SUMMARY OF CONTENTS

PREFACE TO THE SIXTH EDITION III

ACKNOWLEDGMENTS VII

TABLE OF CASES XXXV

TABLE OF WTO DECISIONS XXXIX

TABLE OF GATT, NAFTA, AND CUSFTA DECISIONS LI

TABLE OF U.S. ADMINISTRATIVE DECISIONS LIII

A NOTE ON STYLE AND ABBREVIATIONS LV

Chapter 1. An Introduction to International Economic Relations 1
Section 1.1 Interdependence, Globalization, and the Changing Fundamentals of the Bretton Woods System 1
Section 1.2 Overview, Purpose and Structure of the Book: Regulatory Approach 2
Section 1.3 Growth and Importance of International Trade 5
Section 1.4 Challenges and Policy Tensions of Changing Fundamentals of International Law and Economic Relations 8

Chapter 2. An Introduction to the Economics of International Trade 15
Section 2.1 Comparative Advantage and Gains From Trade 15
Section 2.2 Interference With Free Trade 22
Section 2.3 The Political Economy of Trade Policy 51
Section 2.4 Foreign Policy Goals and International Trade Policy 59

Chapter 3. The United States Constitution and Regulation of International Economic Affairs 65
Section 3.1 Introduction to Chapters 3 and 4 65
Section 3.2 The United States Constitution and International Economic Relations 70
Section 3.3 Trade Legislation in the United States: President and Congress Accommodate 82
Section 3.4 International Agreements and U.S. Law 103
Section 3.5 The Courts and Foreign Relations 121
Section 3.6 Federal–State Relations and International Economic Regulation 133

Chapter 4. International Economic Regulation in the European Union 157
Section 4.1 Introduction 157
Section 4.2 Introduction to the European Union 158

Section 4.3 The Force of EU Law in the Member States 164
Section 4.4 The Union's Power in External Commercial Relations 169

Chapter 5. International Law and International Economic Relations 183
Section 5.1 Introduction: What is International Law and Why Do Nations Utilize It? 183
Section 5.2 Certain Fundamentals of International Law 193
Section 5.3 International Economic Law 214
Section 5.4 The Bretton Woods System and World Economic Relations 220

Chapter 6. The Legal Structure of the WTO/GATT System 227
Section 6.1 Introduction: The New World Trading System 227
Section 6.2 GATT and Its Troubled History 230
Section 6.3 The World Trade Organization 236
Section 6.4 Decision–Making in GATT and the WTO 244
Section 6.5 Trade Negotiating Rounds 248
Section 6.6 Accession and Membership 254
Section 6.7 Effect of The WTO/GATT Agreements on Domestic Law 261

Chapter 7. Dispute Settlement 271
Section 7.1 Introduction 271
Section 7.2 Dispute Settlement in The GATT System 283
Section 7.3 The WTO Dispute Settlement Understanding 284
Section 7.4 Critical Issues in WTO Dispute Settlement 302
Section 7.5 Implementation and Retaliation Procedures and Remedies 370

Chapter 8. Border Measures I: Tariffs and Customs Rules 399
Section 8.1 Introduction 399
Section 8.2 GATT Tariff Commitments: The Bindings 402
Section 8.3 Customs Law 416

Chapter 9. Border Measures II: Quotas, Non–Tariff Barriers and Transparency 453
Section 9.1 Introduction 453
Section 9.2 Article XI 453
Section 9.3 Exceptions to Article XI 464
Section 9.4 State Trading 476
Section 9.5 Transparency and Proper Administration 488

Chapter 10. Nondiscrimination and the Most–Favored–Nation Clause 503
Section 10.1 Introduction 503
Section 10.2 The Most Favored Nation Obligation in GATT 511
Section 10.3 The Most Favored Nation Obligation in United States Law 529

Chapter 11. Free Trade Areas and Customs Unions 535
Section 11.1 Introduction 535
Section 11.2 The Article XXIV Exception 541

Section 11.3 Overlapping Obligations in WTO and PTA Law 556
Section 11.4 U.S. Participation in Regional Arrangements 566

