



TradeLab

**Law Clinics to make Global Economic
Regulation work for everyone**

Prospectus

Spring 2021

What is TradeLab?

TradeLab is a network of Law Clinics bringing together academics, legal practitioners and students. TradeLab aims to build the capacity of policy makers in developing countries and other stakeholders, including civil society organization (SCOs) and small and medium sized enterprises (SMEs), allowing them to reap the full development benefits of institutions and rules that govern our global economy.

- Through *pro bono* law clinics, TradeLab connects students and experienced legal professionals to public officials and other stakeholders.
- Through ‘learning by doing’ TradeLab trains and builds capacity among the next generation of trade and investment practitioners and policy makers.
- By providing information and support on negotiations, compliance, and litigation, TradeLab strives to make WTO, preferential trade and investment treaties work for everyone, thus working for a more inclusive globalisation.

OBJECTIVE:

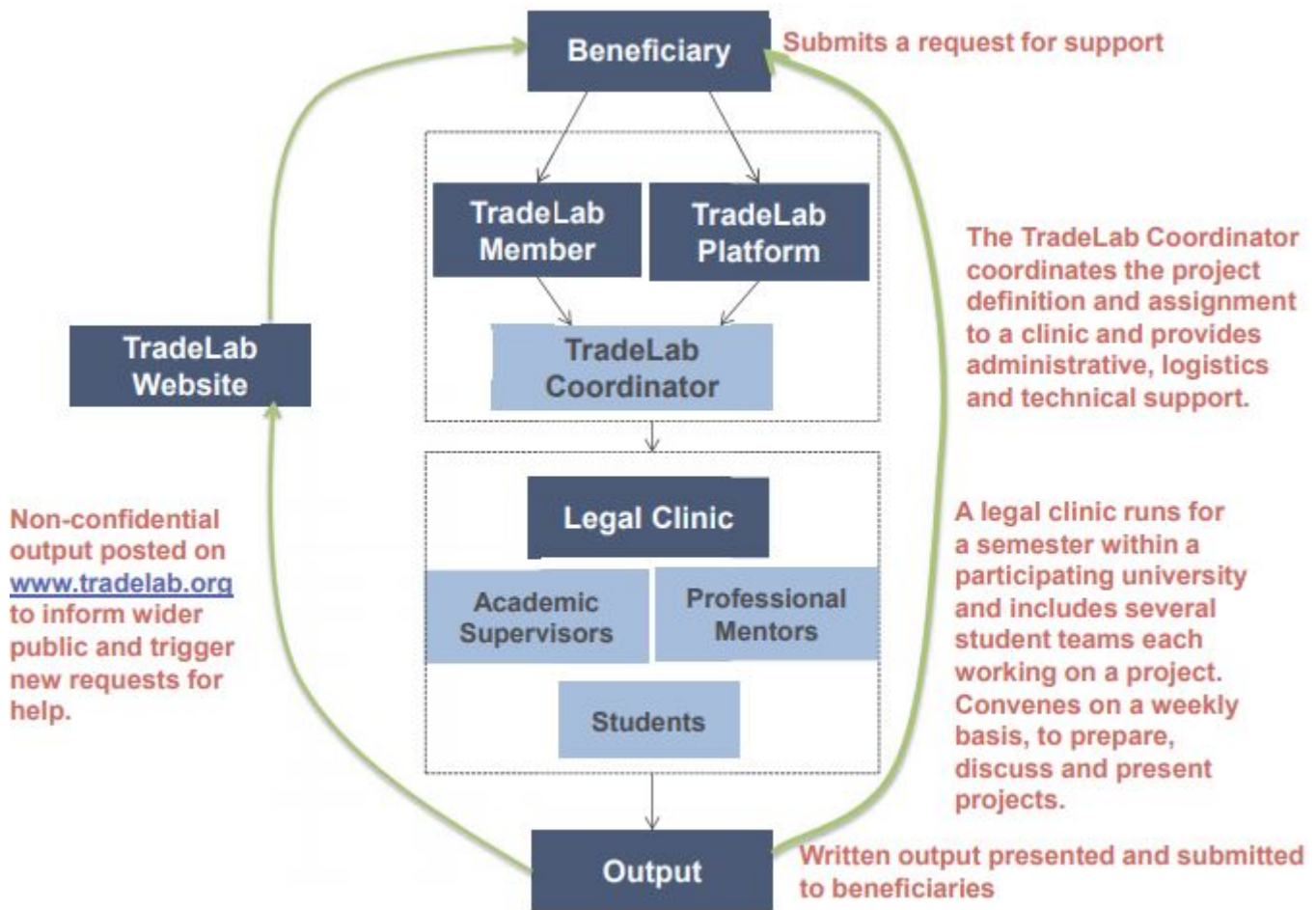
To broaden the pool of individuals and stakeholders that have access to the benefits of trade and investment treaties, and to build lasting legal capacity and knowledge of international economic law.

