# Trade, Development, and Social Justice

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# Trade, Development, and Social Justice

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# Dedication

To Four Graces —

*Radjani, for taking me to Mass at 5:30 a.m. in Laos;*

*Joan, for the way you answered my phone call;*

*Father Hathaway, for welcoming me upon my unexpected arrival on your first day at St. John's;*

*And Most of All,*

*My Wife Kara, who through her quiet example leads a very Catholic life indeed.*

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# Preface

## Intended Audiences

Put succinctly, *Trade, Development, and Social Justice* is for ***law students and their professors, and for educated generalists, around the world who seek to learn more about the rules of the global trading system.*** There are ***no prerequisites*** for reading this book. *Trade, Development, and Social Justice* does not assume any prior knowledge of world trade, of law, of economics, of theology, or of any other discipline. The book is designed to be ***self-contained***, and at the same time to ***catalyze*** further study and debate.[1]

***There is no one "right" way to read this book.*** Its Parts are ***linked but severable.*** Thus, the book may be studied from cover to cover, as an educational experience. That is, *Trade, Development, and Social Justice* may be used as a primary or secondary textbook. That use may be in connection with a course or seminar in International Trade Law, Advanced International Trade Law, Trade and Development, Law and Development, Globalization, Regionalism, or International Legal Theory. Or, the book may be used as a reference, whereby parts, chapters, or sections of chapters are read independently from one another. That use may be in connection with a research paper, thesis, or practical project.

Likewise, ***there is no one "right" focus to have when reading this book.*** The focus may be at the technical level. Some readers may seek to learn about the "black letter" trade rules, the "nuts and bolts" of development economics, or the foundations of social justice theory. Other readers may be interested in the methodology. They may seek an illustration of synthesis, that is, of how these three fields—trade law, development economics, and theology—relate to one another. Still other readers may want only the "big picture." They may chose to concentrate on the thesis and the arguments. And, some readers may read the book with no particular focus in mind, waiting until later to see what most interests them.

Accordingly, ***what I have tried to do is provide a book that might generate broad interest in the legal education market among students and teachers seeking to explore the***

1. For the reader seeking additional, yet accessible, information on the concepts I borrow and apply, see James M. Cypher & James L. Dietz, *The Process of Economic Development* (1997), Monika K. Hellwig, *Understanding Catholicism* (1981), and *Malise Ruthven, Islam—A Very Short Introduction* (1997). Let me offer to the inquiring mind a biased recommendation for a text in international trade law: Raj Bhala, *International Trade Law: Theory and Practice* (2001), plus the accompanying *International Trade Law Handbook* (2001).

***intersection between international trade law and Third World economic development.*** The conventional academic approach to the intersection has been to ignore its existence. That is, lawyers have studied trade law, and economists have built development models. Ignoring the intersection has meant neglecting the arrival at it of another group: people concerned about justice. Those "people" are theologians, and philosophers too. Interestingly, some of them have been writing about the intersection of trade law and development for sometime.

In November–December 1999, at the Third Ministerial Conference of the World Trade Organisation ("WTO") in Seattle, loud and sometimes violent protestors told trade lawyers and development economists to re-think their comfortable intellectual boxes. To the critics, rigid categories — "law," "development economics," and (for that matter) "theology" — were components in an intellectual infrastructure for a trading system that is exploitative. Thus, the anti-globalization protestors challenged the WTO and its avatars to ***think laterally***, so that they might better appreciate the problems with trade rules. They still do. They demand to know whether trade law is doing all it can to reduce the gap between the First and Third World, and what justifications exist for inaction on legal reform.

This challenge to think laterally about trade and development has not gone away. Indeed, the challenge has become more pressing, simply because more and more law students, professors, lawyers, and policy makers are coming to the view that the single greatest threat to the world trading system and multilateral trade law is the giant and ever-growing gap between rich and poor countries. Traditionally, perception of that threat was more widespread overseas, especially in impoverished nations, than in the United States. However, particularly after the 11th of September, the threat seems to be appreciated more widely in the United States than before.

