



Introductory Chapter

The TradeLab Network of Legal Clinics: Capacity Building for a More Inclusive Globalization¹

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1. What is TradeLab?

TradeLab is a global network of universities and training centers, founded in 2013, that conducts pro bono projects for developing countries and other stakeholders such as Civil Society Organizations (CSOs) and Small and Medium-Sized Enterprises (SMEs) (hereafter: “beneficiaries”). TradeLab’s overall goal is “to empower countries and smaller stakeholders to reap the full development benefits of institutions and rules that govern our global economy”.⁴ TradeLab’s contribution to capacity building centers on “legal clinics”: small teams of students work from their respective places of study with and for specific beneficiaries on semestrial basis. Student teams are closely supervised by experienced academics and mentored by expert practitioners in the field. Using internet tools, students, experts, and beneficiaries on a given project are virtually connected across the globe, from centers of expertise in Geneva or Washington, DC, to remote places in Africa or Latin America. Research memoranda and other non-confidential output are posted on the TradeLab website for all interested parties to access. TradeLab thereby seeks to achieve three objectives: (i) help beneficiaries build capacity; (ii) train students; and (iii) inform and create awareness within the wider public.

Inspired by crowdsourcing and the sharing-economy, TradeLab functions as a global innovation and learning network. No one pays (all contributions are made pro bono), but all participants gain: direct beneficiaries enjoy free help and on-the-job training; students “learn by doing” and receive university

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⁴ See: <https://www.tradelab.org/about> (accessed 15 January 2019), under “Who We Are”.

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credits; experts obtain teaching credits or other benefits of joining the network (reputation, access to a pool of highly qualified graduates) or simply enjoy “giving back to the community”.

Though much work is still needed, and TradeLab is but one actor in a broader universe of capacity building suppliers, the TradeLab “model” has the potential to disrupt and democratize both legal education and the legal profession in the field of international economic law and policy, spreading awareness, learning and expertise beyond a handful of highly specialized universities and “big-ticket” law firms in Europe or the United States. TradeLab also offers an alternative to technical cooperation and traditional capacity building. The latter is the focus of this paper. Section 2 describes how TradeLab is governed and financed. Section 3 explains the importance of capacity in today’s global economy. Section 4 elaborates on what types of capacity are needed and where the main bottlenecks are. Sections 5 and 6 summarize the TradeLab “model” and the challenges of “scoping” and “scaling” TradeLab’s work. Section 7 sets out benchmarks against which TradeLab’s current and future success can be measured. Section 8 concludes by setting key objectives for the future.

2. How Is TradeLab Governed and Financed?

The governance of TradeLab is organized as an independent Association, based and registered in Geneva, Switzerland, under Swiss Law⁵. It operates under Articles of Association and a number of policies such as conflict of interest and confidentiality. TradeLab members are not individuals, but the universities and training centers running or supporting a TradeLab clinic. TradeLab has an Executive Committee (headed by a President and Vice-President, currently, respectively, Joost Pauwelyn and Debra Steger) and a Coordinator (currently, Sarah Mathew, based at Georgetown University - School of Foreign Services in Qatar). TradeLab’s highest body is the General Assembly, where every TradeLab member has one vote. TradeLab is further supported by an Advisory Board composed of leading experts and practitioners in the field. Current office holders are introduced here: <https://www.tradelab.org/governance>. TradeLab’s initial steps⁶ were made possible thanks to the *International Law for a Global Economy* project funded by the Swiss National Research Foundation. TradeLab has also received support under the *Legal Innovation to Empower Development* project funded by the Qatar National Research Fund (QNRF).⁷

Above all, however, TradeLab operates thanks to voluntary service and assistance by expert mentors, who give their time for free, and contributions in kind by participating universities and professors (universities contribute in kind by paying professor salaries and, in most cases, the provision of administrative and teaching assistance for the clinics that they run). Students, who invest enormous amounts of time and energy in TradeLab projects, are compensated with student credits and, most importantly, a learning experience they will never forget. TradeLab alumni, in many cases, continue to contribute pro bono even after graduation. A group of them recently translated the TradeLab website and key TradeLab documents into French and Spanish, a key condition to reach stakeholders in the non-English speaking world.

Current funding of “TradeLab central” is limited to (i) a paid position of TradeLab Coordinator (presently, Sarah Mathew), who facilitates the network and provides institutional, administrative and legal/substantive support, including outreach to beneficiaries and TradeLab alumni, (ii) the expenses linked to running the TradeLab website. The TradeLab Coordinator is also TradeLab’s ex officio Secretary, and member of the Executive Committee. No office holders other than the Secretary/TradeLab Coordinator receive compensation.

3. Why Capacity? And Why Now More Than Ever?

Capacity is key to empowering countries and their populations, to influence and benefit from the institutions and rules that govern our global economy. The number, diversity, and complexity of these institutions and

⁵ The law of association is governed by Articles 60-79 of the Swiss Civil Code.

⁶ See Joost Pauwelyn and Mattia Salamanca Orrego, ‘The International Economic Law Clinic at the Graduate Institute in Geneva’ in Alberto Alemanno and Lamin Khadar (eds), *Reinventing Legal Education, How Clinical Education Is Reforming the Teaching and Practice of Law in Europe* (CUP 2018) 292.

