

**THE GOVERNMENT OF THE RUSSIAN FEDERATION**  
**Federal State Autonomous Educational Institution**  
**for Higher Learning**

**THE NATIONAL RESEARCH UNIVERSITY**  
**HIGHER SCHOOL OF ECONOMICS**  
**Faculty of Law**  
**Department of General and Interbranch Legal Disciplines**  
**Chair of Public and Private International Law**

**Master Degree Curriculum**  
**Year 1**  
Field of Education **40.04.01. – Jurisprudence**  
Master Program **Law of International Trade, Finance and Economic**  
**Integration**  
Level **Master Degree**

**GLOBAL TRADE, INVESTMENT AND FINANCE, AND SUSTAINABLE**  
**DEVELOPMENT**  
**Course Syllabus**

**Author of the Course / Course Instructor**

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September 10, 2018 (Protocol N 1)

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September 5, 2018 (Protocol N 1)

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**Master Program session**

Vladislav V. Starzhenetskiy  
Program Academic Supervisor

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## **1. Course Description**

### **a. Title of a Course**

Global Trade, Investment and Finance, and Sustainable Development

### **b. Pre-requisites**

Elementary familiarity with international law is presumed. No prior familiarity with international trade law, investment law, or sustainability law is necessary.

### **c. Course Type** (compulsory, elective, optional)

Compulsory

### **d. Abstract**

*Global Trade, Investment and Finance, and Sustainable Development* is a compulsory Research Seminar to be taught in English. A good command of legal English is required. The research seminar is expected to cover such aspects as the early development of international law as the regime of choice for international traders and explorers to the current questions of global economic (trade, investment, and finance) law and regulation, and the global financial crisis. It will examine world trade, foreign direct investment, economic rights, and financial regulation against the background of so-called ‘sustainable’ development.

The challenge of this course will be to analyze the interface between the role of law in the global political economy and governance from different perspectives: historical, current, the institutional, individual, the developed/developing world divide, etc. We will be examining policy and economic trends and learn to recognize points of friction with law and areas for improvement. Attention will be paid to public and private law regimes as well as trends in global governance and regulation, including protection of natural resources through unilateral trade-based measures; the legality of multilateral environmental agreements employing trade measures; utilization of science-based trade tests; environmental impacts of foreign investment liberalization, etc.

## **2. Learning Objectives**

The main purpose of the course is to make students able to (1) analyze the interface between the role of law in the global political economy and global governance from different perspectives, including the current orthodox paradigm of so-called sustainable development; and (2) recognize theoretical and practical points of friction with law and areas for improvement.

## **3. Learning Outcomes**

### **Knowledge and understanding:**

- demonstrate knowledge and understanding of the rules and institutions of global governance, and the role of law in the global political economy, as well as the various ways the actors such as States, multilateral institutions, individuals, multinational enterprises, global standard-setting bodies, and civil society can and do seek to fulfil their interests;
- demonstrate extensive knowledge and critical understanding of the major workings of law of the global trade, investment and finance, and particularly the principle and politics of sustainable development going today as a red tape through these global legal regimes.

### **Skills and abilities:**

- demonstrate the ability to find, select and evaluate critically primary hard and soft law, as well as sources deemed ‘informal’ in the area;
- demonstrate the ability to analyze past and current legal regimes and instances in the particular separate but connected issue areas within the global economy, and their interaction;
- demonstrate the ability to analyze past and current events and issues in the global economy and demonstrate the role of law and governance in their generation or solution.

### **Students should gain the following competences:**

- ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in an international setting;

- ability to search, analyze, and work with legally relevant information by using the juridical, comparative and other specific methods;
- ability to describe legal problems and situations in the field of trade, investment, and sustainable development;
- ability to work with and interpret primary operative tests;
- ability to draft research and policy texts.

#### **4. Course Plan**

##### **Main textbooks:**

Craig VanGrasstek, THE HISTORY AND FUTURE OF THE WORLD TRADE ORGANIZATION (WTO Publications, Geneva 2013), at: [https://www.wto.org/english/ress\\_e/booksp\\_e/historywto\\_e.pdf](https://www.wto.org/english/ress_e/booksp_e/historywto_e.pdf)

J Anthony VanDuzer, Penelope Simons and Graham Mayeda, INTEGRATING SUSTAINABLE DEVELOPMENT INTO INTERNATIONAL INVESTMENT AGREEMENTS: A GUIDE FOR DEVELOPING COUNTRIES (Commonwealth Secretariat, 2012) at: [https://www.iisd.org/pdf/2012/6th\\_annual\\_forum\\_commonwealth\\_guide.pdf](https://www.iisd.org/pdf/2012/6th_annual_forum_commonwealth_guide.pdf)