To what single-volume source can a law student or teacher go to learn about not just international trade law, or about not just development economics, but both as they relate to each other, plus gain an understanding of the claim of the anti-globalization movement that the law impedes development? Not enough, indeed, and maybe none. I have written *Trade, Development, and Social Justice* with this question in mind.

## On Multi-disciplinary Work

Is it at all plausible for any student, teacher, or practitioner to maintain that international trade law is just about trade? Consider these facts:[2]

- Bangladesh exports about $2 billion worth of goods to the United States a year. France exports about $30 billion worth of goods to the United States a year. But, the United States collects more tariff revenue from Bangladeshi imports ($331 million in tariffs paid) than from French imports ($330 million). Why?

2. *See* Edward Gresser, *Toughest on the Poor — America's Flawed Tariff System*, 81 Foreign Affairs 9, 13–14 (November/December 2002). The data are for 2001 and are from the World Bank's *World Development Indicators* and the United States International Trade Commission. In 2001, the value of exports to the United States from Bangladesh was $2.35 billion, from France $30.02 billion, from Cambodia $960 million, and from Singapore $14.90 billion.

Bangladeshi goods are stuck with an average tariff rate of 14.1 percent, while French goods are greeted with a 1.1 percent average rate.

- Cambodia's annual exports to the United States total nearly $1 billion. Singapore exports upwards of $15 billion to the United States a year. But, the United States collects almost twice as much tariff revenue from Cambodia ($152 million) as from Singapore (96 million). Why? The average American tariff rate on Cambodian goods is 15.8 percent, while on Singaporean goods it is 0.6 percent.
- Bangladesh and Cambodia are among the world's poorest countries. Their *per capita* gross domestic products are $370 and $260, respectively. France and Singapore are among the world's most developed countries. Their respective *per capita* gross domestic products are $24,170 and $30,170.

Given these facts — and many others I have not cited — the proposition is not plausible.

Simply put, international trade law is not just about trade anymore — if it ever was. My experiences in Bangladesh, Cambodia, Singapore, and France have reinforced my appreciation for the multi-disciplinary challenges facing students, teachers, and practitioners of this law. Those experiences have not made me equal to the task of meeting all these challenges, but they have motivated me to try — hence this book.

International trade law is about economics, including the development of impoverished economies in which billions of people eke by in hideously difficult circumstances. It is about justice, including claims in the anti-globalization movement that the trading system, specifically trade rules governing importation and exportation, are monstrous insofar as they perpetuate or exacerbate poverty in the Third World.

International trade also is about national security. A world in which so many countries have yet to develop advanced economies, and a world in which the fever against the "system" and its laws is so high, is not a safe world. The "have" countries trade goods and services largely among themselves, and peer rather uneasily at the "have not" countries, worrying about the mischief that might be fomenting in those countries. Think about how many senior American officials view Afghanistan, Iraq, Libya, North Korea, and Palestine, and the point is obvious: trade, through its relationship to poverty and justice, is about more than the prosperity we pass onto our children. It is about their safety too.

Not surprisingly, international trade is not a "dry" subject anymore — again, if it ever was. To be sure, every trade law (whether enacted or proposed) contains one or more "black-letter" rules. But, there is more to comprehend than just the rule, the strategy behind the rule, and the tactics involved in following the rule. Resonating in virtually every trade law are aspirations and fears of importers and exporters, of domestic industries and farmers, of regulators and consumers. Equally significantly, animating in almost every trade law is a theory and a practice.

Put simply, international trade is a multi-disciplinary subject. That kind of subject calls for an appropriate response, *i.e.,* one that is not narrow, but at the same time not so broad as to be unfocused, and one that is not dry, but at the same time not so forceful as to be polemical. This work is my effort at a response.

Notwithstanding what I have just said, I am rather suspicious of interdisciplinary work in international trade law. I worry it is an escape from the hard-to-master technicalities of the law — the very technicalities that make us international trade *lawyers*, as opposed to economists, philosophers, or international relations theorists. Eager to avoid confronting a convoluted statutory provision on dumping margin calculations, or

to gloss over a poorly drafted opinion of a WTO panel, it is tempting to seek refuge in someone else's house. The temptation is all the greater if the conversation going on in that house is rather subjective, impressionistic, and ultimately rather gaseous.