⁷ NPRP grant # [NPRP 7-1815-5-272], Qatar National Research Fund (a member of Qatar Foundation).

rules is mind-boggling⁸: United Nations (UN) agencies, the International Monetary Fund (IMF), World Bank, World Trade Organization (WTO), and Organisation for Economic Co-operation and Development (OECD); bilateral and multilateral treaties governing cross-border trade, investment and tax; public and private or SCO-led codes, standards and labels addressing anything from fairly traded bananas and best practices for the extractive industry to guiding principles for sovereign wealth funds or business and human rights.⁹

Capacity deficits affect, in particular, smaller, developing countries but also CSOs and SMEs in both developing and developed nations. For smaller countries and less resourceful stakeholders, it is a struggle to keep up, or even to be aware of what is happening and how it is affecting their interests, livelihoods and welfare. The inability to steer, influence or take advantage of, for example, a multilateral trade negotiation may badly damage a developing country. However, it also affects their rich country counterpart: if the less resourceful, developing country lacks the capacity to implement the trade deal, that deal may not be worth more than the paper it was printed on.

The need to build capacity is not new, but it is more urgent than ever. In a multi-polar world, where emerging nations are integrating the world economy, the voice of developing countries matters. They are engaged in reforming the system of investment protection and investor-state dispute settlement. In a post-Doha WTO, “new issues” and reforms are on the table and might move fast toward some form of rulemaking. Bilateralism is on the rise - such as the shift away from multilateralism in the case of Brexit and the US - and highlights the need to stand on one’s own feet. In this context, developing countries and weaker stakeholders must be informed and aware of developments, able to formulate and defend their interests and capable of implementing agreed-to reforms. A globalization based on rules written by and for a small “elite group” of countries and people has shown its limits and spurred a backlash, most recently also in advanced economies. Globalization will need to be inclusive for it to survive and offer opportunities for everyone. That is the challenge that led to the founding and rapid growth of the TradeLab network of legal clinics.

4. Capacity to Do What? Finding a Pro Bono Lawyer Is not the Problem

Capacity can be narrowly defined as, for example, Bohanes and Vidal-Leon do: “the technical expertise in WTO law - especially the case law of WTO dispute settlement bodies - to solve a given problem in the light of WTO law”¹⁰. This is the capacity gap that the Advisory Centre on WTO Law (ACWL), founded in 2001 by a group of countries, was set up to fill: providing a “pro bono lawyer” to developing country governments filing or defending a case in WTO litigation or answering a specific legal question under WTO law. This is a crucial task and the ACWL has met this challenge with great success. Yet, it is just one (small) piece of the capacity puzzle.

a. Beyond the WTO

Firstly, WTO law is but one part of the regime of complex rules and institutions regulating the global economy. It is increasingly difficult to analyze or build a strategy based exclusively on WTO rules in isolation from other trade rules (especially, preferential trade agreements) or rules on investment, tax, finance or sustainable development. The forerunner of TradeLab, the Trade Law Clinic at the Graduate Institute, was originally focused on the WTO. Today, TradeLab’s International Economic Law Clinics are inclusive of potentially all rules governing the global economy.

⁸ To get a sense of this complexity, just in the field of cross-border investment, see Joost Pauwelyn, ‘Dealing with the Increasing Complexity of Investment-Related Treaties: A Framework and Some Policy Guidelines’ (2012) 3 *Investment Treaty News* 5, available at http://www.iisd.org/pdf/2012/iisd_itn_october_2012_en.pdf (accessed 2 January 2019).

⁹ On the rise of informal international law and the challenges it poses especially for weaker stakeholders, see Joost Pauwelyn, Ramses Wessel, and Jan Wouters, ‘When Structures Become Shackles: Stagnation and Dynamics in International Lawmaking’ (2014) 25 *European Journal of International Law* 733.

¹⁰ See Jan Bohanes and Christian Vidal-Leon, ‘The ACWL’s contribution to enhancing legal capacity of developing countries’ in Joost Pauwelyn and Mengyi Wang (eds), *Building Legal Capacity for a More Inclusive Globalization: Barriers to and Best Practices for Integrating Developing Countries into Global Economic Regulation* (The Graduate Institute’s Centre for Trade and Economic Integration, 2019).

b. Beyond Litigation and Law

Secondly, litigation is only part of the picture: stakeholders also need help in the preparation and negotiation of agreements as well as matters of implementation and compliance. Moreover, in all of these efforts, law and legal principles are just one part of the analysis. In addition, economic research, policy analysis and translation support, to name just a few, are often required. Working with teams of students grounded in different disciplines, and a variety of experts and mentors, TradeLab clinics have been able to offer broad-based support of exactly this kind.

c. Beyond Trade Officials

Thirdly, trade ministries are not the only stakeholders that lack capacity. Building effective capacity for global economic engagement requires efforts and coordination across ministries, ranging from justice and finance to agriculture and health. In many instances, TradeLab projects have been successful if only because they triggered an inter-agency dialogue. Crucially, capacity needs to be built also beyond the public sector. As the case studies in this book highlight, successful engagement of China and India in the WTO was premised on involving and supporting the private sector and universities, not just government officials. Unlike the ACWL, TradeLab undertakes projects not only for governments but also for CSOs, trade associations, small law firms, and SMEs. And at the core of the TradeLab network are universities and students, empowered through a global network of experts.

d. Capacity as a Demand-Side Challenge: The Need to Be Pro-active

Finally, and probably most importantly, lack of capacity is less a supply-side problem than a demand-side challenge. On the supply side, besides the ACWL, plenty of law firms, consultants and development agencies stand ready to answer developing country legal questions, most often pro bono. Yet, that assumes that the developing country, CSO, or SME knows what the problem or question is and has the internal capacity (and time) to trigger a detailed request. In many cases, what is lacking is awareness about the existence of rules and institutions in the first place; how they affect the country or organization; and how the country or organization could benefit from relying on, invoking or implementing the rules in question. This means that capacity providers cannot simply open shop and wait for calls for help (a limit the ACWL is bound by). In an earlier version, TradeLab was set up as a website where anyone could ask a question, and answers would be provided for free. Yet, very few questions were posted. Demand, rather than supply, turned out to be the bottleneck. Having learned from this experience, whilst the online portal allowing anyone to ask a question remains in place, TradeLab clinics today proactively approach, engage with and coach beneficiaries. Exploratory discussions are held to identify and define specific interests and needs. Projects are carefully framed and designed to help beneficiaries and public interest goals while also maximizing student ownership and learning. Critics may call this “ambulance chasing”; TradeLab experiences this pro-active approach as absolutely necessary for an effective cooperation and learning process.

