

International Economic Law

Text, Cases and Materials

Reconciling all fields of international economic law (IEL) and creating bridges between disciplines in a conceptual as well as practical manner, this book stands out as the first modern, comprehensive international economic law textbook.

Containing a technically solid yet critically rich body of knowledge that spans disciplines from trade law to investment, from trade finance to fisheries subsidies, from development to the digital economy and other new-age topics, the book offers the widest possible coverage of issues in current international economic law.

Positioning IEL as a truly global practice, the comprehensive coverage includes various treaty texts, landmark cases and new materials, and is supplemented by case studies, real-life examples, exercises and illustrations. The case extracts and legal texts are selectively chosen, with careful editing and serious deliberation to engage modern law students. Mini chapters show examples of interdisciplinary interactions and provide a window into the future disciplines of international economic law.

Leïla Choukroune is Professor of International Law and Director of the University of Portsmouth thematic area in Democratic Citizenship. She is regularly approached as an independent expert on international economic law and business and human rights. Her research focuses on the interactions between international trade and investment law, human rights, development studies, jurisprudence and social theory. She has published numerous scientific articles, book chapters and special issues in English, French, Spanish and Chinese, and has authored more than ten books, including, recently, *Judging the State in International Trade and Investment Law* (2016), *Exploring Indian Modernities* (2018), and *Handbook of International Investment Law and Policy* (in press). She is the Editor of both *International Law and the Global South* series, and *Human Rights, Citizenship and the Law* series. She is also Associate Editor of the *Manchester Journal of International Economic Law*.

James J. Nedumpara is Professor and Head of the Centre for Trade and Investment Law (CTIL), established by the Government of India at the Indian Institute of Foreign Trade. In this capacity, he advises the government on international trade, investment and dispute settlement matters. He is currently on leave from Jindal Global Law School, where he joined as a founding faculty member. James received his PhD from the National Law School of India University, Bangalore, and holds graduate degrees in Law from the University of Cambridge, UK; the NYU School of Law, USA; and the National University of Singapore. He has appeared in various WTO dispute proceedings as part of the Indian delegation, including *India: Agricultural Products* and *India: Export-Related Measures*, and other dispute consultation proceedings. James has published widely in the field of trade remedy law, most recently, *Non-Market Economies in the Global Trading System: The Special Case of China* (2018).

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Leïla Choukroune , James J. Nedumpara
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Leïla Choukroune

University of Portsmouth

James J. Nedumpara

Centre for Trade and Investment Law, Indian Institute of Foreign Trade, New Delhi and Jindal Global Law School
(on leave)



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Preface

While discussing the fate of international economic law (IEL) during a conference in New Delhi in 2016, we both came to the same conclusion: it is time to see IEL presented in a coherent and integrated manner. The need to defragment international law and look at IEL beyond its technicalities is a pressing urgency. Students, academics and practitioners alike are lost in the meandering density of materials and technical norms deprived of general significance and full of hyper-specialism. How can we simplify this body of law without altering its content? How can we make this fascinating field of law easily approachable for students as well as the teaching and practising communities?

Both of us studied IEL when the field was relatively new and materials were few. But in recent times, the domain of IEL has grown at a speed and complexity that most of us, including experts, cannot keep pace with. The quest for coherence and integration hence informs this textbook. Our very aim is to provide the reader with a technically solid, yet also critically rich body of knowledge spanning disciplines from trade law to investment, from finance to fisheries subsidies, from development to the digital economy. This textbook touches upon and is informed by familiar and newer disciplines of international law. Firmly grounded in general international law, our vision is critical and interdisciplinary. It shows the interactions between disciplines as a reflection of the complexity of international relations and economic globalisation. It revolves around the State as the main subject of international law while also integrating other actors and participants. In addition, our vision is genuinely international in that it shows why and how IEL should not be a thing of the West or the dominating power anymore. It integrates the practices and conceptual approaches of the Global South and intends to participate in a renewed vision of international law.

The latest textbooks in our field are mostly specialised in a given subfield (trade, intellectual property, investment, trade remedies, etc.). There are other good textbooks in individual disciplines, but no other textbook covers such a wide canvas without losing an eye for the details. As surprising as it seems, no recently produced international economic law textbook shares our ambitions. Beyond the above general objectives, this textbook provides the reader with a sound, structured, yet original pedagogy. Texts, cases and materials are found as in other classic textbooks, but we have added a very large number of case studies, examples, exercises and illustrations, to make the reading thought-provoking and always engaging, even when addressing the law as it is. We have selected our case extracts and legal texts with careful editing and serious deliberation. Helping students, academics and practitioners to develop a critical mind and a taste for research has also been at the centre of our approach. This textbook is very much informed by our own research and scholarship. It can be read at

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different levels, from a simple informative perspective to a truly research-oriented one. In the same vein, we have made sure that the case studies and other legal developments speak to practitioners of international law and international economic law. For years we have advised governments, industry and civil society. Our technical approach, as well as the critical distance that we often take to address a particular issue, is based on pragmatism and the lessons we have learnt from our experiences. Working together, we drew insights from each other, and our combined strengths and perspectives have contributed to the rich array of materials presented in this book.

While this textbook can be read at different levels of specialism, it is also a very agile instrument for teaching and learning IEL. Each chapter, including the introduction, which provides the reader with a conceptual vision of IEL, can be used separately. The chapters are indeed precise enough to cover a given aspect of IEL. It is, as such, a great tool for students who do not need to buy additional resources, including treaty texts, for specialised courses. Yet the textbook forms a very coherent piece of work which opens perspectives and invites the reader to go further, as illustrated by our mini chapters in Part IV, each addressing important contemporary and interdisciplinary issues of IEL. An always evolving instrument, this textbook is also designed to stand the test of time in a fast-changing legal environment. It addresses IEL in a long-term perspective, giving the reader the keys to a deep understanding of contemporary realities informed by past experiences.

We hope to contribute to a new international law scholarship, genuinely international, dynamic, agile and open to all other disciplines and ideas.

James J. Nedumpara and Leïla Choukroune

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This textbook has been a long, fascinating and exciting journey, but also a tortuous and exhausting one, at times. This intellectual voyage would not have been possible without great support, renewed encouragement and professional assistance.

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We are humbled by all this support and wish to thank you all again.

Notes on the Text

The drafting of this textbook came to a close at the end of 2020. For updated data, please refer to the sources and references related to a given issue. For the sake of brevity, original footnotes and citations are not included in case and treaty extracts, unless absolutely essential.

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