

# REGIONAL TRADE AGREEMENTS IN THE GATT/WTO

Article XXIV

and the  
Internal  
Trade  
Requirement

James H. Mathis



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# Regional Trade Agreements In The Gattwto Article Xxiv And The Internal Trade Requirement

**Robert Howse, Antonia Eliason**



## **Regional Trade Agreements In The Gattwto Article Xxiv And The Internal Trade Requirement:**

**Regional Trade Agreements in the GATT/WTO:Artical XXIV and the Internal Trade Requirement** James Mathis,2002-01-15 With a Foreword by Professor Jagdish Bhagwati This book addresses legal aspects of GATT Article XXIV and its internal trade requirements as they define the WTO gateway for regional trade agreements The case for a narrow avenue is made by exploring historical foundations in the Havana ITO negotiations and later difficulties of applying provisions to developed developing country free trade areas The external economic effects for the trade of non members will remain of concern but rules of origin and regional safeguard regimes can affect intra regional trade between large and small members as well The GATT 47 practice is contrasted with WTO developments as dispute settlement reports have established the conditional legal nature of the regional exception A treaty law argument is made that GATT WTO rules retain continuing validity for regional members Implications for the WTO review process are considered *Regional Trade Agreements in the GATT/WTO* James Haley Mathis,2001 **Regional Trade Agreements in the GATT/WTO:Artical XXIV and the Internal Trade Requirement** James Mathis,2002-01-18 The economic theory of Preferential Trade Agreements PTAs or discriminatory trade liberalization for and among a subset of nations was first analyzed with fun damental and startling insight by Jacob Viner 1950 He destroyed the intuition that any move towards free trade was welfare enhancing for the country itself or for the world or for both He introduced us memorably to the notion of trade di verting and here he meant not diversion in the old and approving sense of en tertainment but in the modern and castigating sense ofdistorting Free Trade Ar eas FTAs and Customs Unions CUs In other words in the economists jargon discriminatory approaches to freeing trade were not monotonically welfare im proving The legal scholars of GATT and trade law chiefly the giants Robert Hudec John Jackson and Kenneth Dam in the United States were quick to follow suit Their classic writings on Article XXIV ofthe GATT which provides an exception to the MFN obligation for contracting parties provided they go all the way and cre ate FTAs and CUs which are supposed to reduce internal trade barriers fully rath er than settle for a lesser preferential arrangement are still a pleasure to read They are in the best tradition of a creative interaction between the economic and the le gal disciplines Indeed today as my own work with Robert Hudec resulting in a major two volume publication by MIT Press underlines that interaction has be come yet more profound **African Regional Trade Agreements as Legal Regimes** James Thuo Gathii,2011-07-21 African regional trade integration has grown exponentially in the last decade This book is the first comprehensive analysis of the legal framework within which it is being pursued It will fill a huge knowledge gap and serve as an invaluable teaching and research tool for policy makers in the public and private sectors teachers researchers and students of African trade and beyond The author argues that African Regional Trade Agreements RTAs are best understood as flexible legal regimes particularly given their commitment to variable geometry and multiple memberships He analyzes the progress made toward trade liberalization in each region how the RTAs are financed their trade remedy and judicial regimes and how well they

measure up to Article XXIV of GATT The book also covers monetary unions as well as intra African regional integration and examines free trade agreements with non African regions including the Economic Partnership Agreements with the European Union **Bilateral and Regional Trade Agreements: Volume 1** Simon Lester, Bryan Mercurio, Lorand Bartels, 2016-01-07

The stalling of the Doha Development Round trade negotiations has resulted in bilateral and regional free trade agreements BRTAs becoming an important alternative These agreements have proliferated in recent years and now all of the major trading countries are engaging in serious bilateral trade negotiations with multiple trading partners This second edition provides updated and comprehensive analysis of the contents and trends of recent BRTAs It is unique in that it situates these agreements in their economic international law and international relations contexts It also comprehensively reviews the recent agreements in relation to each substantive topic covered e g intellectual property investment services and social policy so as to provide an overview of the law being created in these areas *Bilateral and Regional Trade Agreements*