At the heart of the TradeLab approach are the following key players, who are represented by the three connecting wheels of the TradeLab logo:



- **Beneficiaries:** SMEs, NGOs, Intergovernmental organizations or governments who pose a question, converted into a project for students.
- **Students:** Students – usually masters or post-graduates – work on the project and are trained in international economic law.
- **Experts:** Professors at respective universities who supervise the project and the work of the students and Mentors, i.e. legal professionals who lend their knowledge and time to give feedback on the students’ research and output, *pro bono*.

The TradeLab process – from question to output



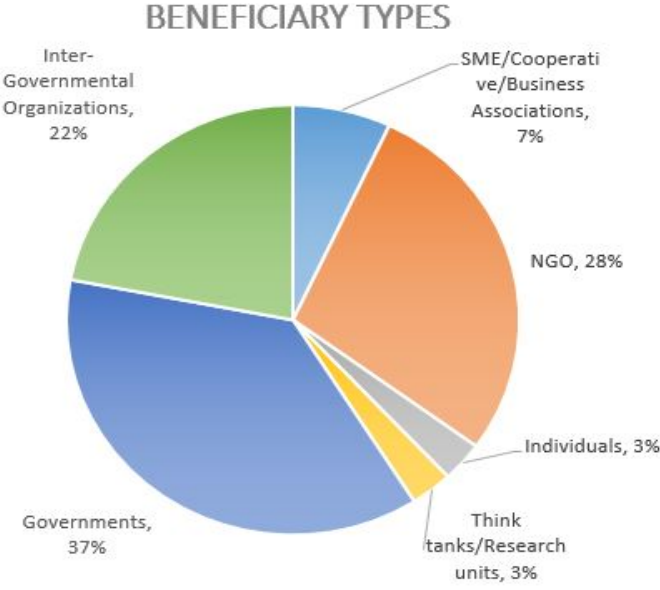
Why TradeLab Clinics?

Trade and investment treaties affect everyone – yet they are complex to negotiate or interpret, and access to the rights therein depends on resources. Governments of wealthy countries and large corporations typically have the resources to avail themselves of the rights conferred by these treaties. However, for ministries of governments within less wealthy countries, regional economic organisations, civil society organisations, small and medium-sized enterprises, and even some sub-federal governments within wealthy countries, this is often not the case. That is where TradeLab comes in.

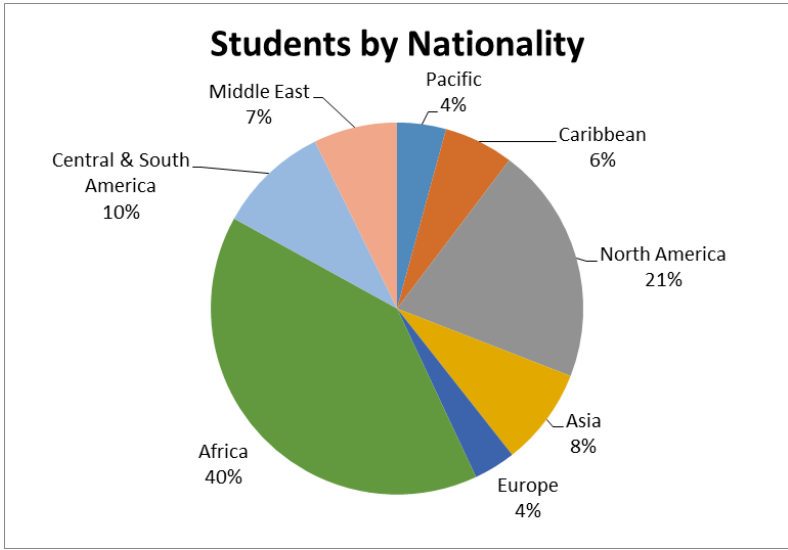
What do TradeLab Clinics do?

