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DEVELOPING COUNTRIES AND INTERNATIONAL ECONOMIC LAW: THE CASE OF BURMA

VINCENT R. JOHNSON

I. INTRODUCTION

Roughly a quarter of a century ago, developing countries,¹ in large numbers,² signed on to the 1994 revision of the General Agreement on Tariffs and Trade³ ("GATT 1994") and to membership in its umbrella institution, the World Trade Organization ("WTO").⁴ Notwithstanding their erstwhile reluctance to do business with and compete against developed countries that in many instances had been colonial oppressors, they took on substantial obligations under the WTO agreements. Developing countries did so, in part, because they feared being left behind economically in a world where free trade prospered.⁵

Importantly, developing countries had been assured, over the course of many years,⁶ that they would be provided with appropriate assistance to ease their transition toward full standing in the international trading community. As Michael Trebilcock explains these accommodations under the current WTO structure:

An extensive legal framework has been established to provide a basis for the special and differential treatment ("SDT") of developing countries under WTO law. This encompasses both import-branch SDT by providing greater flexibility

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and exemptions for developing countries in implementing WTO disciplines and export-branch SDT by enabling Members to offer preferential market access to developing countries without violating the WTO's cornerstone Most Favored Nation ("MFN") obligation.⁷

In some instances, assistance meant that developing countries were given longer periods of time to achieve compliance with international trade obligations.⁸ In other occurrences, developed countries promised—or seemed to promise—economic assistance.⁹ For many developing countries, those assurances were important. However, the ultimate reality was that developing countries took "on many mandatory obligations in exchange for non-binding and 'best endeavour' concessions from the developed countries."¹⁰ Not surprisingly, some developing countries felt seriously aggrieved when they realized that they had given more, in terms of intellectual property obligations,

than they had gained in terms of economic trade assistance.¹¹

There is some evidence that developing countries have enjoyed greater prosperity as a result of modernizing their legal systems to comply with WTO obligations.¹² Nevertheless, the recent Doha Round of trade talks, which ended in December 2015, after fourteen years of unproductive negotiations,¹³ failed to successfully address many issues of importance to developing countries.¹⁴ As the New York Times opined, the failure of the Doha Round's "ambitious agenda . . . undermined the credibility of the multilateral trading system and hurt the least-developed countries, which are desperate to export more of their goods to richer countries."¹⁵ In this context, it is not surprising that the developed world's lack of progress in furnishing assistance to developing countries has left many WTO members disappointed and disillusioned.¹⁶

During the next 25 years, the concerns of developing countries are certain to remain a subject of importance in international economic law. Indeed, these issues are likely to be so weighty, so arguably legitimate,¹⁷ and so difficult to address, that in the current climate which often favors economic protectionism¹⁸ they may threaten the viability of the modern free trade regime. This is particularly true because developing countries comprise a large section of the

international trading community¹⁹ and are “an increasingly powerful force both in the global economy and in the WTO bargaining process through which multilateral rules are crafted.”²⁰

This article will consider some of the many international economic law issues that are important to developing countries. However, it will do so with a special focus on Burma, and what Burma needs as it rebuilds its economy. Burma had once been prosperous and oriented towards free trade. Indeed, Burma had been a party to the 1947 GATT,²¹ the agreement which formed the cornerstone of the modern liberal trade regime.²² Then, beginning in the early 1960s, almost 50 years of inept military rule²³ destroyed the Burmese economy, blocked off the outside world, and isolated the country,²⁴ which was re-named “Myanmar” by its dictators. Officially, the United States still refers to the country as Burma.²⁵ Today, as Burma begins to recover economically, it has to think deeply about what type of economic policies are best for the fragile state,²⁶ free trade or protectionism?²⁷ If free trade is the better path, how can trade liberalization most effectively be promoted, and how can threats to Burma’s economic viability be minimized?

Today, as Burma begins to recover economically, it has to think deeply about what type of economic policies are best for the fragile state, free trade or protectionism?

The answers to these questions are not obvious. Many observers of the global economy are hostile to trade liberalization. Workers hold free trade responsible for the

loss of good jobs.²⁸ Social activists condemn free trade for spawning inhumane work conditions and environmental degradation.²⁹ Some developing countries now complain, as did Progressives in the early twentieth century Britain,³⁰ that free trade exacerbates differences in income and wealth,³¹ favoring those who already have wealth over those who do not. Today’s producers of goods and services, like those in the 1920s and 1930s, are often more interested in enacting protectionist measures to insulate them from foreign competition rather than proving that they can compete by offering goods and services in a “flattened” world.³² Multilateral trade liberalization is a subject that remains “highly contentious.”³³

Part II of this article surveys the political, economic, and social conditions in Burma today. Part III considers the international trade issues faced by Burma. Part IV discusses issues that are of concern to developing countries generally, then focuses on two issues that are especially important. The first issue is building the kind of educational capacity that makes it possible for a country to make sound decisions on trade-related issues. The second issue involves establishing an effective anti-corruption infrastructure that builds public confidence in international trade and minimizes the costs of competing in the global marketplace. Part V offers concluding thoughts on what is really at stake in developing countries, such as Burma, and in the broader world economic community, relating to the ongoing struggle between defenders of liberal trade policies and the proponents of protectionist regimes that would insulate the sellers of goods and services from international competition.

II. BURMA TODAY

It is impossible to think clearly about what Burma needs from international economic law without knowing the country’s recent history and current economic and social conditions. This section addresses those matters.³⁴

Nobel Peace Prize laureate,³⁵ Aung San Suu Kyi, has served as state counsellor of Burma since 2016.³⁶ Although she is essentially the prime minister, the country’s struggle to build a democracy seems to have stalled. There is only bad news out of Burma, according to Western media reports. Endless sobering articles tell about the persecution of the Rohingya minority,³⁷ the flight of refugees to Bangladesh,³⁸ the recruitment of child soldiers,³⁹ corruption and incompetence in the courts,⁴⁰ ethnic cleansing,⁴¹ repression of journalists,⁴² violence by Buddhists,⁴³ and the murder of a top Muslim adviser to the Burmese government.⁴⁴

Critics argue that Suu Kyi lacks the conviction to do what is required to create a modern, stable progressive democracy.⁴⁵ However, that is almost surely wrong.⁴⁶ Suu Kyi’s life story paints a wholly different picture. Her character was forged by the assassination of her father,⁴⁷ by her work at the United Nations, by her house confinement for fifteen years as a political prisoner, and by the assassination attempt on her that left countless supporters dead or injured.

For thirty years, Suu Kyi has led the fight for democracy in Burma. What she lacks is not courage or commitment to democratic values, but the institutional capacity to move the country faster toward such goals. By law, the military still holds one-fourth of the seats

in Parliament,⁴⁸ and can block legislation that it does not favor.

More than a half-century of dictatorial misrule by the military took a heavy toll on Burma. What was once one of the best-educated nations in Asia⁴⁹ is now one of the least educated.⁵⁰ What was once one of the richest nations in Asia is now one of the poorest.⁵¹ What was once a colony brave enough to demand its independence from the British Empire⁵² is now a timid country terrorized by decades of repression. The risk that the country's military might again assert full control over the government seems to hover just off-stage.⁵³ Ever "[s]ince the country's independence in 1948, [Burma] has been politically unstable and has engaged in civil conflict."⁵⁴

Suppose that, in a fledgling democracy, for a majority of the past three decades the universities were closed,⁵⁵ government-perpetrated violence was common,⁵⁶ the teaching of political science was forbidden,⁵⁷ and vast numbers of children were denied even a basic education.⁵⁸ What would that mean? One would expect democratic impulses to be stunted and for it to be very difficult to pursue democratic ideals effectively. That is precisely what has happened in Burma.⁵⁹

In 2017-2018, I spent four months teaching as a Fulbright scholar⁶⁰ at the University of Mandalay,⁶¹ in Burma's second largest city. Mandalay is a city composed of about 1.2 million people⁶² in a country the size of Texas,⁶³ but with more than twice its population, nearly 54 million.⁶⁴

The University of Mandalay law school is ranked the best in Burma. However, a visitor cannot help but notice that the library is meager and poorly lit, that parts of the campus crumble in ruins, that birds fly

through dusty classrooms even when courses are in session, and that almost the entire middle tier of law faculty is missing.

There are a few experienced, older law professors who survived many decades of military rule and who are reassuringly intelligent, future-minded, and prudent. There are also many very young law faculty members—newly minted Ph.D.s who are bright and eager but inexperienced.

Between these two extremes, there are almost no other qualified faculty members at the school. There is a missing generation that grew up when the universities were closed and the teaching of dangerous subjects was forbidden.

The absence of the faculty middle tier means that much of the professional wisdom and courage that comes with experience is missing from the law school. There is no easy way to fill that void. It will simply take time to develop the strengths that are lacking.⁶⁵ That includes many skills that are indispensable to a strong democracy, such as independent thought, free expression, passionate advocacy, and insistence on honest practices.

Burma lacks the institutional capacity to move faster toward full democracy.

Experienced Western observers of the Burmese government say that Suu Kyi faces the same problem. The middle tier of governmental talent is missing. There are no experienced cohorts of potential leaders that have grown up under even a weak democratic regime.

Burma lacks the institutional capacity to move faster toward full democracy. Absent

is the wisdom, experience, and courage that come from getting a strong basic education, attending excellent colleges and universities, reading a free press,⁶⁶ and living in a democratic society.

There is nevertheless some good news from Burma. The work to build stronger political and civic institutions in Burma continues in many ways.

Interested students and activists regularly gather in the U.S.-funded Jefferson Center⁶⁷ in Mandalay and the American Center in Yangon⁶⁸ to hear speakers, read books, use the internet and meet other reform-minded people. Recently, a team of my former students, under the supervision of Professor Myint Zan, participated in an international criminal law moot court competition in Nuremberg, Germany, commendably placing in the third quartile.