Bryan Mercurio, Simon Nicholas Lester, Lorand Bartels, 2009 **The Relationship of WTO Law and Regional Trade Agreements in Dispute Settlement: From Fragmentation to Coherence** Malebakeng Agnes Forere, 2015-10-12 It is becoming increasingly evident that traditional sovereignty is simply out of date Instead what we might call cooperative sovereignty which focuses on communication and interaction is more responsive to the realities of interdependent economies in the twenty first century Nowhere is this more salient than in the area of dispute resolution especially as labour intellectual property and the environment can no longer be evaded in trade negotiations This ground breaking book suggests that it is this shift in perspective that has given rise to the proliferation of Regional Trade Agreements RTAs and the inevitable overlaps and tensions between their provisions and those of the World Trade Organization WTO The author examines this phenomenon in great detail and offers viable recommendations to restore coherence in the global trading system without upsetting the rights and obligations of WTO Member States Because the WTO and RTAs must be viewed as layers of one system and must therefore have a relationship that extends to dispute settlement such principles of subsidiarity as autonomy mutual assistance and flexibility are key to a successful institutional relationship between the WTO and RTAs From this theoretical springboard the author proceeds to analyse the following issues and more the relationship between WTO and RTAs based on Article XXIV of GATT the extent to which WTO panels can apply RTA law the extent to which the WTO panels can hear RTA claims opportunity for RTA Members to secure preliminary rulings and advisory opinions from the WTO recognition by WTO panels of the results of litigation or arbitration that took place at the RTA level opportunity for RTA Members to appeal RTA dispute settlement decisions to the WTO and clarification of WTO rules designed to enable RTA activities or intervene if necessary Major cases decided at the WTO and RTA levels that manifest conflict between RTAs and the WTO are fully analysed Confronting directly the stagnation in negotiating and concluding new trade agreements at the multilateral level and the fragmentation of the international trade law system this important book shows clearly how the

institutional relationship between the WTO and RTAs can be restructured with a view to establishing mutual recognition of the judgments of both In a nutshell the book calls for reconfiguration of WTO Dispute Settlement Body to perform functions of World Trade Court that is capable of hearing disputes arising between WTO Members RTA Members and Non WTO Members It will prove invaluable to all involved in the negotiation and implementation of trade agreements at every level

**The Regulation of International Trade** Michael Trebilcock, Robert Howse, Antonia Eliason, 2013-05-07 Drawing on a wide variety of classic and contemporary sources respected authors Trebilcock and Howse 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 competition 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 fourth edition includes full coverage of new developments including the Doha trade round the proliferation of preferential trade agreements the debate on trade climate change and green energy the response of the trading system to the 2007 2010 financial and economic crisis the controversy over trade and exchange rate manipulation and the growing body of WTO dispute resolution case law

Bilateral and Regional Trade Agreements Simon Lester, Bryan Mercurio, 2009-01-22 The history of the world trading system and international trade agreements is characterised by shifts between bilateralism regionalism and multilateralism Bilateralism has recently returned having gained momentum following the failed WTO negotiations at the 1999 Seattle Ministerial Conference The result is that today s international trade rules are now a complex web of instruments and agreements This volume contains case studies of selected bilateral and regional free trade agreements FTAs covering a wide range of countries regions and key issues such as intellectual property and agriculture Authored by leading scholars practitioners and governmental officials each case study provides a comprehensive review of the negotiating history and result of the selected agreement Each study can serve as an in depth examination of a particular FTA and the group of case studies can be used to compare and contrast the coverage of different FTAs or to examine the FTAs signed by a particular country

