The Regulation of International Trade: Political Economy and Legal Order

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Howse, Robert

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Regulation Of International Trade Political Economy And Legal Order

Rüdiger Wolfrum, Peter-Tobias Stoll, Anja Seibert-Fohr

Regulation Of International Trade Political Economy And Legal Order:

Regulation of International Trade Robert Howse,1995 The Political Economy of International Trade Law Daniel L. M. Kennedy, James D. Southwick, 2002-05-23 International experts from law economics and political science provide in depth analysis of international trade issues Attorneys economists and political scientists adopt a common viewpoint entitled transcending the ostensible This approach directs particular attention to the possibility that WTO legal institutions like other international legal institutions will function in unexpected ways due to the political and economic conditions of the international environment in which they have been created and in which they operate A range of trade problems are considered here Topics include the constitutional dimensions of international trade law adding subjects and restructuring existing subjects to international trade law the legal relations between developed and developing countries and the operation of the WTO dispute settlement procedure This will be an essential volume for professionals and academics involved with international trade policy Regional and Global Regulation of International Trade Francis Snyder, 2002-07-05 The processes of legal and economic integration at a regional and global scale have created powerful legal and economic dilemmas They challenge the paradigms of constitutionalism including the State's monopoly of constitutionalism the autonomy of national political communities and the traditional forms of participation and representation. The phenomena of globalisation and regional forms of governance have promoted the inter dependence of national political communities and destroyed the artificial boundaries upon which national constitutional democracies are found and from which they derive their legitimacy Furthermore it is inevitable that the development of international trade and economic integration will raise claims for some form of global distributive justice to complement the wealth maximisation arising from free trade This will come from the gradual development of global forms of political discourse and law making challenging State constitutionalism and requiring some of the instruments and theories of constitutionalism The essays in this collection written by leading scholars in international trade law argue the pros and cons of greater regional and global regulation They conclude that whatever the final framework for international trade the critical decisions about institutional form and content will be decided in an emerging global political arena They help to identify this political arena who governs it and according to which rules and identify the different institutional alternatives in that global political arena International Trade Nigel Grimwade, 2020-07-24 This new edition has been rewritten to provide an up to date clear and comprehensive account of the most important developments currently taking place in the world economy. The text introduces the major economic theories and models with an emphasis on changes within the world trading system and how governments respond New features include an expansion of chapter three to include formal models of intra industry trade under imperfect competition two separate chapters on Japan and newly industrialising countries updating and incorporating new material new sections on Strategic Trade Policy and on the Political Economy of Protectionism a new chapter on the institutional aspects of world

trade in discussing the deliberations of the World Trade Organisation Private Power and Global Authority A. Claire Cutler, 2003-08-14 Transnational merchant law which is mistakenly regarded in purely technical and apolitical terms is a central mediator of domestic and global political legal orders By engaging with literature in international law international relations and international political economy the author develops the conceptual and theoretical foundations for analyzing the political significance of international economic law In doing so she illustrates the private nature of the interests that this evolving legal order has served over time The book makes a sustained and comprehensive analysis of transnational merchant law and offers a radical critique of global capitalism International Trade in Hazardous Wastes D.K. Asante-Duah, I.V. Nagy, 1998-03-12 This book discusses the need for a regulated and informed forum for international trade in hazardous waste The authors argue that with careful planning health and ecological risks can be minimized and net economic benefits realized fairly The book examines the key parameters that should be considered by potential trading nations to ensure an optimally safe and mutually beneficial partnership The authors provide comprehensive coverage of the political environmental industrial and economic issues involved in this complex and increasingly controversial practice 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 The Regulation of International Trade, Volume 1 Petros C. Mavroidis, 2016-02-19 A and WTO law for the first time detailed examination of the GATT regime for international trade discussing the negotiating record policy background economic rationale and case law The General Agreement on Tariffs and Trade GATT was created alongside other towering achievements of the post World War II era including the United Nations the World Bank and the International Monetary Fund GATT the first successful agreement to generate multilateral trade liberalization became the principal institution to administer international trade for the next six decades In this book Petros Mavoidis offers detailed examination of the GATT regime for international trade discussing the negotiating record policy background economic rationale and case law Mavroidis offers a substantive first chapter that provides a detailed historical background to GATT that stretches from the

