

# Safeguard Measures in World Trade

The Legal Analysis

*Second Edition*

*By Yong-Shik Lee*

**KLUWER LAW**  
INTERNATIONAL

# Safeguard Measures In World Trade The Legal Analysis 2d Edition

**Michael Trebilcock, Robert  
Howse, Antonia Eliason**



## **Safeguard Measures In World Trade The Legal Analysis 2d Edition:**

Safeguard Measures in World Trade Yong-Shik Lee, 2005-01-01 Among restrictions on imports safeguard measures are particularly controversial in that they are invoked in the absence of any unfair trade practice Safeguards interfere substantially with the normal stream of trade and their improper application undermines the objectives of the WTO Recent WTO cases have brought the attention of trade lawyers to the absence of comprehensive materials on this complex subject and highlighted the need for a reliable guide to the WTO rules on safeguards Dr Y S Lee perhaps the world's foremost authority on safeguard measures has provided such a guide here updated in its second edition Readers may expect from this book comprehensive coverage on safeguards to date with legal analysis of the important issues in the interpretation and application of the current rules on safeguards The author also proposes modifications to enhance and clarify the discipline of safeguards The crucial issues raised include the following economic and political justifications of safeguards applicability of GATT Article XIX interpretation and application of the Agreement on Safeguards including non discriminatory application of safeguards and justification of safeguards in response transitional product specific safeguard measures against China and emergency safeguards to trade in services The focus of the book is on the WTO Agreement on Safeguards as interpreted by WTO Panel and Appellate Body reports in key cases including Korea Dairy Products Argentina Footwear United States Wheat Gluten United States Lamb Meat Chile Price Band System United States Line Pipe and United States Steel Products Dr Lee summarizes the various key findings and provides lucid and well balanced analysis of these reports Other WTO rules considered include GATT Articles XIX XII and XVIII the Understanding on Balance of Payments of the GATT 1994 the Agreement on Agriculture the Agreement on Textile and Clothing Article XII of the General Agreement on Trade in Services GATS and the Protocol on the Accession of the People's Republic of China Safeguard Measures in World Trade comes at a time when safeguard measures continue to mount in various parts of the world and a possible domino effect can destabilize the international trading system It will be of inestimable value to government officials trade lawyers international business people and academics in trade law and related fields

WTO - Trade in Goods Rüdiger Wolfrum, Peter-Tobias Stoll, Holger Hestermeyer, 2010-12-07 The GATT is the historical origin of the World Trade Organization and to this day remains one of its core agreements In force for over 60 years its rules have provided a framework for trade in goods which has seen such trade grow to unprecedented size The Agreement has been referred to in roughly 200 disputes initiated under GATT 1947 and many of the currently roughly 400 WTO disputes Its provisions have inspired similar rules in many other agreements A thorough knowledge of the GATT is indispensable for practitioners and scholars alike Article by article this volume explains the GATT 1994 its Introductory Note and Annexes the Understandings on Arts II 1 lit b XVII XXIV and XXVIII GATT the Understandings on Balance of Payments Provisions and Waivers of Obligations the Enabling Clause and the Waiver on Preferential Tariff Treatment for Least Developed Countries It also covers the Agreements on Customs Valuation

Preshipment Inspection and Rules of Origin The format allows the reader quick and easy access and reference both with respect to provisions which would otherwise require the parsing of innumerable documents and with respect to provisions hitherto neglected Written by distinguished practitioners and scholars the volume is an indispensable reference work for everyone working on or interested in international trade trade practitioners diplomats scholars and activists alike

**Recognition and Regulation of Safeguard Measures Under GATT/WTO** Sheela Rai, 2011-05-11 This book discusses the law of safeguard measures as laid down in the WTO agreements and cases decided by the Panel and the Appellate Body It sets out a comprehensive treatment of safeguard measures covering the history and evolution of the law as well as the procedural requirements and the application of safeguard measures In addition to measures under Article XIX and the Safeguards Agreement the book includes coverage of safeguard measures for agricultural products Special Safeguard Measures for developing countries safeguard measures for textiles and proposed safeguard measures under General Agreement on Trade in Services GATS as well as special safeguard clauses against China Recognition and Regulation of Safeguard Measures Under GATT WTO considers safeguards from a developing country's perspective drawing on Joseph E Stiglitz's argument that developing countries require these trade remedy measures to protect their domestic industries and ensure their development Sheela Rai considers this view and goes on to examine how beneficial the provisions relating to safeguard measures and their interpretation given by the Panel and Appellate Body have been for developing countries

