

The Law and Policy of Artificial Intelligence

(AI) Regulation

Semester: Spring Semester- FS 2025

Root Number: 493731

ECTS: 2 ECT – (10 hours)

Lecturer: Kholofelo Kugler and Johannes Fritz

Dates: **19 and 26 March and 2 and 30 April 2025**

Room: This is a hybrid course. The course will be held on-site at Anna Nussbaum Room in the World Trade Institute and online on Zoom. Physical presence is highly recommended, but online attendance is perfectly possible to follow lectures and participate in discussions.

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
- Researchers and scholars in trade law, technology policy, or intellectual property
- Students from different universities across Switzerland

Course Description

The rapid adoption and development of artificial intelligence (AI) brings both unprecedented opportunities and challenges for trade, economic development, labour markets, and social structures. Although significant benefits and efficiencies can be gained from AI adoption, its use may also result in or exacerbate existing challenges, including inequality, the digital divide, and environmental degradation. The irresponsible, illegal, and malicious use of AI may even compromise democratic processes, raise ethical concerns, and violate human rights.

This course is designed to explore AI policymaking and regulation. In doing so, we will examine the history of technological disruption; the nature, risks, and benefits of AI; and the emerging AI regulatory and policy landscape. Through comparative analysis and case studies, participants will engage with the current discourse on AI regulation and develop their own views on the emerging regulatory approaches. This course will equip participants with an understanding of the disruptions that AI (and other of frontier technologies) has brought and prepare them to contribute to policymaking in this dynamic field.

Lecturers

Johannes Fritz



Johannes Fritz is the CEO of the St. Gallen Endowment, a Swiss non-profit that champions international openness, collaboration and exchange. He leads the Digital Policy Alert transparency initiative focusing on prominent digital trade issues such as data transfers and AI regulation. Alongside his work for the St. Gallen Endowment, he is a Lecturer for Economic History and Economic Thought at the University of Fribourg, Switzerland. Johannes holds a Ph.D. in Economics, and his work focuses on utilizing technology to bring transparency to public policy choice.

Kholofelo Kugler is Counsel at the Advisory Centre on WTO Law in Geneva, Switzerland. She is also a nonresident scholar with the Carnegie Endowment for International Peace's Africa Program. Previously, she was a PhD Fellow in the project Trade Law 4.0 at the University of Lucerne, Switzerland, where she researched digital trade and AI regulation issues. Kholofelo regularly lectures trade law and digital trade law at academic and training institutions in Africa, the Caribbean, Europe, and the United States.

Kholofelo Kugler



Learning Objectives

The five learning objectives of this course are to:

- Understand the historical context of technological disruptions.
- Identify and analyze the key characteristics of AI and its impacts, including the geopolitical ecosystem.
- Compare and contrast different regulatory approaches to AI across jurisdictions.
- Explore effective regulatory approaches to frontier technologies, analyzing the current emerging AI cross-national and international frameworks.
- Explore the intersection of AI and trade regulation at the multilateral level and in preferential trade agreements (PTAs).

Assessment

- Students' knowledge will be assessed on the basis of a take home exam which needs to be completed on an individual basis.
- Participants will have a choice to submit one short essay (1,500 words) or two shorter essays of 750 words each based on a selection of questions made available by the lecturers.
- The take-home assignment will be made available on 1 May 2025 at 17:00 and is to be submitted on 7 May no later than 17:00 (CET) to masters.wti@unibe.ch

Course Overview

Class	Date/Time	Hours	Lecturer	Topic
1	19 March 2025 11.00-13.30	2.5	Johannes Fritz	A Historical Perspective on Technological Disruption and an Introduction to Frontier Technologies
2	26 March 2025 11.00-13.30	2.5	Kholofelo Kugler	Emerging International Cooperation in AI Regulation
3	2 April 2025 11.00-13.30	2.5	Johannes Fritz & Kholofelo Kugler	Comparative AI Regulation
4	30 April 2025, 11.00-13.30	2.5	Kholofelo Kugler	AI and Trade Regulation

Wednesday, 19 March, 2025

Lecturer: Johannes Fritz

Subject

Session 1 will provide a historical overview of technological disruptions triggered by the Industrial Revolution. It will examine how these disruptions challenged existing structures and norms and what lessons can be learned to deal with technological development. This session will also introduce key frontier technologies such as AI, blockchain, and quantum computing. The discussion will focus on what is AI and how it works. It will also delve into its impact, including economic and social effects. In this regard, issues like job displacement, privacy concerns, sustainability, and the geopolitics of AI will be addressed.

Topics

- The history of technological disruption
- An introduction to frontier technologies, with a focus on AI
- What is AI and how does it impact our lives
- The economic, labour, and geopolitical effects of AI

Compulsory Reading Material

Class 1:

- David S. Landes, "The Unbound Prometheus: Technological Change and Industrial Development in Western Europe from 1750 to the Present", 2nd ed., Cambridge University Press, 1969. (excerpts provided by lecturer)
- Daron Acemoglu & Simon Johnson, "Learning from Ricardo and Thompson: Machinery and Labor in the Early Industrial Revolution - And in the Age of AI", 16 Annual Reviews in Economics, 2024, 597–621.
- "Frontier Technologies" (Info Sheet), https://www.wipo.int/export/sites/www/about-ip/en/frontier_technologies/pdf/frontier-tech-6th-factsheet.pdf.

