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Restructuring The Gatt System

Kenneth A. Reinert



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Restructuring the Gatt John H. Jackson, 1990 The multilateral trading system based on the General Agreement on Tariffs and Trade GATT is being eroded by a shift to bilateralism surging protectionism and flouting of its rules by the major trading countries The inclusion of the complex issues of services intellectual property and investment in the Uruguay Round has only increased the strain on the GATT s structure Reform and strengthening of the GATT system can no longer be delayed Jackson argues that part of the problem lies in the defective constitutional nature of the GATT itself He examines the institutional and constitutional changes the GATT would need in order to contain protectionist pressure and respond to the new issues in the evolving international economy Jackson outlines the provisions of a new charter that would strengthen the foundations of the system His proposed reform challenges policymakers and practitioners to think beyond the modest objectives of the Uruguay Round Unedited summary from book cover

Restructuring the GATT System John Howard Jackson, 1990 China-Africa Dispute Settlement Won Kidane, 2011-11-02 The nature and magnitude of the growth in China Africa economic relations in recent years is unprecedented and extraordinary According to recent estimates the value of China s trade with African nations grew from a mere USD 10 million in the 1980s to USD 55 billion in 2006 and to more than USD 100 billion by the end of 2009 at which time nearly 1 600 Chinese companies were doing business in Africa with a direct stock investment of about USD 7 8 billion The accelerating impetus of China Africa trade has overtaken some crucially important features of an effective trade regime most notably a fully trustworthy dispute resolution system It is the current and potential future efficacy of such a system that is taken up in this book with great understanding and skill The author evaluates existing mechanisms of dispute resolution in all aspects of China Africa economic relations in light of the parties economic and cultural profiles and their evolving legal traditions and goes on to propose a comprehensive institutional model of dispute resolution that takes full account of the economic needs and legal cultures of both China and the various African countries Among the topics and issues that arise in the course of the book are the following suitability of the WTO s dispute resolution mechanism for China Africa trade relations domestic bilateral regional and multilateral law sources affecting China Africa commerce the role of intra Africa bilateral investment treaties competing interests that underpin international investment law relevant legal economic and political challenges and cultural barriers permissible scope of regional trade regimes national treatment versus duty to compensate and harmonization initiatives model laws incoterms restatements The author includes in depth analysis of how China Africa economic relations fare in the varieties of dispute resolution methods available at the major arbitral European and American institutions ICSID AAA ICC LCIA PCA as well as under the rules of the China International Economic and Trade Arbitration Commission CIETAC and the important arbitral fora in Cairo Kuala Lumpur and Lagos Endorsing institutional arbitration as the most appropriate form of resolving trade investment and commercial disputes arising between China and African countries this ground breaking analysis outlines the obstacles and

shortcomings of the available means of dispute settlement both in international and domestic contexts and offers deeply informed recommendations for improvement of the existing system Although the book will be welcomed by interested scholars and practitioners for its detailed discussion of how China Africa trade relations are situated within the global trade regime its most enduring value lies in its thorough evaluation of the available options and its proposals for structuring a legal framework within which future disputes will be effectively resolved *Singular Europe* William James Adams,1995
 Examines the implications of the fully integrated European market *Towards More Effective Supervision by International Organizations* Niels Blokker,Sam Muller,2023-12-04 This volume is a collection of essays dealing primarily with supervision by international organizations of on the one hand state behaviour and on the other the conduct of the organizations themselves The first is termed external supervision the second internal supervision An extensive range of international organizations is covered among them the ILO the IMF GATT and the United Nations Human Rights Related Trade Measures under International Law Anthony Cassimatis,2007-12-31 When does international law allow a State or group of States to adopt trade measures in order to coerce another State to comply with its international obligations to ensure respect for human rights In answering this question this book draws together complex areas of international law which include the rules prohibiting interference in the internal affairs of sovereign States the rules regulating extra territorial exercises of jurisdiction the law of State responsibility and the international legal rules requiring the protection of human rights and regulating international trade The literature on Trade and issues invariably focuses on a limited number of these areas or approaches the issues from an international relations or economic perspective This book will assist specialists in international human rights law and international trade law academic and government lawyers who advise on or implement international trade policy and those studying the use of human rights related trade measures *The World Trade Organization* Mitsuo Matsushita,Thomas J. Schoenbaum,Petros C. Mavroidis,Michael Hahn,2015 This is a comprehensive overview of the law and practice of the World Trade Organization It begins with the institutional law of the WTO moving eventually to the consequences of globalization New chapters on Trade in Agriculture and on Government Procurement and Trade International Organizations Giuseppe Schiavone,1993-02-12 *The Trade Policy Review Mechanism* Mathias Kende,2018-02-09 The WTO s Trade Policy Review Mechanism which reviews the trade policies and practices of each WTO member at regular intervals is generally considered to function well In this day and age complacency is unwise Examining trade policy reviews throughout the lifetime of the TPRM this book details its evolution from Article X of the General Agreement on Tariffs and Trade to the proposed modifications resulting from the mechanism s latest appraisal examining the budgetary capabilities and technical performance of all the main entities who participate in the reviews On the basis of these considerations the author concludes that in order to remain relevant especially in times of increased global protectionism the TPRM could and should do better and provides unique and timely suggestions for reform **An Introduction to**