In the anti-corruption classes I taught at the University of Mandalay, students studied the importance of ethics in public life and discussed threats to democracy around the world. They also wrote papers about the opportunities for building strong democracies, and made class presentations about how to use law to fight corruption in government,⁶⁹ education,⁷⁰ and the professions.⁷¹ In my international economic law classes, students discussed the comparative merits of free trade and protectionism.

Young Burmese faculty members recently presented papers at a conference celebrating the twenty-fifth anniversary of the University of Mandalay's law school. There they addressed important topics: human rights, shareholder remedies, environmental law, the status of women, legal research, and the rights of children.

In Naypyidaw, Burma's capital, I

conducted training sessions for roughly three dozen progressive members of Parliament about critical issues facing their country. The topics included the rule of law,⁷² judicial independence,⁷³ and international trade law. Rather than skip these evening programs sponsored by the National Democracy Institute, which is funded by the USAID,⁷⁴ the parliamentary members listened carefully to my translated talks and attentively studied my PowerPoint slides, which had been converted into Burmese. They peppered me with questions to make sure they understood my arguments.

Building an effective democracy and a vibrant economy takes time, especially when anti-democratic forces are strong and recent history has been brutal.⁷⁵ The United States and other developed countries need to continue to engage with the people of Burma and to support their best hopes for the future.

Building an effective democracy and a vibrant economy takes time, especially when anti-democratic forces are strong and recent history has been brutal.

Those hopes are real. One can see that hope on the faces of the Burmese people on the vibrant streets, on the university campuses, and in the market. They know that democracy is much better than dictatorship and prefer global connections to isolation.

At least in the cities in Burma, nearly everyone has a cellphone and a Facebook account.⁷⁶ While cars are too expensive for most people, electric and gas scooters are ubiquitous. Looking at the people using their

phones and riding often two, three, or four to a scooter, it is clear that they are happy. They know how far they have come in the past few years, and they want the future, not the past. However, there is no quick fix for the harm that was done by fifty years of oppressive military rule.

III. INTERNATIONAL TRADE ISSUES RELATING TO BURMA

Burma was cut off from international trade for a long period of time. The isolation of the country from foreign influences that was imposed by Burma's military dictators was matched by the sanctions other countries imposed on Burma to punish the military regime.⁷⁷ The American sanctions had a negative impact on Burma's economy,⁷⁸ and caused exports from Burma to the United States to drop to zero.⁷⁹

According to a recent article:

The twenty-year history of previous American sanctions can be summarized briefly. In 1997, President Clinton issued Executive Order 13,047, which ordered the imposition of sanctions on Burma partly in response to "large-scale repression of the democratic opposition in Burma." These sanctions were further developed by the George W. Bush administration in 2003, 2007, and 2008. In July 2012, the Obama administration eased, but did not remove, sanctions on Burma in recognition of the fact that the Burmese government had made "progress towards reform in a number of areas." Then on October 7, 2016, Obama signed Executive

Order 13,742, which ordered the termination of sanctions. . . .

On June 16, 2017, the Department of the Treasury's Office of Foreign Assets Control issued a final rule terminating sanctions.⁸⁰

In the past eight years, international treatment of Burma has begun to normalize and Burma has begun to create a modern legal framework for international trade. According to William J. Schulte and Matthew H. Baird:

In January 2012, the United States formally restored diplomatic relations with Myanmar and officially lifted the majority of economic sanctions against Myanmar. Many other Western nations lifted sanctions as well. In turn, in 2012 the Hluttaw, Myanmar Parliament, enacted the Foreign Investment Law as an attempt to attract foreign investment and help the country develop. . . . and for the most part, the strategy seems to be paying off. Myanmar has since grown its economy steadily at over 6 percent per year, and the Asian Development Bank projects that to rise above 8 percent in 2018. . . .⁸¹

A quartet of new intellectual property laws will soon enter into force, enabling Burma to protect the rights of its citizens in copyrights, industrial designs, patents, and trademarks⁸²—as well as to comply with its GATT obligations related to such interests. "The long-awaited Myanmar Investment Law was passed on 18 October 2016 . . . [as] part of the government's efforts to continue to attract foreign investment."⁸³ Of course, more legal reforms are needed to deal with a

myriad of issues, such as foreign investment in Burmese agriculture.⁸⁴

IV. ISSUES OF SPECIAL CONCERN TO DEVELOPING COUNTRIES

During the next twenty-five years, scholars of international economic law should, of course, study the full range of legal issues that are important to developing countries. Among many others, these issues include: facilitation of electronic commerce,⁸⁵ the operation of the Generalized System of Preferences,⁸⁶ compliance with trade-related intellectual property obligations,⁸⁷ human rights-based trade sanctions,⁸⁸ protectionist tariffs,⁸⁹ the transparency and predictability of WTO decisions,⁹⁰ the effectiveness of laws designed to protect domestic industries, the limitations that international trade agreements impose on domestic legislative options,⁹¹ bilateral and regional alternatives to the WTO's multilateral trading regime,⁹² and how to offer foreign investors "one-stop shopping" by setting up simplified, convenient, and consistent regulatory processes related to the approval and operation of joint ventures and wholly foreign-owned enterprises.

Government decision makers must possess a great array of knowledge. They must understand the international economic law framework within which international business transactions take place.

In addition, there are two other issues that, while perhaps less obvious, are equally

important to developing countries. Those issues relate to education and corruption.

A. EDUCATION

In order for a developing country to prosper in a world of globalized trade, its politicians and businesses must be able to make sound decisions. Sound decisions must rest on a strong educational foundation that makes it possible for decision makers to ask good questions, gather information, understand and evaluate alternatives, chart an intelligent course, and implement decisions in a way that prepares for foreseeable obstacles and effectively deals with problems that cannot be anticipated.

Government decision makers must possess a great array of knowledge. They must understand the international economic law framework within which international business transactions take place. They must appreciate complex interaction between international agreements and domestic legislation. They must also comprehend the operation of markets, the role of international supply chains, and the way in which international trade affects not only persons who engage in international trade, but also persons who do not, who must nevertheless compete against products imported from other countries in a world that is "flat."⁹³

These intellectual challenges are formidable. They require decision makers to understand how tariffs distort both the production and consumption of products, protecting inefficient producers and penalizing the efficient. Decision makers must also appreciate how nontariff barriers, such as those relating to product standards or content, can be as pernicious as tariffs charged

on imports at the border; how domestic regulations related to public morals, health, safety, and the environment can impinge upon the efficiencies of trade;⁹⁴ and how there must be a venue, such as the WTO, for reconciling competing state interests in a manner that is principled, consistent, and capable avoiding economic chaos in times of global crisis. The champions of developing countries must also understand that the interests of such states can sometimes be more effectively advanced through collective action and coalition building within a WTO-like entity,⁹⁵ rather than by individually bargaining with developed countries for tariff reductions or preferential trade agreements.

Developing countries have often prepared for modernizing their economies and doing international business by sending scholars abroad to study in developed countries. When those scholars return home, they sometimes play a leading role in reforming legal institutions and business operations. For example, the young scholars who were sent by China to the United States in late 1800s eventually led the efforts to modernize the industrial operations of the late Qing dynasty.⁹⁶ Similar stories have played out many times all over the globe.

The knowledge gap that places developing countries at a disadvantage in competing in international trade can also be addressed if developed countries send scholars abroad to teach at foreign universities. For example, over the past seventy years, the Fulbright Scholar Program has facilitated the exchange of 370,000 scholars.⁹⁷ In hundreds, if not thousands, of cases, American professors have been posted to developing countries, often to teach in fields related to law, business, and international trade.⁹⁸ Those efforts

have helped to minimize the educational deficiencies that often handicap developing countries.

With the current rise of nationalism and protectionism in countries around the world, these types of educational exchange programs are at risk. For example, students from developing countries find it more difficult today to obtain educational visas to study in the United States than was true just a few years ago.⁹⁹ Early in his presidency, Donald Trump proposed drastically reducing the budget for the Fulbright Scholar Program by 47%, which would have eliminated numerous grants and crippled working relationships with educational partners in other countries.¹⁰⁰ Fortunately, the allies of the Fulbright program in Congress did not allow that to happen.¹⁰¹

Scholars of international economic law must be attentive to efforts that threaten to undermine the important role that international educational exchange plays in supporting developing countries that are seeking to compete in a world of globalized trade. Without such educational support, it is unlikely that developing countries such as Burma will have a fair chance to prosper.

B. CORRUPTION

Corruption undercuts a developing country's participation in international trade in at least two ways. First, corruption in the production and marketing of goods distorts the pricing of those goods, making them more expensive than they should be, and therefore less able to compete successfully in international markets. This type of corruption threatens to waste the "comparative advantage"¹⁰² that a country

may have in producing certain types of goods, and makes such goods less attractive to foreign buyers.¹⁰³

Second, corrupt practices which distort the distribution of profits from international trade undermine public confidence in the legitimacy of liberal trade practices. This is a serious problem because if the international trading system is perceived to be rigged, businesses and even ordinary citizens are likely to demand protection from foreign competition.¹⁰⁴ They will argue that "mercantilism"—the promotion of domestic manufacturing and restrictive import policies¹⁰⁵—is a more sensible government position than "trade liberalism"¹⁰⁶ or its more extreme variation "neo-liberal trade,"¹⁰⁷ the latter of which links efforts to promote international trade with aggressive deregulation and protection of intellectual property, as well as free movement of capital and rejection of Keynesian monetary policies.¹⁰⁸

Corruption undercuts a developing country's participation in international trade in at least two ways.