The Regulation of International Trade Robert Howse, Antonia Eliason, 2013-05-07 Drawing on a wide variety of classic and contemporary sources respected authors Trebilcock Howse and Eliason 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 with examinations of topics such as agriculture services and Trade Related Intellectual Property Rights labour rights the environment migration competition 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 fourth edition includes full coverage of new developments including the Doha trade round the proliferation of Preferential Trade Agreements the debate on trade climate change and green energy the response of the trading system to the 2007 10

financial and economic crisis the controversy over trade and exchange rate manipulation and the growing body of WTO dispute resolution case law      **North-South Regional Trade Agreements as Legal Regimes** Clair Gammage, 2017-05-26 This book offers a critical reflection of the North South regional trade agreements RTAs known as the Economic Partnership Agreements negotiated between the EU and the African Caribbean and Pacific countries Conceiving of regions as legal regimes Clair Gammage highlights the challenges facing developing countries when negotiating RTAs with developed countries and interrogates the assumption that these agreements will and can promote sustainable development through trade      **EU Customs Law** Timothy Lyons, 2018-06-18 The third edition of EU Customs Law provides a fully updated treatment of legislation new treaties and cases in the two courts of the EU especially but also in Member States This volume also includes commentary on the Modernized Community Customs Code and Implementing Regulation and increased coverage of areas such as the wider role of customs authorities apart from the collection of customs duty such as security of goods and post 9 11 developments generally the history of customs unions and their implications for governments non EU customs unions to which EU law is relevant and the inter relation between customs duty and direct tax      **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

AgreementsLegal 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

**Regulating the Internal Market** Niamh Nic Shuibhne,2006-01-01 The insight given by the book is absolutely indispensable for those who interact with the internal market It is a goldmine of thought waiting to be discussed used and put to the test Ida Otken Eriksson European Law Journal This fascinating book explores the management of the internal market from a legal perspective While the EU agenda is currently dominated by the processes of Treaty reform this assessment of both market and constitutional governance evaluates the coherence or otherwise of the project at the very core of European integration Confronted with a free market nearing completion with a relatively formulaic application of internal market law the book portrays how this is mirrored in a growing tendency to hand the market back to the Member States and increasingly to authorities and bodies both public and private therein We see too however an internal market framework that strains to cope with a series of challenges both internal and external to the EU itself The approach of the contributors is twofold on one hand they reflect thematically on questions of regulation which cut across the spectrum of the market and its freedoms On the other hand they adopt more sector specific lenses including for example regulation of the media and the Internet through which contemporary regulatory dynamics can be reconsidered Providing analysis of contemporary challenges facing the internal market this book will be of great interest to academics researchers and students working in the field of EC law It will also appeal to national and Community policy makers as it seeks to locate the constitutional and regulatory boundaries of the internal market sphere International Economic Law and National Autonomy Susy Frankel,2010-10-14 International commitments may sit uneasily with national pressures in the best of times This age of economic uncertainty brings these tensions into sharper relief This volume draws together thirteen analyses of this tension in a wide array of contexts including each of the three main pillars of the World Trade Organization international investment law and arbitration and the international financial institutions The essays feature internationally recognised experts addressing topical examples of international economic law obligations clashing with domestic political interests For example Professor Robert Howse of New York University Law School addresses issues of globalization and whether international and national interests can in today s world be considered separate while Ko Yung Tung the former Director General of the World Bank looks at trends in investment treaty arbitration and considers what the future may hold in light of the recent financial crisis the rise of China as an economic powerhouse and other factors *The Making of a World Trading Power* Lucia Coppolaro,2016-03-03 Following its foundation in 1957 the European Economic Community set about establishing itself as a major player on the world stage One of the first key arenas in which the new organisation began to make its presence felt was the GATT negotiations that took place between 1963 and 1967 known as the Kennedy Round Through a reconstruction of these on going negotiations this book charts the emergence of the EEC as a world trading power

