

Photo by Vasiliki Dritsa (1st year Master's in International Law candidate) voted by the students in November 2021.

April 2022

## LAW DEPARTMENT SNAPSHOTS

### TradeLab and Its Law Clinic

In 2009, Professor **Joost Pauwelyn** started teaching a seminar on international trade law working with students on practical projects for real beneficiaries. This led in 2013 to the establishment of **TradeLab**, an independent Geneva-based NGO that brings together students, academics and legal practitioners with stakeholders in the trade field needing legal or policy help. TradeLab's aim is empowering countries and smaller stakeholders to reap the full development benefits of global trade and investment rules through pro bono legal clinics. Through 'learning by doing' TradeLab also trains students to become the next generation of trade and investment lawyers.

TradeLab has expanded over the years and it is now present in 17 locations throughout the world in 16 different countries (Argentina, Australia, Barbados, Canada, China, Colombia, Greece, India, Israel, Kenya, Singapore, Spain, Switzerland, Tanzania, the UK and the US) creating a global network of legal clinics to make "global economic regulation work for everyone."



#### TradeLab International Economic Law Clinic

At the Graduate Institute, TradeLab organizes a yearly International Economic Law Clinic focusing on issues at the intersection of international trade and investment law and policy on the one hand, and sustainable development on the other hand. Projects can relate to, for example: i) assisting a developing country with analysis on how it can advance its sustainable development agenda by better leveraging trade and investment frameworks, ii) emerging issues that seek to enhance alignment between economic law and the environment and related issues; iii) trade and investment legal issues faced by developing countries.



### The 2021 Edition

In the fall 2021, students in the TradeLab Geneva Clinic worked on six different projects: three focused on the intersection of trade and the environment, and three focused on developing countries. The external partners included international organizations (the World Trade Organization and the International Labor Organization), two developing countries, one in South Asia and one in Sub-Saharan Africa, and one Academic research program (the Development and Rule of Law Program (DROP) at the Faculty of Stellenbosch University).

Specifically, students worked with the Trade and Environment Division at the WTO analysing how trade rules can be leveraged to align nationally determined contributions (NDCs) in the context of the Paris Agreement. The WTO Project explored how countries can leverage WTO-consistent trade measures to promote their NDCs under the Paris Agreement. The ILO Project examined the interplay between environment and trade provisions in Regional Trade Agreements, with a focus on North-North, North-South, and South-South Agreements. Another environmental project focused on how to better align plastic waste categorization under the Basel Convention, including its Plastic Waste Amendments, and the Harmonized System used in international trade.

On the development-side, TradeLab students developed a practical negotiating handbook for negotiators from a Sub-Saharan African country in relation to the process of negotiating a Regional Trade Agreement with a developed country. The students drafted model clauses for key substantive and procedural areas in the investment chapter. Another project, in partnership with the DROP, at the Faculty of Law of Stellenbosch University, focused on developing guidelines to facilitate the utilization of alternative dispute resolution (ADR) provisions, under the recently operationalized African Continental Free Trade Area (AfCFTA) – the largest trade agreement, measured by the number of countries, since the WTO. Another project was conducted for the government of a South-Asian country, which is about to lose Least-Developed Country (LDC) status, and thereby anticipates losing access to various types of flexibilities and preferential treatment under the WTO. The students focused on analysing existing agricultural subsidies provided by the beneficiary and examined whether these measures will remain WTO-consistent if the country transitions away from LDC status.

The external partners have well received the TradeLab Reports of the 2021 edition. For instance, the students who worked on the WTO and NDC projects presented their findings to the WTO Trade and Environment Division. The students who examined alternative dispute settlement mechanisms in the context of the AfCFTA presented their findings in a call with the AfCFTA Secretariat. The report on HS codes and plastic waste is being cited by a renowned trade and environment scholar, Carolyn Birkbeck, in her recent work about trade in plastic waste.

### The 2021 Cohort

The group of students participating in the 2021 TradeLab Geneva Clinic was extremely international, with students coming from Russia, Brazil, the Philippines, India, Singapore, South Africa, China, the United States, Italy, and Switzerland.

While the cohort was predominantly of students of the international law programmes (Ph.D., MIL, and MIDS), participants also comprised students from the economics department, the MIA program, and the MDev program. The students who have taken part in the 2021 TradeLab Geneva Clinic were: Fabiana Fong (PhD Law), Shestin Thomson (MDev), Francisco Hernandez Fernandez (MIL), Marta Morellato (MIA), Mun How Mong (PhD Eco), Matheus Garcia (MIL), Tonghui Yin (MIL), Jose Henrique Vieira Martins (MIA), Simon Ardila Eraso (MIA), Aleksandr Potemkin (MIL), Amanda Sayuri Miashiro (MIA), Zishi Wang (MIE), Robert Burton (MIA), Eva Chang (MDev), Andreas Oeschger (MIA), Nicolle Renion (MDev), Jayant Malik (MIDS), Kyle de Klerk (MIA).