Thus, I have endeavored to include plenty of "black letter" law material on multilateral trade rules as they relate to the development of Third World countries. (By "multilateral" rules, I mean rules of the WTO and the General Agreement on Tariffs and Trade, or "GATT.") Yet, as I intimated above, this book is more than an amalgamation of expositions about details. This book is an interdisciplinary one. It represents a synthesis of three disciplines: international trade law, development economics, and theology. It uses relevant tools from great concepts in development economics, and theology to offer perspectives on a problem highlighted by the anti-globalization movement. It is a problem concerning the generosity (or lack thereof) of the trade laws that are supposed to help Third World countries.

Only in the discipline of international trade law could I possibly claim the status of "professional." As I tell my classes, I think the title of "student" is far more appropriate, because I always hope to learn and grow in the field. Be that as it may, it calls for a clear confession: I have formal academic training in development economics, and I am a largely self-taught theologian. That is, I am neither a professional development economist nor a professional theologian. I love these fields. I think them highly relevant to international trade law. But, in them roam many learned people far more qualified than me.

Thus, I familiarize myself sufficiently with the tools of these disciplines so I can use them with some positive contribution to analyzing the problem. I cannot gainsay the possibility that at times I misuse a tool, despite my best efforts. This risk is ever-present in interdisciplinary work. Purist professionals always will be able to say "no, you have not gotten this quite right."

I could reply that the professionals are no longer the keepers of their own concepts. Some development economists have marginalized themselves by endless econometrics. They have forgotten the great economists—from Marx to Keynes—were great observers of the real world. They are so mesmerized by regression analysis, game theory, and computer modeling they have forgotten just how much is learned from hanging out in a Third World marketplace and chatting with the locals. Some theologians have marginalized themselves with analytical and critical analysis remote from every-day problems of the church and the mosque. They write for, and speak with, just a handful of colleagues, and sometimes in a way that seems to do as much to undermine as to strengthen faith. Ironically, in the legal academy, great ideas from development economics and theology might stand a chance of regaining the vibrancy they once had in their home disciplines.

However, let me leave a protracted response to another forum. For now, it is quite sufficient to say no great intellectual advance is possible without taking risks. In borrowing from development economics and theology, I risk dropping a tool on my foot. But, in not searching through these tool kits for some useful assistance, I run a greater risk. It is the risk of forgetting what I have learned from my travels in nearly 40 countries: international trade law really is about much more than just law.

Supposedly, portions of that law are enacted to facilitate economic growth in the Third World. Supposedly, portions of that law are grounded on well-thought out philosophical, religious, or political premises. The great Third World-First World debate in international trade law demands a thorough understanding of the law of special and

differential treatment. But, that understanding leads naturally to the questions of how special and differential treatment relates to the theory of economic growth, and whether that treatment is just.

Put differently, the law student or professor would be rather poorly served if I merely regurgitated the basics of international trade law as it relates to the Third World. Without presenting a framework for analyzing this body of law, what value added would I offer? The reader might just as well go to the primary source materials and make an outline.

There is another point, which concerns fun. Development economics and theology are not just necessary tools for analyzing international trade law. They are fun tools with which to work. Far too little time in law schools is spent thinking about intellectual pleasure (aside from chatting in the halls about the pedagogical fancies of a professor, of course with a view to an examination). Many of our law students are teleological, not necessarily through their own fault. Reinforced or uncorrected by professors immersed in their own research, they take practical, bar exam-oriented courses, focus on high grades, joining a prestigious law firm, and start the great game of building small empires through billing plenty of hours. What is lost in all this is the enjoyment of learning new ways of appreciating and analyzing the international legal world—for instance, by using tools from development economics or theology. Ironically, what is forgotten is that understanding these paradigms actually does serve a teleological purpose—but a longer term, deeper one: wisdom.

## On *The Abolition of Man*

A favorite author of mine is C.S. Lewis, and his classic philosophical work is *The Abolition of Man* (1943). Of the two disciplines from which I have borrowed, I suspect the greatest controversy in the minds of law students, professors, and practitioners is provoked by theology. Familiar with the application of economics to law (though not necessarily development economics), the question will be: "Why bring religion into it?" I shall speak to this question again in the Summary. For now, a few observations in response are worth highlighting, which have to do with *The Abolition of Man*.