and the strategies it adopted that were to have a lasting effect upon European trade policies As well as proving an important background to the Kennedy Round the study explains how the EEC European Union became a powerful actor in international trade championing a liberal attitude toward the industrial sector but a protectionist one in agriculture It also addresses the impact of the EEC EU as regional trading area on the multilateral and global trading system and the EEC EU trade policy making Through an historical analysis of these topics a much fuller understanding of the actual role and stance of the EEC EU in world trade is provided one that not only illuminates events at the time but provides essential background to the challenges still faced by the international trading system and the World Trade Organization Based on a wealth of documentary research drawn from European and US archives this book will be welcomed by all wishing to better understand the complex nature of international trade in an increasingly globalised market place *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 **Interactions between Regional and Universal Organizations** Laurence Boisson de Chazournes, 2016-11-01 Cooperation through international organizations is fundamental to the international legal order International organizations are nowadays ubiquitous and come in many different manifestations each allowing for different levels of international cooperation The profile of regional and universal organizations may vary greatly from one organization to another At the same time they do not live apart and this has led to the creation of a complex network of relationships These relationships have seldom been the object of scholarship and this book seeks to address that gap In general the relationships between international organizations can give rise to such issues as the conditions placed upon one organization by another demarcations of competence membership of other organizations and various forms of collaboration involving the conclusion of agreements between organizations Optimal coexistence cooperation and coherence all play a role in optimizing the relations between international organizations The volume concludes by analysing current challenges including those of legal identity responsibility and accountability as well as making proposals for reform such as through the development of a common law between organizations Rethinking the World Trade Order Mohammad F. A. Nsour, 2010 Regional Trade Agreements RTAs have proliferated at an unprecedented pace since the creation of the World Trade Organization WTO Although the WTO legally recognizes countries entitlement to form RTAs neither the WTO nor parties to RTAs have an unequivocal understanding of the relationship between the WTO and RTAs In other words the legal controversies the result of uncertainty regarding the application of the WTO GATT laws risk undermining the objectives of the multilateral trade system This research tackles a phenomenon that is widely believed to be heavily economic and political It highlights the



economic and political aspects of regionalism but largely concentrates on the legal dimension of regionalism. The main argument of the book is that the first step to achieving harmony between multilateralism and regionalism is the identification of the legal uncertainties that regionalism produces when countries form RTAs without taking into account the substantive and procedural aspect of the applicable WTO GATT laws. The book calls for the creation of a legal instrument i.e. agreement on RTAs that combines all of the applicable law on RTAs and simultaneously clarifies the legal language used therein. Likewise the WTO should have a proactive role not merely as a coordinator of RTAs but as a watchdog for the multilateral system that has the power to prosecute violating RTAs. The author is aware that political concerns are top priorities for governments and policy makers when dealing with the regionalism problematic. Hence legal solutions or proposals are not sufficient to create a better international trade system without the good will of the WTO Members who are in fact the players who are striving to craft more regional trade arrangements.

#### **Modernisation and Enlargement** Damien Geradin, 2004

This book comprises a set of papers that were prepared for and delivered at the Global Competition Law Centre's Annual Conference Modernisation and Enlargement Two Major Challenges for EC Competition Law. The book presents an analysis of the new Regulation 1/2003 on the implementation of the competition rules laid down in Article 81 and 82 of the Treaty. This new Regulation represents a cultural revolution for EC competition lawyers who were accustomed to notifying agreements in order to obtain some legal certainty for their clients. Modernisation opens up a brand new world where corporations and their lawyers will be asked to self-assess the validity of their agreements under EC competition law. The direct effect given to Article 81(3) will also stimulate implementation at the national level including actions in national courts although several procedural issues may impede private actions in courts. Amongst its other features, Regulation 1/2003 also creates a European Competition Network (ECN) which provides an institutional focus for cooperation between the NCAs and the Commission as well as among the NCAs themselves. Enlargement of the European Union was one of the factors which contributed to the adoption of Regulation 1/2003. Enlargement will expand the geographical scope of application of EC competition rules but it will also create many important challenges. The NCAs of the new Member States are relatively new organisations which in some cases lack the expertise and resources to pursue a credible enforcement agenda. These Member States are however willing to take on those challenges and though a period of adaptation will be needed there are no reasons why they should be unable to progressively develop a successful competition policy. Already some agencies e.g. in Hungary or Poland have developed a credible enforcement record. This book is invaluable for all EU competition lawyers.

## Reviewing **Regional Trade Agreements In The Gattwto Article Xxiv And The Internal Trade Requirement**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Regional Trade Agreements In The Gattwto Article Xxiv And The Internal Trade Requirement**," an enthralling opus penned by a very acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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