- Harnesses the expertise of renowned university faculty, law-firm professionals and experienced practitioners;
- Combines this expertise with the energy and research efforts of advanced students;
- Provides information and support to a “beneficiary” that is in need of clarification on matters of international economic law and that is unable to pay for the support that is needed;
- Delivers an output that is useful to the beneficiary such as trade and investment ministries in developing countries;
- Helps with enabling developing countries to effectively participate in international trade and investment negotiations;
- Is highly cost-effective – a relatively small financial contribution will enable the network of TradeLab Law Clinics to garner the above resources to provide information to and build capacity within a beneficiary and amongst a cohort of students (often themselves from developing countries).

Who do we help?



Who do we train?



Governance

Governance of the TradeLab network of Law Clinics is, since 2013, organised as an Association under Swiss law, complete with an **Advisory Board ...** and an **Executive Committee**

- **Anabel González**, Former Senior Director, World Bank; former Minister of Foreign Trade of Costa Rica
- **Arancha González**, Spanish Minister of Foreign Affairs, previously Executive Director of the International Trade Centre
- **Rajeev Kher**, Distinguished Fellow at the Research and Information System for Developing Countries, India; former Commerce Secretary of India
- **Ucheora Onwuamaegbu**, Arent Fox LLP; former Senior Counsel with the World Bank's ICSID.
- **Claudia Orozco**, Senior trade law practitioner; former Colombian Diplomat and one of the initiators of the ACWL
- **John Weekes**, Bennett Jones LLP; former Canadian Amb. to the WTO
- **Pamela Coke-Hamilton**, Executive Director of the International Trade Centre
- **Debra Steger, President**, Professor Emerita, University of Ottawa, Senior Fellow, Centre for International Governance Innovation and the C.D. Howe Institute
- **Sergio Puig, Vice President**, Professor of Law, Director, International Trade and Business Law Program, University of Arizona, James E. Rogers College of Law
- **Jennifer Hillman**, Professor from Practice, Georgetown University Law Center, Washington, D.C.
- **Tomer Broude**, Associate Professor, Sylvan M. Cohen Chair in Law, Academic Director, Minerva Center for Human Rights, Hebrew University
- **Ayelet Berman**, Professor of Law, National University of Singapore, Senior Research Fellow, Centre for International Law
- **Jan Yves Remy**, Deputy Director, Shrinath Ramphal Centre, University of the West Indies
- **Caroline Henckels**, Senior Lecturer, Monash University Faculty of Law
- **James Nedumpara**, Professor and Head, Centre for Trade and Investment Law, IIFT & Professor, Jindal Global Law School
- **Nicolas Lamp**, Assistant Professor of Law, Queen's University
- **Tamara Pironnet, Treasurer**, Executive Director, Center for Trade and Economic Integration, IHEID
- **Lauren Robbins, Secretary**, Teaching Fellow, University of Arizona

TradeLab impact – one story

COOMERSA delighted with export strategy

One of the student teams at the 2017 IELPO TradeLab clinic at the University of Barcelona worked on TradeLab's first memorandum in Spanish for COOMERSA, a cooperative of raw sugar producers based in Salamina, Colombia. At the request of COOMERSA, the student team conducted a detailed analysis of its business structure, operations, marketing methods and compliance with Colombian domestic regulation; and devised an effective export strategy for COOMERSA. Relying on the comprehensive report to sell their product in international markets in a manner compliant with WTO and international trade laws, COOMERSA successfully exported the product in December 2017, accessing international markets for the very first time.