Burma has a long history of corrupt business practices.¹⁰⁹ Similar challenges exist in all countries.¹¹⁰ If in Burma, ordinary citizens were deprived of their fair share of the profits that follow from international trade,¹¹¹ it would be perfectly understandable for them to oppose the types of foreign competition and investment that are likely to cause the loss of Burmese jobs.

Corruption can be fought in many ways. Malefactors can be vigorously prosecuted

under criminal laws. Adequate compensation and benefits can be paid to public employees to reduce the likelihood of bribery. Laws can penalize foreign corrupt practices, forbid the awarding of government contracts to entities in which public officials hold interests, or prohibit gifts to public servants or closely related persons. Open-meetings and open-records laws can fight corruption by increasing government transparency. Defamation laws can protect critics from libel and slander actions when they expose and discuss issues related to the performance of public duties.¹¹² Ethics codes can be adopted and enforced to set standards of conduct for key public actors, such as lawyers, judges, public officials, state employees, lobbyists, government contractors, and educational personnel.

The problem is not that there are too few tools for fighting corruption in public life, nor even that there are too many. Rather, the problem is that such tools are often poorly articulated and haphazardly employed.

International law has begun to play an important role in fighting corruption within states that are parties to international trade agreements. Numerous anti-corruption conventions have been enacted, including: the United Nations Convention Against Corruption;¹¹³ the Inter-American Convention Against Corruption of the Organization of American States;¹¹⁴ the Civil Law Convention on Corruption of the Council of Europe;¹¹⁵ the Criminal Law Convention on Corruption of the Council of Europe;¹¹⁶ the African Union Convention on Preventing and Combatting Corruption;¹¹⁷ and the Organization for Economic Co-operation and Development (OECD) Convention on Combatting Bribery of

Foreign Public Officials in International Business Transactions.¹¹⁸

These anti-corruption instruments are creating a widening web of legal tools that can be used to fight corruption related to international trade. They must increasingly be seen as a crucial element of international economic law. These agreements must be studied by scholars and implemented at the state level, particularly by developing countries, in order to ensure that corrupt practices do not undermine public confidence in international trade or otherwise handicap the ability of developing countries to compete in world markets.

V. CONCLUSION

In the field of international economic law, the stakes for developing countries are great. At issue is not merely the question of whether such countries will prosper, but what type of world they will live in. Former U.S. Secretary of State Cordell Hull¹¹⁹ believed that “unhampered trade dovetailed with peace; high tariffs, trade barriers and unfair economic competition with war.”¹²⁰ That was not an uncommon view. Many believed that the protectionist trade policies that preceded the Second World War set the stage for that conflict.¹²¹ The reformers who were determined after the War to build a better, more peaceful world—through the establishment of the United Nations,¹²² the World Bank,¹²³ the International Monetary Fund,¹²⁴ the Marshall Plan,¹²⁵ and the Fulbright Scholar Program¹²⁶—believed that the free trade principles reflected in the 1947 GATT had an important role to play in minimizing international conflicts.¹²⁷ This idea may be as valid today as it was three-

quarters of a century ago.

END NOTES

1. *Who are the developing countries in the WTO?*, WTO, https://www.wto.org/english/tratop_e/devel_e/d1who_e.htm [http://perma.cc/LH2Z-K6BK] (last visited Oct. 27, 2018) [hereinafter *Who are the developing countries in the WTO*] (“Developing countries comprise a majority of the WTO membership. They are grouped as ‘developing countries’ and ‘least developed countries’ . . . [However, there] are no WTO definitions of ‘developed’ and ‘developing’ countries. Members announce for themselves whether they are ‘developed’ or ‘developing’ countries. However, other members can challenge the decision of a member to make use of provisions available to developing countries.”); see also Chiedu Osakwe, *Developing Countries and GATT/WTO Rules: Dynamic Transformations in Trade Policy Behavior and Performance*, 20 MINN. J. INTL. L. 365, 376 (2011) (“The composition and role of developing countries in the Multilateral Trading System is complex and evolving. The group is heterogeneous. It is neither a monolith nor is it unitary. Its interests are mixed, uncertain, and in some cases, divergent.”).
2. *Members and Observers*, WTO, https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm [http://perma.cc/A5CJ-87AF] (last visited Nov. 3, 2018) (explaining since July 29, 2016, there have been 164 members of the WTO).
3. John M. Vernon, *Mexico’s Accession to the GATT: A Catalyst at Odds with the Outcome?*, 24 ST. MARY’S L.J. 717, 720 (1993) (“The GATT is the framework that establishes the parameters for the trading policies and trading activities of its contracting parties. The GATT freezes tariffs at agreed levels and sets forth certain international trading rules including the ‘most-favored-nation principle,’ which requires each contracting party to afford every other country the lowest rates available to the products of any country.”).
4. MATTHIAS HERDEGEN, *PRINCIPLES OF INTERNATIONAL ECONOMIC LAW* 202-06 (2d ed. 2016) (discussing the World Trade Organization); see also Robert P. Deyling, *Free Trade Agreements and the Federal Courts: Emerging Issues*, 27 ST. MARY’S L.J. 353, 381 (1996) (“Under the WTO regime, the trade dispute resolution system created by the General Agreement on Tariffs and Trade (GATT) . . . [was] strengthened to provide for binding decisions by WTO dispute settlement panels.”); see generally *Who We Are*, WTO, https://www.wto.org/english/thewto_e/whatis_e/who_we_are_e.htm [http://perma.cc/LH2Z-K6BK] (last visited Nov. 4, 2018).
5. See Daniel K. Tarullo, *The Hidden Costs of International Dispute Settlement: WTO Review of Domestic Anti-Dumping Decisions*, 34 L. & POLICY INTL. BUS. 109, 176-77 (2002) (“Practically speaking, a smaller state . . . faced . . . the choice of either signing on to the new agreements . . . or risk being left behind by the world trading system. This was quite literally true in the Uruguay Round, which substituted the ‘GATT 1994’ for the original GATT and thus ended the obligations of GATT members under the original agreement.”); MICHAEL TREBILCOCK ET AL., *THE REGULATION OF INTERNATIONAL TRADE* 655 (4th ed. 2013) (“It is no longer contentious that active participation in the global economy is essential to economic development.”); see also Robert E. Hudec, *GATT and the Developing Countries*, 1992 COLUM. BUS. L. REV. 67, 74 (1992) (indicating that between 1980 and the early 1990s, there was “a radical change in the internal policies of many developing countries. Confronted with debt crises, pressure from international lending agencies, and economic stagnation under the old system, many developing countries . . . slashed trade barriers and moved towards a more modern market-oriented economic policy.”).
6. See TREBILCOCK et al., *supra* note 5, at 607-15 (discussing the history of developing countries in the multilateral trading system); HERDEGEN, *supra* note 4, at 216 (discussing provisions on trade and development that were added to the GATT in 1965 which created preferences for developing countries).
7. See TREBILCOCK et al., *supra* note 5, at 634; see also HERDEGEN, *supra* note 4, at 213 (“Most-favored-nation treatment essentially means that trade advantages granted to one contracting party must be granted to all other parties.”).
8. See *Who are the developing countries in the WTO?*, *supra* note 1 (“There are . . . provisions in some WTO Agreements which provide developing countries with longer transition periods before they are required to fully implement the agreement and developing countries can receive technical assistance.”); Vernon, *supra* note 3, at 723 (“Because Mexico acceded to the GATT as a developing country, it was eligible for special treatment accorded such countries in terms of compliance with GATT rules. By acceding to the GATT, Mexico became eligible for all benefits resulting from the application of the GATT’s basic principles, such as the most-favored-nation principle which contracting parties are bound to respect. However, the contracting parties did not compel Mexico in certain circumstances to comply strictly with its obligations under the basic GATT principles.”).
9. See TREBILCOCK et al., *supra* note 5, at 613-14 (“Paragraph 57 of the 2005 Hong Kong Ministerial Declaration stated: Aid for Trade should aim to provide help developing countries, particularly LDCs [least developed countries], to build the supply-side capacity and trade-related infrastructure that they need to assist them to implement and benefit from WTO Agreements and more broadly to expand their trade [emphasis added].”).
10. T. Ademola Oyejide, G-24 DISCUSSION PAPER SERIES: INTERESTS AND OPTIONS OF DEVELOPING AND LEAST-DEVELOPED COUNTRIES IN A NEW ROUND OF MULTILATERAL TRADE NEGOTIATIONS, United Nations vii (No. 2, May 2000), <http://www.g24.org/wp-content/uploads/2016/01/02.pdf> [http://perma.cc/64E7-MKU4].
11. See, e.g., TREBILCOCK et al., *supra* note 5, at 613 (“Finger asserts that for many developing countries, ‘the new obligation to pay for intellectual property that the old rules allowed them to use without paying is several times larger than the gains they will enjoy from the entire Uruguay Round package of trade liberalization.’”).
12. See Osakwe, *supra* note 1, at 366 (“The analysis of developing country recently-acceded Members (RAMs) indicates extensive trade reforms and optimization of WTO-rule compliance. This trade policy behavior has resulted in stronger trade performance and resilience, relative to founding Members. In addition, a positive relationship exists between domestic reforms complying with WTO rules and trade performance.”); but see TREBILCOCK et al., *supra* note 5, at 622 (indicating the record on openness to international trade and growth has been “contradictory or ambiguous”); see also TREBILCOCK et al., *supra* note 5, at 613 (“Studies on the economic impact of the Uruguay Round Agreements have suggested that developing countries in the aggregate gained substantially, but that their gains were unevenly distributed.”).
13. See Editorial, *Global Trade After the Failure of the Doha Round*, N.Y. TIMES, (Jan. 1, 2016), https://www.nytimes.com/2016/01/01/opinion/global-trade-after-the-failure-of-the-doha-round.html?_r=0 [http://perma.cc/V3K6-EU9B] [hereinafter Editorial] (“[I]t became clear that the talks . . . were paralyzed because neither developed economies like the United States and the European Union nor developing countries like China and India were willing or able to make fundamental concessions.”).
14. See Stephen Kim Park, *Talking the Talk and Walking the Walk: Reviving Global Trade and Development After Doha*, 53 VA. J. INTL. L. 365, 366 (2013) (“Doha is dead. In its aftermath, the relationship between development and international trade has never been more compelling, contentious, and confused.”); TREBILCOCK et al., *supra* note 5, at 804-05 (discussing why the Doha Round failed).
15. Editorial, *supra* note 13.
16. See Peter K. Yu, *Trips and Its Discontents*, 10 MARQ. INTELL. PROP. L. REV. 369, 379-80 (2006) (“Although developed countries promised to reduce tariffs and subsidies in the agricultural and textile areas in exchange for stronger intellectual property protection and wider market access, they failed to honor these promises. This failure was highlighted in the recent WTO debacle in Cancún, in which less developed countries were disillusioned from the process and became unwilling to negotiate other issues, such as investment,