1927 World Economic Conference through Bretton Woods and the Atlantic Charter Each of the following chapters examines the disciplines agreed to their negotiating record their economic rationale and subsequent practice Mavroidis focuses on cases that have influenced the prevailing understanding of the norm as well as on literature that has contributed to its interpretation and the final outcome In particular he examines quantitative restrictions and tariffs the most favored nation clause MFN the cornerstone of the GATT edifice preferential trade agreements and special treatment for products originating in developing countries domestic instruments and exceptions to the obligations assumed under GATT This book s companion volume examines World Trade Organization WTO agreements regulating trade in goods International Trade, Volume 2 Petros C. Mavroidis, 2016-04-22 A detailed examination of WTO agreements regulating trade in goods discussing legal context policy background economic rationale and case law The General Agreement on Tariffs and Trade GATT has extended its institutional arsenal since the Kennedy round in the early 1960s The current institutional design is the outcome of the Uruguay round and agreements reached in the ongoing Doha round begun in 2001 One of the institutional outgrowths of GATT is the World Trade Organization WTO created in 1995 In this book Petros Mavroidis offers a detailed examination of WTO agreements regulating trade in goods discussing legal context policy background economic rationale and case law Each chapter examines a given legal norm and its subsequent practice In particular he discusses agreements dealing with customs clearance contingent protection instruments which allow WTO members unilaterally to add to the negotiated amount of protection when a certain contingency for example dumping has occurred TBT Technical Barriers to Trade and SPS Sanitary and Phyto sanitary Measures agreements both of which deal with such domestic instruments as environmental health policy or consumer information the agreement on Trade Related Investment Measures TRIM sector specific agreements on agriculture and textiles plurilateral agreements binding a subset of WTO membership on government procurement and civil aviation and transparency in trade relations This book s companion volume examines the WTO - Technical Barriers and SPS Measures Rüdiger Wolfrum, Peter-Tobias GATT regime for international trade Stoll, Anja Seibert-Fohr, 2007-05-30 Technical standards are increasingly determining the development production trade in and marketing of goods and services In order to ensure that technical regulations and product standards which vary from country to country do not create unnecessary obstacles to trade the Agreement on Technical Barriers to Trade was adopted during the Uruguay Round It is paralleled by the Agreement on Sanitary and Phytosanitary Measures which sets out the basic rules on how governments can apply food safety as well as animal and plant health measures without however using them as an excuse for protecting domestic producers Prominent decisions under the WTO Dispute Settlement have interpreted those provisions This volume gives a detailed account of the necessary parameters for technical standards and measures seeking to protect health and environment Included are commentaries on Articles III XI and XX of GATT 1994 which are equally relevant in this context. The article by article commentaries draw from a considerable body of case law the

work by the TBT and SPS Committee and the relevant legal literature Attention is given to substantive requirements as well as the necessary standard setting procedures Apart from a thorough analysis of the relevant and most recent jurisprudence including the Biotech Panel Report the commentary seeks to give answers to newly emerging issues such as special needs of developing countries It is an indispensable tool for practitioners and academics working in this field of WTO law