Beneficiary Testimonial

"It has been a very enriching experience for COOMERSA and MOLIENDA REAL being part of this important initiative, as it allows small companies to enter into specialized markets that generate added value as well as fair and stable prices, so that small producers can overcome the existing burden in our country where trade in agricultural products has always been a barrier for the development of the sector."

Carlos Augusto Zapata Cortes, Organic Program Coordinator, COOMERSA.

Impact - what beneficiaries say

"Thanks to TradeLab students, we now have a great set of case studies on how countries are empowering women economically. Thanks, TradeLab, for helping us connect knowledge to action"

- Arancha González, International Trade Center, Geneva

"... our profound gratitude ... The brief which you have prepared will add tremendous value and input as we continue to pursue all avenues to recover the investments of our nationals"

- A developing country in the Caribbean

"TradeLab creates a greater cadre of qualified and proficient trade lawyers of the future."

- Robert Brookfield, Director General, Government of Canada

"The TradeLab experience ... can serve to propose negotiating positions in the interest of African LDCs."

- Edouard Bizumuremyi, Representative of Rwanda to WTO; and Coordinator, Permanent Delegation of the African Union to the UN & WTO

What is special about TradeLab?

- **Beyond WTO law**
 - While the original Trade Law Clinic at the Graduate Institute in Geneva (initiated in 2009) was focused on trade law, today’s TradeLab Clinics are inclusive of potentially all rules governing the global economy, including preferential trade agreements and rules on investment, tax, finance and sustainable development. Projects may also look at domestic law. Such holistic approach is necessary to effectively tackle a problem.
- **Beyond litigation**
 - Stakeholders need help in negotiating or acceding to agreements as well as matters of implementation, compliance or strategic policymaking. Litigation is only the tip of the iceberg.
- **Beyond law**
 - Law and legal principles are just one part of the picture – economic research, policy analysis and translation support, to name just a few, are often required as well. TradeLab composes teams of students grounded in different disciplines to work in an appropriate language.
- **Beyond trade officials**
 - Building effective capacity for global economic engagement requires efforts and coordination across ministries, ranging from justice and finance to agriculture and health. TradeLab projects help trigger an inter-agency dialogue. Capacity also needs to be built beyond the public sector. TradeLab involves and supports SCOs, international organizations (IOs), the private sector and universities, to foster a more inclusive globalization.

Thus the TradeLab network has a far wider remit than, for example, the Advisory Centre on WTO Law (ACWL) which fills the narrower capacity gaps of providing a “pro bono lawyer” to developing country governments involved in WTO litigation, or answering legal questions exclusively under WTO law at the request only of developing country governments (not SCOs, the private sector or IOs).

Types of projects

1

Information

- Build legal capacity through researching, simplifying and making international economic law more accessible

2

Negotiation

- Offer background research, analysis and support in the negotiations of trade and investment agreements

3

Compliance

- Provide compliance assessment of proposed or existing legislation, drafting of model legislation or advocacy positions in the context of existing agreements on trade and investment

4

Litigation

- Assist in preparing litigation briefs (including amicus briefs), defense strategies, third party submissions, and legal memoranda at the WTO, in investor-state arbitration and other fora

Examples of projects by project type

Information - example project

A Digital Agenda for the Pacific Alliance

Beneficiary: *Diplomatic Missions of Pacific Alliance countries based in Washington, DC.*

This project proposes concrete action points to facilitate the creation of a digital economy for the benefit of people and businesses in Pacific Alliance countries (Chile, Colombia, Mexico, and Peru). Learning from best practices in other countries (e.g. China, Finland and the US), the blueprint makes proposals in the field of e-commerce, digital finance, geo-blocking, electronic data exchange and e-government (creation of an electronic single window). The report:

- Was presented during the Pacific Alliance's Digital Trade Group's meeting in May 2018;
- Will be used by the Pacific Alliance to further develop its Digital Agenda.