- competition policy, government procurement, and trade facilitation.”).
17. See HERDEGEN, *supra* note 4, at 19 (“[T]he obvious legitimacy of many concerns of developing countries has considerably influenced the evolution of international economic law.”).
18. Osakwe, *supra* note 1, at 430 (“Always at risk of inertia, rollback, or protectionist encroachment, the Multilateral Trading System has relied on successive rounds of trade negotiations to inject momentum, sustain further trade liberalization, or keep protectionism at bay.”).
19. Approximately 75% of the WTO membership is made up of developing countries. See Sonia E. Rolland, *Developing Country Coalitions at the WTO: In Search of Legal Support*, 48 HARV. INTL. L.J. 483 (2007); Jennifer L. Stamberger, *The Legality of Conditional Preferences to Developing Countries Under the GATT Enabling Clause*, 4 CHI. J. INTL. L. 607 (2003).
20. See TREBILCOCK et al., *supra* note 5, at 634.
21. See *The 128 countries that had signed GATT by 1994*, WTO, https://www.wto.org/english/thewto_e/gattmem_e.htm [<http://perma.cc/6DMP-GDBL>] (last visited Nov. 3, 2018)(listing the Union of Myanmar as a GATT Contracting Party since 29 July 1948).
22. See also Kele Onyejekwe, *International Law of Trade Preferences: Emanations from the European Union and the United States*, 26 ST. MARY'S L.J. 425, 444 (1995) (explaining “in 1947 and 1948, representatives of fifty-three nations drafted the Havana Charter, which would have established the International Trade Organization (ITO). The ITO would have been a sister organization to both the International Bank for Reconstruction and Development, also known as the World Bank, and the International Monetary Fund. The United States, however, then leader of world trade, withdrew from the ITO, effectively killing the organization. During the Havana Charter negotiations, the United States and twenty-five other countries signed a stop-gap agreement that put many of the Havana Charter's provisions into operation. The stop-gap measure became a permanent trade organization called the General Agreement on Tariffs and Trade (GATT). The GATT became the central body of substantive international trade law.”).
23. See *Nepal and Burma Delay, Dilute and Deny justice*, NEPALI TIMES, Sept. 11, 2018, 2018 WLNR 28188168 (“Burma (Myanmar) was ruled by notorious military regimes for nearly half a century up until 2011.”).
24. See William J. Schulte & Matthew H. Baird, *Myanmar's Nascent Environmental Governance System: Challenges and Opportunities*, 33 NAT. RES. & ENV. 21 (2018) (“[N]early half a century of military rule and isolation.”).
25. See *Burma Marchers Decry Intervention*, ARK. DEMOCRAT GAZETTE, Oct. 15, 2018, 2018 WLNR 31905600 (“Burma is often called Myanmar, a name that military authorities adopted in 1989. Some nations, such as the United States and Britain, have refused to adopt the name change.”).
26. Cf. *Myanmar (Burma): Myanmar Official Says 'Totally Underestimated' Economic Impact of Rohingya Crisis*, THAI NEWS SERV., Sept. 7, 2018 (“Approved foreign investment into Myanmar has fallen in 2016 and 2017, according to data issued by the DICA, which operates under the Ministry of National Planning and Economic Development, and last year was the lowest since 2013.”).
27. See TREBILCOCK et al., *supra* note 5, at 620-24 (discussing “[the] case for openness to international trade” and “[t]he case for protectionism.”).
28. See, e.g., James T. Madore, *LI Factories Have High Hopes in Trade War*, NEWSDAY, Nov. 3, 2018, 2018 WLNR 34120764 (“Anxiety in the industrial Midwest over job losses since the North American Free Trade Agreement went into effect 25 years ago helped Trump win the White House. Among his first acts as president was to withdraw the United States in January 2017 from the proposed 12-nation Trans-Pacific Partnership free-trade agreement, or TPP”).
29. Cf. Anne Zoltani, *Desertification in the Mediterranean: Environmental Risks of a Mediterranean Free Trade Agreement*, 17 COLO. J. INTL. ENVTL. L. & POLICY 385, 388 (2006) (“[R]egional trade agreements made between members with different levels of economic growth, such as North American Free Trade Agreement (NAFTA), demonstrate that environmental problems will develop unless precautions are taken to avoid them.”).
30. See Martin Daunton, *The Inconsistent Quartet: Free Trade Versus Competing Goals*, THE OXFORD HANDBOOK ON THE WTO 40, 46 (May 2012).
31. Michael S. Knoll, *Perchance to Dream: The Global Economy and the American Dream*, 66 S. CAL. L. REV. 1599, 1617 (1993) (“Globalization threatens to further erode living standards and exacerbate wealth differences.”).
32. See generally THOMAS L. FRIEDMAN, *THE WORLD IS FLAT: A BRIEF HISTORY OF THE TWENTY-FIRST CENTURY* (2005).
33. Daunton, *supra* note 30, at 40.
34. Vincent R. Johnson, *Why is Democracy Stalled in Myanmar?*, SAN ANTONIO EXPRESS-NEWS, Apr. 7, 2018.
35. The 1991 Nobel Peace Prize was presented to Aung San Suu Kyi “for her non-violent struggle for democracy and human rights.” *All Nobel Peace Prizes*, NOBEL MEDIA AB (Dec. 30, 2018), <https://www.nobelprize.org/prizes/lists/all-nobel-peace-prizes/> [<http://perma.cc/X37V-MCNA>].
36. See Schulte & Baird, *supra* note 24, at 21 (“In March of . . . [2011], President U Thein Sein was sworn in as the first head of the new civilian government. Daw Aung San Suu Kyi's National League for Democracy (NLD) was permitted to reengage in Myanmar politics. In nationwide elections in 2015, the NLD won 225 out of 330 seats available for election, and as a result was able to elect U Htin Kyaw as the president and appoint Daw Aung San Suu Kyi (who is constitutionally barred from becoming president) to the position of state counsellor.”).
37. See, e.g., Paul Mozur, *Genocide Across Myanmar, Incited on Facebook*, N.Y. TIMES, Oct. 16, 2018, at A1 (discussing “a systematic campaign on Facebook that stretched back half a decade and that targeted the country's mostly Muslim Rohingya minority group”); Michael Schwartz, *The Civil Servant Who Turned A Village Into a Torture Chamber*, N.Y. TIMES, Aug. 25, 2018, at A1, A9 (detailing victims' accounts of horrendous violence and noting that “[h]uman rights groups documented similar accounts.”).
38. See Mozur, *supra* note 37, at A10 (“More than 700,000 Rohingya have fled Myanmar in what U.N. officials have called ‘a textbook example of ethnic cleansing.’”).
39. Prajakta Gupte, *Child Soldiers in Myanmar: Role of Myanmar Government and Limitations of International Law*, 6 PENN ST. J.L. & INT'L AFF. 371, 372 (2018) (“Myanmar is the only Asian country that comes up in almost every list of countries recruiting child soldiers globally.”).
40. See Joshua Carroll, *Phone Calls, Facebook and the Odd Nap: Life as a Judge in Myanmar*, THE GUARDIAN, Jan 9, 2018, 2018 WLNR 774171 (discussing “poorly trained and unprofessional judges.”); see also John M. Epling, *How Far Have We Come and Where Do We Go from Here? A Culturally Sensitive Strategy for Judicial Independence in Myanmar*, 27 DUKE J. COMP. & INTL. L. 107, 138 (2016) (“[T]he Myanmar judiciary lacks sufficient prestige or legitimacy to counter unconstitutional encroachments by the military.”); Rachel E. Ryon, *Foreigners in Burma: A Framework for Responsible Investment*, 23 P. RIM L. & POLICY J. 831, 833 (2014) (“The UN Special Rapporteur for Human Rights in Myanmar stated, ‘[t]here is no independent and impartial judiciary system [in Burma].’”).
41. See Editorial, *Too Many are Looking Away from Burma's Ethnic Cleansing Campaign*, WASH. POST, (Apr. 7, 2018), <https://www.washingtonpost.com/opinions/too-many-are-looking-away-from-burmas-ethnic-cleansing-campaign/2018/04/07/3706a83c-39ba-11e8-acd5-35eac230e514> [<http://perma.cc/UQT8-7L4P>] (discussing the violent expulsion of the Rohingya from the northern Rakhine state in Burma).
42. See Benedict Rogers, *Jailing of Reuters Journalists 'Hammer-blow' to Myanmar's Fragile Press Freedom*, MIZZIMA BUS. WKLY. (Burma), Sept. 27, 2018, 2018 WLNR 30952274 (“A Myanmar court's decision to jail two Reuters journalists for seven years a week ago represented a near-fatal hammer-blow to the country's fragile press freedom, and gravely undermines the credibility of Myanmar's democratization.”); Shashank Bengali, *PRISON FOR 2 MYANMAR JOURNALISTS: VERDICT AGAINST PAIR FROM REUTERS SIGNALS AN INTENT TO MUZZLE REPORTS OF CRACKDOWN ON ROHINGYA MUSLIMS*, L.A. TIMES, Sept. 4, 2018, 2018 WLNR 26981024 (“In what court testimony indicated was a plot to entrap the reporters, police officers had invited the men to a meeting at a restaurant outside Yangon, Myanmar's largest city, and handed them documents

