The Political Economy of International Trade Law
Essays in Honor of Robert E. Hudec

International experts in law, economics, and political science provide in-depth analysis of international trade issues. This interdisciplinary study 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 is considered here. Topics include the constitutional dimensions of international trade law, adding new 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.

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The Political Economy of International Trade Law

Essays in Honor of Robert E. Hudec

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and

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Preface

This volume represents the collaboration of thirty-eight authorities in the field of international trade who were willing to take part in a creative endeavor. Together, these attorneys, economists, and political scientists adopted a common viewpoint to examine different trade-related issues. That viewpoint is summed up in this book’s title as one of political economy, and described in detail in the book’s introduction.

The endeavor is a tribute to the contributions of Robert E. Hudec on the occasion of his retirement from the University of Minnesota Law School. For decades, Bob Hudec has explored problems of international trade, blending the legal, political, and economic factors at play into comprehensible explanations of the actions of nations. With clarity and wit, he has shared his insights with others in the numerous works listed in the bibliography at the end of the book. It is a fitting tribute that others should adopt the same methodology in their examinations of the timely trade issues addressed in this book.

Even before beginning his career in international trade law, Professor Hudec had distinguished himself: Rhodes Scholar, magna cum laude graduate of Yale University Law School, editor-in-chief of the Yale Law Journal, and law clerk to Justice Potter Stewart of the United States Supreme Court. It is no surprise that he has gone on to gain international respect for his research and writing, and has been selected repeatedly to serve on GATT/WTO and NAFTA dispute settlement panels. We believe that the quality of Bob Hudec’s work is reflected in the outstanding contributions in this volume, and we hope that readers derive not only an appreciation of the authors and the insightful analyses they offer, but also an understanding of Professor Hudec.

Each of the essays in this volume was first prepared for a conference honoring Professor Hudec’s retirement in September 2000. That conference offered participants an opportunity to obtain feedback and refine their drafts before publication. Sponsored by the University of Minnesota Law School and supported financially by Cargill, Inc. and the law firm of Dorsey & Whitney LLP, the conference provided a helpful springboard for this book.

Any publication is the work of many people, and this is no exception. Dean E. Thomas Sullivan of the University of Minnesota Law School has supported this effort generously from the start, and Amy Stine has provided extensive
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Administrative support. Professors Dan Farber, Dan Gifford, Bob Kudrle, and Fred Morrison of the University of Minnesota helped organize the conference and contributed to this volume. They and the other authors performed most of the work, of course, and we are grateful for their contributions.

We are honored to be editors of this book. Both of us have worked for and with Bob Hudec, and he has inspired us in our work as international trade attorneys. We are happy to note that Professor Hudec continues his scholarship on the faculty of the Fletcher School of Law and Diplomacy at Tufts University.

D.L.M.K.
J.D.S.
It was a great privilege for the University of Minnesota Law School to host a global conference on “The Political Economy of International Trade Law” on campus on September 15–16, 2000 in honor of our colleague Professor Robert E. Hudec, who was retiring after twenty-eight years on the University of Minnesota law faculty. This volume is a result of the intellectual exchange and energy that occurred during the conference.

Although this volume analyzes the historical and current issues affecting the World Trade Organization specifically and international trade in general, its production could not have occurred without the leadership and intellectual commitment of Professor Robert Hudec. Professor Hudec, the author of six leading books and over thirty-five articles and monographs on international trade, joined the University of Minnesota Law faculty in 1972. Previously, he had been a member of the Yale University Law faculty; a Rockefeller Foundation Research Fellow in the Office of General Agreements on Tariff and Trade, in Geneva, Switzerland; and Assistant General Counsel, Office of Special Trade Representatives for Trade Negotiations, in Washington, DC. Earlier, he had clerked for the Honorable Potter Stewart on the United States Supreme Court. Although making his academic home at the University of Minnesota for nearly thirty years, Professor Hudec also held visiting faculty appointments at Stanford University, the University of Texas, Cornell University Law School, the University of Toronto, the Kiel Institute for World Economics, and the Université Jean Moulin, Lyon, France.

This volume teaches, as does Professor Hudec’s own scholarship, that one cannot understand or appreciate international trade law, or the law and institutions of the World Trade Organization, without understanding the culture, environment, and political economy of the member states that make up the international trade community. From the issues of “structure” to the day-to-day application of trade laws and policies, this volume is unique in its positive and normative analysis of the political economy of international trade law today.

We salute Professor Hudec for his lifelong contributions to this important body of scholarship and to his many colleagues throughout the world who came to the University of Minnesota for this conference, and now in this volume offer their professional salute and best wishes to Bob Hudec, certainly one of the foremost authorities in the world on international trade.