**Regional Economic Integration and Dispute Settlement in East Asia** Anna G Tevini, 2018-06-28 The accession of the People's Republic of China to the World Trade Organization WTO in 2001 significantly transformed the global economy both de facto and de jure At the regional level China's WTO accession served as an important catalyst for the establishment of Regional Trade Agreements RTAs in East Asia This was a novel development for the region since East Asian States had previously followed a largely informal market driven approach to regional economic integration By contrast rules based economic integration involving East Asian States was traditionally limited to multilateral integration under the GATT WTO framework This book systematically analyses and explains the development nature and challenges of rules based regional economic integration in East Asia with particular attention to the region's first four RTAs While also addressing the socio economic historical and political factors influencing the development of RTAs in East Asia the book focuses on the legal institutions governing economic integration in the Association of Southeast Asian Nations ASEAN as well as under the ASEAN China Comprehensive Economic Co Operation Agreement ACFTA the Japan Singapore New Age Economic Partnership Agreement JSEPA and the Mainland China Hong Kong Closer Economic Partnership Arrangement CEPA The book provides a systematic comparative account of the scope depth and hard law versus soft law quality of rules based economic integration achieved under these four RTAs in the areas of trade in goods and services investment liberalisation and protection labour mobility and dispute settlement

*Research Handbook in International Economic Law* Andrew T.

Guzmán, A. O. Sykes, 2008-01-01 This major new work consists of carefully commissioned original and incisive contributions from leading scholars in the field of international economic law. Covering a full range of topics, the Handbook provides an accessible treatment of the law in each area as well as a thoughtful synthesis and discussion of related public policy issues from a broadly social science perspective. Normative Conditions to Make WTO Law More Responsive to the Needs of Developing Countries Philipp Scheuermann, 2010 The World Trade Organization International Trade Law Center, Arthur E. Appleton, Michael G. Plummer, 2007-12-31 The editors have succeeded in bringing together an excellent mix of leading scholars and practitioners. No book on the WTO has had this wide a scope before or covered the legal framework, economic and political issues current and would be countries and a outlook to the future like these three volumes do. 3000 pages, 80 chapters in 3 volumes cover a very interdisciplinary field that touches upon law, economics and politics. **Reclaiming Development in the World Trading System** Yong-Shik Lee, 2016-10-20 In this second edition, Lee provides extensive coverage of international trade law from an economic development perspective. **WTO - Trade Remedies** Peter-Tobias Stoll, Michael Koebele, 2008-06-25 In the decade since the establishment of the WTO, the great majority of disputes between member states resolved and decided through the dispute settlement system of the WTO arose in the field of trade remedies law, a fact which clearly shows the high demand by the trade community for the rule of law in this area. Responsive to such needs, the fourth volume encompasses the whole range of trade remedies regulation under the auspices of the WTO in the respective articles of the General Agreement on Tariffs and Trade (GATT) and the related multilateral agreements on trade in goods, i.e. Articles VI, XII, XIX GATT 1994, the Understanding on the Balance of Payments, the Agreement on Implementation of Article VI GATT 1994, Anti-Dumping Agreement, the Agreement on Subsidies and Countervailing Duties, and the Agreement on Safeguards. Leading practitioners and scholars have gathered to provide an invaluable insight and easy access to the law on trade remedies in an article-by-article commentary approach. As such, it will be an essential work not only for trade remedies practitioners but to persons interested in trade remedies, be they scholars, academics, international and domestic lawyers, political scientists and economists or NGO representatives. *Law and Development* Yong-Shik Lee, 2018-10-03 The book examines the theory and practice of law and development. It reviews the evolution of law and development studies and presents a general theory of law and development. The general theory sets the conceptual parameters of law and development and explains the mechanisms by which law impacts development. In the second part, the book applies the general theory to analyze the development cases of South Korea and South Africa from legal and institutional perspectives. The book also adopts for the first time the law and development approaches to analyze the economic issues of the United States. It discusses why it is critical to develop the Analytical Law and Development Model or ADM. The Legal and Economic Analysis of the WTO/FTA System Dukgeun Ahn, 2016-02-29 The Legal and Economic Analysis of the WTO/FTA System presents a collation of interdisciplinary studies covering a wide range of issues from WTO dispute settlement issues.

