

International Trade Law and Policy - an Introduction

A training course for
Botswana

September - October 2020



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The Trade Law Centre (**tralac**) is an independent non – profit think tank with more than 15 years’ experience in research, thought leadership and capacity building, supporting Africa’s pursuit of improved trade to support development.

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International Trade Law and Policy – a Certificate Course for Botswana

Introduction

This course is developed by the Trade Law Centre (tralac) specifically for Botswana – for officials from the Department of International Trade in the Ministry of Investment, Trade and Industry.

Botswana's trade policy confirms that in addition to trade in goods (as covered in the customs union agenda) trade in services and related issues such as e-commerce, investment, competition policy and intellectual property are also trade policy priorities for Botswana. The trade policy also emphasises key policy linkages, and the role of trade policy in Botswana's national development plan.

The course will cover the foundational principles of international trade law and policy. A brief overview of the World Trade Organisation and its legal instruments will be provided. The disciplines governing trade in goods and trade in services, investment, competition policy and intellectual property rights will be examined. The provisions of the GATT and GATS providing for the conclusion of regional trade agreements will be examined.

Botswana is a member of the Southern African Customs Union (SACU). This has important implications for Botswana's trade policy space for the trade in goods agenda. To assure the integrity of the common external tariff and to maintain the common customs territory, Botswana negotiates preferential trade agreements, covering trade in goods, together with the other SACU member states. The agreements

that Botswana has concluded and those that are under negotiation, including the African Continental Free Trade Agreement (AfCFTA) will be examined.

The course will also include a practical trade data exercise, introducing participants to the tools and methodologies used for trade policy analysis.

Learning Modalities

Interactive, participatory learning processes, that form the foundation for adult learning, are followed in this course. Debates and discussions are actively encouraged; exploration of complex trade law and policy problems will facilitate collective learning as we study Botswana's trade policy agenda, focusing on trade policy priorities (offensive and defensive interests), and the implications of belonging to the Southern African Customs Union (SACU). Trade policy management matters and the institutional architecture for making, negotiating and implementing international trade agreements will be examined. The role of institutional such as the Botswana Trade Commission will also be included in the programme. Participants are encouraged to share experiences, trade policy challenges and success stories.

Learning Outcomes

On completion of the course, participants will:

- Have a better understanding of the principles of international trade law and policy, in a global context, and

- specifically as they apply in an African context, and specifically for Botswana
- Have an understanding of the complexity of trade and trade-related policy linkages, noting how membership of SACU impacts trade policy space, negotiations and trade policy management.
- Have developed tools to analyse trade performance and trade law and policy developments for Botswana
- Be able to review and appraise current trade law and policy developments, with due recognition of the complexity of trade and trade governance in the 21st century
- Be able to contribute to the development and articulation of a trade policy and regional integration strategy for Botswana.
- The practical trade data exercise will provide participants with the opportunity to source data and analyse trade data to provide insights into specific trade policy issues.

Training Course Outline

Module 1: International Trade Policy and Law in the 21st Century – foundational disciplines

Dates	14 – 18 September 2020
Topics	<p>Foundations of international trade policy</p> <ul style="list-style-type: none"> ▪ Theoretical foundations for international trade policy and practical international trade policy matters: A trade policy agenda for the 21st century? Intra-governmental coordination, role of non-state actors in the trade policy process; institutional architecture for trade policy making; trade negotiations and implementation of international trade agreements. Case Study of Botswana. Trade and investment promotion and facilitation. ▪ Foundations of international trade law Introduction to public international law: sources of international law, sovereign states, international trade and investment agreements, domestic implementation of agreements (Botswana’s constitutional provisions) ▪ The multilateral trade system and its institutions ▪ Regional Trade Arrangements ▪ Dispute resolution and trade remedies <p>Current Issues in international trade governance: Botswana perspectives</p> <ul style="list-style-type: none"> ▪ The future of multilateral trade governance (US-China trade wars and bilateralism, Brexit, SADC-EU EPA, a future World Trade Organisation) ▪ Developing productive capacity (industrial development and diversification), trade governance and value chains. Trade-industrial policy linkages ▪ Digital economy developments (including fintech and e-commerce)

	<ul style="list-style-type: none"> ▪ Trade transaction costs and trade facilitation; trade remedies and safeguards ▪ Trade and development: distributional issues, gender, environment, and climate change, youth <p>Southern African Customs Union – implications for Botswana’s trade policy</p> <ul style="list-style-type: none"> ▪ Brief overview of SACU’s evolution (SACU is also an excise union and all but Botswana belong to the Common Monetary Area) ▪ 2002 SACU Agreement – institutional and implementation matters ▪ Implications for Botswana’s trade policy <p>Trade data analysis: practical case study</p>

Module 2: A comprehensive International Trade Law and Policy agenda

Dates	5 - 9 October 2020
Topics	<ul style="list-style-type: none"> ▪ Trade in goods: tariffs, rules of origin, non-tariff barriers ▪ Trade facilitation (including, customs and border management, non-tariff barriers) ▪ Standards (SPS and TBT) and quality infrastructure ▪ Trade in services: market access; domestic regulation, regulatory reform and harmonisation (focus on key sectors and sectoral regulation e.g. financial services, transport, communications) ▪ Competition Policy ▪ Investment ▪ Intellectual Property Rights ▪ Dispute resolution

Module 3: Botswana's trade agenda – African Continental Free Trade Area (AfCFTA), Tripartite FTA, SACU and SADC membership, global trade partnerships

Dates	12 – 16 October 2020
Topics	<ul style="list-style-type: none">▪ African Continental Free Trade Area: analysis of the Agreement establishing the AfCFTA, Protocol on Trade in Goods, Protocol on Trade in Services, Protocol on Dispute Resolution, ongoing negotiations in Phase 1 (tariff phasedown, rules of origin), Phase 2 negotiations (Investment, Competition, Intellectual Property, possible e-commerce)▪ Tripartite Free Trade Area negotiations▪ Botswana's SACU and SADC membership▪ SADC-EU Economic Partnership Agreement, Brexit and the SACU+M – UK Economic Partnership Agreement▪ Africa Growth and Opportunity Act (AGOA)

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