

International Economic Law and the Pursuit of Sustainable Development Goals

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Course description

In December 2015, the Members of the United Nations unanimously adopted the 2030 Agenda for Sustainable Development, which provides ‘a shared blueprint for peace and prosperity for people and the planet, now and into the future’ (see <https://sdgs.un.org/goals>). The 2030 Agenda sets out 17 Sustainable Development Goals (SDGs) and is an urgent call for action by all countries to end poverty and other deprivations, address the climate crisis, improve health and education, reduce inequality, spur economic growth, and preserve the oceans and forests. Oftentimes, trade and foreign investment significantly facilitate the achievement of SDGs. Sometimes, however, the pursuit of SDGs requires limiting trade and/or restricting foreign investment. International economic law, while aimed at promoting trade and foreign investment, allows – under certain conditions – national legislation and measures, which pursue SDGs, to impose limits on trade and restrict foreign investment.

This course aims at introducing students to the different rules of international economic law allowing governments to limit trade and restrict foreign investment in the pursuit of SDGs. This course seeks to make students reflect on whether the relevant rules of international economic law – as they currently exist – leave governments sufficient policy space to pursue and achieve the UN SDGs. The course focuses, in particular, on the policy space available to pursue and achieve SDG 1 (no poverty); SDG 2 (zero hunger); SDG 3 (good health and well-being); SDG 5 (gender equality); SDG 7 (affordable and clean energy); SDG 12 (responsible consumption and production); and SDG 14 (life below water).

Learning outcomes

- To understand the different rules in international economic law aimed at striking the appropriate balance between free trade and unrestricted foreign investment, and core societal values and interests (including public health, consumer protection, a clean environment, minimum labour standards, animal welfare, cultural identity and diversity, national security)

- To be able to analyse WTO and other cases and formulate a critical assessment of how those cases affect the right to regulate and the ability of States and other actors to regulate for the promotion of the SDGs
- To critically assess new trade policy instruments being developed and adopted for the promotion of the SDGs and especially to address climate change

Participation

The course is designed for advanced students in law, economics or political science with a strong command of English and an interest in international (economic) law and international relations. Prior knowledge of international economic law is helpful but not indispensable.

Schedule

This 5 ECTS course runs from 17 February to 20 May 2025.

- Week 1 (18 Feb 25): The United Nations 2030 Sustainable Development Agenda and its Sustainable Development Goals (SDGs)
- Week 2 (25 Feb 25): Policy space under international economic law (IEL) for the pursuit of SDGs
- Week 3 (4 Mar 25): IEL and national legislation & measures for responsible consumption and production (SDG 12)
- Week 4 (11 Mar 25): IEL and national legislation & measures for affordable and clean energy (SDG 7)
- Week 5 (18 Mar 25): IEL and national legislation & measures for life below water (SDG 14)
- Week 6 (25 Mar 25): IEL and national legislation & measures for good health and well-being (SDG 3)
- Week 7 (1 Apr 25): IEL and national legislation and measures for climate action I (SDG 13)
- Week 8 (8 Apr 25): IEL and national legislation and measures for climate action II (SDG 13)
- Week 9 (15 Apr 25): Guest lecture on *International Economic Law and the proposed UN Plastics Treaty*, by Mr. Andreas Sennekamp, Senior Legal Officer, Legal Affairs Division, WTO Secretariat (TBC)
- Week 10 (29 Apr 25): Guest lecture on *International Economic Law and Food Security (SDG 2)* by Prof. Ilaria Espa, Associate Professor of International Economic Law, USI and Research Fellow, World Trade Institute (<https://search.usi.ch/en/people/443532b87fc33d7bbd0853a6b0b7ca31/espa-ilaria>) (TBC)
- Week 11 (6 May 25): Guest lecture on *International Economic Law and Gender Equality (SDG 5)* by Prof. Gabrielle Marceau, Senior Counsellor, Research Division, World Trade Organization, and Associate Professor, Université de Genève (<https://www.wti.org/institute/people/251/marceau-gabrielle/>)