Other information project examples:

- Tanzania: Consequences for East African LDCs of the UK leaving the EU – a study of implications under the Economic Partnership Agreement with the EU
- Colombia: An Analysis of illicit trade under international economic law

Negotiation – example project

Assisting Senegal with its Services Negotiations under the African Continental Free Trade Area

Beneficiary: *Ministry of Trade, Senegal*

Students made a thorough assessment of the main services sectors in Senegal, with an eye on providing strategic advice to Senegal in ongoing trade in services negotiations under the African Continental Free Trade Area (CFTA). Proposals were made on positions that Senegal could take in two specific sectors: environmental services and road transport. The report and discussions:

- Were feeding directly into the work of Senegal's CFTA negotiating team.
- Were conducted in French, from Geneva, after which the project was sent for further work to another TradeLab clinic, in Canada.

Other negotiation project examples:

- Philippines: An Assessment of implications of the Philippines joining the Trans-Pacific Partnership (now the Comprehensive Progressive Trans-Pacific Partnership)
- African Union: Help with the drafting of a dispute settlement mechanism under the African Continental Free Trade Area
- Pacific Island Countries: Assessment of options for enforcement and dispute settlement under the Pacific Agreement on Closer Economic Relations Agreement (PACER-Plus) including New Zealand and Australia

Compliance – example project

Model Law for the Implementation of United Nations Security Council Resolution 1540: Export Controls and the Proliferation of Weapons of Mass Destruction in the CARICOM Member States

Beneficiary: *CARICOM Secretariat*

This project drafted a Model Law for Caribbean countries to implement United Nations Security Council resolution 1540 with regard to the prevention of the proliferation of weapons of mass destruction (including a controlled items list and personnel requirements and design of relevant authorities).

Impact: The model designed by TradeLab students was used as a basis for legislation implemented by Jamaica.

Other compliance project examples:

- South Sudan: Implementing South Sudan's accession to the East African Community (EAC)
- Trade Provisions for a proposed Carbon Tax Act for a lawmaker preferring to remain anonymous
- Analysis of WTO compliance of a developing country's oil & energy laws (outcome remained confidential)

Litigation – example project

Analysing the Strengths and Weaknesses of Claims of Small Investors against a Caribbean Nation before the Caribbean Court of Justice (CCJ)

Beneficiary: *Government of a small Caribbean nation*

This project assessed the potential and likelihood of success of a case to be filed before the relatively new Caribbean Court of Justice (CCJ). The case involved complex matters of trade in services, consumer protection and non-discrimination.

Impact: A settlement was ultimately reached, but the legal analysis provided by the TradeLab student team played a role in reaching a positive outcome.

Other litigation project examples:

- Drafting of *Amicus Curiae* brief for environmental NGO coalition in WTO Canada feed-in tariff dispute
- Viability analysis of potential WTO case for a developing country against another country's trade remedy actions (the dispute was eventually filed)
- Drafting of an investor-state complaint for an SME expropriated in the Middle East
- Drafting of third party submission for a developing country in WTO dispute settlement
- Preparing cross-retaliation proposal (focused on legal, economic and practical implementation details) for a small developing country involved in a trade dispute

Measuring inputs, activities, outputs and impact

The *inputs* for TradeLab are relatively easily defined—each project consists of some 600 student-hours combined with around 50 expert-hours. The *activity* is the law clinic, consisting of classes, study-group meetings among the student team and with the academic supervisor, the teaching assistant, and the coordinator, and several meetings with and presentations to the beneficiary. The *outputs* are tangible, consisting of a report, a handbook, a memo or a policy brief. Properly assessing the *outcomes* and the *impact* of TradeLab projects is trickier, as the time between study and impact, particularly for studies conducted on behalf of ministries in developing countries, is typically long. Some examples illustrate how a period can be expected to be lengthy and suggest the complexity of determining the impact:

