

ELECTIVE TRADE AND DEVELOPMENT

a. Course vision

Trade has been presented as a panacea for all ills facing developing societies. Developing countries have been fed a liberal diet of liberalization which they have digested well and liberalized their economies serving as markets for developed-country exports. However, it must be remembered that industrialized nations practiced protectionism during the early stages of their development and are practicing it in a different form currently (refer to WT/DS243 US – Rules of Origin for psychological protectionism). Extensive rules have been made to govern trade. These rules, even though negotiated multilaterally, are of developed-country culture. Developing countries had to negotiate hard to get exceptions in their favour which are called Special and Differential Treatment. Thus, the GATT and a lot of the agreements of the WTO contain provisions in favour of developing members. Apart from these provisions contained in the agreements, there is an Enabling Clause dealing with certain preferences granted to developing members. These preferences were negotiated in the UNCTAD.

Specifically, the course will cover -

Definitions of development and developing country

Legalization of development in the international trading system

Special and Differential Treatment provisions in the GATT and WTO including the Enabling Clause

Arguments for and against these provisions

Principles on which these provisions are based

Effectiveness of Special and Differential Treatment provisions

Creation of new liabilities and sovereignty issues for developing members by connecting trade and non-trade values

Compatibility of non-trade measures with WTO law

Whose development are we talking about?

The Doha Development Agenda

These issues will be examined independently as well as through the lens of dispute settlement

This course will delve into the main concepts of international trade law from the perspective of development before going on to the study of trade and development. This will provide the foundation for the study of the course.

b. Course aims

This course deals with different aspects of trade and development law and aims to foster an understanding of the

- necessity of studying trade and development
- necessity of development considerations in trade law
- theoretical concepts involved in the course, their interaction with each other, and with trade/development
- principal law/s dealing with trade and development
- various development elements/components and their interaction with trade law/s

c. Pedagogical approaches

Since this course involves a lot of argument, students are expected to contribute actively to discussion. They can argue both sides of a point if they wish. They will be expected to bring forth their point of view in the class. Their assignments will develop their capacity to conduct

electronic and traditional research. Research will deal with primary and secondary sources of law/documents.

d. 13 weeks of lecture design

Teaching Week/s	Lecture Topic
1	INTRODUCTION TO INTERNATIONAL TRADE
2	DISPUTE SETTLEMENT
3-4	PRINCIPLES OF NON-DISCRIMINATION
5	RULES ON MARKET ACCESS
6	INTRODUCTION TO TRADE AND DEVELOPMENT
7-8	ARGUMENTS FOR/AGAINST AND LOGIC/PRINCIPLES BEHIND SPECIAL AND DIFFERENTIAL TREATMENT
9	TRADE REMEDIES
10	DISPUTE SETTLEMENT AND DEVELOPMENT
11	CREATION OF NEW LIABILITIES FOR DEVELOPING MEMBERS BY CONNECTING TRADE AND NON-TRADE VALUES
12	GSP AND NON-TRADE VALUES
13	INTELLECTUAL PROPERTY RIGHTS

e. Learning outcomes

➤ Analytically and critically describe and explain the main substantive rules of trade law pertaining to the topics to be covered in the syllabus
➤ Analyse and critically evaluate: <ul style="list-style-type: none"> • issues and concerns in the field of trade and development • the operation of the substantive rules of trade keeping in mind the objective of promoting development
➤ Apply the principles of trade and development law to solve legal problems by: <ul style="list-style-type: none"> • researching relevant issues • analysing and resolving problems concerning trade and development • effectively communicating their solutions.

f. Indicative bibliography

WTO, Managing the Challenges of WTO Participation: 45 Case Studies
http://www.wto.org/english/res_e/booksp_e/casestudies_e/casestudies_e.htm

Amin Alavi, Legalization of Development in the WTO Between Law and Politics, Kluwer Law International

Chantal Thomas, Joel P Trachtman, Developing Countries in the WTO Legal System, OUP

Yong Shik Lee, Economic Development Through World Trade, Kluwer Law International

D.K. Das, Global Trading System at the Crossroads A Post-Seattle Perspective, Routledge

Robert Hudec, *Developing Countries in the GATT Legal System*, Gower Publishing Company Limited, Aldershot

Ha-Joon Chang, *Kicking Away the Ladder Development Strategy in Historical Perspective*, Anthem Press

M.W. Gehring, M.-C. Cordonier Segger, *Sustainable Development in World Trade Law*, Kluwer Law International

John Tovey, *Trade and Development Directions for the 21st Century*, The United Nations, Edward Elgar Publishing Limited

M.B. Rao, M. Guru, *WTO Dispute Settlement and Developing Countries*, Lexis Nexis Butterworths

Amartya Sen, *Development as Freedom*, OUP

Faizel Ismail, *Reforming the World Trade Organization Developing Countries in the Doha Round*, CUTS International and Friedrich Ebert Stiftung