- purportedly linked to the army campaign in Rakhine.”).
43. Cf. Schwirtz, *supra* note 37 at A8 (“Bamar Buddhist authorities have made ethnic hatred the defining reality of Rakhine State.”).
 44. *Muslim Member of Myanmar Ruling party is Shot Dead at Airport*, THE GUARDIAN, Jan. 29, 2017 (“Ko Ni, a member of Aung San Suu Kyi’s National League for Democracy, was gunned down as he got into a taxi outside arrivals at around 5pm local time by an unidentified gunman”).
 45. See Schwirtz, *supra* note 37, at A1 (noting that Suu Kyi’s “failure to stop the violence has drawn condemnation abroad”); Peter Ford, *For West, Aung San Suu Kyi’s Silence Complicates Response to Rohingya Crisis*, CHRISTIAN SCIENCE MONITOR, Sept. 7, 2018, 2018 WLNR 27479384 (“Ms. Aung San Suu Kyi, the de facto head of the Myanmar government, spoke up neither for the Rohingya, nor for the journalists.”).
 46. See *Myanmar (Burma): US Senate Leader: Congress Should Not Join ‘Pile-On’ On Myanmar’s Suu Ky*, THAI NEWS SERV., Oct. 19, 2018 (“The Republican leader of the US Senate [Mitch McConnell] said . . . that civilian leader Daw Aung San Suu Kyi remains the best hope for Myanmar and that it would not be helpful for Congress to join an international pile-on against her over a military crackdown on the country’s Rohingya Muslims.”).
 47. See Stephanie Amador, *Democratization: A Comparative Analysis of Lifted Economic Sanctions in Cuba and Burma*, 17 WASH. U. GLOBAL STUD. L. REV. 503, 515 (2018) (“1948, after the assassination of nationalist leader General Aung San [Suu Kyi’s father], Burma declared independence after over a century of British colonial rule.”).
 48. See Liam Cochrane, *Myanmar: How the Military Still controls the Country, Not Aung San Suu Kyi*, (Sept. 23, 2017), <https://www.abc.net.au/news/2017-09-24/how-military-controls-myanmar-not-aung-san-suu-kyi/8978042> [http://perma.cc/22RL-5KTH] (“The constitution provides that 25 per cent of seats in Parliament are given to the military.”).
 49. See Oxford Burma Alliance, *Education in Burma*, <http://www.oxfordburmaalliance.org/education-in-burma.html> [http://perma.cc/8GWL-586U] (last visited Nov. 4, 2018) (“In the past, Burma was admired for the widespread literacy of its people and high-quality education standards. . . boasting one of the highest literacy rates in Asia in the late 1940s and 1950s.”).
 50. See Jeffery Hayes, *Facts and Details: Education in Myanmar*, http://factsanddetails.com/southeast-asia/Myanmar/sub5_5f/entry-3117.html [http://perma.cc/63QY-WV6U] (last updated May 2014) (“Today, Myanmar lags far behind the developed world in terms of educational standards. Once at its zenith in the region, Myanmar today has unqualified teachers, very little resources, and aging materials.”).
 51. Gupte, *supra* note 39, at 380 (“25.6% of the Burmese population lives below the national poverty line, which is the highest among all the Southeast Asian countries”); cf. Amador, *supra* note 47, at 522 (“Generally, Burma has received the ‘lowest level of official development assistance among all of the least developed countries in Asia’.”).
 52. See Jeffery Hayes, *Facts and Details: Independence, Aung San and Burma after World War II*, http://factsanddetails.com/southeast-asia/Myanmar/sub5_5a/entry-3009.html [http://perma.cc/YUH8-YPBC] (last updated May 2014) (When Burma gained independence on January 4th, 1948, it became “the first nation to successfully break free from the British Empire since the U.S. did so in 1776.”).
 53. Cf. Gupte, *supra* note 39, at 386 (“The military has emerged as and continues to be the most powerful organization in Myanmar’s political arena.”); Angeline Chen, *Caretaking Democratization: The Military and Political Change in Myanmar*, by Renaud Egretau, 50 N.Y.U. J. INTL. L. & POL. 307, 307 (2017) (book review) (“Egretau posits that far from being removed from the political scheme of Myanmar, the military continues to operate with significant influence, despite sociopolitical and economic changes in the past decade.”).
 54. Gupte, *supra* note 39, at 372.
 55. See *Burmese Universities Are Closed As Military Acts to Block Protests*, N.Y. TIMES, Dec. 13, 1991 (“The ruling military junta of Myanmar . . . shut down universities in the capital today and sent army troops into the streets to break up demonstrations and arrest protesting students.”); Ei Shwe Phyu, *Yangon University’s Hlaing Campus Open Again After 20 years*, MYANMAR TIMES, (Dec. 6, 2017), <https://www.mmtimes.com/news/yangon-universitys-hlaing-campus-open-again-after-20-years.html> [http://perma.cc/5FM5-4Y9T] (discussing a campus that was closed in 1996 due to the national students movement).
 56. See Interview with Skye Wheeler, Tom Lantos Human Rights Commission, *Sexual Violence by the Burmese Military Against Ethnic Minorities* (July 25, 2018, 9:45 AM), <https://www.hrw.org/news/2018/07/25/sexual-violence-burmese-military-against-ethnic-minorities> [http://perma.cc/FT3Y-E8MH] (“Widespread sexual violence perpetrated by Burmese soldiers has been a hallmark of the culture of abuse and impunity in Burma’s decades-long civil wars with its ethnic groups.”).
 57. *School’s In: Hundreds Apply for Politics Classes*, MYANMAR TIMES, Nov. 28, 2018 (“The teaching of political science was ended altogether in [1]988 by the military government” which also “spread propaganda that had made people afraid of politics altogether.”).
 58. See Oxford Burma Alliance, *Education in Burma*, <http://www.oxfordburmaalliance.org/education-in-burma.html> [http://perma.cc/M6AB-BG8P] (last visited Nov. 4, 2018) (“Education in Burma is only compulsory for five years, and the majority of students drop out after this short period; according to UNESCO, only 50% of Burma’s children are enrolled in secondary education.”).
 59. Cf. Andrew Dusek, *Ill Fares the Land: Reparations for Housing, Land, and Property Rights Violations in Myanmar*, 30 HARV. HUM. RIGHTS J. 129, 154 (2017) (“Prospects for transitional justice in Myanmar have been complicated by the incomplete democratic transition, the persistent armed conflict in ethnic states, and the uncertainty of how the new government will address continuing human rights violations.”); Jonathan Liljeblad, *The Efficacy of National Human Rights Institutions Seen in Context: Lessons from the Myanmar National Human Rights Commission*, 19 YALE HUM. RIGHTS & DEV. L.J. 95, 107 (2017) (“[T]he status of human rights in Myanmar continues to be fragile. Even though it was among the original signatories to the Universal Declaration of Human Rights, the country has not ratified or acceded to the vast majority of human rights treaties, with the exceptions being the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, acceded to in 1997), the Convention on the Rights of the Child (CRC, acceded to in 1991), and the Convention on the Rights of Persons with Disabilities (CRPD, acceded to in 2011).”).
 60. “The Fulbright Scholar Program . . . [is] the United States flagship academic exchange effort.” *FULBRIGHT SCHOLAR PROGRAM: ABOUT CIES*, BUREAU OF EDUC. AND CULT. AFF. EXCH. PROG., <https://www.cies.org/about-us/about-cies> [http://perma.cc/9GLJ-SEWC] (last visited Oct. 28, 2018)
 61. The University of Mandalay’s founding dates back to 1925. See University of Mandalay, *A Brief History*, <http://www.mu.edu.mm/about-us/> [http://perma.cc/699M-8VLB] (last visited Nov. 4, 2018).
 62. See World Population Review, *Population of Cities in Myanmar 2018* (Oct. 28, 2018), <http://worldpopulationreview.com/countries/myanmar-population/cities/> [http://perma.cc/9GPQ-4JM3] (stating Mandalay’s population as 1,208,099).
 63. See My Life Elsewhere, *Country Size Comparison*, (2018) <http://www.mylifeelsewhere.com/country-size-comparison/burma/texas-usa/> (“Texas is approximately 678,052 sq km, while Burma is approximately 676,578 sq km.”).
 64. See Myanmar Population 2018, W. POP. REV., <http://worldpopulationreview.com/countries/myanmar-population/> [http://perma.cc/72UY-TK4N] (last visited Oct. 28, 2018) (“Myanmar is the 24th most populous country in the world, and the 40th largest country by area, with a 2018 estimated population of 53.86 million.”).
 65. Cf. Jonathan Liljeblad, *Transnational Support and Legal Education Reform in Developing Countries: Findings and Lessons from Burma/Myanmar*, 14 LOY. U. CHI. INTL. L. REV. 133, 141 (2016) (“Myint Zan, in his study of Myanmar’s legal education system, described a curriculum driven by ideology and which was rife with inaccuracies and distortions, lacking in subjects considered standard in most Common Law jurisdictions, afflicted by low admissions and matriculation requirements, and populated by poorly-trained teachers and students. . . . Zan warned that the scale of work necessary to restore