The question is consistent with one feature of contemporary academic culture, namely, to laud the mainstream. However, as one Jesuit theologian observes in discussing marriage and the family, "it has never been the Christian way to look first to what the world says."[3] My response to the question is the false premise on which the question rests, plus my determination to avoid self-censorship out of fear of political incorrectness.

In *The Abolition of Man*, C.S. Lewis exposed the false god of value-free analysis. No analysis is devoid of a normative premise. The very effort to drain out all subjectivity itself reflects a subjective belief that normative statements "ought" to be exposed and expunged. That effort, Lewis continued, has the nasty repercussion of hiding biases that motivate so-called "objective" research. My sense is that some quarters of the legal academy have forgotten about what Lewis teaches us in *The Abolition of Man*.

Yet, strangely, certain kinds of very obviously value-laden analytical frameworks remain acceptable in the legal academy: law and economics, critical legal studies, critical

3. Rodger Charles,S.J.,An Introduction to Catholic Social Teaching 20 (1999).

race theory, radical feminism, and post-modern de-constructionism leap to mind. Consider a brief passage from a renowned international trade economist, Professor Jagdish Bhagwati of Columbia, whose writings are widely quoted and discussed among international trade lawyers:

> . . . [A]n effective tariff-reduction strategy requires that we handle labour-intensive goods such as textiles separately from agriculture. . . . Labour-intensive manufactures in the rich countries typically employ their own poor, the unskilled. To argue that we should eliminate protection, harming them simply because it helps yet poorer folk abroad, runs into *evident ethical* (and hence political) difficulties. The answer must be a gradual, but certain, phase-out of protection coupled with a simultaneous and substantial adjustment and retraining programme. That way, we address the problems of the poor both at home and abroad.
>
> Once this is done, *church groups* and charities can be asked to endorse a programme that is balanced and *just*. Such a strategy is *morally more compelling* than either marching against free trade to protect workers in the labour-intensive industries of the rich nations — while forgetting the needs of poor workers in poor countries — or asking for trade restrictions to be abolished without providing for workers in such industries in the rich countries.
>
> The removal of agricultural protection does not raise the same *ethical* problems; production and export subsidies in the United States and the European Union go mainly to large farmers. That should make it easier to dismantle farm protection on the grounds of helping the poor.[4]

This passage is refreshing in its overt normative language, as highlighted. (The article also offers several compelling substantive insights.) It is heartening in its spirit, namely, to help the poor. But, the passage is disappointing in its lack of normative depth, which compromises the force of its advocacy for the poor.

What are the "evident ethical" difficulties? Why ought "church groups" to endorse a particular trade policy, and what is "just" about that policy? On what basis is one strategy "morally more compelling" than other strategies? Why is removal of agricultural protection free from "ethical problems"? Indeed, the last unanswered question suggests what may be an inherent contradiction between unrevealed normative principles.

On the one hand, eliminating trade barriers on labour-intensive goods is said to be morally unacceptable. Why? Because poor workers in rich countries would be harmed, even though these workers are richer then poor workers in poor countries. The unstated moral principle seems to be that no poor person, whether in a rich or poor country, ought to be harmed, but if the interests of one group of poor people have to be given priority, then it ought to be the interests of poor people in the home country.

On the other hand, eliminating subsidies for agricultural products is said to be morally acceptable. Why? Because the recipients tend to be large farmers in rich countries. Presumably, they are richer than farmers in poor countries. Now, the unstated moral principle seems to be that the interests of home-country farmers can be sacrificed, if they are large enough. Here is the contradiction: Priority is given to the interests of labour-intensive workers in rich countries, even though these workers are rich

4. Jagdish Bhagwati, *The Poor's Best Hope*, The Economist, 24, 26, June 22, 2002 (emphasis added).

relative to labour-intensive workers in poor countries. But, priority is not given to the interests of farmers in rich countries, even though they — too — are rich relative to farmers in poor countries.