e. The Risk of Being “Under-Staffed” But “Over-Lawyered”

In the end, narrowing down a problem to litigation that is then farmed out wholesale to a foreign lawyer or law firm may do more harm than good. In the case of WTO dispute settlement, for example, it has made the system increasingly technical and detailed, with long delays. This may benefit the lawyers, as increased complexity further increases the need to hire outside counsel. But removing “the file” too far away from trade negotiators, government officials and their stakeholders on the ground reduces in-country ownership and makes learning and interaction, such as empowering local law firms, more difficult. This, in turn, reduces the chances of finding a mutually agreed solution to the problem (“talk to my lawyer”; parties litigate to “win”) and may hamper effective compliance or implementation in the event of an adverse ruling. The formal settlement rate in WTO dispute settlement, for example, is down from over 50% in the first ten years of operation to only 25% in the last ten years, and in recent years it is close to zero. Compliance proceedings are now required in close to one out of four disputes; in more

and more cases, two rounds of compliance proceedings are triggered.¹¹ Rules-based dispute settlement no doubt benefits the weaker players, in particular developing countries. But over-legalization is a risk. A country can be “under-staffed” but “over-lawyered”.

5. The TradeLab “Model”

The TradeLab model has developed in iterative fashion, learning from experience. It started as a seminar with practical projects for “real beneficiaries” at the Graduate Institute in Geneva in 2009. Four years later, in 2013, the Association TradeLab was formally set up. Today, in 2018, the TradeLab working method is implemented in 13 different universities and training centers across the globe. Flexibility is built-in, to adapt to local needs, constraints, and expertise. The TradeLab model also keeps evolving to adjust to learning and new developments.

At the heart of the TradeLab approach are three pools of people, networked together: (i) students; (ii) experts, both academics supervising student teams, and other professionals such as practicing lawyers or officials working with international organizations who mentor students; and (iii) beneficiaries, mainly developing countries, CSOs, and SMEs. The three connecting wheels part of the TradeLab logo (Figure 1 below) illustrate the network’s composition.

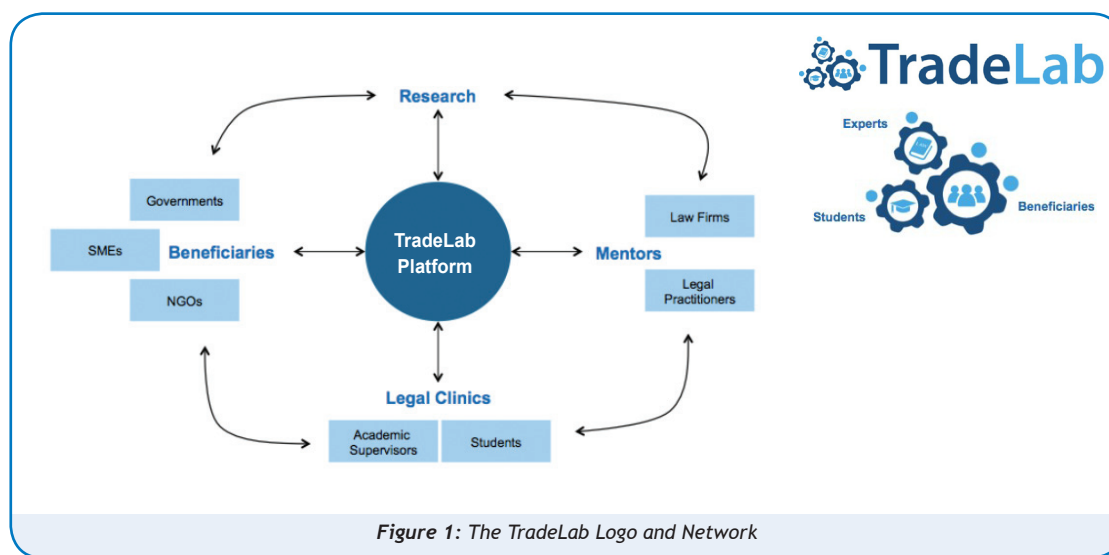
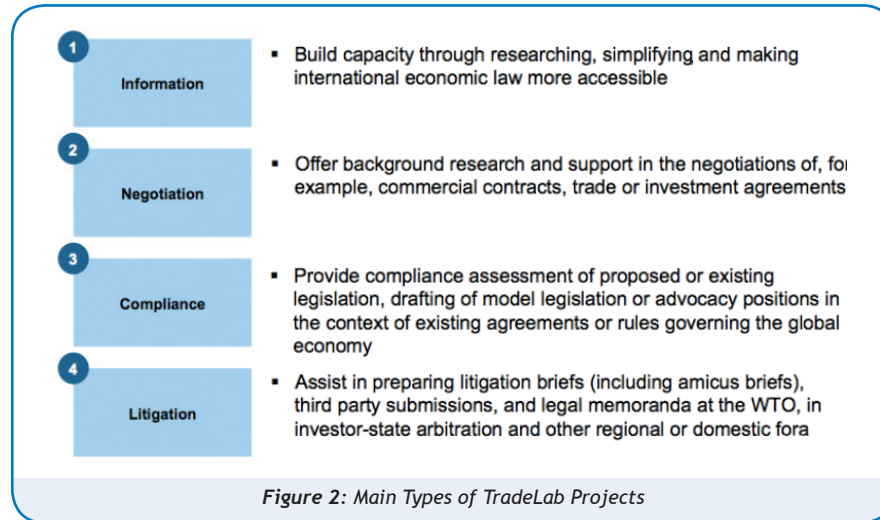