- the quality of Myanmar's law schools was extensive and should not be underestimated.”).
66. See Sarah Polcz, *Saffron Shadows and Salvaged Scripts: Literary Life in Myanmar Under Censorship and in Transition*, 50 L. & Soc'y. REV. 529, 530 (Ellen Wiles ed., 2016) (“50 years of censorship profoundly impacted three generations of contemporary writers” in Burma).
 67. See U.S. Embassy in Burma, *Jefferson Center Mandalay*, <https://mm.usembassy.gov/education-culture/american-spaces/jefferson-center-mandalay/> [http://perma.cc/FC39-4RJ4] (last visited Oct. 28, 2018) (“Since opening in February 2008 the Jefferson Center has been the [U.S.] Embassy's outreach hub for Upper Myanmar. . . . Through discussions, presentations, exhibitions, cultural performances, library resources, classes, and workshops, visitors can experience the best of America and its values.”).
 68. See U.S. Embassy in Burma, *American Center Yangon*, <https://mm.usembassy.gov/education-culture/american-spaces/american-center/> [http://perma.cc/TZ4T-XGFR] (last visited Oct. 28, 2018) (Visitors “can learn about the United States, explore new technologies, enhance . . . English language skills, and participate in open dialogue on many topics.”).
 69. See generally Vincent R. Johnson, *Ethics in Government at the Local Level*, 36 SETON HALL L. REV. 715, 766 (2006) (“[T]he enactment and enforcement of a good ethics code can be an important step in treating individuals fairly by ensuring an equal opportunity to enjoy the benefits that government provides. An ethics code can also be good for business because a city that conducts its affairs in accordance with high standards is more likely to enjoy the confidence of investors and to derive economic benefits attributable to that confidence.”).
 70. See generally Vincent R. Johnson, *Corruption in Education: A Global Legal Challenge*, 48 SANTA CLARA L. REV. 1, 7 (2008) (considering “basic principles that should shape efforts to deter, expose, and penalize corruption in academic institutions.”).
 71. See generally Vincent R. Johnson, *The Virtues and Limits of Codes in Legal Ethics*, 14 NOTRE DAME J.L. ETHICS & PUB. POL'Y 25, 46 (2000) (“Lawyers' ethics codes provide an important basis for the equitable delivery of legal services and a valuable tool for stating professional aspirations, re-examining ethical choices, and promoting open discussion of ethical issues.”).
 72. See Vincent R. Johnson, *The Ancient Magna Carta and the Modern Rule of Law: 1215 to 2015*, 47 ST. MARY'S L.J. 1, 3 (2015) (“The modern Rule of Law is a complex philosophic concept that defines the ideals against which the integrity of ‘any legal system can be measured.’ . . . [I]t is generally agreed that legal decisions must be based on rules that are binding on persons regardless of rank. . . . In addition, the Rule of Law demands a legal system be operated in a way that is consistent, accessible, transparent, fair, even-handed, merits public confidence, and respects human dignity.”).
 73. See Vincent R. Johnson, *The Ethical Foundations of American Judicial Independence*, 29 FORDHAM URB. L.J. 1007, 1028 (2002) (“The independence of the American judiciary depends heavily on the ethical standards that prevent or mitigate harm to the exercise of judicial judgment by inappropriate pressures flowing from activities or relationships involving persons outside the court.”).
 74. USAID, *Mission, Vision and Values*, <https://www.usaid.gov/who-we-are/mission-vision-values> [http://perma.cc/5DE9-2WDV] (last updated Feb. 16, 2018) (“[T]he U.S. Agency for International Development leads the U.S. Government's international development and disaster assistance through partnerships and investments that save lives, reduce poverty, strengthen democratic governance, and help people emerge from humanitarian crises and progress beyond assistance.”).
 75. Shatti Hoque, *Myanmar's Democratic Transition: Opportunity for Transitional Justice to Address the Persecution of the Rohingya*, 32 EMORY INT'L. L. REV. 551, 579 (2018) (“Although Myanmar's military retains a powerful place in the country's government, Myanmar is undoubtedly undergoing a significant transition into democracy. . . . [T]he combination of old and new regimes has created a complex reality that imposes great challenges in addressing and alleviating the plight of the Rohingya.”).
 76. See Mozur, *supra* note 37, at A1 (stating that Facebook is “so broadly used [in Burma] that many of the country's 18 million internet users confuse the Silicon Valley social media platform with the internet.”).
 77. See Amador, *supra* note 47, at 517 (“In response to . . . post-election restrictions [in Burma], the U.S. Senate and Congress passed the Customs and Trade Act of 1990 (“CTA”), which required the President to impose economic sanctions against Burma if specified conditions were not met. On April 13, 1989, President Bush suspended Burma's eligibility for the Generalized System of Preferences program (“GSP”), and he designated Burma as a drug-trafficking country under the Foreign Assistance Act of 1961 (“FAA”) on February of the following year. . . . [T]he Bush administration subsequently . . . refused to renew the Bilateral Textile Agreement with Burma, which had expired on December 31, 1990.”).
 78. See Amador, *supra* note 47, at 521-22 (“U.S. sanctions . . . ‘systematically weakened the [Burmese] economy by limiting trade, investment and foreign aid.’ As a result of sanctions, Burma . . . [became] steadily poorer. For example, U.S. trade restrictions ‘resulted in the closing of many garment factories, leading to tens of thousands of job losses.’”).
 79. See Manmeet Ajmani, P.K. Joshi, & Avinash Kishore, *How Did Sanctions Impact Myanmar?*, THE DIPLOMAT, Jan. 6, 2018 (“After enforcement, Myanmar's exports to the United States dropped to zero, but the U.S. continued to export its products to Myanmar.”).
 80. *Responses by the United States to Attacks on the Rohingya in Burma*, 112 AM. J. INT'L. L. 322, 323 (2018); see generally Amador, *supra* note 47, at 517-21 (offering an historical overview of US sanctions relating to Burma).
 81. Schulte & Baird, *supra* note 24, at 21.
 82. See Jo Daniels, *Key Features To Expect From Myanmar's New Copyright Law*, BAKER MCKENZIE (March 22, 2018), <https://www.bakermckenzie.com/en/insight/publications/2018/03/key-features-myanmar-copyright-law> [http://perma.cc/3CG3-ABNX] (“Myanmar's long-anticipated IP laws are making progress, with the four bills having been approved by the National Parliament (Amyotha Hluttaw) and endorsed to the People's Parliament (Pyithu Hluttaw) on 15 February 2018. All four bills—on copyright, trademarks, industrial design and patents—are expected to be passed into law imminently.”).
 83. Goh Wanjing, *Myanmar: The Emergence of a New Construction Law Jurisdiction in Asia*, 12 CONSTRUCTION L. INT'L 12, 16 (2017).
 84. Jeff Shim, *Foreign Agricultural Investments in Myanmar: Toward Successful and Sustainable Contract Farming Relationships*, 55 COLUM. J. TRANSNAT'L. L. 717, 754-55 (2017) (“[C]ontract farming can be a valuable tool not only in attracting foreign investment generally, but also in driving the country's agricultural and rural development. . . . Its successful promotion in Myanmar, however, is contingent upon the Myanmar government's adoption of various legal and non-legal measures.”).
 85. Andrew D. Mitchell & Neha Mishra, *Data at the Docks: Modernizing International Trade Law for the Digital Economy*, 20 VAND. J. ENT. & TECH. L. 1073, 1115 (2018) (“[D]eveloping country Members [of the WTO] have supported the development dimension of electronic commerce. This is particularly the case in the following areas: the role of trade facilitation in enabling electronic commerce, trade assistance to developing countries to focus on infrastructure gaps in electronic commerce, enabling greater access to online payments, and building cooperation between countries to enhance trust and fighting cybercrimes.”).
 86. See Stamberger, *supra* note 19, at 607. According to Stamberger: WTO members, in 1979, enacted the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (the “Enabling Clause”). The Enabling Clause suspends the GATT's general most favored nation (“MFN”) rule and allows developed country members to give differential and more favorable treatment to developing countries. The mechanism for this treatment is the Generalized System of Preferences (“GSP”), under which developed countries offer non-reciprocal preferential treatment to products originating in developing countries. The GSP program is voluntary for developed countries, who also determine which countries receive preferences and to what extent those preferences are granted. But see TREBLIČEK et al., *supra* note 5, at 655 (“[T]here is a growing

body of literature questioning the effectiveness of preferential market access arrangements.”).