Normative language, such as that highlighted in the above-quoted passage, are "politically correct" in the mainstream of the American legal academy. Thus, some books written by prominent authors, published by prestigious presses, and endorsed by renowned individuals contain only a narrow spectrum of normative discourse. *Free Markets and Social Justice* (Oxford University Press 1997), by Cass R. Sunstein, the Karl N. Llewellyn Distinguished Service Professor of Jurisprudence at the University of Chicago Law School, is one example. Despite its title, nowhere between the two covers is there a treatment of the great social justice tradition in Christianity. What lies between those covers are secular discussions of liberty, preferences, and distributions, plus a concession at the outset (p. 9) that "[w]hether free markets promote social justice is an impossible question to answer in the abstract." A reader looking for more than a revision of previously published articles and essays may wind up disappointed.

Why is only a limited type of normative methodologies permissible in the mainstream, but not concepts from the 2,000 year-old tradition of Christian theology? Why not, also, consider parallel concepts from the 1,400 year-old tradition of Islamic thought? These questions are all the more poignant, because many Christian thinkers and *ulama* (Islamic religious scholars) would not concede so easily that the question Professor Sunstein posed is "impossible." To the contrary, they would ask why only a certain degree and style of normative discussion is tolerated, even venerated, but teachings from the world's religious traditions are kept out of mainstream discourse? I suspect they would add that selective toleration in academic inquiry reinforces ignorance (if not prejudice) about religious faith,[5] and alienates intellectuals yearning to explore their academic specialty enlightened by faith.

The "bottom line" question is this: why eschew, even denigrate, theological concepts, when many research topics in the legal academy are precisely, or nearly so, the issues addressed by clergy of all faiths, everyday around the world? In posing the question this way, I am reminded of Abba Eban's experience at age 34 when, in September 1950, he presented his formal credentials as Ambassador of Israel to the United States to President Truman. The credentials Ambassador Eban carried with him were bulky documents, which were neither innovative nor gracefully written, and which were bound with pomp in leather. President Truman took them and said: "Let's cut out the crap and have a real talk."[6]

Surely, substantive argumentation in my field, international trade law, could be enhanced in areas like the question of "just" treatment of poor countries by referring to religious precepts. I am not counseling strict application of every such precept to international trade problems. I am saying only that many such precepts ought to be brought

5. Indeed, at least one recent poll suggests anti-Catholic attitudes remain relatively common in the United States. *See* Alan Cooperman, *Anti-Catholic Views Common, Poll Shows*, Washington Post, May 24, 2002, at A13 (reporting the results from a survey of 550 non-Catholic Americans in March 2002 conducted by Rev. Andrew Greeley, a priest and Professor of Sociology at the University of Chicago and University of Arizona, which include: (1) 73 percent think Catholics do whatever the Pope and Bishops say; (2) 52 percent believe Catholics are not permitted to think for themselves; (3) 83 percent agree Catholics worship Mary and the Saints, as well as God; and (4) 57 percent find Catholics statutes and images to be idols).

6. Abba Eban, Diplomacy for the Next Century 2 (1998).

into the open, and that we ought to be open to the possibility of enlightenment from them. For example, consider the policy prescription in the passage quoted earlier from Professor Bhagwati that tariff reductions ought to be immediate on agricultural products and gradual in labour-intensive goods. A consistent and well-grounded moral principle might be the following: we are to be charitable toward our neighbors (within or across our borders), just as we are charitable to ourselves. That would embody the Golden Rule articulated by Jesus: "Do to others whatever you would have them do to you."[7]

In turn, the latch closing off an entire theology from international trade law would be flipped open. What lies inside the theology to inform trade lawyers about how best to help poor people would be available. Might the Golden Rule approach suggest an unconditional preference for the poor? I shall take up this suggestion later on. For now, lest there be any doubt about the profound interest of theology in the "just-ness" of international trade rules, allow me to point out simply that the Holy See has official observer status at the WTO.[8]

## Disclaimer #1: Concerning Theology

Let me be clear about what I am ***not*** suggesting anywhere in the book. I do ***not*** mean to say there is such a thing as "Catholic international trade law," any more than there is "Catholic chemistry." Neither exists. As George Weigel points out in his masterful biography of Pope John Paul II, *Witness to Hope*, chemistry has its own truths, and there is a truth—the truth—known to the Church. At the Second Vatican Council, during the debate on *Gaudium et Spes* ("Joy and Hope," a key Vatican II document on which I draw), Karol Wojtyla, then Archbishop of Krakow, explained the effort to be made: to relate the truths of the hard sciences to religious truth.[9] That is the effort, with respect to international trade law, I would like to make here.