Week 12 (13 May 25): Guest lecture on *International Economic Law, the EU Carbon Border Adjustment Mechanism and SDG 13*, by Dr. Elena Cima, Lecturer in International Energy and Environmental Law, Université de Genève (<https://www.linkedin.com/in/elena-cima-71a969a9/?originalSubdomain=ch>)

Week 13 (20 May 25): Guest lecture on *International Economic Law and the Weaponisation of Investment in the Pursuit of SDGs* by Dr. Rodrigo Polanco, Senior Lecturer, World Trade Institute, and Legal Advisor, Swiss Institute of Comparative Law (<https://www.wti.org/institute/people/421/polanco-rodrico/>)

Exam

The final exam is an open-book oral exam of 20 minutes. Students will receive the exam questions 30 minutes in advance and may use this time to prepare for the oral exam. In the evaluation, emphasis will be placed on the ability to critically discuss whether, and, if so, how, the rules of international trade and investment law strike an appropriate balance between the societal values and interests discussed in this course.

Lecturer

Isabelle Van Damme is Professor of International Economic and Director of Studies at the World Trade Institute, University of Bern.

She completed her studies in law at the University of Gent (Cand. Jur and Lic. Jur.) in 2002 and at Georgetown University Law Center (LLM) in 2003. After working a year at Georgetown University Law Center, for Professor John H. Jackson and the Journal of International Economic Law, Prof. Van Damme wrote her PhD on 'Treaty Interpretation by the WTO Appellate Body', under the supervision of Professor James Crawford, at the University of Cambridge (2004-2007). Following her master studies and during her PhD, Prof. Van Damme interned at the World Trade Organization (WTO) Appellate Body Secretariat, worked at the Codification Division of the Office of Legal Affairs of the UN Secretariat, and was a Global Law Fellow at Columbia University.

After completing her doctorate, Prof. Van Damme worked as a College Lecturer, Director of Studies and the Turpin-Lipstein Fellow at Clare College, University of Cambridge, where she taught EU law, public international law and WTO law. She next joined the Geneva office of a US law firm, where she worked on WTO disputes, and also served as a référendaire in the Chambers of Advocate General Sharpston at the Court of Justice of the European Union (CJEU).

Prior to her appointment to the University of Bern and the World Trade Institute, Prof. Van Damme was a partner at a Brussels-based law firm, where she practiced international (trade) law and EU law and managed that firm's pro bono programme. In that role, she acted for several governments in WTO and FTA dispute settlement proceedings, including in disputes relating to national security and sustainability, and parties in CJEU proceedings. She also

advised clients on the negotiation of trade and investment agreements, and compliance with export control and sanctions legislation. She maintains an affiliation, as of counsel, with that law firm.

Prof. Van Damme has been a Visiting Lecturer at the Université Catholique de Louvain and has also taught at the University of Luxembourg, the Graduate Institute, KU Leuven, the World Trade Institute, and the Academy of International Economic Law and Policy.

She continues to teach a seminar on EU trade and policy at the College of Europe in Bruges. She is currently also serving her second term as Executive Vice-President of the Society of International Economic Law. On 23 June 2022, the European Commission added Prof. Van Damme to the “List of Candidates for Appointment as Arbitrators and TSD Experts”.

Prof. Van Damme is a member of the editorial boards of *SEW* (Tijdschrift voor Europees en economisch recht), *EU Law Live*, the *Cambridge Journal of International and Comparative Law* and the *Revue belge de droit international*. Since 2024, she also sits on the editorial advisory board of the *Journal of International Economic Law*.

Her main publications include *Treaty Interpretation by the WTO Appellate Body* (OUP), *EU Foreign Subsidies Regulation* (Concurrences, co-authored), *Commentary on the WTO Anti-Dumping Agreement* (CUP, co-authored), and the first and second editions of *The Oxford Handbook of International Trade Law* (OUP, co-edited).

Reading materials

Students will receive a digital reader with chapters and sections from books and articles on the topics addressed in this course. The reader also contains relevant jurisprudence. Note the difference made between ‘Mandatory Reading Materials’ and ‘Optional Reading Materials’. This digital reader will be available on ILIAS.