Reconciling Environment and Trade Edith Brown Weiss, John H. Jackson, Nathalie Bernasconi-Osterwalder, 2008-09-30 The volume focuses on five cases all of which remain cornerstone trade environment cases of the WTO The subject matter of these cases reflects five basic issues in the clash between trade and the environment public health air pollution ozone depletion food safety destruction of endangered species and biosafety These five issues surface dramatically in international disputes over tobacco reformulated gasoline beef growth hormones commercial fishing methods and genetically modified organisms In the second edition of this book Nathalie Bernasconi Osterwalder joins the original editors to update and contextualize the five case studies in new introductions to each section These introductions provide an overview of developments since the first edition including subsequent related cases The second edition also includes updated bibliographic materials In their penetrating analyses of these cases and their vast implications the authors take into account the entire disciplines of both trade law and environmental law noting especially the points of friction between the multilateral instruments in each field and the developing jurisprudence of the WTO Dispute Settlement with regard to the exceptions specified in Article XX of the GATT The articulated standpoints of all parties governments and NGOs on both sides of the controversy are probed for agendas whether stated or unstated No one involved in international trade or environmental activism can afford to ignore this vital publication The information it provides on WTO jurisprudence on current and pending environmental initiatives on the science behind the disputes no less than the fresh and convincing analysis it holds forth make it an essential tool for understanding some of the most crucial issues in international law today **Economic** Dimensions in International Law Jagdeep S. Bhandari, Alan O. Sykes, 1997 Each of the chapters was presented at a conference in the spring of 1995 sponsored by Duquesne University and George Mason University Pref Transnational Legal Ordering of Criminal Justice Gregory Shaffer, Ely Aaronson, 2020-07-02 Hard and soft law developed by international and regional organizations transgovernmental networks and international courts increasingly shape rules procedures and practices governing criminalization policing prosecution and punishment This dynamic calls into question traditional approaches that study criminal justice from a predominantly national perspective or that dichotomize the study of international from national criminal law Building on socio legal theories of transnational legal ordering this book develops a new approach for studying the interaction between international and domestic criminal law and practice Distinguished scholars from different disciplines apply this approach in ten case studies of transnational legal ordering that address transnational crimes such as money laundering corruption and human trafficking international crimes such as mass atrocities and human rights abuses in law enforcement The book provides a comprehensive treatment of the changing transnational nature of criminal justice policymaking and practice in today s globalized world International Trade in Services and Domestic Regulations Panagiotis Delimatsis,2007-12-27 In 2005 the WTO Appellate body ruled that the United States total prohibition on cross border gambling services was unlawful under the General Agreement on Trade in Services GATS The questions raised by the case whether and how a Government could block service provision on moral grounds went to the heart of key controversies surrounding international economic law How do you reconcile a liberal system of international trade in services with national governments desire to protect social values through service regulation How much control are the WTO members willing to transfer to the WTO How much regulatory diversity can the international trading system withstand This book provides a comprehensive analysis of the regulation of services under the WTO s GATS Agreement Through a thorough examination of the GATS negotiation history substantive provisions judicial interpretation and ongoing reform process the book presents a clear picture of how the multilateral trading system justifies and tolerates regulatory diversity In this respect the book focuses on the core general principles of necessity and transparency which would allow the assessment of the consistency with the GATS of domestic regulations in services at a horizontal cross sectoral level In addition the book reviews with a critical eye the ongoing GATS negotiations on the creation of rules on domestic regulations

Labour Laws and Global Trade B. A. Hepple, 2005-03-25 This book provides a comprehensive analysis of the new methods of transnational labour regulation that are emerging in response to globalisation Transforming World Trade and Investment Law for Sustainable Development Ernst-Ulrich Petersmann, 2022-03-24 Transforming World Trade and Investment Law for Sustainable Development explains why the 2030 UN Sustainable Development Agenda for Transforming our World aimed at realizing universal human rights and the 17 agreed sustainable development goals SDGs requires transforming the UN and WTO legal systems as well as international investment law and adjudication UN and WTO law protect regulatory competition between diverse neo liberal state capitalist European ordo liberal and developing countries conceptions of multilevel trade and investment regulation However geopolitical rivalries and trade wars increasingly undermine transnational rule of law and effective regulation of market failures governance and constitutional failures Protecting the WTO legal and dispute settlement system remains essential for SDGs such as climate change mitigation measures and access to medical supplies and vaccines in global health pandemics Investment law and adjudication must better reconcile governmental duties to protect human rights and decarbonize economies with the property rights of foreign investors The constitutional human rights and environmental litigation in Europe enhances the legal accountability of democratic governments for protecting sustainable development However European economic constitutionalism has been rejected by neoliberalism China's authoritarian state capitalism and many developing countries governments The more that regional economic orders like the China led Belt and Road networks reveal heterogeneity and power politics block UN and