##### **Optional textbooks (all for reference):**

JOHN H. JACKSON, WILLIAM DAVEY & ALAN O. SYKES, JR., LEGAL PROBLEMS OF INTERNATIONAL ECONOMIC RELATIONS: CASES, MATERIALS, AND TEXT (West: 6<sup>th</sup> ed. 2013), ISBN 978-0-314-28026-8

JOOST H.B. PAUWELYN, ANDREW T. GUZMAN & JENNIFER A. HILLMAN, INTERNATIONAL TRADE LAW (Wolters Kluwer: 3d ed. 2016), ISBN 978-1-4548-7310-5

PETROS C. MAVROIDIS & MARK WU, THE LAW OF THE WORLD TRADE ORGANIZATION (WTO): DOCUMENTS, CASES & ANALYSIS (West: 2d ed. 2013), ISBN 978-0-314-28721-2

PETER VAN DEN BOSSCHE & WERNER ZDOUC, THE LAW AND POLICY OF THE WORLD TRADE ORGANIZATION: TEXT, CASES AND MATERIALS (Cambridge: 2015)

## **Main useful links:**

Full texts of all WTO agreements:

[https://www.wto.org/english/docs\\_e/legal\\_e/final\\_e.htm](https://www.wto.org/english/docs_e/legal_e/final_e.htm)

Full texts of all WTO DSB cases:

[https://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm)

WTO Dispute Settlement: One-page case summaries (1995-2016). 2017 edition (the latest, so far):

[https://www.wto.org/english/res\\_e/publications\\_e/dispu\\_settlement\\_e.htm](https://www.wto.org/english/res_e/publications_e/dispu_settlement_e.htm)

Investor-State arbitration cases database (organized by Prof. Andrew Newcombe):

<https://www.italaw.com>

ICSID website, including awards of arbitral tribunals constituted under ICSID auspices : <https://icsid.worldbank.org/apps/ICSIDWEB/Pages/default.aspx>

UNCTAD Investment policy hub: <http://investmentpolicyhub.unctad.org/>

UN database on Sustainable Development:

<https://sustainabledevelopment.un.org/index.php?menu=122>

Social Science Research Network: <http://ssrn.com>

## **I. INTERNATIONAL TRADE LAW**

### **Topic 1**

Introduction to the Law of Trade in Goods

### **Topic 2**

Introduction to the Law of the World Trade Organization

### **Topic 3**

GATT/WTO Basic Disciplines and Extrajurisdictional Resources

### **Topic 4**

The ‘Trade and... Debate’

**Topic 5**

Public Participation in the World Trade Organization

**Topic 6**

Science and the Agreement on Sanitary and Phytosanitary Measures

**Topic 7**

The Agreement on Technical Barriers to Trade

**Topic 8**

The WTO and Global Risk Management

**II. TRANSNATIONAL INVESTMENT LAW AND ARBITRATION**

**Topic 9**

Introduction to the Law of Foreign Direct Investment

**Topic 10**

Customary International Law

**Topic 11**

Bilateral Investment Treaties

**Topic 12**

National Environmental Regulatory Measures as ‘Barriers’ to Foreign Investment

**III. PRIVATE INTERNATIONAL INVESTMENT STANDARDS**

**Topic 13**

Governmentally-Established Standards

**Topic 14**

Global Financial Institutions Standards

**IV. GLOBAL FINANCIAL REGULATION**

**Topic 15**

## Financial Regulation and Supervision after the 2008 Crisis

### Topic 16

Global Rating Agencies as Informal Norm- and Law-makers

### Topic 17

Sustainability Funding

### Content of the discipline:

№	Topic	Hours in total	Contact Hours		Self-study
			<i>Lectures</i>	<i>Seminars</i>	
1.	Introduction to the Law of Trade in Goods	12	0	4	8
2.	Introduction to the WTO	8	0	2	6
3.	GATT Basic Disciplines and Extrajurisdictional Resources	8	0	2	6
4.	The ‘Trade and... Debate’	8	0	2	6
5.	Public Participation in the World Trade Organization	12	0	4	8
6.	Science and the Agreement on Sanitary and Phytosanitary Standards	8	0	2	6
7.	The Agreement on Technical Barriers to Trade	8	0	2	6
8.	The WTO and Global Risk Management	8	0	2	6
9.	Introduction to the Law of Foreign Direct Investment	12	0	4	8
10.	Customary International Standards	8	0	2	6
11.	Bilateral Investment Treaties	8	0	2	6
12.	National Environmental Regulatory Measures as	8	0	2	6

