

INDEX

Page references with: f = figure; t = table

- ad valorem* duty, 69
- Adesina, Akinwunmi, 353
- administered protection, 102–106
- ADP. *See* Anti-Dumping Practices Agreement (ADP Agreement)
- Advisory Centre on WTO Law (ACWL), 294–295
- Africa
- employment structures in, 354–355
 - exports, 340
 - factors in economic growth, 336
 - FDI inflows into, 199n.956, 340
 - growth rate, 335
 - imports, 340
 - inclusive growth in, 352–358
 - access to infrastructure, 355–356
 - social protection, 356–358
 - industrial policy, 347–352
 - local content policies, 347
 - South Korean economic development as model, 360
 - trade and development in, 334–360
 - trade and economic growth in, 337–358
 - trade and regional integration in, 341–347
 - intra-regional trade, 342
 - regional economic communities, 344–345
 - trends in, 342
 - trade policy reform, 337–341
 - trade with the BRICS, 340
- Africa Mining Vision, 342
- African Caribbean Pacific Group, 376
- African Development Bank, 343, 345
- African Economic Treaty (1991), 341
- African Group, 376
- African Mineral Skills Initiative (AMSI), 343
- African Natural Resources Centre (ANRC), 343
- African Union (AU), 342
- Agreement on Agriculture, 142, 146, 412
- Agreement on Development Facilitation (ADF), 297–298, 406, 418–419
- Agreement on Government Procurement (GPA), 213–216
- Article I, 213–214
- Article IV, 215
- Article V, 215, 217
- Article VI, 216n.1033
- developing-country interests and, 418
- extension of membership, 217
- “grandfather rights” and, 10n.38
- members, 216n.1036
- overview, 212–213
- provisions, 216n.1033
- scope, 213–214
- Agreement on Rules of Origin, 206–209
- Agreement on Safeguards (SA), 44n.191, 105–106
- Article 2, 125n.611
- Article 2.1, 127
- Article 3, 127
- Article 4.2, 128
- Article 4.2(a), 160
- Article 5.2, 121

- Article 9.1, 279
- Article 9.2, 279
- Article 11, 194
- Article 12, 132
- general conditions, 126–127, 132
- gray-area measures, prohibition of, 104n.493
- notification requirements, 78n.361
- Agreement on Subsidies and Countervailing Measures. *See* SCM Agreement
- Agreement on Technical Barriers to Trade. *See* TBT Agreement
- Agreement on Textiles and Clothing (ATC), 144, 145
- Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), 220
- Agreement on Trade Facilitation (ATF), 287–288, 418, 421
- Agreement on Trade in Civil Aircraft, 10n.38
- Agreement on Trade-Related Aspects of Intellectual Property. *See* TRIPS Agreement
- Agreement on Trade-Related Investment Measures. *See* TRIMs Agreement
- agricultural products, 141–148
- agricultural subsidies, 146
- Albania, 216n.1036
- Algeria, 356
- “American System” of trade protection, 25
- Andean Community, 365, 368, 369, 371, 380
- Andean Trade Preferences, Drug Eradication Act, 369
- Angola, 240
- anti-dumping, 33, 106–125, 411–412
 - duties
 - calculation of, 109–110
 - imposition and collection of, 116
 - effects on trade and development, 118–125
 - rules on, 106–118
 - calculation of “normal value” under Article 2.1, 107–109
 - determination of dumping and dumping margins, 109–110
 - duration, termination, and review of measures, 117
 - imposition and collection of duties, 116
 - imposition of provisional measures, 115
 - industry definition, 111–112
 - initiation and conduct of investigations, 112–115
 - injury determination, 110–111
 - price undertakings, 115
 - public notice, 117–118
 - standard of review, 118
 - zeroing and, 109–110
- Anti-Dumping Practices Agreement (ADP Agreement)
 - Article 2.1, 107–109
 - Article 2.2, 107
 - Article 2.4.2, 109–110
 - Article 3, 110–111
 - Article 3.4, 111
 - Article 4, 111–112
 - Article 5, 112–113
 - Article 5.10, 113
 - Article 5.8, 113
 - Article 5.9, 113
 - Article 6.1, 113
 - Article 6.13, 115
 - Article 7, 115
 - Article 8.1, 115
 - Article 9.2, 116n.560
 - Article 9.3, 116n.560
 - Article 9.4, 116n.560
 - Article 9.5, 116n.560
 - Article 10.2, 116n.562
 - Article 10.3, 116n.562
 - Article 10.6, 116n.562
 - Article 11, 117
 - Article 12, 117–118
 - Article 17.6, 118
- Anti-dumping Regulations (China), 319
- Antigua, 264
- Antigua and Barbuda, 377n.1888
- Appellate Body, 13, 255–257
 - Brazil – Desiccated Coconut*, 247