87. See Anupam Chander & Madhavi Sunder, *The Battle to Define Asia's Intellectual Property Law: From TPP to RCEP*, 8 UC IRVINE L. REV. 331, 332 (2018) (“When the United States pulled out [of the Trans-Pacific Partnership], the remaining nations suspended a number of its provisions, especially those involving intellectual property, and proceeded with a treaty now dubbed the Comprehensive Progressive Trans-Pacific Partnership (CPTPP).”); see also Stephen Garvey, *Resolving US-China IP Disputes Through the WTO: A Legal Alternative to Unilateral Sanctions*, 2018 B.C. INTELL. PROP. & TECH. FORUM 1, 13 (Oct. 6, 2018) (arguing “[t]he United States should scale back its unilateral sanctions as much as possible in favor of action within the WTO framework...”); Lisa M. Brownlee & Christopher Coye, *Trademark Law in Belize: Implementation of GATT Trips in a Developing Country*, 93 TRADEMARK REP. 1414 (2003) (“[I]ntellectual property law in Belize . . . [was] completely modernized, with the enactment of new patent, trademark, copyright, and industrial property laws—all to fulfill Belize’s obligations as a signatory to GATT TRIP”).
88. Michael Ewing-Chow, *First Do No Harm: Myanmar Trade Sanctions and Human Rights*, 5 NW. U. J. INTL. HUM. RIGHTS 153, 96 (2007) (“Trade sanctions have not been successful in causing regime change.”).
89. *Tariff-Based Disputes Continue to Characterize Trump Administration Trade Policies*, 112 AM. J. INTL. L. 751, 751 (2018) (“The United States and China ratcheted up their use of tariffs against each other.”).
90. See Faizel Ismail, *Mainstreaming Development in the World Trade Organization*, 39 J. WORLD TRADE 11, 16 (2005) (“While it is widely recognized that the WTO dispute settlement system is an essential component of a multilateral rules-based system and needs to be strengthened, there has been significant criticism from developing countries, especially those with less capacity, that the system is not transparent and inclusive.”); see also World Trade Organization, <https://www.wto.org> [http://perma.cc/SEJ5-RM8B] (last visited Nov. 3, 2018); Sol Picciotto, *The WTO's Appellate Body: Legal Formalism as a Legitimation of Global Governance*, 18(3) GOVERNANCE 477, 490 (2005); Raj Bhala et. al., *WTO Case Review 2012*, 30 ARIZ. J. INT'L & COMP. L. 207, 218 (2013) (quoting former member Jennifer Hillman).
91. See ANDREW LANG, WORLD TRADE LAW AFTER NEOLIBERALISM: RE-IMAGINING THE GLOBAL ECONOMIC ORDER 223 (2011) (“Virtually all aspects of the WTO Members’ domestic policies are now potentially open to re-description as trade barriers, and are thereby potentially subject to discipline under WTO law.”); Oyejide, *supra* note 10, at 17 (“The increasing intrusion of WTO rules into the national domestic policy space has been driven by at least two factors. . . . First, the success of the GATT/WTO system in reducing conventional border protection measures . . . makes non-border restrictions on market access more visible to trading partners. Second, a desire to gain access to the dispute settlement and enforcement mechanism of the WTO.”); but see Alvaro Santos, *Carving Out Policy Autonomy for Developing Countries in the World Trade Organization: The Experience of Brazil & Mexico*, 52 VA. J. INTL. L. 551, 632 (2012) (“Despite the international constraints, [developing] countries can expand their policy space—if they deem it desirable—and find room for policies they want to advance.”).
92. See Editorial, *supra* note 13 (“Regional agreements can be useful . . . , but they threaten to segregate the world into overlapping trading blocs with different rules in areas like labor rights, environmental protection and access to medicines.”).
93. FRIEDMAN, *supra* note 32, at 6-7 (arguing “the world is flat,” meaning that, in selling goods and services, businesses must compete with enterprises in other countries.)
94. See General Agreement on Tariffs and Trade (GATT), 15 April 1994, 1867 U.N.T.S. 187 (1994) [hereinafter GATT 1994 Art XX]; see also Andrew T.F. Lang, *Legal Regimes and Professional Knowledge: The Internal Politics of Regime Definition*, REGIME INTERACTION IN INT'L LAW 113, 114 (Margaret A. Young ed., 2012) (Potential conflicts are ubiquitous. “[C]ontemporary interaction between the trade and human rights regime, for example, [is] . . . motivated by a desire on the part of human rights actors to change the dynamics of the trade regime to make it more compatible with a particular conception of human rights values—and vice versa.”); See Dauntun, *supra* note 30, at 41 (stating it is not hard to envision that the failure to resolve trade disputes could produce adverse consequences rippling broadly throughout the entire economy.)
95. Amrita Narlikar, *Collective Agency, Systemic Consequences: Bargaining Coalitions in the WTO*, THE OXFORD HANDBOOK ON THE WTO 184, 191 (2012); see also Gilbert R. Winham, *The Evolution of the World Trading System—The Economic and Policy Context*, THE OXFORD HANDBOOK OF INTL. TRADE L. 5, 25-27 (Bethlehem et al. eds., 2009).
96. LIEL LEIBOVITZ & MATTHEW MILLER, FORTUNATE SONS: THE 120 CHINESE BOYS WHO CAME TO AMERICA, WENT TO SCHOOL, AND REVOLUTIONIZED AN ANCIENT CIVILIZATION 20 (2011).
97. *FULBRIGHT SCHOLAR PROGRAM: HISTORY*, BUREAU OF EDUC. AND CULT. AFF. EXCHANGE PROG., <https://www.cies.org/about-us> [http://perma.cc/P5EZ-KQVP] (last visited Nov. 4, 2018) (“The Fulbright Program awards approximately 8,000 grants annually. Roughly 1,600 U.S. students, 4,000 foreign students, 1,200 U.S. scholars, and 900 visiting scholars receive awards, in addition to several hundred teachers and professionals. Approximately 370,000 ‘Fulbrighters’ have participated in the Program since its inception in 1946.”).
98. *FULBRIGHT U.S. SCHOLAR PROGRAM: AT A GLANCE*, BUREAU OF EDUC. AND CULT. AFF. EXCHANGE PROG., <https://exchanges.state.gov/us/program/fulbright-us-scholar-program> [http://perma.cc/G7KU-WMM9] (last visited Nov. 4, 2018) (“The Fulbright U.S. Scholar Program sends approximately 800 American scholars and professionals per year to approximately 130 countries, where they lecture and/or conduct research in a wide variety of academic and professional fields.”).
99. See John Newsom, *Schools Sue Over Student Visa Rules*, GREENSBORO NEWS & REC., Oct. 27, 2018, 2018 WLNR 33281283 (“The federal government recently changed how it counts the time that foreign students overstay their visas.

Advocates say many international students could face lengthy bans from the United States.”); Lubna Kably, *New Visa Policy to Hit US Institutes Financially*, TIMES OF INDIA, Oct. 26, 2018, 2018 WLNR 33120169 (“[I]nternational students, for no fault of theirs, could find themselves barred from entering the US for three to 10 years.”); Geoffrey York & Michelle Zilio, *Access Denied: Canada's Refusal Rate for Visitor Visas Soars*, GLOBE AND MAIL, July 9, 2018, 2018 WLNR 20818771 (“When scholars gathered at Queen’s University in early May for their annual African studies conference, the program had a dozen gaps. Twelve invited scholars from Africa were denied an entry visa or could not obtain one in time.”); see also *Pakistani Fulbright Scholar Denied Despite Valid Visa*, EXPRESS TRIBUNE (Pakistan), 2017 WLNR 10487631, Apr. 5, 2017, 2017 WLNR 10487631 (stating that re-entry back to the US has been blocked at the airport for reasons that were unclear).

Some visa restrictions have been related to concerns about international terrorism. See Susan Svruga, *Harvard-bound, Now Left in Limbo*, WASH. POST, Aug. 15, 2018, 2018 WLNR 24847812 (“Advocates of the president’s ban—which mainly affects travelers from certain Muslim-majority nations—said increased scrutiny of some travelers is necessary.”); see also Jaime Adame, *Travel Ban Won't Stop Global Recruitment, Universities Say*, ARK. DEMOCRAT GAZETTE (Little Rock, AR), June 27, 2018, 2018 WLNR 19621983 (“Public universities remain deeply concerned about this misguided travel ban and the message it sends to all international students and scholars who have long been drawn to U.S. universities to undertake studies, conduct research, and teach students at our world-leading institutions,” Association of Public and Land-grant Universities President Peter McPherson said.”).

Other visa restrictions have sought to address alleged theft of American intellectual property. See Lindsay Ellis, *Chinese College Enrollment—Prominent in Texas—May Decline After US Visa Policy Shift, Groups Warn*, HOUSTON CHRON., May 30, 2018, 2018 WLNR 16648772 (“The Trump administration plans to shorten