Figure 1: The TradeLab Logo and Network

Beneficiaries anywhere in the world can submit projects directly to one of TradeLab’s legal clinics, in many cases, via personal connections with one of the clinic’s academic supervisors. Projects can also be submitted to “TradeLab central”, that is, via TradeLab’s online platform (at www.tradelab.org) or the TradeLab Coordinator. In the latter case, the TradeLab Coordinator, in consultation with the TradeLab President, allocates the project to the legal clinic best suited and available. TradeLab clinics conduct projects in full independence. TradeLab has strict conflict of interest rules, with firewalls between clinics. Each beneficiary signs a disclaimer form, stressing that projects “are conducted on a pro bono basis by students for research purposes only” and that projects “are pedagogical exercises to train students”, they “do not in any way constitute legal advice and do not, in any manner, create an attorney-client relationship”. Many projects are conducted on a confidential basis, whenever the beneficiary so requests. TradeLab has an elaborate confidentiality protocol. However, even where projects are confidential, a non-confidential summary or version is agreed upon with the beneficiary for public release on the TradeLab website so that the general public can benefit from the work.

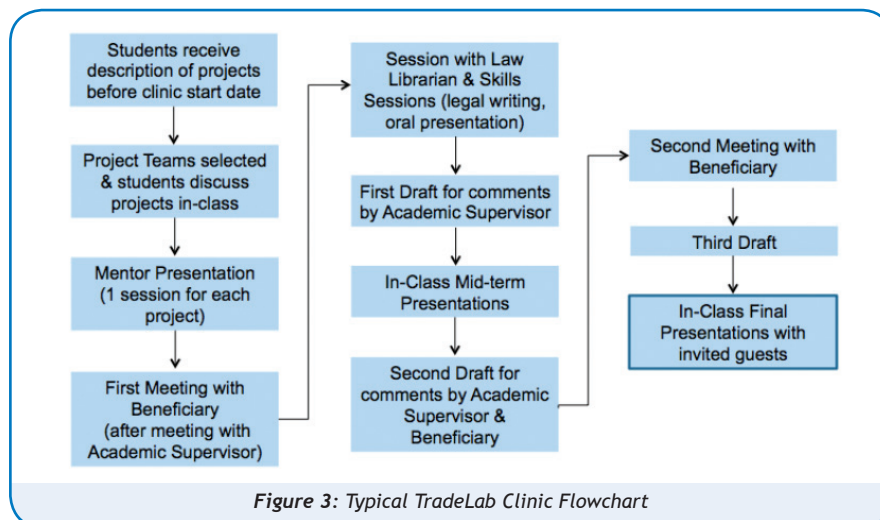
¹¹ See Joost Pauwelyn and Weiwei Zhang, ‘Busier than Ever? A Data-Driven Assessment and Forecast of WTO Caseload’ (2018) 21 Journal of International Economic Law 461.

Projects usually fall into one of four categories, as illustrated in Figure 2 below.

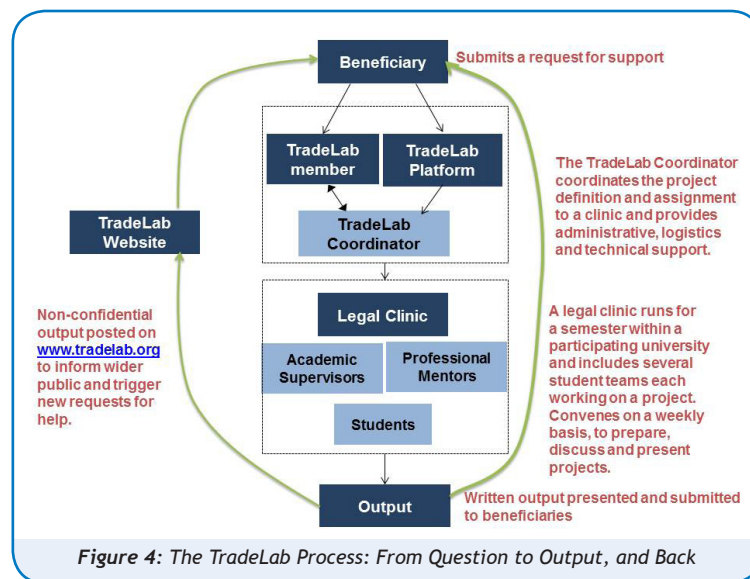


Not counting the recently initiated TradeLab pilot clinics in six countries around the world, the nine TradeLab clinics operational today (in Canada, India, Spain, Switzerland, Tanzania, Qatar, and the US) have already completed 109 different projects, for almost as many different beneficiaries (see Table 1 below). Given that only the clinic at the Graduate Institute in Geneva, initiated in 2009, started work before 2014, this is a tremendous rate of projects. TradeLab has thereby trained a total of 340 students. Specific examples of (non-confidential) projects completed to date can be found here: <https://www.tradelab.org/projects>. Most projects so far have been conducted in English; some were done in French or Spanish.