- Appellate Body (*cont.*)
Brazil – Retreated Tyres, 236
Canada – Autos, 38, 41
Canada – Dairy, 68
Canada – Periodicals, 56
 dumping and dumping margins,
 determination of, 109
EC – Bananas III, 54
EC – Seal Products, 251
EC – Tariff Preferences, 49–50
 GSPs, ruling on, 403
 Harmonized System ruling, 67
India – Additional Import Duties,
 71
Mexico – Corn Syrup, 252–253
Mexico – Taxes on Soft Drinks, 251
 MFN provisions and, 39
 safeguard measures, ruling on,
 127n.621
 terms of reference, 249, 250
Turkey – Textiles, 181–182
US – Clove Cigarettes, 222
US – Gasoline, 233
US – Hot-Rolled Steel, 107–108
US – Shrimp, 233, 238
US – Tuna II, 223, 224
 arbitration, 257–258
 Argentina, 142n.708, 263–264,
 362n.1847, 373
Argentina – Footwear and Apparel, 69,
 249
Argentina – Hides and Leather, 54, 55
Argentina – Safeguard Measure on
 Imports of Footwear (Argentina
 – Footwear), 128
Argentina – Textile and Apparel, 67
 Armenia, 216n.1036
 Aruba, 216n.1036
 ASEAN Free Trade Area (AFTA),
 202n.967
 Asia
 boundaries, 301n.1514
 GDP, 301n.1515
 NICs in, 301
 trade and development in, 301–333
 China, 317–330
 future of, 330–333
 overview, 301–303
 South Korea, 303–316
 Asian-Pacific Economic Cooperation
 (APEC), 184
 Associated injuries, 301–303
 Association of Southeast Asian Nations
 (ASEAN), 197
 Association of Southeast Asian Nations
 Free Trade Area (AFTA), 292
 ATC. *See* Agreement on Textiles and
 Clothing (ATC)
 ATF. *See* Agreement on Trade
 Facilitation (ATF)
 Australia, 47, 187n.911
 agricultural products, 142n.706,
 144n.716
 GPA, membership in, 216n.1036
Australia – Salmon, 226
 Australia–New Zealand Free Trade
 Agreement, 190
 Azevêdo, Roberto, 191n.923, 288
 balance-of-payment (BOP) measures,
 33
 Bali Package, 210, 287
 Bangladesh Knitwear Manufacturers
 and Exporters Association
 (BKMEA), 395n.1939
 Barbados, 377n.1888
 Belarus, 47
 Belize, 377n.1888
 Benin, 377n.1888
 Berne Convention (1971), 156
 bilateral investment treaties (BITs),
 150, 197
 bilateral treaties, 6
 Bismarck Germany, 31
 Bolivia, 142n.708, 362n.1847, 380
 Botswana, 358, 377n.1888
 bovine spongiform encephalopathy
 (BSE), 229
 Brazil
 Cairns Group, 142n.708
 dispute settlement, 263–264
 FDI inflow into, 198n.955
 G-20, membership in, 362n.1847
 G-20 and, 376
 global role, 376
 regional trade agreements, 372–373
Brazil – Desiccated Coconut, 247
Brazil – Retreated Tyres, 236

- Bretton Woods Conference, 6
 BRICS, 340
 Britain. *See* United Kingdom
 British Commonwealth, 178–179
 “British System” of trade protection, 23
 Brunei, 187n.911
 Bulgaria, 47

 CACM. *See* Central American Common Market (CACM)
 Cairns Group, 142n.708
 Camargo Neto, Pedro de, 379
 Canada, 47
 agricultural products, 142n.706, 144n.716
 Cairns Group, 142n.708
 dispute settlement, 263
 GPA, membership in, 216n.1036
 Canada – Autos, 38, 39, 41, 42–43
 Canada – Dairy, 68
 Canada – Hormones, 255n.1253
 Canada – Periodicals, 56
 Canada – Pharmaceutical Patents (Article 21.3(c)), 259
 Canada–Chile Free Trade Agreement, 180, 190
 Cancún Ministerial Conference (2003), 13, 154, 284, 362, 376, 417, 420
 Cape Verde, 356
 Caribbean Basin Trade Preference Act, 369
 Caribbean Community and Common Market (CARICOM), 365
 Central American Common Market (CACM), 365, 371, 380
 Chad, 356
 chaebols, 315–316
 Chavez, Hugo, 371
 chavista, 368
 Chile
 Cairns Group, 142n.708
 FDI inflow into, 198n.955
 G-20, membership in, 362n.1847
 regional trade agreements, 193
 China, 16
 clothing and textile products from, 133
 dispute settlement, 263–264
 economic development through trade, 317–330
 overview, 317–318
 FDI inflow into, 198n.955
 free trade agreements, 326–327
 free trade zones, 328
 G-20, membership in, 362n.1847
 G-33, membership in, 377n.1888
 GDP growth rate, 317
 GNI per capita, 302
 GPA, membership in, 216n.1036
 imports and exports, 318
 industrial and trade policies in, 323–328
 controlled liberalization, 323–325
 global value chains, 325–326
 regional trade agreements (RTAs), 326–328
 regional trade agreements and, 187n.911
 trading rights in, 318–319
 WTO accession, 318–323
 commitments for, 319–321
 compliance issues, 321–323
 economic reform prior to, 318–319
 China – Certain Measures Affecting Electronic Payment Services, 166n.818
 China – Publications and Audiovisual Products, 235
 China – Raw Materials, 238
 Chinese Communist Party (CCP), 318
 Chinese Taipei, 216n.1036
 Chiquita, 370
 Christmas Décor Producers and Exporters Association of the Philippines (CDPEAP), 395n.1939
 Civil War, 25, 31
 classical market theory, 23–24
 Clay, Henry, 25
 Cobden-Chevalier Treaty (1860), 36
 Colombia, 142n.708, 371, 378, 380
 Colombia – Ports of Entry (Article 21.3(c)), 259
 COMESA/EAC/SADC Tripartite Free Trade Agreement, 346

- Committee on Anti-Dumping Practices, 12
- Committee on Balance-of-Payments Restrictions, 75
- Committee on Regional Trade Agreements, 181–182
- Committee on Rules of Origin, 208
- Committee on Safeguards, 12
- Committee on Trade and Development (CTD), 292–293, 399
- Committee on Trade and Environment (CTE), 418
- Common Market for Eastern and Southern Africa (COMESA), 292, 345
- comparative advantage theory, 21–22
- Competitive Bidding Law (China), 319
- compulsory licensing, 162–163
- concessions, 129–130
 - duration, 129–130
 - extension, 129–130
 - suspension, 129–130
- conformity assessment procedure, 221
- Congo, 356, 377n.1888
- Continental Free Trade Area (CFTA), 346
- Convention on the Harmonized Commodity Description and Coding System, 67
- Costa Rica, 142n.708, 370, 371, 378, 380
- Côte d'Ivoire, 377n.1888
- Council for Trade and Development (CTD), 292–297, 406
- Council for Trade in Goods, 10
- Council for Trade in Services, 10
- Council for Trade-Related Intellectual Property Rights, 10
- countervailing duties, 33, 61, 87n.404, 94–96, 98–99
- country of origin, 204–206
- covered agreements, 247
- Cuba, 362n.1847, 377n.1888
- cultural contents, 163–164
- customs duties and charges, 40
- de facto discrimination, 39
- de jure discrimination, 39
- Del Monte, 370
- de-minimis* rule, 130
- Deng Xiaoping, 318
- Department of Agriculture, 40
- developed countries
 - economic development of
 - developing countries and, 419
 - state intervention, efficiency of, 23
- developing countries
 - development-facilitation tariff, 79–80
 - economic development of, 16, 419
 - exports of services, 169–170
 - FDI inflows into, 198n.954
 - injury to domestic industry, 134–135
 - preferential treatment for, 130
 - regional trade agreements, 194–195
 - state intervention, efficiency of, 23
- Developing Countries in the GATT Legal System* (Hudec), 270n.1354
- development-facilitation subsidy (DFS), 96–101
 - agricultural production and, 147
 - differentiated treatment in, 136
 - foreign investments and, 154
 - impact of, 134
 - “sliding scale” concept in, 99, 411
- development-facilitation tariff (DFT), 77–84
 - differentiated treatment in, 136
 - GATT Article XVIII and, 79, 81–82
 - impact of, 134
 - import concessions and, 80–81, 82, 83
 - infant industry promotion and, 82
 - most-favored-nation principle and, 78
 - per capita GNI and, 79–80
 - proposed industry promotion plan and, 78
 - rate cap, 80
 - “sliding scale” concept in, 99, 411
- “development-oriented” clubs, Latin American, 365–381
 - coalition as, 379–381
 - coalition-building, 375–381
 - Free Trade Area of the Americas, 366–371
 - MERCOSUR, 372–375
 - overview, 365–366

