLE DEVELOPMENT AND TRADE: FRIENDS OR FOES?</p> <ul style="list-style-type: none"> - What is ‘sustainable development’ and UN Sustainable Development Goals? - Interface between sustainable development and international trade; free trade vs. societal objectives - Specific focus on issues concerning climate change mitigation, labour and gender rights <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - WTO, <i>World Trade Report</i>: Climate Change and International Trade. 2022. - Marios Tokas, The concept of the level playing field in International Economic Law, <i>Journal of International Economic Law</i>, Volume 27, Issue 3, September 2024, Pages 558–576. 	1
<p style="text-align: center;">MODULE 2: SUSTAINABLE DEVELOPMENT AND THE WTO</p> <ul style="list-style-type: none"> - Introduction to the WTO - WTO Preamble and sustainable development - Evolution of environment–trade debates: Position of developed and developing countries on introduction of non-trade issues at the WTO - Institutional limits of the WTO 	2

<ul style="list-style-type: none"> - Plurilateral discussions at the WTO on sustainable development, plastics and fossil fuel subsidy <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Marceau G, 'The Interface Between the Trade Rules and Climate Change Actions' in Deok-Young Park (ed), <i>Legal Issues on Climate Change and International Trade Law</i> (Springer International Publishing 2016) < 	
<p style="text-align: center;">MODULE 3: WTO GENERAL AND SECURITY EXCEPTIONS</p> <ul style="list-style-type: none"> - GATT Article XX – General Exceptions; Chapeau requirements and their availability to pursue sustainability objectives - Key jurisprudence: environmental disputes at the WTO - Balancing trade and regulatory autonomy - GATT Article XXI – Security Exceptions – suitability of security exceptions to address the climate crisis <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Tran, Christopher, Using GATT, Art XX to Justify Climate Change Measures in Claims Under the WTO Agreements (2010). Available at SSRN: https://ssrn.com/abstract=1676105 - Giulia Claudia Leonelli, Anti-deforestation npr-PPMs and Carbon Border Measures: Thinking About the Chapeau of Article XX GATT in Times of Climate Crisis, <i>Journal of International Economic Law</i>, Volume 26, Issue 3, September 2023, Pages 416–434. 	3
<p style="text-align: center;">MODULE 4: TBT AND SPS AGREEMENTS</p> <ul style="list-style-type: none"> - Environmental and health regulations under TBT - Role of SPS Agreement in attaining sustainable development - Climate-related and labour related product standards - Treatment of non-product related - PPMs - WTO Panel Report in <i>EU – Palm Oil</i> (DS600) (examine from the perspectives of both TBT Agreement and GATT 1994) <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - J. Norris, Trade and Environment Back in the Spotlight: Measuring-up the EU's Rules on Biofuels – WTO Panel Report in <i>EU – Palm Oil</i> (DS600). 51(2) <i>Legal Issues of Economic Integration</i>, 2024, Pages 195-226 - Delimatsis, Panagiotis, Sustainable Standard-Setting, Climate Change and the TBT Agreement (January 27, 2016). Available at SSRN: https://ssrn.com/abstract=2723373 	4-5
<p style="text-align: center;">MODULE 5: SUBSIDIES AND CLIMATE POLICY</p> <ul style="list-style-type: none"> - WTO SCM Agreement framework - Prohibited vs actionable subsidies 	6

