

**Corporate Power and Global Order: Regulation and Policy in the
Transnational Economic Sphere
PPAI 1701C
Fall 2008**

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This course introduces students to the legal architecture of the global trading system. In the first part we will explore some of the diverse legal regimes that shape and are shaped by the behavior of transnational economic actors, with attention to the perspectives of transnational regulators, corporate managers and activists. In the second part we will look at basic trade theory and concepts as well as the GATT/WTO regime. Finally, we will consider case studies presenting complex business/social/policy problems from perspectives gained in the course. Students will be assigned to groups and asked to select a case study topic during the first week of class. In the final classes, student groups will present their case studies to the class for analysis. Some knowledge of trade theory, international law and institutions and/or international business theory would be helpful but is not required.

There will be one take-home exam at the end of the semester in which students will be asked to write an essay of not more than 2500 words. The exam will be distributed on the last day of class and due on the last day of exam period. The exam will count for 50% of the total grade for the course

Students will also be asked to write three short papers (2-4 pages in length) during the term commenting on the readings for three assignments of particular interest. These papers will count for 25% of the total grade for the course.

Finally, students will work in groups on case studies to be researched over the term and presented at the end of the course. Each group will be evaluated as a group and the evaluation will count for 25% of the total grade for the course.

The book for the course will be John H. Jackson, *The World Trading System Law and Policy of International Economic Relations*, 2nd Edition (Cambridge, MA: The MIT Press, 1997) (“TWTS”). All other readings listed in the syllabus are available online through the Library Online Course Reserve Access System and MyCourses.

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Syllabus

- Class 1 I. Introduction to the Regulation of International Business
Layers, Levels, Conflicts and Confusions—
Navigating Business in the International Dimension
- A. “Private Law” in the International Context
The Paradigm Case: The International Sales
Transaction
- Jackson, Davey, Sykes, Legal Problems of International Economic
Relations*, 4th Ed. (West 2002), pp. 45-55.
- Robert Hale, “Coercion and Distribution in a Supposedly Non-
Coercive State,” 38 *Political Science Quarterly* 470 (1923), pp.
470-479 and 493-494.
- Morris R. Cohen, “Property and Sovereignty,” 13 *Cornell Law
Quarterly* 8 (1927-1928), pp. 8-14.
- Class 2 B. National Regulation—Inside and Out
National Jurisdiction and Transnational Regulation
- Damrosch, Henkin, Pugh, Schachter, Smit, *International Law*, 4th
Ed. (West 2000), pp. 1088-1111.
- Class 3 C. Public International Law in the Business Context
International Environmental Regulation
- Damrosch, Henkin, Pugh, Schachter, Smit, *International Law*, 4th
Ed. (West 2000), pp. 1509-1521.
- Environment and Free Trade—Conflict or
Co-existence?
- Jackson, Davey, Sykes, Legal Problems of International Economic
Relations*, 4th Ed. (West 2002), pp. 1006-1016.

Class 4	<p>D. Regional Regulation—The Case of the European Union</p> <p>Jackson, Davey, Sykes, <i>Legal Problems of International Economic Relations</i>, 5th Ed. (Thomson/West 2008), pp. 145-170.</p> <p>E. International Economic Law</p> <p>Wilhelm. Röpke, “Economic Order and International Law,” 86 <i>Recueil Des Cours</i> 203 (1954), pp. 218-232 and 246-250.</p> <p>Hewitt, Johnson & Wield, <i>Industrialization and Development</i>, (Oxford: Oxford University Press, 1992), pp. 151-165.</p>
Class 5	<p>II. The Regulation of International Trade</p> <p>A. Introduction to Trade Theory and Economics TWTS 11-25</p> <p>B. The Legal Structure of the WTO/GATT System TWTS 31-78</p>
Class 6	<p>1. Tariffs and Non-Tariff Barriers TWTS 139-156</p>
Class 7	<p>2. MFN TWTS 157-174</p> <p>3. National Treatment Obligations TWTS 213-228</p>
Class 8	<p>3. Unfair Trade & the Rules or Dumping TWTS 247-278</p> <p>4. Subsidies TWTS 279-304</p>
Class 9	<p>5. Dispute Settlement Understanding TWTS 107-138</p> <p>Judith Bello, “Editorial Comment: The WTO Dispute Settlement Understanding: Less is More,” 90 <i>Amer. J. Int’l. L.</i> 416 (1996), pp. 416-418.</p>
Class 10	<p>C. Conclusions & Perspectives on Trade Regulations TWTS 339-352</p> <p>Brian Langille, "General Reflections on the Relationship of Trade & Labor (Or: Fair Trade is Free Trade's Destiny)," in <i>Fair Trade and Harmonization Prerequisites for Free Trade?</i> (Bhagwati and Hudec, eds.) (Cambridge, MA: The MIT Press, 1996), pp 231-238, 247-266.</p>

IV. International Business Problems: Some Case Studies
(Introductory Materials for all case studies will be distributed; final materials to be prepared by student groups)

- Class 11 A. Walmart Goes “Organic”: Food Standards, Global Agriculture, Boon or Bust?
- B. Privatization, Participation and Ownership and Control of Collective Resources: The Case of Water
- Class 12 C. The Chad/Cameroon Oil Pipeline Project: Managing Economic Policy by Contract
- D. Bi-Lateral Trade Agreements and Access to Medicine: Trade and Social Welfare in the Developed and Developing Worlds
- Class 13 E. Corporate Investment and Conflict: The Colombian Oil Industry, Corporate Social Responsibility, Human Rights and the Alien Tort Statute
- F. Catfish—a global tale of trade and labor