Chapter 12. The National Treatment Clause 579
Section 12.1 Introduction.....579
Section 12.2 The National Treatment Obligation: The Basic Rule.....582
Section 12.3 Discriminatory Taxes: Article III:2.....593
Section 12.4 Discriminatory Regulations: Article III:4 607
Section 12.5 Government Purchases 629

Chapter 13. Article XX: The General Exceptions 635
Section 13.1 Introduction.....635
Section 13.2 Article XX(b)—Health Measures 638
Section 13.3 Article XX(d)—Enforcement Measures 648
Section 13.4 Article XX(g)—Conservation Measures.....653
Section 13.5 The Chapeau to Article XX 663
Section 13.6 Should Article XX Be Expanded to Cover Environmental Measures Generally?.....686

Chapter 14. Technical Barriers to Trade: The SPS and TBT Agreements.....697
Section 14.1 Introduction.....697
Section 14.2 The SPS Agreement.....703
Section 14.3 The TBT Agreement 721

Chapter 15. Safeguard Measures (the "Escape Clause") and Adjustment Policies 761
Section 15.1 Introduction.....761
Section 15.2 Rules and Procedures for Safeguards Cases.....765
Section 15.3 Critical Issues in Safeguards Cases 771
Section 15.4 Adjustment Assistance 825

Chapter 16. The Regulation of Dumping 831
Section 16.1 Introduction.....831
Section 16.2 Antidumping Laws: The Underlying Policy Issues 836
Section 16.3 United States Antidumping Law.....843
Section 16.4 The WTO Rules on Dumping 867

Chapter 17. Injury Analysis in Antidumping and Countervailing Duty Cases 901
Section 17.1 Introduction.....901
Section 17.2 Industry Definition 905
Section 17.3 Material Injury or Threat By Reason of Unfairly Traded Imports.....913

Chapter 18. Subsidies and Countervailing Duties 941
Section 18.1 Introduction.....941
Section 18.2 WTO Rules 952
Section 18.3 United States Countervailing Duty Law 1026

Chapter 19. International Trade in Services **1035**
Section 19.1 Introduction 1035
Section 19.2 Structure and Documents of the GATS System for Services 1046
Section 19.3 WTO Case Law on Services 1067
Section 19.4 U.S. Gambling 1079

Chapter 20. Trade Related Aspects of Intellectual Property Rights **1105**
Section 20.1 Introduction 1105
Section 20.2 TRIPS and WTO Developments 1111
Section 20.3 Infringing Imports 1154

Chapter 21. Linkages Between International Trade Policy and Human Rights, Labor Standards and National Security **1175**
Section 21.1 Introduction 1175
Section 21.2 Human Rights and International Trade Policy: Tension of Conflicting Goals 1178
Section 21.3 Labor Standards and International Trade Policy 1185
Section 21.4 Trade Controls for National Security and Political Purposes 1199

Chapter 22. Monetary Affairs and Trade Policy **1207**
Section 22.1 Introduction 1207
Section 22.2 The Trade/Exchange Rate Relationship Under International Law 1213
Section 22.3 Trade Measures for Balance of Payments Reasons 1217

Chapter 23. Trade and Investment **1231**
Section 23.1 Introduction 1231
Section 23.2 WTO and TRIMs 1233
Section 23.3 Investor Rights Under NAFTA 1243

Chapter 24. Developing Countries and the WTO System **1269**
Section 24.1 Introduction 1269
Section 24.2 The Evolution of WTO/GATT Rules for Developing Countries 1274
Section 24.3 The Generalized System of Preferences (GSP) 1284
Section 24.4 The New International Economic Order and the Charter of Economic Rights and Duties of States 1298

Chapter 25. Perspectives and Conclusions: A Challenging Future **1301**
Section 25.1 Introduction 1301
Section 25.2 Legal Rules or Government Discretion? Which is Best? 1302
Section 25.3 The WTO's "Constitution" and Its Weaknesses 1309
Section 25.4 Reflections on the Future of the Trading System 1316

INDEX 1323