

Non-Trade Concerns in International Trade: Public Health and Labour Standards

Semester: Spring Semester- FS 2023

Root Number: 481933

ECTS: 3

Lecturer: Antony Taubman & Damian Räss

Dates: **July 10 to July 14, 2023**

Room: This is a hybrid course. The course will be held on-site at the World Trade Institute and online on Zoom.

Audience:

- Government officials; Embassy staff; people working for international organizations and NGOs, industry and in legal practice
- Master of Advanced Studies of International Law and Economics (MILE) Students
- Joint LL.M. / Diploma of Advanced Studies Trade and Investment Law (TRAIL+) Students - World Trade Institute / Faculty of Law, Unibe
- Certificate of Advanced Studies / Diploma of Advanced Studies in International Law and Economics (CAS ILE & DAS ILE) Students - World Trade Institute, Unibe
- Master students from different universities across Switzerland

Course Description

This course examines how international trade can help achieve non-trade objectives, focusing on public health and labor standards.

The COVID-19 pandemic has brought to the fore longstanding concerns about how trade policy and its implementation bear on the fulfilment of public health outcomes. Trade policy settings can enable and facilitate access to vital medicines and medical technologies such as vaccines and personal protective equipment, but can also impede or disrupt production and supply chains. And the intellectual property system has attracted particular scrutiny, given its role in the innovation of new medical technologies

and its impact on their equitable and effective diffusion dimension, especially at times when stark inequities in access were evident.

The first part of the course provides a comprehensive, multi-disciplinary overview of the legal instruments, international institutions, domestic strategies and practical programs and initiatives involved in the trade policy dimension of the response to global health challenges, as exemplified by the pandemic.

Is globalization good or bad for labour standards in developing countries? Is the level of labour protection a curse or a blessing for economic development? Violations of labor rights remain pervasive in the global economy. They raise issues of exploitative working conditions as well as unfair international competition. The main vehicle by which developed countries have addressed dismal labor standards in the Global South in recent years is through preferential trade liberalization, making market access conditional upon the protection and enforcement of fundamental labor rights.

The second part analyzes public approaches to protect labour standards through trade. Specifically, it focuses on the rise, design, determinants and impact of labour provisions in free trade agreements as well as recent policy reforms of labor/sustainable development chapters in such agreements.

Lecturers

Antony Taubman

Antony Taubman is currently Director, Intellectual Property, Government Procurement and Competition Division of the World Trade Organization. From 2002 to 2009, he was Director, Global Intellectual Property Issues Division of WIPO (including the Traditional Knowledge Division and Life Sciences Program).

After a diplomatic career, he left the Australian Department of Foreign Affairs and Trade (DFAT) in 2001 to join the newly formed Australian Centre for Intellectual Property in Agriculture, at the Australian National University, teaching and researching on international IP law. From 1998 to 2001, he was Director of the International Intellectual Property Section of DFAT.

Postgraduate teaching appointments at several universities include curriculum design and teaching at the University of Melbourne, the Australian National University, and Queensland University of Technology, as well as numerous contributions to other educational and training programs in many countries.

A registered patent attorney, he worked in private practice in the law of patents, trade marks and designs in Melbourne in the 1980s.

In 2008, the Rockefeller Foundation awarded him a Bellagio residential fellowship for his work on TRIPS and public policy issues.

Damian Raess

Dr. Raess is a Senior Researcher at the WTI, University of Bern, which he joined as SNSF Professor in 2017. He is a political scientist specializing in International Political Economy. He holds a BA in Political Science (University of Lausanne), an MA in International Relations and a PhD in Social Sciences (both from the University of Amsterdam).

His main research interests lie in the nexus between globalization and labor. He is pursuing three lines of enquiry. First, he studies the impact of outward investment linkages by Southern multinational companies on labor standards in developed, emerging and developing economies, with a particular focus on Europe and Brazil.

Second, he studies the private regulation of labor standards in global supply chains. He co-leads, with Dr. Matthew Amengual (University of Oxford), an SNSF-funded project analyzing the effects of private regulation on social compliance and trade relationships.