Let me also be open about another point. I am a practicing Roman Catholic. And, I am a great admirer of Islamic tradition. These influences are most evident in Parts Three, Eight, and Nine. To be sure, neither of these faiths was my heritage. Rather, the household in which I was brought up was heavily influenced by the Hindu and Sikh faiths. In retrospect, ignorance of Christianity, and prejudice against Islam, while not ubiquitous, occasionally were part of my childhood environment. These vices are not at all part of the proper interpretation or practice of either Hinduism or Sikhism. Overcoming them (or trying to) in my background is a long journey through the heart I have undertaken. This book is the major intellectual product of that journey.

However, this book is most definitely ***not*** about personal religious conversion—mine, or that of anyone else. As the Prophet Muhammad (PBUH[10]) said, "Will you then

7. Matthew 7:12, *in* The New American Bible 21 (Saint Joseph ed. 1991).
8. *See* www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm.
9. *See* George Weigel, Witness to Hope 168 (1999).
10. "PBUH" is an Islamic term of respect that customarily follows mention of the name of the Prophet Muhammad. It stands for "Peace Be Unto Him." To my mind, it is unfortunate that this acronym often is ignored by western writers. Having stated it initially, for reasons of economy, hereinafter I shall assume it implicitly in every reference to Muhammad. No disrespect is intended by this economy.

force men to believe when belief can come only from God?"[11] Nor is this book in anyway about self-appointment as role model. By no means am I a perfect practitioner of the Catholic faith. Nor am I an accomplished Islamic legal scholar, even though I teach the *Shari'a* as a major part of my course in Comparative Law. Like most on a similar spiritual journey, I struggle. I try to do so with cheer and gratitude, and mindful of Winston Churchill's definition of a "fanatic" as "one who can't change his mind and can't change the subject."[12]

My point is this book is about professional intellectual conversion. It is about trying out new thinking on a problem that has gripped me ever since my first visit to the Indian Subcontinent in the summer of 1974 at age 10: the scourge of poverty in the Third World. I regard it as an obligation, as well as a passion, to be informed and to inform others about the problem and possible solutions — especially given my present capacity as a teacher and writer.

An aspect of that new thinking is to acknowledge the multiple dimensions of a problem like Third World poverty. It is not merely an intellectual curiosity to be considered antiseptically and quantitatively. It is a matter of the heart. Here I speak of a different kind of matter of the heart than what I mentioned earlier. I refer now not to a journey through the heart to overcome childhood experiences, but to recognizing that religion, like economics, has a role to play in the design and implementation of international trade law.

My experience in the legal academy has been deeply satisfying in virtually every respect, save one: the reluctance of many of us in the academy, myself included, to diagnose and treat matters of the heart as such. This reluctance becomes all the more incongruous when our political leaders and even (a few) corporate chieftains talk openly about the application of religious concepts to policy and business problems, and about the effect of their faith on their approach to these problems. Religion is part of our public discourse, and a conscious factor in the way our best and brightest leaders position themselves on issues. Yet, we in the legal academy — unless we are teaching or writing in an area like the Free Exercise Clause — tend to leave it out.