- DFQF (duty-free, quota-free)
 treatment, 47, 278, 400, 405
- Dispute Settlement Body (DSB),
 86n.401, 247–248
- dispute settlement mechanism,
 244–269
 cases, 262–264
 current states, 262–264
 development concern, 264–266
 Dispute Settlement Understanding,
 246–262
 future prospects, 267–269
- dispute settlement procedures,
 188–190
- Dispute Settlement Understanding
 (DSU), 10, 246–262
 appellate review, 255–257
 arbitration, 257–258
 Article 1, 246
 Article 6.2, 250
 Article 7, 248–249
 Article 11, 250
 burden of proof, 251
 cause of action, 248
 covered agreements, 247
 Doha Round and, 266–267
 enforcement, 261
 implementation, 258–261
 non-violation claim, 252
 Notice of Appeal, 256–257
 panel process, 252–255
 consultation, 252–253
 panel review, 254–255
 scope of, 246–248
 standard of review, 250–251
 terms of reference, 248–250
 third-party participation,
 247
- distribution cost, 389
- division of labor, 20n.86
- Doha Development Agenda (DDA),
 32, 283
- Doha Ministerial Declaration, 161,
 163
- Doha Round, 6, 266–267, 270
 agricultural issues, 145
 antidumping rules, 123
 conclusion of, delay in, 362, 412,
 420–421
- developing country concerns and,
 418
- “development deficit” in WTO
 system and, 282–290
- development of, 284–289
- “development” round, 282–284
- future prospects, 289–290
- investment agreements, 154
- primary purpose, 32
- RTAs and, 190, 191, 192
- “sunset policy” on, 191
- tariffs and, 7n.23
- domestic subsidies, 58
- Dominican Republic, 377n.1888
- Dominican Republic – Import and Sale
 of Cigarettes*, 70
- drawback rate, 307
- DSB. *See* Dispute Settlement Body
 (DSB)
- DSU. *See* Dispute Settlement
 Understanding (DSU)
- dumping, 102
 determination of, 109–110
 margins, 109–110
 persistent, 119–120
 predatory, 120
 sporadic, 119
- duty drawback, 306–307
- Ease of Doing Business Report (2015),
 352
- East African Community (EAC), 344,
 345
- East Asia, 414, 420, 422
- EC – Approval and Marketing of Biotech
 Products*, 226
- EC – Asbestos*, 238–239
- EC – Bananas III*, 39, 54, 68, 250
- EC – Chicken Cuts*, 66
- EC – Computer Equipment*, 66
- EC – Export Subsidies on Sugar (Article
 21.3(c))*, 260
- EC – Hormones*, 228
- EC – IT Products*, 69
- EC – Sardines*, 220
- EC – Seal Products*, 235, 251
- EC – Tariff Preferences*, 43, 49, 50, 236
- EC – Trademarks and Geographical
 Indications (United States)*, 41

- Economic Community of West African States (ECOWAS), 343
 Economic Community of Western Africa Countries (ECWAC), 201
 economic efficiency, 20n.86
 Economic Planning Board (South Korea), 313
 Ecuador, 362n.1847, 371, 378, 380
 Egypt, 339, 356, 362n.1847
 El Salvador, 371, 378, 380
 emergency safeguard measures (ESGs), 172
 Enabling Clause, 46, 48–49, 60, 178, 192, 276–278, 404
 Eritrea, 356
 Estonia, 47
 Ethiopia, 354, 356, 358
 Ethiopian Horticulture Producers and Exporters Association (EHPEA), 395n.1939
European Communities and Certain Member States – Large Civil Aircraft, 89
European Communities – Export Subsidies on Sugar, 260n.1299
 European Economic Community, 178–179
 European Union, 47
 “Everything But Arms” initiative, 278
 GPA, membership in, 216n.1036
 GSP preferences, 191n.923
 European Union-SACU, 366
 “Everything But Arms” (EBA) initiative, 278
 exchange rate, 310
 export, 16–17
 export financing, 308
 export insurance, 308–309
 Export Insurance Act (South Korea), 308
 Export Insurance Fund (EIF), 308
 export subsidies
 in agriculture, 288, 289
 prohibition of, 92
 SCM Agreement and, 86–87
 South Korea, 305
 fair trade, 60–61n.275, 103–105, 391n.1931, 413
 First World War, 25, 36
 Food and Agriculture Organization (FAO), 230n.1108
 Food Safety and Inspection Service (FSIS), 40
 foreign direct investment, 416–417
 Africa, inflows, 340
 developing countries, inflows, 198n.954
 free trade and, 201–203
 global outflows, 197n.951
 versus industrial promotion policies, 199
 limits of, as economic development vehicle, 198–201
 political factors in, 200
 in trade and development context, 175–192
 formal approach, like product determination, 44
 France
 1778 treaty with United States, 36
 RTAs, authorization of, 178–179
 textiles, 142n.706
 free trade, 60, 62, 193
 Ricardo’s theory of comparative advantage and, 21
 terminology, 60–61n.275
 trade barriers, elimination of, 201–203
 free trade agreements (FTAs), 326–327, 416–417
 Free Trade Area of the Americas (FTAA), 366–371
 bilateral trade preference and, 370–371
 competitive liberalization and, 367–369
 export specialization/dependency and, 369–370
 negotiations, 366–367
 free trade zones, 309–310
 China, 328
 Fresh Produce Exporters Association of Kenya (FPEAK), 395n.1939

