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Course: *International Trade Law & Policy*

The basic paradigm for my International Trade Law & Policy course has been the economics of international trade. While this is often daunting for the students, I have tried to sell it to them as a vitally important framework for understanding both the actual trade rules and their limitations.

During the course of the workshop, however, and particularly during the discussion of sustainability on the second day, I began to think about the prospect of making economics the opening theme of the course, and the environment the coda. Thus, if economics is where the study of international trade comes from, the environment, both *qua* environment as a proxy for other themes of global social order – including labor rights, sustainable development, cultural preservation, and others – is where it is going.

After spending the first week on the economics of trade, and a second week on trade law history, I will turn to the substantive law of the GATT and WTO, but with a recurring eye to the environment. Specifically, I will try to use trade and the environment cases whenever possible to draw out the relevant topic, an increasingly feasible approach, given recent WTO appellate adjudications implicated the environment. For example, *EC-Asbestos* can be used on national treatment, *US-Reformulated Gas* on most favored nation treatment, and the like. While this will not always be possible, it can often be done. The last three weeks of the course, finally, will begin with several classes on the basic case law of trade and the environment. We will then turn to the broader question of how the rules of international trade can be reconciled with, or maintained in harmony with, the need for sustainable development, as well as other ‘social’ goods. Is the economics of trade inconsistent with environmental preservation? Why or why not? Should such variables even be a factor in the design and adjudication of *trade* rules? Why? Based on the foregoing, are adjustments therefore warranted? In what form? In its broadest terms, I hope, this study and analysis will help my students to appreciate the necessary place of both efficiency goods and other social goods, most immediately in international trade law, but also in the law more generally.

Bibliography

While trade and the environment has been a subject of great interest in recent years, much of the relevant literature has been too one-sided (on either side) to be particularly useful in class. Recently, this has begun to improve. Works I will draw from thus include:

- (1) ENVIRONMENT, HUMAN RIGHTS, AND INTERNATIONAL TRADE (Francesco Francioni ed., 2001)
- (2) RECONCILING ENVIRONMENT AND TRADE (Edith Brown Weiss & John H. Jackson eds., 2001)
- (3) TRADE, ENVIRONMENT, AND THE MILLENNIUM (Gary P. Sampson & W. Bradnee Chambers eds., 2002)