

Course Goals and content

The goal of the course is to gain an understanding of International Law and Economics with a special focus on international trade and international investment law. Economic analysis applied to trade and investment includes political economy, contract theory, basic game theory as well as behavioural economics. After the course, students should be able to apply economic reasoning to questions of international law and understand international trade and investment law as well as their interaction with other areas of international law and their development from that perspective. They should also have the tools to analyse current developments in international trade and investment law.

Lecturer



Anne van Aaken (Dr. iur. and MA Economics) is Alexander von Humboldt Professor for Law and Economics, Legal Theory, Public International Law and European Law and Director of the Institute of Law and Economics, University of Hamburg. She was Vice-President of ESIL and is Chair of the EU Research Council. She is a general editor of JIDS and a member of the editorial boards of AJIL, JIEL, and International Theory. She has been consultant for the IBRD, OECD, UNCTAD, GIZ and the UN.

Course Content

- A) International Law and Economics
 1. The Rationalist Approach to International Law (Dunoff Trachtman YJIL 1989)
 2. Behavioral Approaches to International Law (van Aaken, HILJ 2014)
 3. Economic Tools used in the Analysis of International Law (slides)
 4. Treaty Making and Compliance (slides)
- B) International Trade
 5. WTO as an Incomplete Contract (World Trade Report, 2007, II C)
 6. Political Economy and International Trade (Milner 1999)
- C) International Investment Law
 7. Economic Contract Theory of International Investment Law (van Aaken JIEL 2009)
 8. Empirics of Investment Treaties and Adjudication (slides)
- D) New Developments: Security Concerns and Protectionism
 9. (Behavioral) Explanations of Protectionism (van Aaken/Kurtz 2019)
 10. The Framing of Security in Trade and Investment (Cohen JIEL 2020)

Bibliography

- Anne van Aaken, International Investment Law Between Commitment and Flexibility: A Contract Theory Analysis, 12/2 Journal of International Economic Law (2009), 507-538.
- Anne van Aaken, Behavioral International Law and Economics, 55 Harvard International Law Journal (2014), 421-481.
- Anne van Aaken & Jürgen Kurtz, Beyond Rational Choice: International Trade Law and the Behavioral Political Economy of Protectionism, 22 (4) Journal of International Economic Law (2019), 601–628.
- Harlan Grant Cohen, Nations and Markets, 23/4 Journal of International Economic Law (2020) 793–815.
- Jeffrey L. Dunoff & Joel P. Trachtman, Economic Analysis of International Law, 24 Yale Journal of International Law (1999), 1-59.
- Helen V. Milner, The Political Economy of International Trade, 2/1 Annual Review of Political Science (1999), 91-114
- WTO, World Trade Report, 2007, Chapter II C.

Grading

Class participation (10%); take-home exam (90%).

Organization

The course is intended for PhD students. A limited number of people with relevant professional or academic interest may also be admitted.

Place: WTI, University of Bern, Switzerland. Some sessions may be online, via Zoom.

Lecture hours: 25 / ECTS: 4.

The tuition fee is **CHF 500**. A limited number of (partial) tuition fee waivers is available for participants from developing countries and WTI partner institutions.

Timetable and Registration

The course takes place from Monday 26.09 until Friday 30.09. 2022. Class hours are 10.00 am -12 pm (noon), 1.00 pm - 4.00 pm. This is an intensive course. Please try to do (some) readings already before the course-week starts – we want to discuss them in the class.

Available course outlines and reading material can be found under the course listing on the Doctoral Programme webpage.

<https://www.wti.org/education/doctoral-programme/#open-94792-phd-courses-and-summer-school>

Send your application to:

phd.applications@wti