International Trade Law

has been revised in its fourth edition, building upon the global successes of its predecessor editions. Truly a “world law” textbook applicable in any country, this edition offers a theoretical and practical approach to economics, politics, international relations, philosophy, and religion as they relate to international trade law. It may be used either in a two-semester sequenced course, or as stand-alone volumes for distinct one-semester courses. Additional highlights of the 4th edition include:

• Coverage of vital domestic trade legislation on trade sanctions and export controls
• Emphasis on rising powers such as India and China, and controversies involving Iran, North Korea, and Russia
• Technical every-day issues, such as dumping margin and net countervailable subsidization rates, and critical economic sectors, such as IP and services
• GATT-WTO law and free trade agreements (FTAs)

The fourth edition has been thoroughly updated with new chapters covering: ethics, trade adjustment assistance (TAA), American trade history, Indian trade law and policy, WTO accession, like products, trade and energy, technical barriers to trade, transparency (TBT), non-application and waivers, balance of payments (BOP) crises, GATT morality exception trade facilitation, sanitary and phytosanitary (SOS) measures, compulsory IP licensing, trade remedies against non-market economies (NMEs), currency manipulation, trade sanctions, export controls, labor and the environment, trade and climate change, development economics, and Africa.

Each chapter is manageably sized and offers a user-friendly structure, allowing the exigibility of choosing the chapters that best serve the needs of a professor’s individual course. The topics in each chapter help students establish a fundamental foundation upon which to build their knowledge of international trade law.

Comprehensive Teacher’s Manual available. Includes sample course syllabi, questions, and answers.

SUMMARY TABLE OF CONTENTS:

Volume One
FUNDAMENTAL OBLIGATIONS
Part 1  • Moral Foundations of Free Trade
Part 2  • Economic Foundations of Free Trade
Part 3  • Historical Foundations of Free Trade
Part 4  • Institutional Foundations of Free Trade
Part 5  • Adjudicatory Foundations of Free Trade
Part 6  • Product Relationships Essential to Legal Foundations of Free Trade
Part 7  • Legal Foundations of Free Trade: Five Pillars of GATT-WTO Law
Part 8  • Exceptions: Cracks in Pillars of GATT-WTO Law
Part 9  • Customs Law
Part 10 • Trade and Agriculture
Part 11 • Trade and Services
Part 12 • Trade and IP

Volume Two
REMEDIES AND PREFERENCES
Part 13 • Remedies Against “Unfair” Trade: AD Law
Part 14 • Remedies Against “Unfair” Trade (Continued): CVD Law
Part 15 • Remedies Against “Unfair” Trade (Continued): Causation in AD-CVD Cases
Part 16 • Remedies Against “Fair” Trade: Safeguards
Part 17 • Remedies Against NMEs
Part 18 • Unilateral Trade Remedies
Part 19 • National Security Protections
Part 20 • Rationales for FTAs
Part 21 • Common Legal Features of FTAs
Part 22 • Legal Commitments in FTAs
Part 23 • Trade and Labor
Part 24 • Trade and Environment
Part 25 • Preferences for Poor Countries

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In my experience, few books set a first rate standard for students and teachers alike. This Textbook does. Its interdisciplinary, non-western orientation, coupled with its coverage of time-honored precepts and contemporary issues, is a novel and timely synthesis.

Jagdish N. Bhagwati
University Professor (Economics, Law, and International Affairs),
Columbia University

I have followed this ambitious Textbook since its 1st edition, which I adopted at Columbia Law School. It presents the canon of International Trade Law, both theory and practice at the multilateral, FTA, and domestic levels. Having negotiated trade, environment, and human rights agreements for the U.S., chairing the U.S. International Religious Freedom Commission, and specializing also in Japanese law, I admire its coverage of trade-related “linkage” issues, and its emphasis on the Asia-Pacific region. It is a pleasure to endorse a work of such fine pedagogy, indeed, of serious scholarship.

