

Track two: Globalisation, Trade and Development

1. Content and objectives

Before going into the details of theory and policy, it is good to know what the hot issues in globalisation are and what the world looks like. In particular, who trades with whom and how much? It all seems to be a matter of economic weight, or size, or gravity. But there are anomalies and borders and other barriers matter even if free trade is arranged. Globalisation is not entirely new. And so is the theory to be learned later. But what we trade and how we do it has changed considerably.

If genetically modified food is traded e.g., there are potential health externalities, which ask for more research. These problems are not ignored but often ultimately not agreed upon in the trade negotiations and sometimes abused as arguments in favour of protectionism. This protectionism calls out for a sound set of regulations and laws.

This track comprises four carefully chosen courses that introduce students to the essential components of international economic law. Students will have the opportunity of exploring the realm of trade by taking courses on the Theory of International Trade and the Law and Policy of the World Trade Organisation. Furthermore, the track includes a course on International Intellectual Property Law and Policy and one on International Development Law. In parallel with these four courses, students will participate in a substantive case study that will expand and test their understanding of the subject matter of each individual course.

2. The multidisciplinary research base

Various research institutions support the educational programme of this track. The track planning group is formed of researchers from all those institutions and includes:

Dr. Thomas Ziesemer (Universiteit Maastricht, MERIT)

Dr. Adriaan van Zon (Universiteit Maastricht, MERIT)

Peter Van den Bossche (Universiteit Maastricht, International and European Law)

Iveta Alexovicova (Universiteit Maastricht, International and European Law)

Adushola Odusanya (Universiteit Maastricht, International and European Law)

Anselm Kamperman Sanders (Universiteit Maastricht, Private Law)

Fleur Claessens (Universiteit Maastricht, Private Law)

Koen de Feyter (Universiteit Maastricht, International and European Law)

Maastricht Economic Research Institute on Innovation and Technology (MERIT) research activities centre around the analysis of economic aspects of technical change and innovation, clustered around several themes. The macroeconomics and international economics division investigates issues of technical change mainly in the fields of human capital and labour, economic growth and international economics. Research on the microeconomics of technology and industrial dynamics focuses on the processes at the firm, sector, and regional levels by which technology is developed and diffuses throughout the economy.

The Faculty of Law capacity group 'International and European law' focuses on the increasing influence of the International and European law on the Dutch legal order. Many apparently national rules can be linked to international or European sources. In addition, many international and European legal rules operate directly and with priority in the Dutch legal system. Example is the human rights law. Research of the capacity group is included in three faculty programmes; Human rights, European enterprise and European Public law. These programmes are included in the national research schools.

The Faculty of Law capacity group 'Private law' focuses on the relation between people, in contradiction to public law that focuses on the relation between the government and people. The area included in private law is large; it includes for instance "personal and family law", "law of inheritance", "law of obligations", "law of goods", "consumer law", "commercial law", "corporate law", "bankruptcy law", "law of civil procedure" and "private international law". Research of the capacity group is concentrated in two projects. The project "Legal entity in Europe" basically consists of research related to trade and corporate law. In the project "European Private law" the main research question is if harmonization of private law at a European level is possible and wanted.

Track two, core course 1: International Economics

1. Content and objectives

Who gains from international trade, and are these gains spread equally? In principle international trade is advantageous for citizens; households can buy goods and services where they are cheaper and firms can specialise in goods which they can produce more efficiently than their competitors, all enhancing economic efficiency. However, there are disadvantages as well. These disadvantages, if taken into account properly, do not outweigh the benefits, but reality has sadly shown that these disadvantages have not always been taken into account. As a result of this many conflicts have arisen. To understand the sources of these conflicts a good understanding needs to be created on who is gaining from trade and who is not, and how trade contributes to development. This course teaches students these and other basics needed to understand these conflicts and to be able to find sophisticated solutions. Overall it provides students with a thorough and balanced understanding of global economic development.

2. Course organization

'Problem-based learning (PBL)' with tutorials in small groups. Furthermore, each student writes a case study paper on one country that links the contents of the group meetings to data.