	'Barriers' to Foreign Investment				
13.	Governmentally-Established Standards	8	0	2	6
14.	Global Financial Institutions Standards	8	0	2	6
15.	Financial Regulation and Supervision after the 2008 Crisis	12	0	4	8
16.	Global Rating Agencies as Informal Norm- and Law-makers	8	0	2	6
17.	Sustainability Funding	8	0	2	6
	<b>Total:</b>	<b>152</b>	<b>0</b>	<b>42</b>	<b>110</b>

## 5. Assigned material

### Week 1. International Trade Law

#### Compulsory materials

##### Instruments and documents:

- *The Draft Havana Charter* (just browse) at:  
[http://www.wto.org/english/docs\\_e/legal\\_e/prevto\\_legal\\_e.htm#other](http://www.wto.org/english/docs_e/legal_e/prevto_legal_e.htm#other)
- WTO, "Generalized System of Preferences; Decision of 25 June 1971", L/ 3545, 28 June 1971
- "Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries; Decision of 28 November 1979", L/4903, 3 December 1979
- "Trade and Development", at:

[http://www.wto.org/english/res\\_e/booksp\\_e/gatt\\_ai\\_e/part4\\_e.pdf](http://www.wto.org/english/res_e/booksp_e/gatt_ai_e/part4_e.pdf) ,

—— “Differential and more favourable treatment reciprocity and fuller participation of developing countries”, at:

[http://www.wto.org/english/docs\\_e/legal\\_e/enabling1979\\_e.htm](http://www.wto.org/english/docs_e/legal_e/enabling1979_e.htm)

—— “Trade and Investment”, at:

[http://www.wto.org/english/tratop\\_e/invest\\_e/invest\\_e.htm](http://www.wto.org/english/tratop_e/invest_e/invest_e.htm)

## **Doctrine:**

John K.M. Ohnesorge, ‘Developing Development Theory: Law & Development Orthodoxies and Northeast Asian Experience’, *University of Wisconsin Legal Studies Research Paper No. 1024* (read only Section 2, at pp.231-258), at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=916781](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=916781)

## **Case law:**

- WTO AB report, *United States - Import Prohibition of Certain Shrimp and Shrimp Products [US-Shrimp]*, WT/DS58/AB/R, adopted 12 October 1998, paras.129-31, 153-55 (see the WTO case law database)

## **Further materials**

- David Kennedy, *Economic Development: An Intellectual History*, Princeton University Press, 2013 (read the ‘Introduction’)

- Jurgen Habermas, ‘Beyond the Nation-state? On Some Consequences of Economic Globalisation’, in E. O. Eriksen and J. E. Fossum (eds), *Democracy in the European Union: Integration through Deliberation* (2000), pp.29-41

## **Week 2. International Trade Law 2.0**

### **Compulsory materials**

#### **Instruments and documents:**

- *WTO Agreement* (read only the Preamble!), in WTO, *The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations*, Cambridge University Press, 20<sup>th</sup> printing, 2013, pp.3-14. Available online at: [https://www.wto.org/english/docs\\_e/legal\\_e/final\\_e.htm](https://www.wto.org/english/docs_e/legal_e/final_e.htm)

### **Doctrine:**

- Craig VanGrasstek, *The History and Future of the World Trade Organization*, WTO Publications, Geneva, 2013, read pp.229-244, at: [https://www.wto.org/english/res\\_e/booksp\\_e/historywto\\_e.pdf](https://www.wto.org/english/res_e/booksp_e/historywto_e.pdf)
- Steve Charnovitz, 'Trade and the Environment in the WTO', *Journal of International Economic Law*, Vol. 10, September 2007, at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1007028](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1007028)
- Anna Aseeva, 'The right of states to regulate in risk-averse areas and the ECtHR concept of margin of appreciation in the WTO *US-COOL Article 21.5* decision', *Croatian Yearbook of European Law and Policy*, Vol.11-2015 (read only Introduction at pp.1-2 and Sections 3.1.-4.2 inc., at pp.10-25) at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3056665](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3056665)