Finally, he studies the causes and consequences of labor provisions in preferential trade agreements. He is the co-author of the most comprehensive dataset on labor provisions in preferential trade agreements (LABPTA dataset).

In 2022-2023, Raess is a visiting lecturer in the Bachelor in International Relations (BARI) at the University of Geneva as well as in the Licence de Relations Internationales at the Université Catholique de Lille. Previously, he was a lecturer at the University of Reading and at the University of Geneva, and a visiting scholar at MIT and at Harvard University. He held visiting lectureships at KU Leuven, the University of Amsterdam, and the Graduate Institute in Geneva.

His most recent publications related to globalization and labor have appeared in [LABOUR](#) and in the [Review of International Organizations](#) (both in open access).

Learning Objectives

By the end of the course participants will be able to:

- Distinguish the multiple points of interaction between public health and trade policy, and critically analyse their potential impact on public health outcomes.
- Understand, in principle and in practice, the application of measures within trade law and intellectual property law to promote innovation of and equitable access to medical technologies.
- Survey and analyse the scope of application of the policy tools available at international, regional and domestic levels for promoting access to medicines, grounding their application in the use of data resources and statistics.
- Assess the trade policy and intellectual property issues at play in international negotiations and policy processes aimed at strengthening the multilateral response to global health crises

- Conceptualise and analyse labour provisions in FTAs using the state-of-the-art LABPTA dataset
- Explain the rise and design of labour provisions in FTAs
- Assess the social and economic impact of the inclusion of labour provisions in FTAs
- Evaluate recent policy reforms in labour / sustainable development chapters of FTAs in Europe and beyond
- Reflect upon the inter-linkages and potential trade-offs between the economic and social objectives of trade-labour linkage strategies.

Assessment (to be decided by the lecturers)

- Students' knowledge will be assessed on the basis of a take home exam which needs to be completed on an individual basis.
- Students are required to answer two essay questions, one per part of the course.
- Take-home assignment will be made available on 13 July 2023, 16:00 and is to be submitted before 14 July 2023, 20:00 to masters@wti.org

Course Overview

Date	Day	Time	Topic / lecturer
10 July	Monday	10:00 12:00	Towards an integrated view of public health, trade and intellectual property/ Taubman
		13:00 16:00	Applying trade policy to promote sustainable and equitable access to medical technologies : reflections from the pandemic/ Taubman
11 July	Tuesday	10:00 12:00	Medical innovation, equitable access and the intellectual property system: in principle and in practice / Taubman
		13:00 16:00	Review of current dynamics at international and regional levels / Taubman Case study on vaccine innovation and access
12 July	Wednesday	10:00 12:00	The relationship between trade and labor; purpose and design of labour provisions in trade agreements / Raess
		13:00 16:00	The rise, evolution and determinants of labor provisions in trade agreements / Raess
13 July	Thursday	10:00 12:00	Effects of labor provisions in trade agreements / Raess
		13:00 16:00	Quo vadis? Recent reforms of labor and TSD chapters in trade agreements / Raess
14 July	Friday	Due 20:00	Take-home assessment

MONDAY, JULY 10, 2023**Lecturer: Antony Taubman****Subject**

- International trade, intellectual property and public health

Topics

- Overview of the key international legal instruments
- Principal determinants of public health
- The role of trade policy in supporting public health outcomes
- Analysis of the trade policy issues in the pandemic response

Compulsory Reading Material

- Chapter II, WHO, WIPO, WTO, Promoting Access to Medical Technologies and Innovation - Intersections between Public Health, Intellectual Property and Trade, 2nd Edition (2020) ('Trilateral study')
- Chapters 1 & 2, World Bank, WTO, Trade Therapy: Deepening Cooperation to Strengthen Pandemic Defenses, (2022)
- WTO, Indicative List of Trade-Related Bottlenecks and Trade-Facilitating Measures on Critical Products to Combat COVID-19