3. Examination

Grading in this course will be based on participation in class, several progress reports, a case study as well as a written exam on the literature of the course.

4. Staff

Coordinator: Dr. Thomas Ziesemer (Universiteit Maastricht, MERIT)

5. Literature

- Krugman, P.R. and M. Obstfeld, *International Economics*, 7th edition, 2006, Parts 1 and 2.
- Pugel, T. and P.H. Lindert, *International Economics*, 11th edition, Chapter on Trade and the Environment.
- Perkins, D.H., S. Radelet, D.R. Snodgrass, M. Gillis, M. Roemer, 2001. *Economics of Development*, 5th ed., W.W. Norton, New York, London, Chapters 16 and 18.
- Christian Joerges, *Free Trade with Hazardous Products? The Emergence of Transnational Governance with Eroding State Government*, 2006-03-01. By: URL: <http://d.repec.org/n?u=RePEc:erp:euilaw:p0041&r=int>

Track two, core course 2: The Law and Policy of the World Trade Organization

1. Content and objectives

Why is the Doha development round still not a success, while the problems involved with international trade are so urgent? This course introduces students to the institutional aspects of law and policy of the World Trade Organisation. The course is built up around a number of true to life international trade problems encountered by the governments of two fictional countries, the Kingdom of Richland, a developed country and the Republic of Newland a developing country. This course enriches the knowledge of students with an understanding of the problems that are occurring in international trade and the important role that the WTO plays in (preventing) these conflicts.

2. Course organization

'Problem-based learning (PBL)' with interactive lectures and tutorials in small groups. The tutorials focus on practical exercises and on the relevant aspects of the multi-disciplinary case study (see above). The exercises and the case study will enable students to hone their research, writing, presentation and argumentation skills.

3. Examination

The course will be examined by an oral exam, the case study papers and the participation in class.

4. Staff

Coordinator: Peter Van den Bossche (Universiteit Maastricht, Faculty of Law)

5. Literature

- Van den Bossche, P. (2005), *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, Cambridge University Press.
- Text from the website of WTO, DG Trade of the European Commission, ICTSD and the Financial Times.

Track two, core course 3: International Intellectual Property Law and Policy

1. Content and objectives

How to protect intellectual property in a world where country borders are rapidly fading due to political developments and new technologies? Faced with the realities of the modern world, with sophisticated high technology and international communication, many professionals need to understand the legal issues arising from the use of intellectual property law. This course will provide an introduction to international intellectual property and policy issues and their connection with efforts to free world trade (WTO) and of regional integration, such as the European Union, NAFTA, and ASEAN, to create an internal market with a level playing field for the protection of intellectual property and economic development in innovation and creativity. The course will provide an overview of substantive and procedural matters, as well as international obligations and economic and policy questions involving Intellectual Property acquisition, enforcement and exploitation. Account will also be given of diverging perspectives on topics ranging from the protection of traditional knowledge and folklore to high technology.

2. Course organization

'Problem-based learning (PBL)' with interactive lectures and tutorials in small groups. The tutorials focus on practical exercises and on the relevant aspects of the multi-disciplinary case study (see above). The exercises and the case study will enable students to hone their research, writing, presentation and argumentation skills.

Five lectures will be provided, as well as a case study assignment.

3. Examination

The course will be examined by:

- Three randomly chosen postings of your written assignments: 60% (20% per paper)
- One mock trial brief and its delivery during the mock trial case: 20%
- One randomly chosen delivery of a PowerPoint presentation: 20%

4. Staff

Coordinator: Anselm Kamperman Sanders (Universiteit Maastricht, Faculty of law)

Planning group: Harry Struijker Boudier (Universiteit Maastricht, Faculty of Medicine)

Fleur Claessens (Universiteit Maastricht, Faculty of law)

Peter Van den Bossche (Universiteit Maastricht, Faculty of law)