### **Case law** (please read only the one-page summaries of each case):

- *United States-Standards for Reformulated and Conventional Gas [US-Gasoline]*, WT/DS58/AB/R, 20 May 1996
- *European Communities - Measures Concerning Meat and Meat Products (Hormones) [EC-Hormones]*, disputes DS 26 (complaint by the US) and DS 48 (complaint by Canada), WT/DS26/AB/R, 16 January 1998
- *United States- Import Prohibition of Certain Shrimp and Shrimp Products [US-Shrimp]*, WT/DS58/AB/R, adopted 12 October 1998
- *Australia - Measures Affecting Importation of Salmon [Australia-Salmon]*, WT/DS18/AB/R, 20 October 1998
- *European Communities - Measures Affecting Asbestos and Products Containing Asbestos [EC-Asbestos]*, WT/DS135/AB/R, 12 March 2001
- *European Communities - Trade Description of Sardines [EC-Sardines]*, WT/DS231/AB/R, 26 September 2002
- *Brazil - Measures Affecting Imports of Retreaded Tyres [Brazil-Tyres]*, WT/DS332/AB/R, 3 December 2007
- *United States - Continued Suspension of Obligations in the EC - Hormones Dispute [US-Continued Suspension]*, WT/DS320/AB/R, 16 October 2008

- *United States - Measures Affecting the Production and Sale of Clove Cigarettes [US-Clove Cigarettes]*, WT/DS406/AB/R, 4 April 2012
- *United States - Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products [US-Tuna II (Mexico)]*, WT/DS381/AB/R, 16 May 2012
- *United States - Certain Country of Origin Labelling (COOL) Requirements [US-COOL]*, WT/DS384/AB/R, 29 June 2012
- *European Communities - Measures Prohibiting the Importation and Marketing of Seal Products [EC-Seals]*, WT/DS400/AB/R, 22 May 2014

### **Further materials**

- M.W. Gehring and M.-C. Cordonier Segger, 'Introduction', in M.W. Gehring and M.-C. Cordonier Segger (Eds.), *Sustainable Development in World Trade Law*, Kluwer, 2005, pp.17-18
- *US-Shrimp, Recourse to Article 21.5 of the DSU by Malaysia [US-Shrimp Article 21.5]*, WT/DS58/AB/R, 22 October 2001
- *United States - Certain Country of Original Labelling (COOL) Requirements - Recourse to Article 21.5 of the DSU by Canada and Mexico [US-COOL Article 21.5]*, WT/DS384/AB/R, 18 May 2015

## **Lecture 3. Transnational investment law and arbitration**

### **Compulsory materials**

#### **Instruments and documents:**

- Questionnaire No. 4 adopted by the League of Nations Committee of Experts for the progressive codification of international law, On 'Responsibility of States for damage done in their territories to the person or property of foreigners', in *Report on International Responsibility* by F.V. Garcia-Amador, Special Rapporteur on State responsibility, Extract from the *Yearbook of the International Law Commission*, vol. II, A/CN.4/96, Annex A, 1956. E-United Nations Treaty Collection:  
[http://legal.un.org/ilc/documentation/english/a\\_cn4\\_96.pdf](http://legal.un.org/ilc/documentation/english/a_cn4_96.pdf)
- 'Bases of discussion drawn up in 1929 by the Preparatory Committee of

the Conference for the Codification of International Law (The Hague, 1930), the Annex B in Report by F.V. Garcia-Amador, *ibid.*

### **Doctrine:**

- J Anthony VanDuzer, Penelope Simons and Graham Mayeda, *Integrating Sustainable Development into International Investment Agreements: A Guide for Developing Countries*, Commonwealth Secretariat, 2012, (read Section 2.1., at pp.12-18), at:  
[https://www.iisd.org/pdf/2012/6th\\_annual\\_forum\\_commonwealth\\_guide.pdf](https://www.iisd.org/pdf/2012/6th_annual_forum_commonwealth_guide.pdf)

### **Case law:**

(read only case summaries, all in the *Report of the Special Rapporteur on the rights of indigenous peoples*, UN DOC A/HRC/33/42, 2016, at pp.10-13):

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session33/Pages/ListReports.aspx>