- functional approach, like product determination, 44
- G-20, 362n.1847, 376, 377–378, 381
- G-33, 377n.1888, 381
- gambling, 168
- GATT. *See* General Agreement on Tariffs and Trade (GATT)
- GATT/WTO system, 8, 415
- Agreement on Development Facilitation, proposal for, 297–298
- Council for Trade and Development, proposal for, 292–297
- “development deficit” in, 270–271
- remedies for, 290–292
- Doha Round, 282–290
- exclusive trade preferences and, 183–185
- facilitation of development in, 272–290
- microtrade and, 402–405
- panel cases, 425
- reforming, 270–298
- regional trade agreements and, 193–194
- special and differential treatment in, 272–282
- General Agreement on Tariffs and Trade (GATT), 3, 7–8
- adoption of, 7
- Article I, 178, 202n.968, 206
- Article I:1, 38
- Article II, 65–72, 93
- development exception to, 72–77
- II:1, 67–71
- II:2, 71–72
- interpretative rules, 66–67
- three-step test, 66
- Article III, 53
- III:2, 54, 56
- III:4, 54
- III:8(a), 57–58
- III:8(b), 58
- III:10, 58
- Article VI, 46n.207
- Article X, 172
- Article XII, 46
- Article XIV, 46
- Article XIX, 46n.207, 125n.611, 138–139
- Article XVI, 86
- Article XVIII, 29, 72–77, 193, 272–273, 415, 418–419
- DFT application and, 79, 81–82
- XVIII:C, 58
- Article XX, 46, 58, 160–161, 204
- Article XX exceptions, 232–239
- arbitrary or unjustifiable discrimination, 234
- burden of proof, 238–239
- conservation of exhaustible natural resources, 237–238
- interpretation of language, 234–235
- paragraph (b), 236
- paragraph (d), 237
- paragraph (g), 237–238
- public morals, 235
- two-tier test, 233–234
- Article XXI, 46, 58, 204
- Article XXI security exceptions, 239–243
- essential security interests, 240–241
- evaluation, 242–243
- notification, 241–242
- paragraph (b)(3), 241
- paragraphs (a) and (b), 240–241
- in time of war or other emergency, 241
- Article XXII, 248
- Article XXIII, 248
- Article XXIV, 46, 178, 181–182, 192
- Article XXIV:5, 179–180
- Article XXXVI, 82, 273, 275–276, 405
- Article XXXVII, 274, 275–276, 296, 406
- Article XXXVIII, 274–276
- articles, 33
- General Agreement on Trade in Services (GATS), 10, 154
- Annex on Movement of Natural Persons Supplying Services under the Agreement, 170–171
- anti-dumping and, 123n.604

- General Agreement (*cont.*)
 Article II, 37, 166–167, 178
 Article V, 46, 178, 192
 Article V:1, 179
 Article XVI, 167–168
 Article XX:2, 166n.818
 modes of supply and, 165–166
 Protocol of Provisional Application, 10n.38
 General Council, 9n.37
 general elimination of quantitative restrictions, 33
 general exceptions, 33
 Generalized System of Preferences (GSP), 47–50, 276, 403–404
 Georgia, 216n.1036
 Germany, 15, 178–179
 Ghana, 240, 350, 358
 global value chains (GVCs), 211, 325–326
 government assistance to economic development, 33
 government intervention, 29–30
 government procurement, 57–58, 204, 211–218
 covered entities, 214–215
 evaluation of, 216–218
 factors to determine, 214
 general principles, 215–216
 overview, 211–213
 scope of, 213–214
 special and differential treatment, 217
 GPA. *See* Agreement on Government Procurement (GPA)
 “grandfather rights,” 10n.38
 Granger causality tests, 315n.1589
 gray-area measures, 104n.493
 invalidation of, 194
 prohibition of, 131, 135
 Great Depression, 36
 Grenada, 377n.1888
 gross domestic product (GDP)
 Asia, 301n.1515
 South Korea, 303
 gross national income (GNI), 16, 79–80
 per capita, 99–100
 GSP+, 50–51
 Guatemala, 142n.708, 362n.1847, 371, 378, 380
 Guyana, 377n.1888
 Haiti, 377n.1888
 Hamilton, Alexander, 25, 26
 Harmonization Work Programme, 208
 Harmonized System, 67
 Harmonized System Codes (HS Codes), 404
 Hecksher–Ohlin model, 22n.92
 Honduras, 371, 377n.1888, 380
 Hong Kong, 28
 economic development in, 302, 422
 GPA, membership in, 216n.1036
 Hong Kong Ministerial Conference (2005), 285
 Hudec, Robert, 59, 83n.380, 270n.1354
 Hydrocarbons Law of the Republic of Equatorial Guinea (2006), 349
 Iceland, 216n.1036
 Illegal Gambling Business Act, 168
 Imperial Preference, 36n.153
 import licensing procedures, 40, 349
 import substitution, 29
 import-substitution subsidies, 86–87, 92
 inclusive growth, 352–358
 India
 dispute settlement, 263–264
 FDI inflow into, 198n.955
 G-20, membership in, 362n.1847
 G-33, membership in, 377n.1888
 import-substitution policy, 29
 pharmaceuticals industry, 161n.796
India – Additional Import Duties, 70, 71
India – Patents, 249–250
India – Tax Rebates, 41
 Indonesia
 Cairns Group, 142n.708
 FDI inflow into, 198n.955
 G-20, membership in, 362n.1847
 G-33, membership in, 377n.1888
Indonesia – Autos, 38, 42, 45
 industrial policies, 19–28
 infant industry promotion, 19, 415
 developed countries and, 31