to trade remedy systems and FTA negotiations The author applies legal as well as economic rationales and methods to analyze core issues in the world trading system and in doing so sheds an interesting light on various trade issues The interdisciplinary analysis on WTO and FTA issues provides a unique opportunity to reconsider many conventional trade topics For instance the author shows that third country dumping rarely used in the GATT WTO system may have a new role with economic incentives in the context of FTAs Contents Dispute Settlement in the WTO System Understanding Non litigated Disputes in the WTO Dispute Settlement System Korea in the GATT WTO Dispute Settlement System Legal Battle for Economic Development Practices and Theoretical Foundations of the Trade Remedy System Alternative Approach to Causation Analysis in Trade Remedy Investigations Cost of Production Test Third Country Dumping Origin Evolution and Prospect Restructuring the WTO Safeguard Mechanism in The WTO Trade Remedy System Foe or Friend of GATT Article XXIV Diversity in Trade Remedy Rules Countervailing Duty against China Opening a Pandora s Box in the WTO System United States Anti Dumping Measures on Certain Shrimp and Diamond Sawblades from China Never Ending Zeroing in the WTO International Decisions United States Definitive Anti Dumping and Countervailing Duties on Certain Products from China Interrelation between Trade and Finance Linkages between International Trade and Financial Institutions IMF World Bank and WTO WTO Disciplines Under the IMF Program Congruence or Conflict Is the Chinese Exchange rate Regime WTO legal Book Review International Law in Financial Regulation and Monetary Affairs Legal and Economic Analysis of Free Trade Agreements Dispute Settlement Systems in Asian FTAs Issues and Problems Analysis of Anti dumping Use in Free Trade Agreements Legal Issues for Korea s Internal Trade in the WTO System Readership Researchers students and members of the public who are interested in international trade or economic law international economics and international political economy

The Oxford Handbook on The World Trade Organization Amrita Narlikar, Martin Daunton, Robert M. Stern, 2012-05-31

The Oxford Handbook on the World Trade Organization provides an authoritative and cutting edge account of the World Trade Organization Its purpose is to provide a holistic understanding of what the WTO does how it goes about fulfilling its tasks its achievements and problems and how it might contend with some critical challenges The Handbook benefits from an interdisciplinary approach The editorial team comprises a transatlantic partnership between a political scientist a historian and an economist The distinguished and international team of contributors to the volume includes leading political scientists historians economists lawyers and practitioners working in the area of multilateral trade All the chapters present original and state of the art research material They critically engage with existing academic and policy debates and also contribute to the evolution of the field by setting the agenda for current and future WTO studies The Handbook is aimed at research institutions university academics post graduate students and final year undergraduates working in the areas of international organization trade policy and negotiations global economic governance and economic diplomacy As such it should find an enthusiastic readership amongst students and scholars in History Economics Political Science International Relations Public

Policy and Law Equally important the book should have direct relevance for diplomats international bureaucrats government officials and other policy makers and practitioners in the area of trade and economic governance

**Injury and Causation in Trade Remedy Law** James J. Nedumpara, 2016-11-25 This book addresses injury and causation issues in the context of antidumping countervailing duty CVD and safeguard investigations that are covered under the WTO The book traces the origin and the negotiating history of injury and causation in trade remedy instruments and examines how this requirement evolved in the United States and more specifically in the GATT as part of the Kennedy Code the Tokyo Codes and later the Uruguay Round negotiating texts The book demonstrates that terms such as principal cause substantial cause and a cause in and of itself are not necessarily warranted in such instruments In the light of the experiences of key users of trade remedy instruments and the WTO Doha Round Rules negotiations the book argues that causation determination does not require mathematical precision Econometric or quantitative tools may be suggested but such tools need not undermine the policy laden nature of trade remedy instruments Accordingly the book suggests the use of weak necessity and strong sufficiency test as a potentially viable causative framework with regard to injury and causation in trade remedies

*Developing Countries in the WTO Legal System* Chantal Thomas, Joel P Trachtman, 2009-04-15 With contributions from some of the leading experts in international trade law and economics Joel P Trachtman and Chantal Thomas have compiled a comprehensive volume that looks at the positioning of developing countries within the WTO system These chapters address some of the most pressing issues facing these countries while reflecting on Robert E Hudec s groundbreaking book *Developing Countries in the GATT Legal System* In his landmark contribution Hudec argued against preferential and non reciprocal treatment for developing countries He did so on the basis of a combination of economic political and legal insights that persuasively demonstrated that non reciprocal treatment would not benefit developing countries It is a testament to Hudec s legacy that his analysis is still the object of scholarly discussion more than 20 years later The first part of this book evaluates the general situation of developing countries within the WTO The second part examines market access and competition law within these countries Lastly it discusses the special arrangements these countries have with international financial institutions the developing country s capacity to litigate and an analysis of the country s level of participation in WTO dispute settlements