- *Glamis Gold v. USA* Award, (2009) International Centre For Settlement Of Investment Disputes Washington, D.C. In accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules Glamis Gold, Ltd. (Claimant) - and United States of America (Respondent) AWARD
- *Burlington Resources Inc. v. Ecuador* Decision on Jurisdiction (2010). Burlington Resources Inc. v. Ecuador, ICSID Case No. ARB/08/5, Decision on Jurisdiction, 2 June 2010
- *Grand River Enterprises Six Nations, Ltd v. USA*, Award, (2011), CLA-138, Grand River Enterprises Six Nations, Ltd., et al. v. United States of America, UNCITRAL, Award, Jan 12, 2011
- *Von Pezold v. Zimbabwe* preliminary order (2012) International Centre For Settlement Of Investment Disputes Bernhard Von Pezold And Others (Claimants) V. Republic Of Zimbabwe (Respondent) (ICSID CASE NO. ARB/10/15) - and - Border Timbers Limited, Border Timbers International (Private) Limited, and Hangan Development Co. (Private) Limited (Claimants) v. Republic of Zimbabwe (Respondent) (ICSID CASE NO. ARB/10/25) Procedural Order No. 2
- *American Silver Mining v. Bolivia* PCA CASE NO. 2013-15 In the matter of an arbitration under the rules of the United Nations Commission on International Trade Law South American Silver Limited Claimant V. The Plurinational State of Bolivia Respondent November 30, 2015

## **Further materials**

- David A.R. Williams and Simon Foote, 'Recent developments in the approach to identifying an 'investment' pursuant to Article 25 (1) of the ICSID Convention' in Chester Brown and Kate Miles (eds.), *Evolution in Investment Treaty Law and Arbitration* (Cambridge University Press, 2011) 42

## **Week 4. Transnational investment law and arbitration 2.0**

### **Compulsory materials**

#### **Instruments and documents:**

- OECD, *Guidelines for multinational enterprises*, 2001 update, at: <http://www.oecd.org/daf/inv/mne/oecdguidelinesformultinationalenterprises.htm>
- OECD, *Investment Treaty Law, Sustainable Development and Responsible Business Conduct: A Fact Finding Survey*, at: [http://www.oecd-ilibrary.org/finance-and-investment/investment-treaty-law-sustainable-development-and-responsible-business-conduct-a-fact-finding-survey\\_5jz0xvgx1zlt-en;jsessionid=1fdfbbm796gbc.x-oecd-live-03](http://www.oecd-ilibrary.org/finance-and-investment/investment-treaty-law-sustainable-development-and-responsible-business-conduct-a-fact-finding-survey_5jz0xvgx1zlt-en;jsessionid=1fdfbbm796gbc.x-oecd-live-03)

#### **Doctrine:**

- J Anthony VanDuzer, Penelope Simons and Graham Mayeda, *Integrating Sustainable Development into International Investment Agreements: A Guide for Developing Countries*, Commonwealth Secretariat, 2012, (read Section 2.2., at pp.24-29), at: [https://www.iisd.org/pdf/2012/6th\\_annual\\_forum\\_commonwealth\\_guide.pdf](https://www.iisd.org/pdf/2012/6th_annual_forum_commonwealth_guide.pdf)
- Anna Aseeva and Ka Lok Yip, 'Stakes and Prospects of the Right to Free, Prior & Informed Consent (FPIC) in 'One Belt One Road' initiative in the framework of transnational investment law and arbitration', in Julien Chaisse and Jędrzej Górski (Eds.), *The Belt and Road Initiative. Law, Economics, and Politics*, BRILL, Nijhoff Classics in International Law series, forthcoming, 2018, read only Sections 2 and 5 in full (to be supplied)

### **Case law:**

- *Urbaser et al. v The Argentine Republic*, ICSID Case No ARB/07/26, final award, December 2016
- *Bear Creek Mining Corporation v. Republic of Peru*, ICSID Case No. ARB/14/21, final award, November 2017

### **Further materials**

- Clara Reiner and Christoph Schreuer, 'Human Rights and International Investment Arbitration' in Pierre-Marie Dupuy, Ernst-Ulrich Petersmann and Francesco Francioni (eds.), *Human Rights in International Investment Law* (Oxford University Press, Oxford 2009) 82

## **Week 5. Global finance and its regulation**

### **Compulsory materials**

- *The Big Short* (2015) - Mark Baum's Final Decision & The Aftermaths, at: <https://www.youtube.com/watch?v=Bu2wNKIVRzE>
- *The Big Short* (2015) - *The Big Short* Explained, at: <https://www.youtube.com/watch?v=csQUNX-xnBc>