- development-facilitation tariff and,
 79–80, 82
 in East Asian countries, 30–31
 export subsidies and, 97
 GATT Article XVIII and, 29, 73
 government subsidies in, 28
 opponents of, 27
 regional trade agreements and, 193
 theory of, 26
 Institute for Training and Technical
 Cooperation, 293
 Intel, 370
 Intellectual Property in Respect of
 Integrated Circuits (1989), 156
 intellectual property rights (IPRs), 5,
 156–158, 417 . *See also* TRIPS
 Agreement
 cultural contents, 163–164
 pharmaceuticals, 161–162
 International Bovine Meat Agreement,
 10n.38
 International Center for Trade and
 Sustainable Development, 381
 International Dairy Agreement, 10n.38
 international economic law, 4
 international governmental
 organization (IGO), 398–399
 international investment agreements
 (IAs), 150, 197, 200
 international investment law, 5
 International Monetary Fund (IMF),
 338, 347
 international trade
 historical perspective, 6–9
 industrial policies and, 19–28
 poverty and, 14–19
 International Trade Centre, 293
 international trade law, 3–6, 33–62
 compared with other disciplines, 4–5
 most-favored-nation principle and,
 33–51
 national treatment and, 51–59
 rules of, 3–4
 International Trade Organization
 (ITO), 7
 Internet, 393–394
Interregional and International Trade
 (Ohlin), 22n.92
 “invisible hand” of market forces,
 20–21, 27
 Israel, 216n.1036
 Italy, 142n.706
 Jamaica, 377n.1888
 Japan, 31, 47, 187n.911, 216n.1036
Japan – Alcoholic Beverages II, 53,
 55
Japan – Apples, 226, 229
Japan – Countervailing Duties on
 Dynamic Random Access
 Memories from Korea (Japan –
 DRAMs (Korea)), 89
Japan – DRAMs (Korea) (Article
 21.3(c)), 259
Japan – SPF Lumber, 44
 Jordan, 216n.1036
 Kenya, 344, 358, 377n.1888
Korea – Commercial Vessels, 88–89
Korea – Definitive Safeguard Measure
 on Imports of Certain Dairy
 Products (Korea – Dairy
 Products), 128
Korea – Procurement, 213, 214–215
Korea – Various Measures on Beef, 55,
 236, 237
 Korea Airport Authority (KAA),
 214–215
 Korea Credit Guarantee Fund (KCGF),
 308
 Korea Development Bank, 307
 Korea Export-Import (EXIM) Bank,
 308
 Korea International Trade Association
 (KITA), 312
 Korea Technology Finance
 Corporation (KIBO), 307
 Korea Trade Promotion Corporation
 (KOTRA), 312
 Kyrgyz Republic, 216n.1036
 Lagos Plan of Action (1980), 341
 Lamy, Pascal, 285–286
 Latin America
 coalition-building in, 375–381
 Brazilian leadership, 376

- Latin America (*cont.*)
 coordination and resistance, 376–379
 “development-oriented” clubs, 379–381
 G-20, 376
 necessity for, 375–376
 “development-oriented” clubs in, 365–381
 coalition-building, 375–381
 Free Trade Area of the Americas, 366–371
 MERCOSUR, 372–375
 trade and development in, 361–383
 trade as distributive policy in, 363
 trade diplomacy in, 363–365
 trade policies and development politics in, 363–365
 least-developed countries (LDCs)
 development-facilitation tariff and, 83–84
 DFQF (duty-free, quota-free) treatment, 278
 dispute settlement mechanism and, 265
 exemption of import from, 135
 GNI per capita, 386, 390n.1929
 GSP and, 47
 HIV infection rate in, 386
 international trade, 419
 internet usage in, 393–394
 life expectancy in, 386
 locally-produced products, 387–388
 monthly income per capita, 388
 mortality rate, 386
 rules of origin and, 210–211, 288–289
 special and differential treatment, 279–280
 trade and development for, 384–410
 Lesotho, 358
lex mercatoria, 6n.17
 liberal trade, 60–61n.275
 Libya, 339, 356
 Liechtenstein, 216n.1036
 like products, 44–46
 List, Friedrich, 26, 73, 202n.967, 414
 local content policies (LCPs), 348–351
 locally-produced products (LPPs), 387–388, 392
 financing and production, 396–397
 product restriction, 403
 shipping and distribution, 395–396
 supply and demand, 392–394
 Macedonia, 216n.1038
 mad cow disease, 229
 Madagascar, 356, 377n.1888
 Malawi, 358
 Malaysia, 142n.708, 187n.911
 Mali, 356
 Masan Free Trade Zones (MASAN FTZ), 309
 material injury, 95–96, 110–111
 Matsushita, Mitsuo, 186, 265n.1325
 Mauritius, 356, 377n.1888
 Mercado Comun der Sur (MERCOSUR), 191n.923, 365, 372–375
 Andean Community, linking with, 368
 development politics, 375
 exports, 369
 GSP programs and preferential arrangements, 292
 infant industry promotion and, 202n.967
 institutional weakness, 373–374
 internal dynamics, 372–373
 trade barriers, elimination of, 184
 MERCOSUR-European Union, 366
 MERCOSUR-South African Customs Union (SACU), 366
 Mexico
 dispute settlement, 263–264
 FDI inflow into, 198n.955
 G-20, membership in, 362n.1847
Mexico – Corn Syrup, 252–253
Mexico – Taxes on Soft Drinks, 251
 microcredit, 396
 microtrade, 384–410
 definition of, 384
 economic mechanism of, 388–397
 financing and production, 396–397