Optional Reading Material

- Chapters I & IV, Trilateral study
- Padmashree Gehl Sampath, Harvard University, and Jon Pearman, Local Production of COVID 19 Vaccines: A Strategy for Action, Global Policy, August 2021
- Chad Bown and Thomas Bollyky. 2022. "How COVID-19 Vaccine Supply Chains Emerged in the Midst of a Pandemic." *The World Economy* 45 (2): 468–522

TUESDAY, JULY 11, 2023**Lecturer: Antony Taubman****Subject**

- International trade, intellectual property and public health

Topics

- Issues of intellectual property law and policy along the medical technology innovation and access pipeline
- International intellectual property instruments and their trade and health policy context
- Interaction between international, regional and domestic law and policy
- Case study on access to COVID-19 vaccines

Compulsory Reading Material

- Chapter III, Trilateral Study
- Christopher Arup & Jagjit Plahe, Patents and other conditions of access to vaccines, *Journal of World Intellectual Property*, 30 January 2023

Optional Reading Material

- Rena Conti, The Determinants of COVID-19 Vaccine Development Success, WIPO document WIPO/GC/COVID-19/GE/22/WWW/572491, 2021
- Andrew Mitchell & Antony Taubman, Practical means of applying the TRIPS agreement's flexibilities to spur vaccine production, *ARTNet ESCAP Working Paper*, January 2023

WEDNESDAY, JULY 12, 2023**Lecturer: Dr. Damian Raess****Subject**

- International trade and labor standards

Topics

- The relationship between trade and labor
- Purpose and design of labour provisions in trade agreements
- The rise and evolution of labor provisions
- Determinants of the inclusion of labor provisions

Compulsory Reading Material

- Adolph, C., Quince V. and Prakash A. (2017). The Shanghai Effect: Do Exports to China Affect Labor Practices in Africa? *World Development*, 89: 1-18.
- Evans, A. (2021). Export incentives, domestic mobilization, & labor reforms. *Review of International Political Economy* 28(5): 1332-1361.
- Malesky, E.J. and Mosley, L. (2021). Labor upgrading and export market opportunities: Evidence from Vietnam. *Economics & Politics* 1– 31.

Optional Reading Material

- Orbie, J., Van den Putte, L. and Martens D. (2018). Civil Society Meetings in EU Free Trade Agreements: The Purposes Unravelling. In *Labour Standards in International Economic Law*, edited by Henner Gött. Springer (pp. 135-152).
- Bastiaens, I. and Postnikov E. (2020). Social standards in trade agreements and free trade preferences: An empirical investigation. *Review of International Organizations* 15(4): 793-816.
- Bhagwati, J. (1995). Trade Liberalization and 'Fair Trade' Demands: Addressing the Environmental and Labour Standards Issues. *World Economy* 18(6): 745-759.

THURSDAY, JULY 13, 2023**Lecturer: Dr. Damian Raess****Subject**

- International trade and labor standards

Topics

- Socio-economic effects of labor provisions in trade agreements
- Quo vadis? Recent reforms of labor and TSD chapters in trade agreements

Compulsory Reading Material

- Dewan S. and Ronconi L. (2018). U.S. Free Trade Agreements and Enforcement of Labor Law in Latin America. *Industrial Relations* 57(1): 35-55.
- Di Ubaldo, M. and Gasiorek M. (2022). Non-trade provisions in trade agreements and FDI. *European Journal of Political Economy* (first online 11 March).
- Bronckers M. and Gruni G. (2021). Retooling the Sustainability Standards in EU Free Trade Agreements. *Journal of International Economic Law* 24: 25-51.

Optional Reading Material

- Harrison J, Barbu M, Campling, L, Richardson B and Smith A (2019). Governing Labour Standards through Free Trade Agreements: Limits of the European Union's Trade and Sustainable Development Chapters. *Journal of Common Market Studies* 57(2), 260-77.
- Kim, M. (2012). Ex Ante Due Diligence: Formation of PTAs and Protection of Labor Rights. *International Studies Quarterly* 56(4):704-719.

FRIDAY, JULY 14, 2023

- Take-home assessment due 20:00