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Liberalising Trade in the EU and the WTO Sanford E. Gaines, Birgitte Egelund Olsen, Karsten Engsig Sørensen, 2012-08-02 This comparison of EU and WTO approaches to common trade liberalisation challenges brings together eighteen authors from Europe and America Together they explore fundamental legal issues such as the role of general principles of law the role of the judiciary in the development of law the effect of the principle of non discrimination and the elimination of non discriminatory barriers to trade The contributions also examine the most recent developments in trade law across a full range of trade issues including TBT and SPS services intellectual property customs rules safeguards anti dumping and government procurement Adopting a comparative perspective throughout this volume sheds light on today's trade law and suggests paths forward for each system through the perennial tensions between open non discriminatory trade and strongly held national values and objectives Environmental Litigation Tom Symes, Mike Renger, Nicola Paradise, 2003

Ruling the World? Jeffrey L. Dunoff, Joel P. Trachtman, 2009-07-20 *Ruling the World* Constitutionalism International Law and Global Governance provides an interdisciplinary analysis of the major developments and central questions in debates over international constitutionalism at the UN EU WTO and other sites of global governance The essays in this volume explore controversial empirical and structural questions doctrinal and normative issues and questions of institutional design and positive political theory *Ruling the World* grows out of a three year research project that brought twelve leading scholars together to create a comprehensive and integrated framework for understanding global constitutionalization *Ruling the World* is the first volume to explore in a cross cutting way constitutional discourse across international regimes constitutional pluralism and relations among transnational and domestic constitutions The volume examines the core assumptions basic analytic tools and key challenges in contemporary debates over international constitutionalization *Trade and*

Environment United States. Congress. Office of Technology Assessment, 1992 **WTO Law and Policy** Jae Sundaram, 2022-04-11 *WTO Law and Policy* presents an authoritative account of the emergence of the World Trade Organization WTO and the basic principles and institutional law of the WTO It explores how political economy has shaped the WTO's legal philosophy and policies and provides insights into how international trade law at the WTO has developed This textbook examines the legal obligations of the Member States of the WTO under the multilateral trade agreements the legal remedies available under the rules based dispute settlement system and incorporates the most relevant case laws from the WTO's jurisprudence It outlines several key contemporary issues which the WTO faces as well as areas that need reforming

Each chapter covers a specific topic in relation to the framework and functionality of the WTO with particular focus on the legal aspects of the multilateral trade order. The book is guided by the legal pronouncements of the Dispute Settlement Body Panels and Appellate Body and the commentaries on the interpretation of the provisions of the covered agreements. This book is ideal for all students studying international trade law including those coming to international law, international trade law and WTO law for the first time.

Governing Global Trade Theodore H. Cohn, 2017-05-15 Cohn's topic of global trade is of enormous and proliferating interest. He provides a good background from 1945 to the present and on core contemporary themes such as civil society participation and the domesticisation of the trade agenda. Whilst there is a wealth of literature on policy oriented aspects such as negotiating rounds, there are few that provide the careful comprehensive historical overview that this work offers and none that do so with reference to international institutions such as the G7, Quad, OECD and UNCTAD as well as the WTO in global trade governance. This seminal work has been awarded the British Columbia Political Science Association Weller Prize for 2003. Cohn's political science background will appeal directly to a university audience and a broader public policy market. It is also suitable for those interested in trade in the cognates of economics and law. This work's theoretical framework embraces and synthesises the major approaches in the field of international relations and will be appropriate for the dominant schools of realists and liberal institutionalists alike. It could therefore be apt for courses on international relations theory or international political economy taught in a theoretical mode. This book reinforces and broadens the focus of all previous works in The G8 and Global Governance series.

Sugar and the Making of International Trade Law Michael Fakhri, 2014-11-27 This book traces the changing meanings of free trade over the past century through three sugar treaties and their concomitant institutions. The 1902 Brussels Convention is an example of how free trade buttressed the British Empire. The 1937 International Sugar Agreement is a story of how a group of Cubans renegotiated their state's colonial relationship with the US through free trade doctrine and the League of Nations. In addition, the study of the 1977 International Sugar Agreement maps the world of international trade law through a plethora of institutions such as the ITO, UNCTAD, GATT and international commodity agreements all against the backdrop of competing Third World agendas. Through a legal study of free trade ideas, interests and institutions, this book highlights how the line between the state and market, domestic and international and public and private is always a matter of contest.

International Trade in East Asia Takatoshi Ito, Andrew K. Rose, 2007-11-01 The practice of trading across international borders has undergone a series of changes with great consequences for the world trading community: the result of new trade agreements, a number of financial crises, the emergence of the World Trade Organization and countless other less obvious developments. In *International Trade in East Asia*, a group of esteemed contributors provides a summary of empirical factors of international trade specifically as they pertain to East Asian countries such as China, Japan, Korea and Taiwan. Comprised of twelve fascinating studies, *International Trade in East Asia* highlights many of the trading practices between countries within the region as well as

outside of it The contributors bring into focus some of the region's endemic and external barriers to international trade and discuss strategies for improving productivity and fostering trade relationships Studies on some of the factors that drive exports the influence of research and development the effects of foreign investment and the ramifications of different types of protectionism will particularly resonate with the financial and economic communities who are trying to keep pace with this dramatically altered landscape

The Sword and the Scales Cesare P. R. Romano, 2009-08-31 *The Sword and the Scales* is the first in depth and comprehensive study of attitudes and behaviors of the United States toward major international courts and tribunals including the International Courts of Justice WTO and NAFTA dispute settlement systems the Inter American Court of Human Rights and all international criminal courts Thirteen essays by American legal scholars map and analyze current and past patterns of promotion or opposition use or neglect of international judicial bodies by various branches of the United States government suggesting a complex and deeply ambivalent relationship The United States has been and continues to be not only a promoter of the various international courts and tribunals but also an active participant of the judicial system It appears before some of the international judicial bodies frequently and supports more both politically and financially At the same time it is less engaged than it could be particularly given its strong rule of law foundations and its historical tradition of commitment to international law and its institutions

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