Once assigned to a specific university or training center running a TradeLab clinic, the academic supervisor(s) of the clinic select a team of students (normally three students). In some cases, students from different universities are assigned to one project. Georgetown Law has, in particular, worked together with Jindal Global Law School in India and the Trade Policy Training Centre in Africa (TRAPCA) in Tanzania. A legal clinic normally runs throughout a semester and is composed of several student teams, conducting several projects. The clinic convenes on a weekly basis to collectively prepare, discuss, and present projects. Project teams also have individual meetings. The clinic is supervised by experienced professors and, in most cases, one or more teaching assistants. Several interactions with the beneficiary take place and the actual work product (often a memorandum) goes through a long series of drafts and comments (see Figure 3 below).



Throughout, student teams are assisted not only by their professor(s) but also by experienced professionals, working in the private sector or for international organizations. This often happens remotely. These professionals, referred to as “mentors”, normally give an introductory presentation on the topic addressed in the project and also make themselves available for follow-up questions and to comment on early drafts. TradeLab central now has a pool of close to 200 mentors who have agreed to give some of their time for free, helping out students.¹² Any non-confidential output, often in the form of reports, memos, handbooks, draft legislation or text, or strategic plans, is posted on the TradeLab website so that everyone can benefit from the results. This output can, in turn, lead to new questions or requests for help by the same or new beneficiaries. Figure 4 below depicts the TradeLab process.



6. The Challenge of “Scoping” and “Scaling” TradeLab

TradeLab is a work in progress, continuously adapting. In terms of scope, it has expanded in membership and geographical coverage as well as the substantive topics it is able to address and the languages it can operate in. To really make a difference, TradeLab also needs to scale up, both in the number of students it trains and in the number and types of beneficiaries it assists. To do so, TradeLab is growing, seeking synergies with other capacity providers and broadening its impact through regional and professional clusters or hubs.

a. TradeLab Member Universities and Training Centers

Born at the Graduate Institute in Geneva, the TradeLab network currently includes nine member clinics or practica.¹³ Another six clinics are going through pilot runs with the view of fully acceding to the TradeLab network. Many other universities have expressed an interest in joining. New members must first go through a pilot clinic. Full membership is subject to an assessment by TradeLab’s Executive Committee and a majority vote by TradeLab’s General Assembly. TradeLab’s admission guidelines also provide that “TradeLab does not wish for its clinics to be in close proximity to each other within a country or region except in exceptional circumstances”.¹⁴ This means that normally within a given country only one TradeLab clinic should operate. The University of Ottawa and Queen’s University, for example, both in Canada, conduct a joint TradeLab clinic. Today, TradeLab clinics are able to operate in three languages: English, Spanish, and French.

¹² For a selection of mentors who have worked with TradeLab, see: <https://www.tradelab.org/mentors> (accessed 8 January 2019).

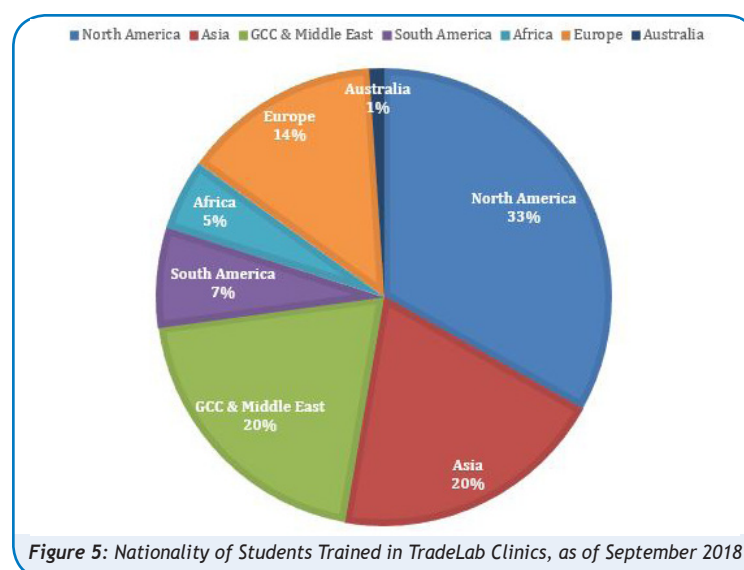
¹³ At Georgetown Law, the term “practicum”, not clinic, is used, for institutional reasons. When this chapter refers to “clinic” it is meant to include the TradeLab practicum at Georgetown Law.

¹⁴ The exception is Georgetown University, in the US, where two clinics are run: one at the law school, another (smaller one) at the School of Foreign Service, for undergraduate students, working mainly with the US Trade Representative.

Table 1: Status of TradeLab Clinics & Selected Pilot Runs with Start Date and Selected Academic Supervisors, as of September 2018

TRADELAB MEMBER CLINICS	TRADELAB PILOT CLINICS (Selected)
1. Graduate Institute, Geneva, Switzerland (2009) Edward Kwakwa, Anne Saab, Joost Pauwelyn, Fuad Zarbiyev	1. National University of Singapore, Singapore (2018) Ayelet Berman, Jansen Calamita
2. Georgetown Law, USA (2014) Jennifer Hillman, Katrin Kuhlmann, Joost Pauwelyn	2. Monash University, Australia (2018) Caroline Henckels
3. University of Ottawa, Canada (2014) Wolfgang Alschner, Debra Steger, Anthony Vanduzer	3. University of International Business and Economics, Beijing, China (2018) Hongliu Gong, Matthew Kennedy, Weiwei Zhang
4. Trade Policy Training Centre in Africa (trapca), Tanzania (2015) Tsotetsi Makong, James Thokozani Ngwira	
5. IELPO ¹⁵ , University of Barcelona, Spain (2015) Altagracia Cuevas, Xavier Fernandes Pons, Sergio Puig	
6. Georgetown School of Foreign Service, USA (2016) Marc Busch	
7. Jindal Global Law School, India (2016) Pallavi Kishore, James Nedumpara	
8. Qatar University, Qatar (2016) Talat Abdulla Al-Emadi, Francis Botchway, Rafael Dean Brown	
9. Queen's University, Canada (2017) Valerie Hughes, Nicolas Lamp	