- shipping and distribution, 395–396
- supply and demand, 392–394
- institutional framework for, 397–402
 - functions, 399–401
 - justification, 401–402
 - objective and framework, 398–399
- Internet access and, 393–394
- local production and, 385–388
- overview, 384–385
- regulatory facilitation of, 405–406
- regulatory framework for, 402–407
 - GATT/WTO disciplines, compatibility with, 402–405
 - WTO reform, 406–407
- Millennium Development Goals, 353, 400, 422
- Ministerial Conference, 9, 283
- Ministry of Commerce (MOFCOM) (China), 322–323
- Minnesota Project, 351
- Moldova, 216n.1036
- Mongolia, 216n.1038, 377n.1888
- Montenegro, 216n.1036
- Morocco, 356
- most-favored-nation (MFN) principle, 33–51
 - adoption of, 34–35
 - application as safeguards, 136
 - defined, 33–51
 - development perspective, 58, 59–60
 - development-facilitation tariff and, 78
 - exceptions to, 46–51
 - historical evolution, 35–37
 - interpretation and application, 37–46
 - advantage, favor, privilege or immunity, 41–42
 - customs duties and charges, 40
 - immediately and unconditionally, 42–43
 - like products, 44–46
 - matters referred in paragraphs 2 and 4 of Article III, 40–41
 - object and purpose, 38
 - preliminary issues, 38–39
 - rules and formalities in connection with importation and exportation, 40
 - multilateral trading system and, 34
 - regional trade agreements and, 202n.968
 - RTAs as exception to requirement, 178–179
 - in services trade, 166–167
- Mozambique, 377n.1888
- Multifiber Arrangement (MFA), 143
- Multilateral Agreement on Investment (MAI), 150
- Multilateral Agreements on Trade in Goods, 10
- multilateral trading system
 - most-favored-nation (MFN) principle and, 34
 - TRIMs Agreement and, 149–150
 - weakening of, 190–192
 - WTO's role in, 32
- Nairobi Ministerial Conference (2015), 289, 420
- Nairobi Package, 289
- Namibia, 358
- national treatment, 33
 - development perspective, 58, 59–60
 - exceptions to, 57–59
 - domestic subsidies, 58
 - government procurement, 57–58
 - interpretation and application, 53–57
 - aims and effects test, 55–56
 - internal taxes or other internal charges, 54
 - object and purpose, 53–54
 - two-tier test, 56
 - services trade, 167–168
- Nazi party, 15
- neoclassical economics, 22
- neoliberalism, 22
- Netherlands, 216n.1036
- New Development Economics (NDE), 324, 414
- New Partnership for Africa's Development (NEPAD), 341

- New Zealand
 agricultural products, 142n.706, 144n.716
 Cairns Group, 142n.708
 GPA, membership in, 216n.1036
 GSP preferences, 47
 RCEP and, 187n.911
 newly industrializing countries (NICs), 16, 301
 Nicaragua, 371, 377n.1888, 380
 Niger, 356
 Nigeria, 354, 362n.1847, 377n.1888
 non-agricultural market access (NAMA), 285–286
 non-governmental organizations (NGOs), 381
 non-tariff barriers (NTBs), 204, 218–232
 overview, 218–219
 reduction of, 180
 technical barriers to trade, 219–224
 North Africa, 356
 North American Free Trade Agreement (NAFTA), 182, 191n.923, 205
 Norway, 47, 216n.1036

 Oman, 216n.1036
 One Belt, One Road (OBOR) initiative (China), 327–328
 open trade, 60–61n.275
 orderly marketing agreements (OMAs), 104n.493, 131
 Organization of African Unity, 342
 Organization of Economic Co-operation and Development (OECD), 150
 Arrangement on Export Credits, 309
 GNI per capita, 390n.1929
 other duties or charges (ODCs), 70
 outward development strategy, 16
 Oxfam, 381

 Pacific Alliance, 372
 Pakistan, 41, 362n.1847, 377n.1888
 Panama, 377n.1888, 380
 Paraguay, 142n.708, 362n.1847, 373, 375

 Paris Convention (1967), 156
 Park Jung Hee, 423
 per capita GNI, 99–100
 per capita GNP, 97–98
Periplus Maris Erythraei (Greek travel manuscript), 6n.16
 persistent dumping, 119–120
 Peru, 362n.1847, 371, 377n.1888, 378, 380
 Philippines, 142n.708, 362n.1847, 377n.1888
 Plurilateral Trade Agreements, 10
 policy loans, 307
 poverty, 14–19
 causes of, 15
 definition of, 14n.54
 terrorism and, 14–15
 Prebisch, Raul, 48
 predatory dumping, 120
 preferential trade agreements (PTAs), 46n.207
 price discrimination, international, 119–120
 price preferences, 349
Principles of Political Economy and Taxation (Ricardo), 21
 prohibited subsidies, 92–93
 Protocol of Provisional Application of the GATT, 10n.38
 Provisional Regulations on Government Procurement (China), 319
 public international law, 5
 public morals, 235

 Raymond, Daniel, 26
 Regional Comprehensive Economic Partnership (RCEP) (China), 187n.911, 327
 regional trade agreements (RTAs), 175–192
 China, 326–328
 developing countries under, 194–195
 development and, 192–196, 202–203
 dispute settlement procedures, 188–190
 Doha Round and, 32
 formation of, 179–181

- history of, 178–179
- issues from proliferation of, 183–192
 - exclusive trade preferences, 183–185
 - fragmentation of trade disciplines, 185–190
 - weakening of multilateral trading system, 190–192
- legal analysis, 178–183
 - “shall not be on the whole higher or more restrictive than before,” 182–183
 - “substantially all trade,” 181–182
- MFN requirement, exception to, 178–179
- MFN treatment and, 202n.968
- negotiations, 421
- non-tariff barriers and, 180
- overview, 175–177
- preserving development in, 195–196
- proliferation of, 9, 59, 412
- South Korea, 315–316
- “sunset policy” on, 184
- regional trade liberalization, 175–203
 - economic development and, 192–194
 - foreign direct investment, 196–198
 - regional trade agreements, 175–192
- regulatory cost, 389
- Ricardo, David, 28
 - comparative advantage theory, 21–22
 - Principles of Political Economy and Taxation*, 21
- Rodrik, Dani, 23, 347
- Rome Convention (1961), 156
- Ruggiero, Renato, 62, 176n.858, 184, 295n.1498
- rules of origin, 204–211
 - agreement on, 206–209
 - country of origin, 204–205
 - evaluation of, 209–211
 - overview, 204–206
- Russia, 47, 216n.1038
- Rwanda, 354
- SA. *See* Agreement on Safeguards (SA)
- safeguards, 33, 105–106, 125–140
 - application of, 129
 - evaluation of, 132–140
- rules on, 126–132
 - duration, extension, suspension of concessions, 129–130
 - general conditions, 126–127
 - injury assessment and causation, 127–128
 - investigation, 127
 - notification and consultation, 132
 - preferential treatment for developing countries, 130
 - prohibition of gray-area measures, 131
 - provisional measure, 129
- Sanitary and Phytosanitary Measures (SPS measures), 224–232
 - Article 2, 225–226
 - Article 3, 227–228
 - Article 5, 228–229
- basic rights and obligations, 225–227
- burden of proof, 227
- definition of, 224
- evaluation, 229–232
- harmonization, 227–228
- risk assessment, 228–229
- Saudi Arabia, 216n.1038
- Schedule of Concessions, 33, 68, 75, 143
- SCM Agreement (Agreement on Subsidies and Countervailing Measures), 84–85
 - agricultural products and, 145
 - Article 1.1, 87–91
 - Article 2.1, 91–92
 - Article 2.2, 91–92
 - Article 3.1, 99
 - Article 4, 93
 - Article 5, 87n.404
 - Article 6, 87n.404
 - Article 7, 93
 - Article 14, 94
 - conditions, 86–87
 - export subsidies, prohibition of, 281
 - Part V (Articles 10–23), 87n.404
 - tax incentives, prohibition of, 306
- Seattle Ministerial Conferences, 282, 284
 - failure of, 13, 158

