Seminar on Trade & National Security

Trade & National Security – 513564

Prof. Dr. Isabelle Van Damme

World Trade Institute & Faculty of Law
University of Bern
Spring Semester 2027

Seminar description

The seminar on Trade & National Security during the Spring Semester 2027 focuses on the intersection of trade and national security, against the background of geopolitical dynamics, technological rivalry, and climate challenges. This seminar will address the evolving legal landscape governing national security measures in the context of international trade (and investment law), with particular attention to their justification and limits under WTO law, free trade agreements (FTAs), and investment agreements. General international law, and specifically the law on State responsibility, will also be discussed.

Key discussions will include the standard of review for national security claims, jurisdictional issues in dispute settlement, and the implications of secondary sanctions and extraterritoriality. The seminar will also cover national security provisions in FTAs, export control, foreign direct investment (FDI) screening, anti-coercion mechanisms, and the growing role of industrial policy in national security strategies.

Each student in this seminar will examine a selected particular problem. Each student is required to give a presentation and to write a seminar paper on that selected problem.

The seminar will start with a lecture by Prof. Van Damme on trade & national security. This introductory lecture, which is scheduled for Tuesday 23 February 2027 at 16h15 till 19h00, will help students in preparing for their seminar presentation and in writing their seminar paper.

Topics for seminar papers

1. The changing concept of national security
2. Economic security
3. The justification of sanctions under WTO and/or FTA rules
4. The justification of export control measures under WTO and/or FTA rules
5. The application of security exceptions to the SCM Agreement
6. Climate change and national security
7. Standard of review in respect of national security measures
8. Jurisdiction to adjudicate disputes about alleged national security measures
9. The justification of sanctions under investment agreements
10. National security clauses in FTAs
11. Secondary sanctions / extraterritoriality
12. National security and industrial policy
13. FDI screening
14. Anti-coercion
15. Reforming the settling of national security disputes in the WTO
16. The suspension of trade agreements based on breaches of international law

17. The relevance of the law of State responsibility and the justification of national security measures

Each student selects a different topic. The assignment of topics is on a 'first come, first served' basis. Please send an e-mail to Ms. Pamela Beglinger: pamela.beglinger@unibe.ch between 25 February 2027, 8h00 (CET) and 26 February 2027, 13h00 (CET). Earlier and later e-mails will *not* be considered. In the e-mail to Ms. Beglinger, students are asked to indicate a first, second and third choice of topic. You will be informed on 2 March 2027 which topic has been assigned to you.

This seminar is limited to 10 participants.

Subject to approval by Prof. Van Damme, students may write their seminar paper on a topic not included in the list above.

Timeline

- Introduction to the seminar and opening lecture: Tuesday 23 February 2027 at 16h15 till 19h00
- Assignment of topics: 2 March 2027
- Deadline for de-registering: 8 March 2027
- Individual meetings with Prof. Van Damme: 16 March 2027 between 9h30 and 16h45 (a sign-up sheet will be made available for this purpose)
- Seminar paper presentations: Tuesday 4 May 2027, 9h30-17h30
- Seminar paper submission: 11 May 2027 at 17h00 CET to masters.wti@unibe.ch

Information on presentations and seminar papers

The seminar presentations are scheduled on 4 May 2027, 9h30-17h30.

Each presentation is max. 20 mins, and is followed by Q&A (max. 30mins). Students are advised to use a PowerPoint presentation. Students using a PowerPoint presentation are asked to send it, by no later than 3 May 2027, 17h00 to Ms. Pamela Beglinger: pamela.beglinger@unibe.ch.

Each student also takes on the role of discussant for a different presentation (of another student) in order to introduce the subsequent Q&A. Active participation of all students is expected. Participation in the seminar paper presentation session is mandatory (if a student has a time conflict due to another lecture or seminar, please contact Prof. Van Damme).

Guidance on papers

For specifics on the papers, please see the Law Faculty's guidance on seminar papers: here and here.

The format and length of the seminar papers will also be explained at the start of the seminar.

Deadline for submitting final seminar paper

After the seminar presentations students will have until 11 May 2027, 17h00 CET to finalise and submit their seminar paper to masters.wti@unibe.ch.

Assessment

50% of the final grade is on the seminar presentation and the other 50% is on the seminar paper.

Learning outcomes

Students taking this seminar will gain a better understanding of:

- critically analyse how national security concerns interact with international trade and investment law in a rapidly evolving geopolitical context;
- evaluate the legal justification and limits of national security measures under WTO law, preferential trade agreements, and investment agreements;
- examine the implications of extraterritorial sanctions, FDI screening, and industrial policy within the framework of economic security;
- apply principles of general international law, including the law of State responsibility, to assess national security disputes;
- conduct independent legal research and effectively present findings through both a seminar paper and an oral presentation; and
- participate in structured academic discussion by acting as a discussant and providing feedback on peer work.

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).

She is a Foreign Member of the Royal Flemish Academy of Belgium for Science and the Arts.

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