As of September 2018, TradeLab clinics have completed a total of 109 projects, training 340 students. In the 2013-2014 academic year, TradeLab completed five projects, all in Geneva. Four years later, in the 2017-2018 academic year, this number increased to 25, across nine clinics. With six new pilot clinics recently launched, as of 2018-2019 TradeLab expects to complete over 30 projects per year, across five continents, training close to 100 students on an annual basis. Note that even though a TradeLab clinic may be based in a developed country university (in, say, Canada, the US or Switzerland), participating students may be from all over the world. Figure 5 below gives a sense of the diversity of TradeLab students that have been trained to date (excluding pilot clinics launched recently), using their nationality as proxy.



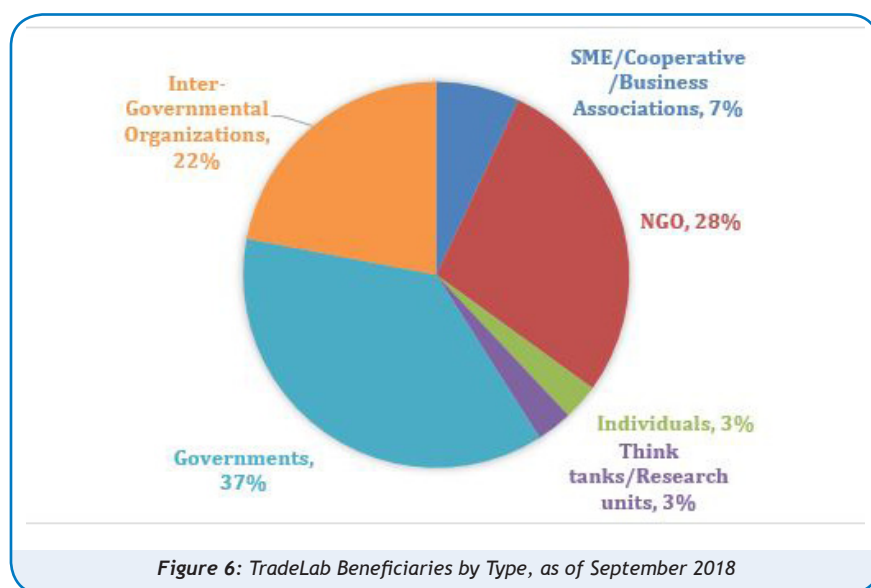
¹⁵ The LLM in International Economic Law and Policy (IELPO) Programme at the University of Barcelona has been suspended for the 2018-2019 academic year. The hope is, however, that the programme (and with it, the IELPO TradeLab clinic) will transfer to a new university, in or outside of Spain.

b. Substantive Topics Covered

TradeLab originally focused on WTO rules and negotiations. It quickly expanded to include also other international trade rules, such as questions under preferential trade agreements (PTAs) as well as questions under investment treaties and investor-state dispute settlement. Examples of questions related to PTAs include Brexit and how it may affect Tanzania; or negotiations of a Continental Free Trade Area (CFTA) in Africa. Examples of investment related questions include: should Mexico join the International Centre for Settlement of Investment Disputes (ICSID)?; how should Ecuador reform its Bilateral Investment Treaties (BITs)?; and does an SME have a solid case to file under the European Energy Charter Treaty?. Subsequently, projects have been conducted, for governments, CSOs, and SMEs alike, on a wide range of topics, covering a variety of rules and regulations governing the global economy, including trade and climate change; market access; e-commerce; corruption; and economic sanctions. Of the projects completed by September 2018, 70% fall in the field of “cross-border trade” (broadly defined), 20% relate to “cross-border investment”, whilst 10% address “other” issues affecting the global economy. As described earlier, TradeLab projects have also demanded expertise outside of law, such as accounting, business or economics. Such skills are needed when designing a retaliation scheme for a developing country following a WTO dispute or setting up a strategy for Lebanon to better integrate its SMEs in e-commerce and digital trade.

c. Broadening and Deepening the Pool of TradeLab Beneficiaries

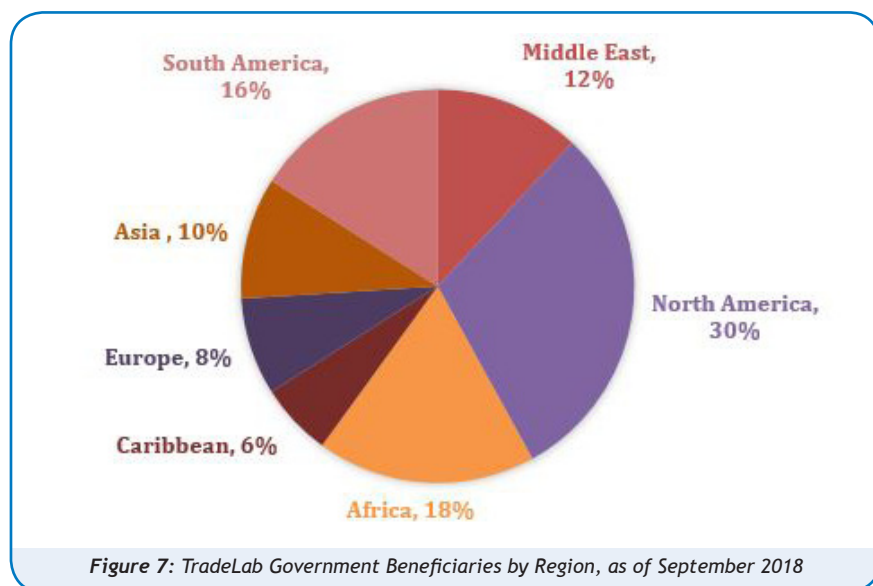
TradeLab gives broad flexibility to member clinics when it comes to selecting beneficiaries. As Figure 6 below illustrates, most beneficiaries are governments, inter-governmental organizations, CSOs/NGOs or SMEs/Cooperative/Business Associations.



