

# International Economic Law and the Pursuit of Sustainable Development Goals

To free the human race from the tyranny of poverty and want and to heal and secure our planet.

Preamble, *Transforming Our World: The 2030 Agenda for Sustainable Development* (A/RES/70/1)

Peter Van den Bossche  
World Trade Institute & Faculty of Law  
University of Bern  
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## Course description

In December 2015, the Member States 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).

## 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 over 14 weeks. From 20 February to 28 May 2024, the course includes seven lectures by Prof. Van den Bossche, five guest lectures, one revision and exam preparation class, and a two-day study trip to the World Trade Organization in Geneva.

- Week 1: The United Nations 2030 Sustainable Development Agenda and its Sustainable Development Goals (SDGs)
- Week 2: Policy space under international economic law (IEL) for the pursuit of SDGs
- Week 3: IEL and national legislation and measures for climate action (SDG 13)
- Week 4: IEL and national legislation and measures for affordable and clean energy (SDG 7)
- Week 5: IEL and national legislation and measures for life below water (SDG 14)
- Week 6: IEL and national legislation and measures for good health and well-being (SDG 3)
- Week 7: IEL and national legislation and measures for responsible consumption and production (SDG 12)
- Week 8: Guest lecture on *International Economic Law and the Weaposition 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-rodrigo/>) (16 April 2024)
- Week 9: Guest lecture on *International Economic Law and the European Union's Pursuit of SDGs* by Mr. Lothar Ehring, Senior Expert – Legal Officer, Directorate-General Trade, European Commission, Brussels (<https://www.wti.org/institute/people/154/ehring-lothar/>) (23 April 2024)
- Week 10: Guest lecture on *International Economic Law and Food Security (SDG 2)* by Dr. Christian Häberli, Senior Fellow, World Trade Institute (<https://www.wti.org/institute/people/44/haberli-christian/>) (30 April 2024)
- Week 11: 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/>) (7 May 2024)
- Week 12: 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>) (14 May 2024)
- Week 13: Revision and exam preparation class – note: this class is combined with the revision and exam preparation class for the *International Economic Dispute Resolution* course
- Week 14: Study trip to, and WTI Moot Court at, the World Trade Organization, Geneva (27 and 28 May 2024)

## 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

Peter Van den Bossche is a former Member and Chair of the Appellate Body of the World Trade Organization (2009-2019), and is currently Director of Studies and Professor of International Economic Law at the World Trade Institute of the University of Bern, and President of the Society of International Economic Law (SIEL). Van den Bossche is professor emeritus at Maastricht University, and a visiting professor at the Bocconi University, Milan (since 2022), the Université de Genève (since 2018), LUISS Guido Carli University, Rome (since 2016), the Universidad San Francisco de Quito (since 2016), and the College of Europe, Bruges (since 2010). He is member of the Advisory Board of the *World Trade Review*, *Journal of International Economic Law*, the *Journal of World Investment and Trade* and the *Revista Latinoamericana de Derecho Comercial Internacional*. Since 2013, he is also member of the Advisory Board of the WTO Chairs Programme (WCP). Van den Bossche is on the roster of arbitrators for disputes under the EU-UK Trade and Cooperation Agreement (TCA), the EU-Canada Comprehensive Economic and Trade Agreement (CETA), and the EU-Andean Community Trade Agreement, on the panel of arbitrators of the Shenzhen Court of International Arbitration (SCIA) and the South China International Arbitration Center (Hong Kong) (SCIAHK), and on the EU list of candidates suitable for appointment as arbitrators and TSD experts. In September 2023, he was appointed as panellist in the WTO dispute *European Union – Countervailing and Anti-Dumping Duties on Stainless Steel Cold-Rolled Flat Products from Indonesia* (DS616).

Van den Bossche holds an LL.M. from the University of Michigan, Ann Arbor (1986) and a PhD in law from the European University Institute, Florence (1990). Van den Bossche graduated *magna cum laude* from the Faculty of Law of the University of Antwerp (1982). Van den Bossche worked at the Court of Justice of the European Communities, Luxembourg, as *référéndaire* of Advocate-General W. Van Gerven (1990-92) after which he joined the Faculty of Law of Maastricht University. From 1997 to 2001, Van den Bossche was Counsellor to the Appellate Body of the World Trade Organization, Geneva. In 2001, he served as Acting Director of the Appellate Body Secretariat after which he returned to Maastricht University as Professor of International Economic Law. From 2005 to 2009, Van den Bossche was Head of the Department of International and European Law of Maastricht University. In 2007, he founded the Institute for Globalisation and International Regulation (IGIR) at Maastricht University and served as its first Academic Director until 2009. He obtained substantial research grants from *inter alia* the European Commission, the Asian

Development Bank, the Government of the Netherlands, and the Southern African Customs Union.

Van den Bossche is the author (with Werner Zdouc) of *The Law and Policy of the World Trade Organization*, 5<sup>th</sup> edition (Cambridge University Press, 2022), 1170 p., and (with Denise Prévost) of *Essentials of WTO Law*, 2<sup>nd</sup> edition (Cambridge University Press, 2021), 223 p. The Chinese edition of *The Law and Policy of the World Trade Organization* was published in 2020 by Law Press China.

### 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 'Main Reading Materials' and 'Other Reading Materials'. This digital reader will be available on ILIAS.