### **Instruments and documents:**

- UNEP, Aligning the Financial System with Sustainable Development: An Invitation and Background Briefing (June 2014), [http://www.unepfi.org/psi/wp-content/uploads/2014/07/Aligning\\_financial\\_system\\_with\\_sustainable\\_development.pdf](http://www.unepfi.org/psi/wp-content/uploads/2014/07/Aligning_financial_system_with_sustainable_development.pdf), pp.6-34
- IMF, Russian Federation: Concluding Statement of the 2015 Article IV Mission, May 21, 2015, <https://www.imf.org/external/np/ms/2015/052115.htm>
- Equator Principles III, [http://www.equatorprinciples.com/resources/equator\\_principles\\_III.pdf](http://www.equatorprinciples.com/resources/equator_principles_III.pdf)

## **Doctrine:**

- Susan Strange, 'What Theory? The Theory in Mad Money', *CSGR Working Paper* 18/98 (1998) (to be supplied)
- Anna Aseeva and Ka Lok Yip, 'Stakes and Prospects of the Right to Free, Prior & Informed Consent (FPIC) in 'One Belt One Road' initiative in the framework of transnational investment law and arbitration', in Julien Chaisse and Jędrzej (Eds.), *The Belt and Road Initiative. Law, Economics, and Politics*, BRILL, Nijhoff Classics in International Law series, forthcoming, 2018, read only Sections 3.3. and 4.2.-4.3 in full (to be supplied)
- Oliver Balch, 'Sustainable finance: how far have the Equator Principles gone?', *The Guardian*, <http://www.theguardian.com/sustainable-business/sustainable-financeequator-principles>
- Sasha Chavkin and Dana Ulman, 'World Bank Allows Tanzania to Sidestep Rule Protecting Indigenous Groups', ICIJ (International Consortium of Investigative Journalists), 2016, at: <https://www.icij.org/investigations/world-bank/world-bank-allows-tanzania-sidestep-rule-protecting-indigenous-groups/>

## **Additional materials:**

- Steve Eisman, interview with EFN, January 2018:  
<https://www.youtube.com/watch?v=NJodqhzqPKQ>
- Christopher M. Bruner and Rawi Abdelal, 'To Judge Leviathan: Sovereign Credit Ratings, National Law, and the World Economy', *Journal of Public Policy*, 25(2), 2005
- Hélène Ruiz Fabri, 'Regulating trade, investment and money', in James Crawford and Martti Koskenniemi (Eds.) *The Cambridge Companion to International Law* (Cambridge University Press, 2012)

## **Week 6. The sustainability of sustainable development**

### **Compulsory materials**

#### **Instruments and documents:**

- *The United Nations Declaration on the Human Environment* (1972), at: <https://sustainabledevelopment.un.org/index.php?menu=122>
- *The United Nations Sustainable Development Goals 2030*, at : <https://sustainabledevelopment.un.org/topics>
- ‘Review of Targets for the Sustainable Development Goals: The Science Perspective (2015)’, *International Council for Science* (read the two reports), at: <https://www.icsu.org/publications/review-of-targets-for-the-sustainable-development-goals-the-science-perspective-2015>
- *Draft Pan-African Investment Code* (PAIC), see particularly the Preamble and Arts 1-4, at: <http://repository.uneca.org/bitstream/handle/10855/23009/b11560526.pdf?sequence=1>

### **Doctrine:**

- Gunder Frank, A., ‘The Development of Underdevelopment’, *Monthly Review*, 18(4), 1966, pp.3-17 (to be supplied)
- Evans, P., ‘Development and the State’, in P. Baltes and N. Smelser (Ed.), *International Encyclopedia of the Social & Behavioral Sciences*, 1st ed. Elsevier, 2001, pp.3557-3560 (to be supplied)
- Hickel, J., ‘The Problem with Saving the World’, *The Jacobin*, at: <https://www.jacobinmag.com/2015/08/global-poverty-climatechange-sdgs/>
- Anna Aseeva, ‘Intergenerational climate justice’, in Thomas Cottier et al. (Eds.), *Intergenerational Equity: Environmental and Cultural Concerns*, BRILL, Nijhoff Classics in International Law series, forthcoming, 2018, at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3127461](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3127461)

### **Case law:**

- The Economic Community of West African States (ECOWAS), *The Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) against the Federal Republic of Nigeria (SERAP v. Nigeria)*, Ruling, Suit No: ECW/CCJ/APP/08/09 and RUL. No: ECW/CCJ/APP/07/10 (ECOWAS, Dec.