**The Regulation of International Trade** Michael Trebilcock, Robert Howse, Antonia Eliason, 2005-06-20 Drawing on a wide variety of classic and contemporary sources respected authors Howse and Trebilcock here provide a critical analysis of the institutions and agreements that have shaped international trade rules In light of the growing debate over globalization they include special sections examinations of topics such as agriculture services and trade related intellectual property rights labor rights the environment migration Drawing on previous highly praised editions this comprehensive text is an invaluable guide to students of economics law politics and international relations Now fully updated this third edition includes full coverage of new developments including the Doha trade round attitudes towards the Kyoto

protocol and the growing body of WTO dispute resolution case law

**A Handbook of Globalisation and Environmental Policy, Second Edition** Frank Wijen, K. Zoeteman, J. Pieters, Paul van Seters, 2012-01-01 Acclaim for the first edition This is undoubtedly a useful collection of essays for environmental policy makers and anyone interested in the relationship between national government and transnational forces the collection brings together some interesting perspectives and should prove a useful complement to the existing political sociology of the environment International Sociology Review of Books The Handbook of Globalisation and Environmental Policy is a very important book More than 40 experienced authors including some of the most important international thought leaders of our time have confronted a crucial question How can and should national governments come to grips with the need for global action on a wide range of increasingly urgent environmental challenges that exceed their authority and capability Through close examination of numerous case studies a balanced perspective that takes government business and civil society into account and fresh interdisciplinary thinking about a range of policy tools the Handbook offers a treasure trove of new concepts and new perspectives The authors conclude that by acknowledging the ongoing erosion of national sovereignty and accepting the growing need to work together in supranational forums national governments can in fact increase their capacity to shape their own destiny Lawrence Susskind Massachusetts Institute of Technology US In an increasingly interdependent world global forces affect both the design and effectiveness of environmental policy This Handbook provides an unusually creative and comprehensive guide not only to the nature of these forces and their impacts but also to how a better understanding of these forces can provide a foundation for improving the effectiveness of environmental policy Tom Tietenberg Colby College US In the current era of globalisation national governments are increasingly exposed to international influences that present new constraints and opportunities for domestic environmental policies This comprehensive revised Handbook pushes the frontiers of theoretical and empirical knowledge and provides a state of the art examination of the multifaceted effects of globalisation on environmental governance Including substantially revised as well as new contributions from leading authorities the Handbook offers an insightful overview of recent developments at the intersection of globalisation and national environmental policy It covers themes including national regimes trade rules types of goods federalism innovation standards citizen consumers developing countries policy networks partnerships and carbon trading The Handbook's depth and scope will appeal to a broad and varied readership across academics students and policy makers interested in public and private governance environmental economics international relations environmental politics and law sociology and political science **Journal of World Trade**, 2007-02

**China's Compliance with World Trade Organization Obligations: A Review of China's First Two Years of Membership** Terence Stewart, 2021-11-22 This book takes a look at the first two years of China's membership in the WTO and attempts to assess the level of China's WTO compliance achieved to date and the problems that remain ahead In particular the book examines China's modification to its laws and regulations China's participation in WTO committee work



and technical assistance programs available to China from the WTO the US and other member nations How effectively the WTO s first and second Transitional Review Mechanisms have operated The US China bilateral relationship and structures in place for discussion of US China trade issues and major WTO compliance issues The monitoring of China s WTO compliance by the US government and private sector groups as well as a survey of the important compliance issues that arose in the first two years of China s WTO membership The use made by the US of transitional rights outlined in China s accession agreement in particular the textile and product specific safeguards and the non market economy methodology used in antidumping proceedings concerning products from China Published under the Transnational Publishers imprint

**WTO - Trade in Services** Rüdiger Wolfrum, Peter-Tobias Stoll, Clemens Feinäugle, 2008-02-28 With the establishment of the WTO trade in services became part of the world trade order Volume 6 is dedicated to these rather recent developments It covers the core agreement the General Agreement on Trade in Services GATS with annexes as well as the additional instruments which have been adopted later on to govern the liberalization in specific sectors Those are the Understanding on Commitments in Financial Services the Second Protocol on Financial Services the Third Protocol on the Movement of Natural Persons the Fourth Protocol on Basic Telecommunications and the Fifth Protocol which contains further rules for financial services This volume will be a valuable reference tool for the WTO community as a whole as well as for professionals and researchers who deal with one of the sectors concerned e g financial services and telecommunications Furthermore it is highly relevant in view of those sectors which are the subject of ongoing liberalization efforts or earmarked for future negotiations namely accounting legal services transport tourism environmental services legal and educational services

*The World Trading System: Historical and conceptual foundations* Robert Howse, Petrus van Bork, 1998 Volume 1 Historical and conceptual foundations Volume 2 Dispute settlement in the world Volume 3 Administered protection Volume 4 The Uruguay round and beyond

## **Safeguard Measures In World Trade The Legal Analysis 2d Edition** Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the energy of words has are more evident than ever. They have the ability to inspire, provoke, and ignite change. Such may be the essence of the book **Safeguard Measures In World Trade The Legal Analysis 2d Edition**, a literary masterpiece that delves deep into the significance of words and their effect on our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall affect readers.

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