- the length of validity for some visas issued to Chinese citizens . . . to counter alleged theft of U.S. intellectual property by Beijing.”); *see also* Li Ruohan, *Sinophobia ‘Rises’ in the US*, GLOBAL TIMES, Aug. 10, 2018, 2018 WLNR 24338412 (“Almost every student that comes over to this country is a spy,” Trump said at a dinner with a group of 15 CEOs and senior White House staff.”).
100. *See* Carol Morello, *Ex-Fulbright Scholars are Asked to Lobby Congress to Fight Deep Funding Cut*, WASH. POST, June 9, 2017, 2017 WLNR 17766217 (“During the current budget year, the U.S. government has provided a little more than \$235 million to finance study abroad for about 8,000 scholars. The Trump administration wants to slash that to \$125 million—less money than other governments, universities and businesses contribute separately.”).
 101. *Id.* (“Previous administrations have tried to pare back the Fulbright budget but never succeeded, in large part because it enjoys broad bipartisan support in Congress.”).
 102. *See* TREBILCOCK et al., *supra* note 5, at 4 (“[I]n an international trade context . . . a country should specialize in producing and exporting goods in which its comparative advantage is greatest, or comparative disadvantage is smallest, and should import goods in which its comparative disadvantage is greatest.”).
 103. *See Id.*, at 3 (stating that David Ricardo’s theory of comparative advantage, on which many economic arguments for trade liberalization are founded, is a sophisticated idea.); Carmen G. Gonzalez, *An Environmental Justice Critique of Comparative Advantage: Indigenous Peoples, Trade Policy, and the Mexican Neoliberal Economic Reforms*, 32 U. PA. J. INT’L L. 723, 762-63 (2011) (stating that the theory of comparative advantage—which holds that a country should specialize in goods which can be produced more cheaply or efficiently—is neither simple, obvious, nor immune from dispute. It is argued, for example, that “the economic specialization promoted by the theory of comparative advantage is fundamentally at odds with the economic diversification and industrialization necessary for successful economic development.”).
 104. *See generally* SAMUEL MOYN, NOT ENOUGH: HUMAN RIGHTS IN AN UNEQUAL WORLD 24 (2018) (“In the French ‘revolutionary era . . . , it became more and more the common sense that some sort of ‘reasonable’ equality in the distribution of the good things in life was both feasible and necessary.”).
 105. *See* TREBILCOCK et al., *supra* note 5, at 2.
 106. *Id.* at 6-10.
 107. *Id.* 175, 256-57.
 108. *Id.* at 13; *see also* Andrew Lang, *supra* note 94, at 221, 228 (“domestic institutions . . . came to resemble a more radical form of the free market.”).
 109. *See* Ryon, *supra* note 40, at 845 (“Corruption is commonplace in Burma, where government officials expect to be paid off by businesses in exchange for licenses and a faster bureaucratic process.”); Beina Xu & Eleanor Albert, *Council on Foreign Relations: Understanding Myanmar*, (Mar. 25, 2016), <https://www.cfr.org/backgrounder/understanding-myanmar> [<http://perma.cc/JL4G-GBGX>] (“By 1988, widespread corruption and food shortages led to mass protests, spearheaded by students.”).
 110. *See, e.g.*, Coral Davenport & Steve Eder, *Interior Leader Under Pressure in Ethics Cases*, N.Y. TIMES, Nov. 1, 2018, at A1 (“Ryan Zinke, the secretary of the Interior Department and a key figure in President Trump’s push to roll back environmental regulations . . . is facing increased scrutiny amid federal allegations that he . . . maintained close ties with industries he oversees.”).
 111. *See* Gupta, *supra* note 39, at (“Although Myanmar’s growth rate has been about 7% and Foreign Direct Investment (F.D.I.) is expected to increase to \$100 billion in the next two decades, none of this development is reaching the ordinary citizens, especially those living the rural areas. . . . Revenues from the sale of the natural resources are not directed towards rural development but instead fill the pockets of the military leaders and their crony companies.”).
 112. *See* Vincent R. Johnson, *Comparative Defamation Law: England and the United States*, 24 U. MIAMI INTL. & COMP. L. REV. 1, 97 (2016) (“Despite the United Kingdom’s passage of Defamation Act 2013, it is still the case that American defamation law is far more protective of free speech and free press than English law.”).
 113. *See* G.A. Res. 58/4 Art. 34 2003 Convention Against Corruption (Oct. 31, 2003), <https://www.unodc.org/unodc/en/corruption/uncac.html> [<http://perma.cc/XT94-PKYL>] (“The United Nations Convention against Corruption is the only legally binding universal anti-corruption instrument. . . . The vast majority of United Nations Member States are parties. . . . The Convention covers . . . preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange . . . [and] many different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector.”).
 114. *See* Organization Of American States: Inter-American Convention Against Corruption, OAS, Mar. 29, 1996, 35 INT’L LEGAL MATERIALS 724 (1996), <http://www.cambridge.org/core/journals/international-legal-materials/article/organization-of-american-states-interamerican-convention-against-corruption/887ECEFE1BE1D2A8ACA62CD5982771> [<http://perma.cc/9X9T-NPB2>]; *Legal Issues of International Sourcing Part II*, 48 NO. 20 THE LAWYER’S BRIEF NL 2 (Oct. 31, 2018) <https://1.next.westlaw.com/Document/Ic41bc053d69e11e89589e2e7f94943c2/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad7403700000168258523097de4bbb9%3FNav%3DANALYTICAL%26fragmentIdentifier%3D1c41bc053d69e11e89589e2e7f94943c2%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=fcf737065d61a03a757b362f932ff156&list=ANALYTICAL&rank=1&sessionScopeId=3a99df5caaae542c41f10d4a570dd346a639b739ca3cea82e1e9229c657f2c8&originati onContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29> [<http://perma.cc/EVV9-68EQ>] (“On March 29, 1996, the Organization of American States (‘OAS’) concluded . . . the first multilateral agreement to combat corruption. . . . The Convention . . . requires signatories to create, maintain, and strengthen standards of conduct, enforcement mechanisms, and a variety of other instructional and monitoring systems. . . . [T] he Convention establishes a set of preventive measures; provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment; and. . . [for] mutual legal assistance and technical cooperation, extradition and identification, tracing, freezing, seizure and forfeiture of property or proceeds.”).
 115. *See* Civil Law Convention on Corruption, Art. 8, Nov. 4, 1999, E.T.S. No. 174 (entered into force Nov. 1, 2003); *see also* Rahul Kohli, *Foreign Corrupt Practices Act*, 55 AM. CRIM. L. REV. 1269, 1306 (2018) (“The 2002 Civil Law Convention on Corruption has been ratified by thirty-five countries It is the first international convention that unifies signatories’ approach to civil litigation in bribery cases. The Civil Law Convention on Corruption expands liability for U.S. international business interests because it establishes two individual causes of action not available under U.S. law.”).
 116. *See* *Criminal Law Convention on Corruption: Details of Treaty No. 173*, Council of Europe § 5:15, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173> [<http://perma.cc/FAH8-E3AP>] (last visited Nov. 6, 2018); *The Developing Web of International Anticorruption Conventions—Council of Europe Conventions*, 1 FOREIGN CORRUPT PRAC. ACT REP. § 5:15 (2nd ed. Jan. 1, 1999) (“The Criminal Law Convention on Corruption entered into force on July 1, 2002. . . . [I]t requires the criminalization of both active and passive (i.e., receipt) domestic bribery. It then goes beyond both the OAS and OECD Conventions to require criminalization of both active and passive bribery in the private sector. The Convention also requires criminalization of transnational bribery of officials.”).
 117. *See* African Union (AU), Convention on Preventing and Combating Corruption, Jul. 11, 2003, 43(1) INT’L LEGAL MATERIALS 5 (2004), https://au.int/sites/default/files/treaties/7786-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf [<http://perma.cc/P4ZF-SX2J>]; D. Alison von Rosenvinge, *Global Anti-Corruption Regimes: Why Law Schools May Want to Take a Multi-Jurisdictional Approach*, 10 GER. L.J. 785, 794-95 (2009), (“In 2006, the African Union Convention on Preventing and Combating Corruption (AU

Corruption Convention) entered into force. . . . The measures to prevent corruption require public officials to “declare their assets at the time of assumption of office during and after their term of office in the public service,” to create bodies to implement and monitor codes of conduct for public servants and to maintain accounting, auditing and monitoring systems. The AU Corruption Convention also addresses preventing private corruption.”).

118. Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, OECD, Dec. 17, 1997, S. Treaty Doc. No. 105-43, 37 INT’L LEGAL MATERIALS 1, http://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf [<http://perma.cc/9LK8-8QTM>] (entered into force Feb. 15, 1999); Rachel Brewster & Christine Dryden, *Building Multilateral Anticorruption Enforcement: Analogies Between International Trade & Anti-Bribery Law*, 57 VA. J. INTL. L. 221, 237 (2018) (“The OECD Convention requires states parties to criminalize the act of bribing a ‘foreign public official’ to ‘obtain or retain business’ or to gain any ‘improper advantage in the conduct of international business.’ It also requires states parties to enact accounting provisions requiring the keeping of accurate books and records.”).
119. See Cordell Hull, UNITED STATES HISTORY, <https://www.u-s-history.com/pages/h1630.html> [<http://perma.cc/ZT72-Y2Z6>] (last visited Nov. 5, 2018) (“Hull was appointed Secretary of State by President Franklin D. Roosevelt on March 4, 1933. He held that post for nearly 12 years. During Hull’s historically long period as secretary of state, he negotiated reciprocal trade agreements with numerous countries, lowered trade tariffs and stimulated trade.”).
120. Peter M. Gerhart, *The World Trade Organization and Participatory Democracy: The Historical Evidence*, 37 VAND. J. TRANSNAT’L L. 897, 910 (2004).
121. See Daunton, *supra* note 30, at 47 (“[E]ven Britain, the main proponent of free trade, introduced protectionist policies.”).
122. See United Nations, *Overview*, <http://www.un.org/en/sections/about-un/overview/index.html> [<http://perma.cc/KH5T-KPUN>] (last visited Nov. 4, 2018) (“The United Nations is an international organization founded in 1945 . . . currently made up of 193 Member States.”).
123. See TREBILCOCK et al., *supra* note 5, at 23 (The World Bank’s “initial mandate [was] to provide reconstruction capital from countries like the USA whose economies had not been devastated by the war to shattered economies of Europe and Japan” and was later redefined as “providing capital to less-developed countries.”).
124. See HERDEGEN, *supra* note 4, at 513 (“The IMF was established [in 1944] to ensure a stable international monetary system as the basis of international trade and capital movements, to foster a sound economic growth and to contribute to a stable monetary regime of Member States.”).
125. See *Marshall Plan*, HISTORY, <https://www.history.com/topics/world-war-ii/marshall-plan-1> [<http://perma.cc/JJS5-QPB5>] (last updated Aug. 21, 2018) (“The Marshall Plan, also known as the European Recovery Program, was a U.S. program providing aid to Western Europe following the devastation of World War II. It was enacted in 1948 and provided more than \$15 billion to help finance rebuilding efforts on the continent.”).
126. See Morello, *supra* note 100 (“The [Fulbright Scholar] program was the brainchild of Sen. J. William Fulbright, who proposed it in the wake of World War II as an expression of the U.S. commitment to democratic values and soft power. ‘It is a modest program with an immodest aim—the achievement in international affairs of a regime more civilized, rational and humane than the empty system of power of the past,’ he said of the program, signed into law by President Harry S. Truman in 1946.”).
127. See Daunton, *supra* note 30, at 50 (“The main desideratum was to return to multilateral trade and reject protectionism through tariffs, preferences, and controls.”).