When it comes to governments, TradeLab clinics have assisted not only developing countries but also developed country officials or agencies, especially when these are based in the clinic’s host country (see Figure 7 below). The joint Ottawa/Queen’s TradeLab clinic, for example, has repeatedly done work for Canada’s Trade Law Bureau; the TradeLab clinic at Georgetown’s School of Foreign Service has conducted projects for the US Trade Representative. Doing projects for local officials embeds the clinic in domestic expert networks, helps government agencies who, even in developed countries, may be under-staffed, and provides crucial, localized learning, and employment opportunities for TradeLab students.¹⁶ Still,

¹⁶ Feedback from Canada’s Trade Law Bureau, reflecting on its cooperation with TradeLab over the past years, puts it as follows: “... our collaboration with TradeLab has a number of tangible advantages: It has encouraged greater interaction between legal and policy practitioners in the Canadian government and students, which I think has both been a positive learning experience for the students, and a positive outreach and learning opportunity for the government officials. Often in those interactions the officials have learned things we did not already know. More specifically, a number of projects have encouraged exploring ideas and legal concepts that we would not have been able to do in the Canadian government in the same depth”.

TradeLab’s core mission remains to help those stakeholders who otherwise would not have access to global economic law or policy expertise. More efforts are needed in this direction.



To “broaden” its pool of beneficiaries, TradeLab has proactively sought, and engaged with, beneficiaries. The most needy beneficiaries are often not aware that a given rule or global institution affects them and even if they do, potential beneficiaries frequently do not have the time or capacity to assess a regime’s impact or formulate concrete requests for help (this is the “demand-side bottleneck”, referred to earlier). Examples include a diplomat from a small developing country tasked to cover all meetings and work of all Geneva-based organizations, or an under-staffed and under-funded SCO or SME fully occupied with day-to-day activities.

TradeLab has also sought to “deepen” its engagement with repeat beneficiaries. Some clinic projects lend themselves to follow-up work in another clinic within the TradeLab network. This can improve the service offered to beneficiaries (one student team can, for example, do the background research; another team, at a later date, may work on specific textual proposals). Projects that run across the TradeLab network also stimulate cross-clinic cooperation between experts and students and enable new thinking and crowdsourcing opportunities. Table 2 below provides a sample of past TradeLab beneficiaries.

Table 2: Examples of TradeLab Beneficiaries

Government-related	Argentina, Canada, Canton of Geneva, Colombia, Ecuador, Ethiopia, EU Commission, EU Parliament, Grenada, India, Mexico, Nigeria, Philippines, Qatar, Russian Federation, Senegal, South Sudan, Tanzania, US Trade Representative
Inter-Governmental Organizations	African Union, CARICOM, East African Community, IMF, ITC, OECD, Pacific Alliance, South Centre, UNCTAD, UNESCO, World Bank
CSOs	Conservation International, IDEAS Centre, International Centre for Trade and Sustainable Development, International Institute for Sustainable Development (IISD), Lebanese Transparency Association, Oxfam, Third World Network

d. Synergies with Other Capacity Providers and Working through Clusters or Hubs

TradeLab’s capacity building efforts do not take place in a vacuum. Experts from international organizations, law firms, CSOs, and the ACWL have acted as mentors or channeled projects to TradeLab. In many cases, a TradeLab project has prepared a beneficiary for the next step, for example, to make it a better/more effective law firm or ACWL “client” in an actual litigation, or to better engage with capacity building programs at the WTO, IMF, World Bank or ITC. TradeLab has also used clusters or regional hubs to better

reach beneficiaries and students: TRAPCA, a regional training center for least-developed countries and low income countries in Sub-Saharan Africa (and full TradeLab member) has enabled TradeLab to reach both students and beneficiaries across that region; working with trade associations, regional economic communities (such as CARICOM or the East African Community) or local law firms, has further enabled TradeLab to reach beneficiaries which, individually, do not have the time or capacity to engage.

7. Measuring Success

A variety of benchmarks could be used to measure TradeLab’s progress. One obvious factor is the total number of TradeLab clinics across the globe, and especially in the developing world. Linked to TradeLab’s three core goals, other elements that can be tracked are:

Helping beneficiaries: total number of projects, number of beneficiaries, number of beneficiaries from the developing world, number of SCO or SME beneficiaries, positive evaluation/feedback by beneficiaries, on the ground impact of project outcomes (e.g. actual market access obtained for an SME, draft legislation implemented in a specific country, successful conclusion of negotiation/litigation, beneficiary makes speech or declaration prepared by the clinic).

Training students: number of students trained, student participants from developing countries, positive evaluation/feedback by students, number of communications between students on a clinic team on TradeLab’s secure Mattermost platform, joint or follow-up projects where several clinics cooperate, career achievements by students thanks to the TradeLab experience (e.g. internship, journal publication, entry into PhD program, employment).