Michael K. Young
President, Texas A&M University

This Textbook sets the standard for world-class excellence. First, it synthesizes law with international trade and development economics, explaining and analyzing vital insights and empirical evidence that affect trade law and policy everyday around the world. Second, it takes first and second best solutions seriously, covering not only multilateral trade liberalization in Volume One, but also free trade agreements and customs unions in Volume Two. Third, it moves well beyond traditional tariff and non-tariff barriers, to 21st century behind-the-border protectionist measures, such as technical barriers to trade, sanitary and phytosanitary measures, and state owned enterprise behavior. Fourth, it admirably emphasizes trade law and policy in developing and least developed countries, including India. For the serious student of the field, there simply is no substitute for this Textbook.

David A. Gantz
Samuel M. Fegtly Professor of Law and Director, International Trade Law Program
Rogers College of Law, The University of Arizona

This Textbook was an early leader in broadening the field to include a range of perspectives and disciplines. Such an approach is essential in today’s complex and diverse legal environment, in which Trade Law regulates a global economy and students may practice anywhere in the world. The book remains a standard in its incorporation of multiple paradigms, not only conventional efficiency-based Neo-Classical economics, but also compelling normative approaches to social justice. There is much here for any student, teacher, or practitioner, regardless of her approach to Trade Law.

Frank J. Garcia
Associate Dean for Global Initiatives and Professor of Law, Boston College

With this 4th edition of his Textbook on International Trade Law, Professor Bhala, one of the world’s leading scholars in International Trade Law, has produced something of very special value for and deserving of widespread attention by academics, law and economic students, policymakers, and professionals in the area. This Textbook most ably explains the technical details of the complex and expanding matrix of interdisciplinary subject-matter comprising International Trade Law, while simultaneously providing the ‘big picture’ from the perspectives of both the developed and developing countries. From the intricacies of dumping margin calculations and rules of origin, to the divergent concepts of trade theory, to the views of Saint Thomas Aquinas on the ethics of traders, to the special interests of the BRICS, its pages are a mastery of synthesis and of intellectual and practical nourishment. This Textbook clearly will be of enduring value, spanning classic GATT cases of the early 1950s to modern controversies like currency manipulation. Simply put, this exceptional Textbook is a work of exhaustive and balanced scholarship and of great added-value for all those interested in the Trade Law arena. My American and international students (and I) have greatly benefitted from Professor Bhala’s prior three editions, and we will do so even more with this brilliantly executed 4th edition. Already students from over 100 law schools around the world have been enriched by Professor Bhala’s prior edition, and I am fully confident this ‘global cadre’ will be further enlarged by this new edition.

Professor Joseph J. Norton, SJD, D. Phil, LL.D
James L Walsh Distinguished Faculty Fellow and Professor of Financial Institutions Law
Dedman School of Law, Southern Methodist University
Sir John Lubbock Professor of Banking Law, University of London (1993-2004)
Since NAFTA took effect in 1994, and the WTO in 1995, International Trade Law has become a far broader, deeper specialty than ever before. New initiatives such as TPP and T-TIP raise new challenging issues, such as protection for biologics and investor-state dispute settlement. This Textbook is comprehensive and up-to-date in covering both the enduring themes and the details. Here, students and teachers enjoy the flexibility to cover the entirety of the field, or focus intensely on topics within it. Either way, they will be richly rewarded by this very impressive work.

Gregory Shaffer  
Chancellor’s Professor, School of Law, University of California, Irvine

This Textbook sets an absolute standard for top quality. It is extremely well researched, well balanced, and well written. Especially impressive is its synthesis of key concepts from international trade and development economics, and political science, with classic and contemporary legal issues. From traditional tariff and non-tariff measures to emerging behind-the-border barriers, from safeguards cases to Section 337 litigation, there is no substitute for this Textbook.

Beau Jackson, Esq.  
Attorney, Adduci, Mastriani & Schaumberg, LLP, Washington, D.C.

It is rare to find a work on trade that is both comprehensive and truly international. I have relied on this Textbook both to teach and apply principles of trade and development. It is a significant contribution to the field, and will have an impact on the way Trade Law is taught and practiced around the world.