WTO reforms the more the US led neoliberal world order risks disintegrating UN and WTO law must promote private public network governance and civil society participation in order to stabilize and de politicize multilevel governance that protects SDGs and global public goods International Economic Law in the 21st Century Ernst-Ulrich Petersmann, 2012-07-24 The state centred Westphalian model of international law has failed to protect human rights and other international public goods effectively Most international trade financial and environmental agreements do not even refer to human rights consumer welfare democratic citizen participation and transnational rule of law for the benefit of citizens This book argues that these multilevel governance failures are largely due to inadequate regulation of the collective action problems in the supply of international public goods such as inadequate legal judicial and democratic accountability of governments vis a vis citizens Rather than treating citizens as mere objects of intergovernmental economic and environmental regulation and leaving multilevel governance of international public goods to discretionary foreign policy human rights and constitutional democracy call for civilizing and constitutionalizing international economic and environmental cooperation by stronger legal and judicial protection of citizens and their constitutional rights in international economic law Moreover intergovernmental regulation of transnational cooperation among citizens must be justified by principles of justice and multilevel constitutional restraints protecting rights of citizens and their public reason The reality of constitutional pluralism requires respecting legitimately diverse conceptions of human rights and democratic constitutionalism. The obvious failures in the governance of interrelated trading financial and environmental systems must be restrained by cosmopolitan constitutional conceptions of international law protecting the transnational rule of law and participatory democracy for the benefit of citizens Political Economy of WTO Implementation and China's Approach to Litigation in the WTO Yenkong Ngangjoh-Hodu, Zhang Qi,2016-01-29 Why and how do states obey international law This engaging book tackles this very question head on via its examination of the conflicting and conciliating processes of the Chinese approach to litigation and the Western approach to legal orientation in the field of the WTO dispute settlement mechanism The authors examine the normative framework of WTO rule implementation in a globalised international economic order They further explore the notion of the rule of law in China's Confucian system and how it interacts with a rule based world trading system Topics discussed include theorising the WTO implementation regime the Chinese approach to law China and the WTO dispute settlement system and Chinese Confucianism and compliance With its focus on international economic law and political science this book will be accessible to students policy makers practitioners and academics looking to understand China and the rule of law in a global context

The Law and Geoeconomics of Investment Screening Jens Hillebrand Pohl, Steffen Hindelang, Thomas Papadopoulos, Janosch Wiesenthal, 2025-04-08 This volume presents pioneering research for the purpose of developing a common analytical foundation and framework for the emerging interdisciplinary research field of investment control and national security It deals with legal and regulatory aspects of investment controls specifically from an international

transnational and comparative law perspective *World Trade and Investment Law Reimagined* Alvaro Santos, Chantal Thomas, David Trubek, 2019-06-28 World trade and investment law is in crisis new and progressive ideas are needed Rules that facilitated globalization and supported global economic growth are being challenged A system of global governance that once seemed secure is now at risk as the United States ignores the rules while developing countries struggle to escape restrictions Some want to tear global institutions and agreements down while others try desperately to maintain the status quo Rejecting both options a group of trade and investment law experts from 10 countries South and North have joined hands to propose ideas for a new world trade and investment law that would maintain global growth while distributing costs and benefi ts more fairly Paying special attention to those who have suffered from trade dislocation and to restrictions that have hampered innovative growth strategies in developing countries they outline a progressive trade and investment law agenda in World Trade and Investment Law Reimagined

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