5. Selected literature

- F. Abbott, T. Cottier, F. Gurry (1999), *The International Intellectual Property System: Commentary and Materials*, The Hague-London-Boston, Kluwer Law International.
- C. Heath and A. Kamperman Sanders (eds.) (2001), *Intellectual Property in the Digital Age*, Kluwer Law International.
- C. Heath and A. Kamperman Sanders (eds.) (2003), *Industrial Property in the Bio-Medical Age*, Kluwer Law International.
- C. Heath and A. Kamperman Sanders (eds.) (2005), *New Frontiers of Intellectual Property Law*, CCH – forthcoming
- Lévêque & Ménière (2004), *The Economics of Patents and Copyright*, Berkeley Electronic Press

Track two, core course 4: International Development Law

1. Content and objectives

This course looks at international economic relationships from a human development perspective. The United Nations Development Programme introduced the concept of human development in the 1990s, as an attempt to define development as comprehensively as possible. The concept of human development thus includes economic, environmental as well as human rights concerns. The main question underlying this course is whether international law has been able to devise regulatory frameworks for these different concerns that are equally strong in providing incentives for States and non-State actors to set policies in line with the human development concept. A conscious effort will be made to include sources from across the world, which represents conflicting views on the issue. This course gives an introduction to these rules of international law that aim at promoting human development.

2. Course organization

The course has ten sections, each running for a day. The teaching is in a small group, on an interactive basis.

3. Examination

The course will be examined by 5 small assignments and one final assignment

4. Staff

Coordinator: Koen de Feyter (Universiteit Maastricht, International & European Law)

5. Literature

- Declaration on the Right to Development (UN GA resolution 41/128) (4 December 1986)
- United Nations Millennium Declaration (UN GA resolution 55/2) (18 September 2000)
- J. Klugman, 'Overview' from World Bank (2006), A Sourcebook for Poverty Reduction Strategies, 1-24
- M MacLean (ed.) (1997), Public International Law, 1-25, 38-50
- P. McAuslan, In the beginning was law... an intellectual odyssey (2004), 83 p.
- P. Schiff Berman, 'From International Law to Law and Globalization', Columbia Journal of Transnational Law (2005), 43: 485-556
- K. De Feyter, World Development Law (2001), 35-46
- R. Pinkney, Democracy in the Third World (2003), 7-20, 205-221
- H. Hagen, Political Order in Sub-Saharan Africa – the European View of African States at stake, 31p.
- Inter-American Court of Human Rights, Awas Tingni judgment (31 August 2001), 51-89
- S. Radelet, A primer on foreign aid (2006), 20 p.
- Paris Declaration on Aid Effectiveness (2 March 2005)
- Joint European NGO Report, EU aid: genuine leadership or misleading figures? (2006), 1-
- World Bank, Global monitoring report 2006 (2006), 1-17
- 7. World Bank and UN Development Agencies
- UN Charter (26 June 1945)
- K. De Feyter, World Development Law (2001), 69-93
- T. Zweifel, 'The World Bank' in International Organizations & Democracy (2006), 85-100
- J. Faundez, 'The Rule of Law Enterprise' in Democratization (2005), 12,4: 567-586
- World Bank Inspection Panel, India Ecodevelopment Project (April 1998)
- A. Lindblom, Non-Governmental Organizations in International Law (2005), 3-52
- B. Rajagopal, 'International Law and Social Movements: Challenges of Theorizing Resistance', Columbia Journal of Transnational Law 41 (2003) :397-433
- K. De Feyter, World Development Law (2001), 173-208
- OECD Guidelines on Multinational Enterprises (27 June 2000)
- OECD Watch, Five Years On. A Review of the OECD Guidelines and National Contact Points (2005), 15-25, 43-49
- P. Sands, Principles of International Environmental Law (2003), 1056-1073
- ICSID, Santa Elena v. Costa Rica (17 February 2000)
- ICSID, Aguas Argentinas v. Argentina (19 May 2005)
- Permanent Peoples' Tribunal, Neo-liberal policies of European transnational corporations in Latin America and the Caribbean (12 May 2006)