Katrin Kuhlmann  
President and Founder, The New Markets Lab  
Adjunct Professor, Georgetown University Law Center, Washington, D.C.

From Australia—

This book is what it sets out to be: Interdisciplinary and Non-Western. More than that, it is a book that encourages students to think. Sure, it works through all of the essential black letter law, the treaty provisions, and the case law across the entire field of WTO law, to help students become competent legal advisers. But, first of all, it exposes students to various perspectives on the objectives, functions, and impacts of the law with an especially thorough introduction to economic analysis of trade. Then, it continues that critical inquiry by incorporating into each topic references to examples, case studies, and stories that bring the black letter law to life. It encourages students to think about law in its political, historical, and economic context – and also about how international law meshes with domestic law and politics. The choice of examples and case studies avoids the traditional focus of scholars on the U.S.A. and the European Community, and succeeds in explaining Trade Law in a truly international way. Diligent students of this text will be left with an enduring sense of the importance of a legal system of trade relations, a conviction that this area of law really matters.

Dr. Brett Williams  
Williams Trade Law, Sydney  
External Lecturer in WTO Law, Faculty of Law, University of Sydney  
External Lecturer in WTO Law, College of Law, Australian National University (ANU), Canberra

From China—

There is a reason why I have prescribed this Textbook in jurisdictions all over the world, from the United Kingdom to Hong Kong. My students everywhere adore it, and I love it. The 4th edition is even better than its predecessor, with new chapters on balance of payments crises, climate change, export controls, trade adjustment assistance, and World Trade Organization accessions. The new chapter on ethics in trade practice, together with new chapters on the public morality exception under GATT Article XX(a), are sure to impress on students the importance of high standards of professional conduct. And when it comes to intricate matters like the interpretation of market access and national treatment commitments in the four modes of cross-border services supply in a GATS Schedule of Concessions, the explanations and illustrations provide simplicity without simplification. This Textbook is more than a laudable work of legal scholarship. It is a practical handbook for all who work in International Trade.

Gonzalo Villalta Puig  
Associate Dean (Research), Professor of Law, Vice Chancellor’s Outstanding Fellow of the Faculty of Law  
The Chinese University of Hong Kong, Hong Kong, SAR
From India—

India is the world’s largest free market democracy, and finally with this Textbook we have a work for students, teachers, and practicing lawyers that takes India seriously. Spread across its pages is balanced coverage of legal and policy controversies involving the country, and Subcontinent, such as compulsory licensing of pharmaceuticals, patent evergreening, public stockpiling for food security and Green Box reform, invocation of antidumping and countervailing duty remedies, reforms to trade, foreign direct investment, and foreign exchange laws, and strategies and tactics in multilateral and regional trade negotiations. Best of all, the Textbook conveys real passion for the subject.

Kishu Daswani
Professor of Law, Government Law College, Mumbai and Professor of Law, St. Xavier’s College, Mumbai

This Textbook is world class in part because it is so user friendly. Its explanations, graphs, and tables are accessible to students with no background in the subject, yet its insights and analyses engage even the most seasoned veterans. Its coverage of major emerging markets like the BRICS helps prepare students for new global realities. But, what makes this Textbook a masterpiece is its integration of economics, politics, philosophy, religion, and ethics with International Trade Law. As a result, the student not only gains technical understanding essential for success in practice, but also becomes a broad-minded scholar.

Dr. Anupam Jha
Professor of Law, University of Delhi

In a word, this Textbook is ‘courageous.’ It treats not only the most complex technical matters in International Trade Law, but also the most controversial topics in the field. It probes all sides of each issue, showing the reader the perspectives of competing constituencies in developed, developing, and least developed countries. Especially noteworthy is its sensitive, sensible discussion of human rights issues, including socio-economic, labor, and environmental matters, as they interact within the regime of International Trade Law. Does trade liberalization advance or undermine those human rights? Whether the reader plans a career in Private or Public International Law, this Textbook is indispensable.