Informing and creating awareness with the wider public: number of memoranda, non-confidential summaries, guides or handbooks that result from clinics and that are posted on the TradeLab website; number of hits or downloads of TradeLab documents; number of hits on the TradeLab website; number of questions posted and answered via the TradeLab platform. For example, Table 3 below lists the “top five” most consulted memos or non-confidential summaries resulting from TradeLab clinics posted on the TradeLab website (as of 10 September 2018).

Table 3: Most Downloaded TradeLab Reports

No.	Report Short Title (with hyperlink)	TradeLab Clinic	Hits
1.	Dispute Settlement Mechanisms in Free Trade Agreements	Georgetown Law	1832
2.	Brexit and the EU-Canada Trade Agreement	University of Ottawa	1764
3.	An Analysis of Export Restriction Rules	Qatar University	1518
4.	Negotiations on Fisheries Subsidies	Graduate Institute	1309
5.	The US Response to Brexit	Georgetown Law	1282

8. Looking Ahead

TradeLab is but one spoke in a much larger hub of novel and promising capacity building suppliers. For TradeLab to make a deep and lasting impact, a lot of work remains to be done. Below are TradeLab’s key objectives for the future:

Expand the number, activities and output of **TradeLab clinics especially in the developing world** (e.g. Africa, the Caribbean, and Latin America) thereby training more students from developing countries;

Reach out to and help a **broader range of beneficiaries** especially in developing countries and, particularly so, in **least developed countries** (government officials, indigenous peoples, SMEs, and CSOs) beyond “the usual suspects” (e.g. those based in Geneva or Washington, DC); **SMEs or CSOs in developed countries** are also key given the backlash against globalization in rich nations;

Identify **private sector entities** to work for, especially SMEs in developing countries, to deliver actual market access or practical solutions for their cross-border challenges;

Design truly **practical and meaningful projects** “doable” for students but that make tangible and usable contributions empowering beneficiaries to take the next step; in some cases this will require output different from an end-of-term memo and deeper engagement with the beneficiary e.g. through ad hoc practical assistance throughout the semester, a strategic plan, letter, draft agreement or speech;

Establish **repeat or long-term relationships with a select number of beneficiaries**, resulting in a consistent flow of high quality projects, including with beneficiaries or “feeder organizations” that can act as a hub leading to the most neglected stakeholders who do not have themselves the time or capacity to engage (using e.g. the ITC, World Bank, UN Permanent Forum on Indigenous Issues, large SCOs, trade associations or the pro bono programs of big law firms to reach smaller beneficiaries);

Stimulate **cross-clinic cooperation**, through joint projects or carry-over projects, especially with clinics based in the developing world;

Provide for clinics or work outputs in **several languages, beyond English**;

Diversify the types of projects **beyond trade and the WTO or investment treaties** to analyze also other important aspect of global economic regulation; this will often include aspects of domestic law;

Write **user-friendly handbooks or guides based on clinic work** that are accessible to everyone (e.g. a handbook on how resource-poor countries can set up and run an anti-dumping agency, or providing basic pointers for non-lawyers on how to negotiate and draft a treaty or contract);

Besides the annual TradeLab General Assembly meeting and 2-3 Executive Committee meetings per year, **organize an annual brainstorming session** with TradeLab academic supervisors, mentors, and representative of the public and private sector **to identify promising and important forward-looking topics and challenges** to work on, which can then be used proactively to share with potential beneficiaries in order to shape practical, cutting-edge projects.

Extra energy and funding are needed to achieve these goals. Funding of TradeLab clinics at universities in developing countries, who do not have the resources of universities in Europe or the United States, will be indispensable. Above all, however, TradeLab is a network of *people*: students, academics, and experts, on one side, and individuals who need help, on the other. TradeLab’s main capital is its social and knowledge capital and reputation, carefully established over the years. To implement, perfect, and further scale the TradeLab model of capacity building, expansion in terms of both the beneficiaries reached and the universities participating will be required. This will need to happen gradually and carefully so as to protect the TradeLab brand and reputation. Quality professors, students, and experts are vital. At the same time, TradeLab’s key mission is to move beyond the traditional centers of power and expertise, to reach students, aspiring experts and neglected stakeholders in the developing world.

Bibliography

Bohanes, Jan & Vidal-Leon, Christian, ‘The ACWL’s contribution to enhancing legal capacity of developing countries’ in Joost Pauwelyn and Mengyi Wang (eds), *Building Legal Capacity for a More Inclusive Globalization: Barriers to and Best Practices for Integrating Developing Countries into Global Economic Regulation* (The Graduate Institute’s Centre for Trade and Economic Integration, 2019).

<https://www.tradelab.org/about>, under “Who We Are”.

<https://www.tradelab.org/mentors>.

Pauwelyn, Joost & Orrego, Mattia Salamanca, ‘The International Economic Law Clinic at the Graduate Institute in Geneva’ in Alberto Alemanno and Lamin Khadar (eds), *Reinventing Legal Education, How Clinical Education Is Reforming the Teaching and Practice of Law in Europe* (CUP 2018) 292.

Pauwelyn, Joost & Zhang, Weiwei, ‘Busier than Ever? A Data-Driven Assessment and Forecast of WTO Caseload’ (2018) 21 *Journal of International Economic Law* 461.

Pauwelyn, Joost, ‘Dealing with the Increasing Complexity of Investment-Related Treaties: A Framework and Some Policy Guidelines’ (2012) 3 *Investment Treaty News* 5, http://www.iisd.org/pdf/2012/iisd_itn_october_2012_en.pdf.

Pauwelyn, Joost, Wessel, Ramses & Wouters, Jan, ‘When Structures Become Shackles: Stagnation and Dynamics in International Lawmaking’ (2014) 25 *European Journal of International Law* 733.