10, 2010, at:  
[http://www.worldcourts.com/ecowasccj/eng/decisions/2010.12.10\\_SERAP\\_v\\_Nigeria.htm](http://www.worldcourts.com/ecowasccj/eng/decisions/2010.12.10_SERAP_v_Nigeria.htm)

- The Inter-American Court of Human Rights (IACtHR), Advisory Opinion OC-23/17 on “Environment and Human Rights”, *Concerning the Interpretation of Article 1(1), 4(1) and 5(1) of the American Convention on Human Rights*. Status: Decided. Case Categories: Suits against governments. Human Rights. Jurisdictions. Notified on February 7, 2018, read only the summary at: [http://www.elaw.org/IACHR\\_CO2317](http://www.elaw.org/IACHR_CO2317)

### **Additional materials:**

- OECD, *Indicators to Measure Decoupling of Environmental Pressure from Economic Growth*, 2002, at: <http://www.oecd.org/dataoecd/0/52/1933638.pdf>

- UNEP International Resource Panel (IRP), *Decoupling natural resource use and environmental impacts from economic growth*, 2011 Report, at: <http://www.unep.org/resourcepanel/Publications/AreasofAssessment/Decoupling/Decoupling/tabid/56048/Default.asp>

- UNEP IRP, *Decoupling 2: A Report of the Working Group on Decoupling to the International Resource Panel*. Ernst von Weizsäcker et al., 2014, <http://www.unep.org/resourcepanel/Publications/AreasofAssessment/Decoupling/Decoupling2/tabid/133371/Default.aspx>

## **6. Grading System**

Grading in this course will be based on two types of work product:

- (1) Attendance, active participation and in-class discussion
- (2) Written assignment

## **7. Guidelines for Knowledge Assessment**

*Attendance, active participation and in-class discussion: 20%*

Each student is expected to attend all the sessions having read and thought about the assigned material, including the questions and any problems in the text which are assigned, and actively participate in class discussions, ask questions and make analytical comments about the readings. Some students (two-three per session) will also be called at random to answer particular discussion questions (assigned before the session), and to brief and examine cases and problems.

***Written assignment: 80%***

Each student will be required to submit one academic essay by the end of the course. You should submit an analytical research paper in English (not just 10 pages of quotations!) of theoretical and practical value, which you will submit, together with a table of contents of your paper and a list of references (minimum 4-5 books plus other academic sources). Please use footnotes and not endnotes. Your writing will be graded on the depth of its critical analysis and the quality and originality of your research.

## **8. Methods of Instruction**

The course notes contain required and further reading materials and you are also invited to do your own research using the library and electronic resources. Students are expected to do 27-28 academic hours of reading, researching and preparation per week. Classes will be structured as participative workshops in order to stimulate class discussion. Students are expected to read the materials indicated prior to each seminar.

Use of of interactive educational technologies, including:

- socratic method; but also
- interactive seminars;
- participative workshops;
- group discussion;
- brainstorming sessions.

## 9. Special Equipment and Software Support (if required):

Access to internet and computer-based drafting equipment.

## 10. Competences gained as a result of the course:

Код компетенции по порядку	Код компетенции по ЕК	Уровень формирования компетенции	Дескрипторы – основные признаки освоения (показатели достижения результата)	Формы и методы обучения, способствующие формированию и развитию компетенции	Форма контроля уровня сформированности компетенции
<i>1) универсальные компетенции (УК):</i>					
УК-1	СК-М1	РБ/СД/МЦ	способен рефлексировать (оценивать и перерабатывать) освоенные научные методы и способы деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-2	СК-М2	РБ/СД/МЦ	способен создавать новые теории, изобретать новые способы и инструменты профессиональной деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-3	СК-М3	РБ/СД/МЦ	способен к самостоятельному освоению новых методов исследований, изменению научного и производственного	Лекции, семинарские занятия, самостоятельная работа	Экзамен

			профиля своей деятельности		
УК-4	СК-М4	РБ/СД/МЦ	способен совершенствовать и развивать свой интеллектуальный и культурный уровень, строить траекторию профессионального развития и карьеры	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-5	СК-М5	РБ/СД/МЦ	способен принимать управленческие решения и готов нести за них ответственность	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-6	СК-М6	РБ/СД/МЦ	способен анализировать, верифицировать, оценивать полноту информации в ходе профессиональной деятельности, при необходимости восполнять и синтезировать недостающую информацию	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-7	СК-М7	РБ/СД/МЦ	способен организовать многостороннюю коммуникацию и управлять ею	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-8	СК-М8	РБ/СД/МЦ	способен вести профессиональную, в том числе научно-исследовательскую деятельность в международной среде	Лекции, семинарские занятия, самостоятельная работа	Экзамен
<b>2) общепрофессиональные компетенции (ОПК):</b>					