Dr. Shashi Kumar
Senior Assistant Professor, Department of Human Rights School for Legal Studies, Babasaheb Bhimrao Ambedkar University, Lucknow

From Ireland—

I am happy to endorse this outstanding contribution to the growing number of works on International Trade Law. What distinguishes this work from its competitors is not only its comprehensive coverage of WTO law, but also its treatment of preferential trading regimes. It is also particularly rewarding to have a Textbook that moves beyond the legal content of trade to explore its economic, moral, and political dimensions, thus enriching understanding in this area. Moreover, it emphasizes the increasing need to be familiar with the emerging power of the Global South. A truly outstanding work.

Joseph A. McMahon
Dean and Professor, UCD Sutherland School of Law, University College Dublin

From Mexico—

I had the fortune to learn from this Textbook in its 2001 2nd edition, as a law student. It gave me and my cohorts the knowledge, skills, and inspiration to launch our careers, whether in trade or other specialties of international law. To have studied from it is a plus factor for anyone entering or shifting into the field. Now in practice for over 10 years as an international transactional lawyer, I (and many others) rely on the new editions of the Textbook for the big picture and key details. Its coverage of NAFTA, as well as “second generation” FTAs like Colombia, Panama, KORUS, TPP, and T-TIP, is unparalleled. Its use in conjunction with the Dictionary of International Trade Law (also by Professor Bhala) is efficient and rewarding.

Luis Fernando Gomar, Esq.
Partner, Thompson & Knight, Mexico City
From New Zealand—

As always, Raj Bhala offers thought provoking perspectives and fresh insights that show how and why the international trade regime has become so contested. This latest Textbook is a timely and important contribution to today’s debate about the philosophy, ethics, and outcomes that should shape this regime for the 21st century.

Jane Kelsey
Professor of Law, The University of Auckland

From Nigeria—

This Textbook is sorely needed throughout law schools in Africa, particularly Nigeria. When I did my LL.B. degree at the University of Nigeria in Nsukka, we did not have a course in International Trade Law. Only in LL.M. studies at the University of Denver, and later for my S.J.D. at the University of Kansas, did I encounter this Textbook. It was a wonderful revelation! The emphasis of the Textbook on special and differential treatment for poor countries, and attention paid to Catholic Social Justice Theory, is especially appreciated. Using this Textbook certainly will help build legal capacity in Africa. With this Textbook and International Trade Law introduced in law schools throughout Africa, and Nigeria in particular, African countries will acquire priceless skills for a redefined participation in international trade negotiations at the WTO.

Reverend Dr. (Father) Alphonsus Ihouma
Owerri, Nigeria B.A. Philosophy (Rome), M.A. Theology (Rome), LL.B. (Nigeria), LL.M. (Denver), S.J.D. (Kansas)
Chaplain, Mayo Clinic, Rochester, Minnesota

From the United Arab Emirates—

I myself learned the subject of International Trade Law, and fell in love with it, thanks to this Textbook while an LL.M. student at the University of Arizona, and then an S.J.D. candidate at American University (Washington College of Law). Now as Dean and Professor at Sharjah, my students use it, and I commend it to students throughout the Middle East and beyond. No other work treats Arab Islamic countries in the world trading system with such thought, vision, and hope. In addition to its insightful analysis of substantive topics, the quality of English writing is so high that even native speakers will improve their legal writing by perusing it. This Textbook inspires both the mind and heart.

Bashar H. Malkawi
Dean and Professor of Law, College of Law, University of Sharjah

From the United Kingdom—

This Textbook is the testimony of the intellectual prowess of a scholar’s scholar in the field of International Trade Law. The length and width of the subject are covered in clear, elegant prose, with topics organized and divided in a logical accessible manner that is a delight to read. Careful, indeed compassionate in the cosmopolitan spirit, attention is paid to problems faced by developing countries. Rightly so in the post-9-11 world, the link between trade liberalization and national security is highlighted, and the theme of ‘peace through trade’ is critically explored. This Indian-American, visible as he is in the field of rapid development, should take pride in serving the thankful world trade community with this enlightening and user-friendly Textbook.

Dr. A.F.M. Maniruzzaman
Chair and Professor of International Business Law, School of Law, University of Portsmouth