- **Should Mexico join ICSID?** The International Centre for Settlement of Investment Disputes (ICSID), an institution that is part of the World Bank and headquartered in Washington, D.C., is a leading, global investor-State dispute resolution forum dedicated to international investment dispute settlement. An early law-clinic project at the Graduate Institute explored the question, "Should Mexico join ICSID?" Balancing the advantages with the disadvantages of the ICSID Convention and taking into consideration that ICSID membership sends a positive signal of effective protection to foreign investors, the Law Clinic study suggested that Mexico should consider becoming a party to the Convention. Mexico signed the ICSID Convention in 2018.
- **Assisting Somalia with its accession to the WTO:** Somalia submitted its application to join the WTO on 12 December 2015, and Somalia's Working Party was established in December 2016. The TradeLab study was a major input to the "Memorandum of the Foreign Trade Regime" (MFTR), which is required before a Working Party can meet. The MFTR was submitted in 2017. Accession to the WTO can be a lengthy process. For example, Liberia, one of the newest members joining in 2017, submitted its MFTR in 2007, whilst the shortest accession negotiation was that of Kyrgyzstan, lasting 2 years and 10 months.
- **"What holds African exports back?"** was the question explored by a 2017 study on behalf of the African Union. Using data from www.GlobalTradeAlert.org, the student team identified measures that affect African exports. One of the goals of the study was to help the African Union to identify a positive trade agenda for its members. The study was presented in Buenos Aires at a conference alongside MC11. It was also presented to a meeting of the Least Developed Countries at the WTO; a further public meeting is planned. Changing the trade agenda is a process, hence it is too early to fully evaluate the impact of this study.

TradeLab Central is keen to understand the outcome and impact of its studies, and collects impact statements from former beneficiaries. TradeLab also has its own evaluation process, where the beneficiary and students provide feedback following each project.

Examples of projects, outputs and impact

| Beneficiaries and Projects | Outputs and Impact |
|--|--|
| <p>Beneficiary: East African Community Project: Correlation of Trade Facilitation Agreement (TFA) Obligations of East African Community States and tradebarriers.org, an NTB complaints website</p> | <p>The Government websites of Botswana, Kenya, Lesotho, Rwanda and Uganda were fully indexed by the student team. Expanded the scope and utility of the website by (i) making it a "one-stop-shop" for trade-related information; and (ii) linking the resolution of Non-Tariff Barriers complaints to legal obligations under the Trade Facilitation Agreement.</p> |
| <p>Beneficiary: A Geneva-based Developing country Mission Project: Consolidating Proposals and Drafting of Legal Text on Fisheries Subsidies.</p> | <p>Besides hands-on support in preparation for the WTO's 11th Ministerial Conference in Argentina (MC11), the students produced a "Negotiator's Handbook" which continues to be used as a guide for the fisheries negotiations post-2017.</p> |
| <p>Beneficiary: NudgeCo, Lebanon, & Oxfam International, Lebanon Project: Market Access for SMEs.</p> | <p>Beneficiary will recommend the framework suggested by the report to be incorporated into the Government of Lebanon's upcoming national initiative to develop e-commerce in Lebanon.</p> |
| <p>Beneficiary: A small women's cooperative based in Syria Project: Compliance with U.S. Sanctions Regime Concerning Services to Syria.</p> | <p>Beneficiary used output to respond to U.S. service providers (e.g. Amazon and PayPal) and Handbook (developed by the students) for filing an application for a Specific License at OFAC (Office of Foreign Assets Control).</p> |
| <p>Beneficiary: Conservation International Project: Legal Options for Disciplining Perverse Subsidies in the Extractive Industries in Guyana and Suriname</p> | <p>The project team drafted legal text that will be used by the beneficiary to pitch to governments as a starting point for negotiations at the WTO on subsidies that have a negative impact on biodiversity, including fossil fuel subsidies.</p> |
| <p>Beneficiary: International Trade Centre Project: Gender and trade chapters in trade agreements; gender in public procurement policy</p> | <p>Output was presented at the 2018 Annual Canadian Council on International Law Conference as well as a March 2018 ITC/WTO Workshop on "Women and Trade in Trade Agreements". Both Reports will be used as contributions to the "Guide on Best Practices for WTO Seminars on Trade and Gender", an e-book being prepared for the 2020 WTO Ministerial Meeting.</p> |

Disclaimer

TradeLab output is prepared on a pro bono basis by students as a pedagogical exercise. It is not professional legal advice and in no way establishes a client-attorney relationship.

