



KAUTILYA SCHOOL OF PUBLIC POLICY

GITAM (Deemed to be University)

Rudraram, Patancheru Mandal

Hyderabad, Telangana 502329

Course Code: PPOL6691	Course Title: Law and Policy of Global Trade	
Trimester: 4	Course Type: Elective	Credits: 3
Home Program(s): MPP	Batch/Academic Year: 2023-2025	
Course Lead: Dr Judith Spiegel	Assigned TA/RA:	

Course Description

Strong open trade policies bring more economic growth than a protectionist approach. International trade law aims to ensure that trade flows as smoothly and predictably as possible. However, that flow is sometimes interrupted, and often for good reasons. There might be national economic or social interests to take into account, or human and environmental rights which might not be compatible with free trade. We will look at this, often complex, relationship between public policy and international trade law. Being the only international body dealing with the rules of trade between nations, the WTO will play an important role in this course. There will be ample use of real-life (and real-time) examples and plenty of room for discussion and debate.

Learning Objectives

To raise awareness of a country's global trade policy and to be able to take into account the legal aspects of such economic decision making. The following topics are highlighted:

1. The web of laws and regulations around international trade.
2. The workings of the WTO.
3. Trade of (e-)services as a key-driver of economic development and remaining barriers.
4. State-investor relationships, local FDI-law, commercial arbitration, regional free-trade agreements and the concept of free-trade zones.
5. Human and environmental rights issues and how they interact with global trade.

Course Outcomes

On successful completion of this course, students:

1. Will understand how trade policies are reflected in legal trade instruments.
2. Will be able to know and find the sources of global trade related law.
3. Will have an understanding of the main features and principles of that law.
4. Will be able to identify the relevant actors and legal issues at stake.
5. Will be able to put reality-based cases in a policy based legal context.
6. Will have stronger written and verbal communication skills and critical thinking skills.

Course Schedule

Unit I	Sessions: 6	Market access and non-discrimination
<ul style="list-style-type: none"> ● WTO, OECD, UNCTAD. ● Introduction to the WTO, core agreements (GATT, GATS, TRIPS, TBT, SPS, Agricultural Agreement). ● Basic WTO rules: non-discrimination (MFN/national treatment) and market-access (tariff barriers, dumping and subsidies). Exceptions to the rules (security, economic emergency, anti-dumping, countervailing etc.). ● Dispute settlement mechanisms. WTO, Investor-State: international arbitration (ICSID, UNCITRAL, ICC), national courts. EU's proposal towards a permanent investment court. ● BITs, whose side are they on? India's rise in outbound investments, its 2015 model BIT and (changing?) position on ICSID. 		
Unit II	Sessions: 4	Old and new economic realities and their challenges
<ul style="list-style-type: none"> ● Government procurement, state-owned enterprises (and state aid such as export credit insurance), the special position of aviation in world trade. ● The e-commerce moratorium, for how much longer and what would the end of it mean? Does anyone really know? Who will be hit hardest? ● Global value chains and determination of origin etc. ● The introduction of global corporate tax rate. Why? ● Free trade zones as hotbeds of (international) crime, how come? 		
Unit III	Sessions: 6	Human and Environmental Rights
<ul style="list-style-type: none"> ● The right to privacy and data protection. ● International Labour Standards (ILO conventions, WTO-clause). ● Trade and sustainability, environmental restrictions as justifiable exception? ● Green supply chain regulations are starting to bite (e.g. the EU's Carbon Adjustment Border Mechanism and the EU Corporate Sustainability Directive). ● Status of the Agricultural Agreement and rules on public stockkeeping and agricultural subsidies. ● Planet junkyard: how global trade facilitates a multi-billion-dollar waste business. A first: French anti-fast fashion law in the making. 		
Unit IV	Sessions: 4	Zooming in on intellectual property

- Intellectual property rights, what are they and who benefits from them?
- Finding the balance between protection and public interests.
- Main principles of TRIPS and how it made countries adapt/amend their IP-laws, challenges of enforcement.
- The scope of the Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary measures (SPS) agreements.
- IP and greenwashing. Calling it “organic”, “eco”, “bio”, EU Organic Production Regulation, India’s Consumer Protection Act 2019 & Draft Greenwashing Guidelines 2024. Should WTO police eco-labels?

Unit V	Sessions: 4	What’s next?
---------------	--------------------	---------------------

- Regional (and not so regional) trade agreements, allowed under GATT and GATS?
- Are they undermining or re-enforcing WTO?
- The problem of spaghetti bowls of RTA’s.
- Obstructions of trade by climate (Panama) and war (Black Sea, Red Sea), shipping law.
- Embargoes and sanctions, legal basis, extraterritoriality.