<ul style="list-style-type: none"> - Green industrial policy and renewable energy-related disputes at the WTO (<i>Canada – Renewable Energy; India – Solar Cells and Modules; US – Renewable Energy</i>) - <u>Case Studies</u>: Compatibility of India’s PLI schemes and United States’ Inflation Reduction Act with WTO subsidies disciplines <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Espa, Ilaria and Sonia E. Rolland. <i>Subsidies, Clean Energy, and Climate Change</i>. E15Initiative. Geneva: International Centre for Trade and Sustainable Development (ICTSD) and World Economic Forum, 2015. www.e15initiative.org/ 	
<p style="text-align: center;">MODULE 6: SUSTAINABLE DEVELOPMENT PROVISIONS IN FTAs</p> <ul style="list-style-type: none"> - Nature and type of sustainable development provisions in FTAs - Commitments relating to labour, gender and climate change - Critical study of EU FTAs, USMCA, India – UK FTA, India – EU FTA. - Comparative assessment of the different positions from a developmental perspective - EU vs US models - Enforcement asymmetries and North–South power dynamics <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Hradilová, Kateřina & Svoboda, Ondřej. ‘Sustainable Development Chapters in the EU Free Trade Agreements: Searching for Effectiveness’. <i>Journal of World Trade</i> 52, no. 6 (2018): 1019–1042 	7
<p style="text-align: center;">MODULE 7: CLIMATE CHANGE AND INTERNATIONAL TRADE LAW</p> <ul style="list-style-type: none"> - Climate change mitigation and competitiveness concerns - Concept of carbon leakage and border carbon adjustment mechanisms (BCAs) - <u>Case Studies</u>: EU Carbon Border Adjustment Mechanism (CBAM) and Deforestation Regulation - Developmental and equity implications for Global South countries <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Esty D.C. and others, <i>Remaking International Trade to Fulfill Its Sustainable Development Mandate</i> in Sonia E Rolland (ed), <i>Research Handbook on Trade Law and Development</i> (Edward Elgar Publishing 2025) 	8-9
<p style="text-align: center;">MODULE 8: LABOUR AND INTERNATIONAL TRADE LAW</p> <ul style="list-style-type: none"> - Historical resistance to linking labour standards with trade - Labour provisions in Free Trade Agreements (FTAs) - Enforceability of labour chapters (EU model vs US model) - Relationship between WTO law and ILO standards 	10

<ul style="list-style-type: none"> - Labour conditionality and trade sanctions - Developmental concerns and policy space for developing countries <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Gabrielle Marceau, Rebecca Walker, Andreas Oeschger, The Evolution of Labour Provisions in Regional Trade Agreements, (2023), 57, <i>Journal of World Trade</i>, Issue 3, Pages 361-410. 	
<p style="text-align: center;">MODULE 9: GENDER AND INTERNATIONAL TRADE LAW</p> <ul style="list-style-type: none"> - Gender and the SDGs: economic participation and inclusion - Emergence of gender chapters in FTAs - Soft law vs binding commitments - Trade facilitation and women’s entrepreneurship - Gender mainstreaming in trade policy - Critiques from a Global South perspective <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Amrita Bahri, Women at the Frontline of COVID-19: Can Gender Mainstreaming in Free Trade Agreements Help?, <i>Journal of International Economic Law</i>, Volume 23, Issue 3, September 2020, Pages 563–582. 	11
<p style="text-align: center;">MODULE 10: REGIME INTERACTION AND FRAGMENTATION</p> <ul style="list-style-type: none"> - Comparative analysis of the regulatory regime under WTO vs UNFCCC and the WTO vs ILO - Institutional competence debates - Fragmentation and coherence in international law - Climate justice and the principle of Common but Differentiated Responsibilities (CBDR) – interface with WTO rules. <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Zaker Ahmad, Brigitta Brand-Imeli, The Principle of Common but Differentiated Responsibilities and WTO Law: Room for (Mis)interpretation?, (2025), 59, <i>Journal of World Trade</i>, Issue 4, Pages 669-700. 	12
<p style="text-align: center;">MODULE 11: GLOBAL SOUTH PERSPECTIVES</p> <ul style="list-style-type: none"> - Historical concerns of developing countries regarding the inclusion of “non-trade” issues in trade agreements - Concerns regarding green protectionism and regulatory overreach (e.g., CBAM, corporate due diligence laws) - North–South power asymmetries in sustainability rule-making - India’s position in WTO and FTA negotiations on climate, labour, and gender - Institutional choice: WTO vs UNFCCC vs ILO 	13-14

<ul style="list-style-type: none"> - Demand for transfer of technology at the WTO. - Is sustainability integration a tool for development – or a constraint on it? <p><i>Indicative reading</i></p> <ul style="list-style-type: none"> - Submission by India at the WTO, Concerns On Emerging Trends of Using Environmental Measures as Protectionist Non-Tariff Measures and circulated on 10 February, 2023 (Job/TE/78). - Marios Tokas, The concept of the level playing field in International Economic Law, <i>Journal of International Economic Law</i>, Volume 27, Issue 3, September 2024, Pages 558–576. 	
REVISION WEEK	Week 15