- Second World War, 15, 22, 37
 “Section 727,” 40
 security exceptions, 33
 Senegal, 354, 377n.1888
 “sensitive products,” 277
 serious injury, 127, 134
 services trade, 164–174
 competitive gap in, 169
 market access, 167–168
 modes of supply, 165–166
 most-favored-nation treatment in, 166–167
 Seychelles, 216n.1038, 356
 Shanghai FTZ, 328
 shipping cost, 389
 Sierra Leone, 356
 Silk Road Economic Belt, 327–328
 Singapore, 16, 28, 187n.911, 216n.1036, 302, 422
 “Singapore Issues,” 284, 417
 Singapore-Australia Free Trade Agreement, 190
 Small and Vulnerable Economies, 376
 Smith, Adam, 23, 27, 414
 absolute advantage theory, 21n.90
 on division of labor, 20n.86
 market economy theory, 24–25
 Wealth of Nations, 20–21, 25
 Smooth-Hawley Tariff, 36n.153
 social protection programs, 356–358
 Somalia, 356
 South Africa, 142n.708, 356, 358, 362n.1847
 South Korea
 chaebols, 315–316
 demonstration, 229n.1102
 economic development, 16
 economic development, as model for Africa, 360
 economic development in, 422
 economic development through trade, 303–316
 economic miracle in, 423–424
 export expansion and exports/GDP (1962–2011), 304t
 export promotion policies, 305–313
 economic growth effects of, 313–315
 exchange rate, 310
 export subsidy ratio, 305
 financial incentives, 307–309
 free trade zones, 309–310
 tariff structure, 310–312
 tax incentives, 305–307
 trade-supporting organizations, 312–313
 export-driven development, 17–18
 exports, 18n.75
 five-year economic development plans, 30, 304t
 G-33, membership in, 377n.1888
 GDP, 303–316
 GNP, 17
 GPA, membership in, 216n.1036
 import protection measures, 314n.1588
 infant industry promotion, 28
 labor exports in 1960s, 169
 Park Jung Hee’s economic initiatives, 423
 regional trade agreements, 193, 315–316
 textile and clothing exports in the 1960s, 143
 US–Korea FTA, 210n.1007
 Southern African Development Community (SADC), 343
Spain – Unroasted Coffee, 45
 special and differential treatment (SDT)
 for developing countries, 217, 413
 Enabling Clause, 276–278
 GATT Article XXXVI, 273, 275–276
 GATT Article XXXVII, 274, 275–276
 GATT Article XXXVIII, 274–276
 in GATT/WTO disciplines, 272–282
 special safeguard measures (SSGs), 145–146
 special safeguard mechanism (SSM), 146, 289
 sporadic dumping, 119
 Sri Lanka, 377n.1888
 Srinivasan, T. N., 124n.605, 203
 St. Kitts and Nevis, 377n.1888
 St. Lucia, 377n.1888
 St. Vincent and the Grenadines, 377n.1888
 standard, 221

- Standards and Trade Development
 Facility (STDF), 230n.1108
 state-owned enterprises (SOEs), 322
 Sub-Committee on Least-Developed
 Countries, 292
 sub-Saharan Africa, 353, 357
 subsidies, 63
 definition and classifications of,
 85–87
 development-facilitation, 96–101
 export
 in agriculture, 288, 289
 prohibition of, 92
 SCM Agreement and, 86–87
 South Korea, 305
 GATT/WTO disciplines on, 84–96
 import-substitution, 86–87, 92
 legal analysis, 87–96
 elements of subsidy, 87–91
 prohibited subsidies, 92–93
 remedies, 93–96
 specificity requirement, 91–92
 supply and demand, 392–394
 Suriname, 377n.1888
 Switzerland, 47, 216n.1036
- Taiwan, 28, 216n.1036, 422
 Tajikistan, 216n.1036
 Tanzania, 350, 356, 362n.1847,
 377n.1888
 tariff-rate quota (TRQ), 68
 tariffs, 63
 bindings, 63–77
 in China, 319
 development-facilitation, 77–84
 GATT Article II, 65–72
 development exception to, 72–77
 interpretations under II:1, 67–71
 interpretations under II:2, 71–72
 interpretative rules, 66–67
 three-step test, 66
 GATT Article XVIII, 72–77
 in South Korea, 310–312
 Tax Exemption and Reduction Control
 Law (South Korea), 305
 tax incentives, 305–307
 TBT Agreement (Agreement on
 Technical Barriers to Trade),
 219–224
- Annex 1, 221
 Annex 3, 231n.1112
 Article 2, 231n.1112
 Article 2.1, 222
 Article 2.2, 222–223
 Article 2.4, 223–224
 covered categories, 221
 international standard, 223–224
 non-discrimination, 221–222
 regulatory autonomy, 220–221
 scope of, 220
 trade-restrictiveness, 222–223
 technical barriers to trade (TBTs),
 219–224
 technical regulation, 221
 Textile and Garment agreement,
 phase-out of, 370
 textiles, 141–148
 Thailand, 142n.708, 362n.1847
 Tokyo Round, 362
 Tokyo Round Subsidies Code, 85
 Trade Act of 1930, 36n.153
 Trade Act of 1974, 104n.496
 trade and development
 African, 334–360
 in Asia, 301–333
 China, 317–330
 future of, 330–333
 overview, 301–303
 South Korea, 303–316
 future of, 29–32
 Latin American, 361–383
 overview, 361–362
 least-developed countries,
 384–410
 local production and, 385–388
 trade barriers, 146
 trade disciplines, 141–174, 195–196
 agricultural products, 141–148
 fragmentation of, 185–190
 textiles, 141–148
 trade in services, 164–174
 trade-related aspects of intellectual
 property rights, 155–164
 trade-related investment measures
 (TRIMs), 148–155
 Trade Policy Review Body, 12
 Trade Policy Review Mechanism
 (TPRM), 10, 230n.1103