### Testimonials

#### Chanya Punyakumpol (Teaching Assistant)

Being part of TradeLab Clinic has been a special experience for me. Three years ago, I joined as a student participating in one of the projects. Those experiences were enriching and I learned a lot from it academically and in a practical sense. Joining as a TA was an entirely different experience. Now, as a TA, I have to engage with students from all



projects, providing them feedback and seeing how they progressed. To see the results of each group was invaluable to me. It was not just about learning something new, but also about seeing the fruits of the students' labor as the final products came out to the public. I am proud and grateful for the opportunity I had.

#### **Colette van der Ven (Co-lecturer)**

This was my first year teaching the TradeLab class, together with Scott Andersen. The experience was extremely rewarding. With the projects we selected this year, we tried to push the students to focus on emerging issues at the intersection of trade, sustainable development and the environment. I was extremely impressed by the innovative and creative approaches students developed in response to complex technical issues. The fact that many beneficiaries and experts in the field have expressed interest in the students' final reports is a testament to their hard work and out-of-the-box thinking. Another highlight for me was seeing the students grow during this process, not only in their writing and understanding of the issues, but also with respect to their interests in the issue. The fact that a group of students volunteered to keep working on issues similar to their project after the project was finished was a real highlight for me.



#### **Scott Andersen (Co-lecturer)**

The fall 2021 Graduate Institute TradeLab was a great success with eighteen student trade advisors providing extremely useful and creative analysis, research, and practical recommendations regarding a wide variety of trade-related disciplines that were very well-received by six sets of grateful beneficiaries. Colette and I look forward to welcoming a new group of motivated students seeking a rigorous hands-on experience that will develop and sharpen key professional disciplines – a keen awareness of the beneficiaries needs, detailed research skills, creative problem-solving, oral advocacy skills, the ability to write in an organized, clear, and concise manner, and working collaboratively in a team.

#### **Marta Morellato (Student)**

I decided to sign up for the clinic because I strongly believe in the importance of concretely applying what is theoretically studied. The clinic allows students to work on real projects that really have an impact for the beneficiaries that mandate them: therefore, the clinic is at the same time a chance to test your skills, improve your knowledge and ultimately work on something that will be concretely used and this is incredibly rewarding.

By applying to the clinic I definitely went out of my comfort zone as I don't personally have a strong legal background: however, I am proud of it because I now feel more confident about my capabilities and what I can do. Therefore, I would say that my most valuable takeaway is to challenge yourself because it is the only way to improve.

Other than the incredible amount of skills and knowledge that I gained in only four months, I would definitely say that my favourite part about the clinic has been the relationship that I established with the other students, with the professors, the teaching assistant and the beneficiary that guided all of us throughout the process. The clinic really offers the chance to learn skills that one cannot learn in a regular class, but also to grow your network and to build long-lasting relationships with great professionals.



### **How TradeLab Works**

Prior to the start of the academic semester, the professors and teaching assistant engage in a large number of phone calls with potential beneficiaries to explore their interest in doing a TradeLab project. Based on these discussions, the professors and teaching assistant, together with the beneficiary, develop clearly defined research questions.

Students work in small group projects. The professors serve as academic supervisors, each responsible for half of the projects. Given the technical nature of many of the projects, each group is also assigned one or two mentors, most often Geneva-based legal or trade policy practitioners, who provide substantive in-class lectures and guide the students throughout the semester, including by commenting on different drafts. The teaching assistant facilitates the logistics and provides additional support, including draft reviews and office hours for the students.

In terms of in-class lectures, the first part of the clinic sessions focus on skills, including lawyering skills, writing skills, as well as oral presentation and research skills. Additionally, each mentor holds a session on substantive topics relating to each project, during which students responsible for the project have the opportunity to ask in-depth questions and interview the mentors. For

each project, there are “shadowers”, i.e. students who are not on the project, but monitor it more closely and provide additional feedback on the progress. Each group presents at least three times on their project and submits various drafts throughout the semester, which each time receive detailed comments from the professors as well as fellow clinic students. Each group meets several times with their beneficiary who also provides feedback throughout the clinic.

At the end of the semester, the students submit legal memos and present their findings in class in the presence of the beneficiary and other guests.



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