Past beneficiaries include:

Examples of past beneficiaries

- **Governments:** Afghanistan, Argentina, Bosnia and Herzegovina, Brazil, Chile, China, Colombia, Ecuador, Ethiopia, Grenada, Guyana, India, Mexico, Lebanon, Philippines, Qatar, Russia, Senegal, Somalia, South Africa, South Sudan, Suriname, Taiwan, Tanzania, Vanuatu
- **Inter-governmental organisations:** African Union; CARICOM; East African Community; International Monetary Fund; International Trade Centre; UN Economic Commission for Africa; Pacific Alliance; South Centre; UNESCO; World Bank
- **Civil society organisations:** Black Market Watch; Centre for International Environmental Law (CIEL); Citizen Climate Lobby; Conservation International; Friends of DSU Reform; Getúlio Vargas Foundation; HOPE International Development Agency; International Centre for Trade and Sustainable Development (ICTSD); International Institute for Sustainable Development (IISD); NudgeCo, Lebanon; Oxfam International; People's Pledge, UK; Pew Charitable Trusts; Rule of Law and Anti-Corruption Centre, Qatar
- **SMEs and Business Associations:** Agricultural Producers Association, COOMERSA, Colombia; East African Business Association; United Social Ventures, an incubator for youth-led social ventures in Uganda

PAST TRADELAB MEMBERS

1. Qatar University, Doha, Qatar (2016)

Talal Abdulla Al-Emadi, Francis Botchway, Rafael Dean Brown

2. Georgetown School of Foreign Service, Doha, Qatar (2016)

Fadi Makki

TradeLab in numbers

12 clinics

30+ professors

6 pilot clinics

200+ mentors

146 students in 2020

620+ students trained since 2009

40 projects in 2020

200 projects since 2009

TRADELAB MEMBER CLINICS (with starting year) and professors

1. Graduate Institute, Geneva, Switzerland (2009)

Joost Pauwelyn

2. Georgetown Law, Washington, D.C., USA (2014)

Jennifer Hillman, Katrin Kuhlmann, Joost Pauwelyn

3. University of Ottawa, Ottawa, Canada (2014)

Anthony Vanduzer

4. Trade Policy Training Centre in Africa (TRAPCA), Arusha, Tanzania (2015)

Tsotetsi Makong, James Thokozani Ngwira

5. European Public Law Organization (EPLO), Greece, (2015)¹

Altagracia Cuevas

6. Georgetown School of Foreign Service, Washington, D.C. (2016)

Marc Busch

7. Centre for International Trade and Investment Law (CTIL), India (2016)²

James Nedumpara, Satwik Shekhar

8. Queen's University, Ontario, Canada (2017)

Valerie Hughes, Nicolas Lamp

9. Hebrew University, Jerusalem, Israel (2018)

Tomer Broude, Marcia Harpaz

10. National University of Singapore (2018)

Ayelet Berman, Jansen Calamita

11. Monash University, Melbourne, Australia (2018)

Caroline Henckels

12. The University of the West Indies, Bridgetown, Barbados (2019)

Jan Yves Remy, Ronnie Yearwood

13. Kenyatta University, Nairobi, Kenya (2020)

Tomasz Milej

TRADELAB PILOT CLINICS

1. University of International Business and Economics, Beijing, China (2018)

Hongliu Gong, Matthew Kennedy, Weiwei Zhang

2. Universidad de los Andes, Bogotá, Colombia (2019)

Sebastian Vallejo

3. Universidad de Buenos Aires, Buenos Aires, Argentina (2019)

Facundo Perez-Aznar

4. Queen Mary University of London (2020)

Gabriel Gari

5. Victoria University of Wellington, New Zealand

Michelle Zang

¹ Formerly IELPO, University of Barcelona, Spain

² Formerly Jindal Global Law School