- trade preferences
 - bilateral, 370–371
 - exclusive, 183–185
 - Generalized System of Preferences, 47–50, 276, 403–404
- trade remedies, 102–140
 - administered protection, 102–106
 - anti-dumping, 106–125
 - safeguards, 125–140
- trade-related aspects of intellectual property rights. *See* TRIPS Agreement
- Trade-Related Development Assistance Report (TDAR), 296
- trade-related investment measures (TRIMs), 147
 - economic inefficiency of, 151
 - export controls, 150–151
 - foreign direct investment and, 196
 - foreign exchange balancing requirements, 150–151
 - import controls, 150–151
 - industrial promotion, role in, 151–152
 - multilateral control of, 153
 - restrictive terms of, 151
 - trade effects of, 152
- trade-restricting measures, 104n.493
- trade-supporting organizations, 312–313
- Transitional Review Mechanism for China, 320
- Trans-Pacific Partnership (TPP) Agreement, 187n.911, 301
- Travel Act, 168
- “triangle of issues,” 285–286
- TRIMs Agreement (Agreement on Trade-Related Investment Measures), 5
 - Annex of, 150–151
 - foreign direct investment and, 200
 - industrial promotion, role in, 153
 - multilateral trading system and, 149–150
 - Preamble, 152n.752
 - scope and extent, 197
- Trinidad and Tobago, 377n.1888
- TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property), 5, 7, 10, 155–164, 281
 - Article 4, 37
 - Article 7, 159n.787
 - Article 31, 162–163
 - compulsory licensing, 162–163
 - concerns in, 158–159
 - Council for Trade and Development, 293–294
 - developing countries, suspension for, 160
 - dispute settlement mechanism and, 265
 - inclusion in WTO disciplines, 156–158
 - international trade and, 195
 - LDCs, suspension for, 160
 - national treatment and, 154
 - pharmaceuticals, 161–162
 - regional trade agreements and, 187
 - requirements, 155–164
- Tsang, John, 285
- Tunisia, 356
- Turkey, 47, 377n.1888
- Turkey – Textiles*, 181
- Tussie, Diana, 421
- 21st Century Maritime Silk Road, 327–328
- Uganda, 230, 354, 377n.1888
- Ukraine, 216n.1036
- unfair trade practices, 104
- United Kingdom
 - Imperial Preference, 36n.153
 - industrial promotion policies, 24
 - MFN treatment in nineteenth century, 36
- United Nations Conference on Trade and Development (UNCTAD), 48, 273, 293, 296, 380
- United Nations Industrial Development Organisation (UNIDO), 296
- United States
 - 1778 treaty with France, 36
 - agricultural products, 142n.706

- dispute settlement, 263
 GPA, membership in, 216n.1036
 GSP preferences, 47
 industrial promotion policies, 24
 industrialization in nineteenth century, 25–26
 regional trade agreements, 186
 Uruguay, 142n.708, 362n.1847, 373, 375
 Uruguay Round, 8, 283, 362
 US – *Anti-Dumping and Countervailing Duties*, 88
 US – *Clove Cigarettes*, 222
 US – *Export Restraints*, 87
 US – *Gambling*, 168, 235
 US – *Gasoline*, 232–233, 236, 238–239
 US – *Hormones*, 255n.1253
 US – *Hot-Rolled Steel*, 107–108
 US – *Large Civil Aircraft (2nd complaint)*, 89
 US – *Line Pipe*, 127n.621
 US – *Poultry (China)*, 42, 43, 45
 US – *Section 110(5) Copyright Act (Article 25)*, 258
 US – *Shrimp*, 233, 234, 238, 243, 259
 US – *Sonar Mapping*, 214
 US – *Textiles Rules of Origin*, 209
 US – *Tuna II*, 223, 224
 US – *Upland Cotton*, 92
 US – *Upland Cotton (Recourse to Article 21.5)*, 260
 US – *Wheat Gluten*, 127n.621, 132
 US – *Zeroing*, 72
 US–Korea FTA, 210n.1007

 valuation for customs purposes, 33
 Vazquez, Tabaré, 373
 Venezuela, 362n.1847, 377n.1888, 380
 Vienna Convention, 66
 Vienna Convention on the Law of Treaties (VCLT), 188n.912
 Vietnam, 187n.911
 voluntary export restraints (VERs), 104n.493, 131, 135
 voluntary restraint agreements (VRAs), 104n.493, 131, 135
 voluntary shipping network, 396

 Wang, Shouwen, 322
 “Washington Consensus,” 22–23
Wealth of Nations (Smith), 20–21, 25
 welfare economics, 22
 West Africa, 344
 wines and spirits, 163
 Wire Act, 168
 World Bank, 230n.1108, 338, 347, 352, 415
 World Health Organization (WHO), 230n.1108
 World Organization for Animal Health, 230n.1108
 World Trade Organization (WTO), 3, 9–14
 Agreements, 9n.37
 Annexes, 10–11
 Article IX, 58, 59–60
 Preamble, 271
 balancing interests of developing and developed countries, 418
 disciplines/rules, 4
 dispute settlement mechanism, 244–269
 enforcement mechanism, 12–13
 Ministerial Conference, 271
 multilateral trading system, role in, 32
 organizational chart, 11f
 Reference Center program, 293
 regional trade agreements and, 190–192
 WTO Agreement, 4
 WTO Law, 4

 Xi Zinping, 326

 Yaounde Tripartite Declaration on the Implementation of the Social Protection Floor, 357
 yarn-forward rule, 210n.1007
 Yunus, Muhammad, 396

 Zambia, 377n.1888
 zeroing, 109–110
 Zimbabwe, 362n.1847, 377n.1888