ОПК-1	ИК-М4 (Ю)	РБ/СД/МЦ	способен обоснованно и эффективно использовать информационные технологии и программные средства (в обязательном порядке справочно-правовые системы) для решения задач профессиональной деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-2	ИК-М1.1_1.2._1.3 НИД (Ю)	РБ/СД/МЦ	способен формулировать цели, ставить конкретные задачи исследований в фундаментальных и прикладных областях юриспруденции и предлагать научно-обоснованные пути их решения	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-3	ИК-М1.1.Н ИД (Ю)	РБ/СД/МЦ	способен к обработке и интерпретации правовой и другой релевантной эмпирической информации с использованием объяснительных возможностей юридической науки	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-4	ИК-М3 (Ю)	РБ/СД/МЦ	способен систематизировать, оформлять и представлять правовую информацию, являющуюся результатом профессиональной деятельности с использованием методов, методик и приемов презентации	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-5	ИК-М1.2.П Д 6.2 (Ю)	РБ/СД/МЦ	способен самостоятельно организовать профессиональную деятельность, строя ее на основе правовых норм	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-6	ИК-М2.1_2.	РБ/СД/МЦ	способен организовать и поддерживать	Лекции, семинарские	Экзамен

	2._2.4.1_ 2.4.2-2.		коммуникации с научно-исследовательскими учреждениями и информационно-аналитическими службами по вопросам обмена информацией, научного консультирования и экспертизы	занятия, самостоятельная работа	
ОПК-7	ИК-М1.2.П Д_1.2_1. 3 (Ю)	РБ/СД/МЦ	способен составлять и представлять проекты аналитических документов в соответствии с актуальными нормативными актами, распределяя их по юридической силе	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-8	ИК-М4.1.М 4.3.М4.4 .М4.6. (Ю)	РБ/СД/МЦ	способен собирать, обрабатывать и интерпретировать данные, необходимые для формирования суждений по различному типу проблем на основе их правового анализа	Лекции, семинарские занятия, самостоятельная работа	Экзамен
<b>3) профессиональные компетенции (ПК):</b>					
ПК-1	ИК-М1.1.Н ИД_7.1 АД_КД (Ю)	РБ/СД/МЦ	способен разрабатывать методологический инструментарий, теоретические модели и информационные материалы для осуществления исследовательской, аналитической и консалтинговой проектной деятельности в правовом исследовании	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-2	ИК-М1.1. НИД (Ю)	РБ/СД/МЦ	способен совершенствовать теоретические и методологические подходы и	Лекции, семинарские занятия, самостоятельная работа	Экзамен

			исследовательские методы, в том числе методы сбора, анализа и интерпретации правовой информации		
ПК-3	ИК-М5.6. (Ю), 7.1.- ПТД_Ю	РБ/СД/МЦ	способен идентифицировать потребности и интересы общества и отдельных его групп, предлагать механизмы их согласования между собой с правовой аргументацией	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-4	ИК-М1ЭД (Ю)	РБ/СД/МЦ	способен разрабатывать предложения и рекомендации для проведения правовой экспертизы и/или консалтинга	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-5	ИК-М3.4.2.7 КД (Ю)	РБ/СД/МЦ	способен распространять правовые знания, консультировать работников органов управления, предприятий, учреждений и организаций при решении вопросов из деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-6	ИК-М1.1_ЭД1.3 (Ю) ЭК ПК УД	РБ/СД/МЦ	способен оценивать правовые последствия программной и проектной деятельности органов управления; проводить правовую экспертизу программ, проектов, нормативных и правовых актов, методических материалов	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-7	ИК-М4.5 С	РБ/СД/МЦ	способен использовать в профессиональной деятельности основные требования информационной безопасности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-8	СЛК-М2	РБ/СД/МЦ	способен учитывать социальные и	Лекции, семинарские	Экзамен

			мультикультурные различия для решения проблем в профессиональной деятельности	занятия, самостоятельная работа	
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**Author of the Course / Course Instructor – Dr. Anna Aseeva**, Associate Professor of Law. She holds a Ph.D. in Law from the Institute of Political Studies (Sciences Po), Paris; a Master in European Law and Institutions from the University of Geneva; a Degree in International Relations from the Graduate Institute of International and Development Studies, Geneva; and degrees in Arts and in Law from the Russian Federation. Anna held visiting research and teaching appointments at Georgetown University Law Center, Washington, D.C.; HEC Paris; Global Studies Institute (GSI), the University of Geneva; the Centre of Excellence for International Courts (iCourts), the University of Copenhagen; and Lille Catholic University.