Wednesday, 26 March, 2025

Lecturer: Kholofelo Kugler

Subject

Session 2 will canvass the nascent but rapidly growing international and regional initiatives to regulate AI. The focus will be on global initiatives, including those at the OECD, G7, G20, and UN. Regionally, the activities of bodies like the African Union, ASEAN, and the Council of Europe will be highlighted. The session will also discuss theories of (technological) regulation and whether the current emerging approach is effective.

Topics

- International cooperation on AI regulation
- Regional cooperation on AI regulation
- Approaches/ theories of technological regulation

Compulsory Reading Material

Class 2:

- Nathalie A. Smuha, "From a 'Race to AI' to a 'Race to AI Regulation': Regulatory Competition for Artificial Intelligence", 13(1) *Law, Innovation and Technology*, 2021, 57–84.
- Fernando Eutiquio Nuño-Santana, "International Cooperation, Multilateralism, and Civil Society in the Face of the Technological Revolution 4.0", in David Hernández Martínez, José Miguel Calvillo Cisneros (eds), *International Relations and Technological Revolution 4.0. Contributions to International Relations*, 2024, Springer, Cham. https://doi.org/10.1007/978-3-031-66750-3_11.

Wednesday, 2 April 2025

Lecturer: Johannes Fritz & Kholofelo Kugler

Subject

Session 3 will examine AI regulation and policymaking in different countries. Case studies will include the European Union's AI Act, the United States' approach to AI governance, and China's regulatory framework. The session will reflect upon the benefits and challenges of these different approaches.

Topics

- Overview of domestic efforts to regulate AI (which countries have started to regulate AI)
- Case studies: the EU AI Act, the US AI regulation approach, China's AI regulation approach
- Pros and cons of different regulatory approaches

Compulsory Reading Material

Class 3:

- Emmie Hine, "Governing Silicon Valley and Shenzhen: Assessing a New Era of Artificial Intelligence Governance in the United States and China" 3(50) Digital Society, 2024, <https://doi.org/10.1007/s44206-024-00138-7>.
- Marco Almada and Nicolas Petit, "The EU AI Act: a Medley of Product Safety and Fundamental Rights?" 18 October 2023, Robert Schuman Centre for Advanced Studies Research Paper No. 2023/59, <https://ssrn.com/abstract=4308072> or <http://dx.doi.org/10.2139/ssrn.4308072>.

Wednesday, 30 April 2025

Lecturer: Kholofelo Kugler

Subject

Session 4 will explore the intersection between AI and international trade, focusing on how AI technologies are regulated within trade agreements (WTO and PTAs) and whether these frameworks are fit for purpose. Topics will include product categorization and classification issues, data governance, and technical standards.

Topics

- The WTO law of AI (goods, services, IP agreements)
- The regulation of AI in PTAs
- Advantages and gaps in the current international trade regulatory framework

Compulsory Reading Material

Class 4:

- World Economic Forum (Usman Ahmed and Penelope Naas), "ChatWTO: An Analysis of Generative Artificial Intelligence and International Trade", White Paper, September 2024, https://www3.weforum.org/docs/WEF_An_Analysis_of_Generative_Artificial_Intelligence_and_International_Trade_2024.pdf
- Janos Ferencz, Javier López González and Irene Oliván García, "Artificial Intelligence and International Trade: Some Preliminary Implications", 2022, OECD Trade Policy Papers, No. 260, OECD Publishing, Paris, <https://doi.org/10.1787/13212d3e-en>.

Recommended Resource Materials

- McKinsey & Co (McKinsey Global Institute), "What can History Teach us about Technology and Jobs?", 16 February 2018, Podcast, [https://www.mckinsey.com/featured-insights/future-of-work/what-can-history-teach-us-about-technology-and-jobs#/.](https://www.mckinsey.com/featured-insights/future-of-work/what-can-history-teach-us-about-technology-and-jobs#/)
- David D. Nolte, "From Coal and Steam to ChatGPT: Chapters in the History of Technology", 12 April 2023, Galileo Unbound, Companion blog to the book "Galileo Unbound" published by Oxford University Press (David D. Nolte), [https://galileo-unbound.blog/2023/04/12/from-coal-and-steam-to-chatgpt-chapters-in-the-history-of-technology/.](https://galileo-unbound.blog/2023/04/12/from-coal-and-steam-to-chatgpt-chapters-in-the-history-of-technology/)
- UNESCAP, "Frontier Technologies for Sustainable Development in Asia and the Pacific", <https://www.unescap.org/sites/default/files/publications/Frontier%20tech%20for%20SDG.pdf>.
- Avi Goldfarb and Daniel Trefler, "Artificial intelligence and international trade" in Ajay Agrawal, Joshua Gans, and Avi Goldfarb (eds) The Economics of Artificial Intelligence: An Agenda, 2019 (University of Chicago Press).