

Safeguard Measures in World Trade

The Legal Analysis

Second Edition

By Yong-Shik Lee

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Safeguard Measures In World Trade The Legal Analysis 2d Edition

Sheela Rai



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

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 **WTO** Rüdiger Wolfrum, Peter-Tobias Stoll, Michael Köbele, 2008 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 **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

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

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

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

Reclaiming Development in the World Trading System Yong-Shik Lee, 2016-10-20 Providing extensive coverage of international trade law from an economic development perspective this second edition of *Reclaiming Development in the World Trading System* offers discussion of key principles of international trade law trade measures trade and development issues and regulatory reform Including such topics as the most favored nation principle national treatment and tariff binding Lee also offers insightful analysis into new areas pertaining to agriculture and textile trade related investment intellectual property rights and trade in services Looking at trade and development issues in Asia Africa and Latin America as well as microtrade an innovative international trade system designed to relieve the absolute poverty of least developed countries this book is essential reading that gives context to development interests and advances specific regulatory and institutional reform proposals Lee lends insight into these topics with case analysis exemplifying how our

trading systems have been adopted by the developing world in order to foster their own economic development

Normative Conditions to Make WTO Law More Responsive to the Needs of Developing Countries Philipp Scheuermann, 2010 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

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