To express this disappointment in slightly different terms, it seems that all too often matters of deep substance are transformed into supposedly neutral questions of procedure. That transformation occurs in the name of "democracy." Yet, the champions of this kind of "democratic process" forget not only what C.S. Lewis teaches in *The Abolition of Man*, but also what Pope John Paul II teaches in *Evangelium Vitae*:

> *Democracy cannot be idolised to the point of making it a substitute for morality* or a panacea for immorality. *Its moral value is not automatic but depends on its conformity to the moral law* to which it, like every other form of human behaviour, must be subject. *The value of democracy stands or falls by the standards which it embodies or promotes.*[13]

What seems to me to be lost in the exaltation of "democratic" procedure is a discussion of values informed — as it must be, directly or indirectly — by religion. Do we really mean to teach generations of law students not to examine their conscience on the professional dilemmas they will face in their career? In the context of my topic here, do

11. *Quoted in* Ameer Ali, The Spirit of Islam 212 (1902, rev'd ed. 1923), *also quoted in* Huston Smith, The World's Religions 256 (1958, rev'd ed. 1991).

12. *Quoted in* James C.Humes, Nixon's Ten Commandments of Statecraft 174 (1997).

13. John Paul II,Evangelium Vitae 70 (1995) (emphasis added).

we really believe the struggle against global poverty is not, in any sense, linked to larger conflicts within ourselves between self-giving and selfishness, humility and arrogance, energy and sloth, indeed, between good and evil?

Quite obviously, difficulties faced by less developed countries[14] in the global trading system are legal and economic in nature. But, the problems transcend what lawyers and economists can do resorting only to their own disciplines. The difficulties are problems of self-interest, even selfishness, or conversely, of charity. This observation is one that I have come to more through experience in working and traveling in nearly 40 countries over the past 15 years than from reading books. Thus, at bottom there are only two arguments for a more generous system of trade preferences for less developed countries — self-interest or charity.

Against all this stands a professional intellectual culture that tends to eschew normative analyses drawing overtly on religious tradition. Consider an observation from a Professor of English about research on Shakespeare:

> Recently, a number of scholars have revisited the question of Shakespeare's religious impulses. Scholars long ago accepted, perhaps begrudgingly, that religious belief can serve as a powerful stimulant for the creative process. Religious devotion contributes to art, music, and literature in manifold ways. Yet the recent attention given to Shakespeare's possible Catholicism is not a welcome development for many in the academic community. The dominant voices in that community, the avatars of postmodernism, generally ignore the religious dimension of art while concentrating instead on the holy trinity of race, class, and gender.[15]

As apparently is true in other parts of academia, in some law schools it is the heyday of separation of church and scholarship, as it were. However, the above-quoted English Professor suggests an important point. To divorce a writer from his religious attitudes or ambiance, even one as "universal" as Shakespeare, may be to read his works through a distorted lenses.

Likewise, I think that separation exalts the law to an undeservedly high position, and ignores the rich religious dimension that is in the base of nearly every legal culture. It puts pressing multi-disciplinary problems in a legal box and suggests lawyers can solve them using legal tools. I do not believe the gap between the First World-Third World in the GATT-WTO trading system can be filled simply with more laws and more lawyers. I think the legal tools have to be used in a way that is inspired enough to see that at stake is something greater than writing and implementing trade rules. For me, the Roman Catholic tradition offers that inspiration, though I readily appreciate that for others, different traditions provide the inspiration. The key point, for all of us, is not to deny or bury that source of inspiration, and consequently not to keep theological concepts out of our analytical tool kits. That inspiration is what leads us to open the kits and use the tools to build the good and knock down evil.

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14. For the most part, I use the term "less developed country" interchangeably with "Third World," namely, to capture low- and middle-income countries. No imprecision is meant here (nor, of course, any disrespect to the countries involved). Rather, it is a matter of simplicity and ease of expression. However, particularly with respect to the *Enabling Clause* (paragraph 8) and the special and differential treatment rules in the WTO agreements, it is necessary to distinguish between "less" and "least" developed countries.

15. Paul J. Voss, *Assurances of Faith: How Catholic Was Shakespeare? How Catholic Are His Plays?* 20 Crisis 35 (July/August 2002).

Of course, being open about this source of inspiration and the tools it yields does not mean I am trying to "do" theology. I am not. By no means do I presume, in my use of Catholic concepts—or for that matter, in my drawing of analogies to Islamic concepts—to offer any theological or doctrinal points about these concepts as such, or about Scripture, Sacred Tradition, or the Magisterium of the Church. That is a task for a professional theologian, which I am not. I seek only to show how powerful, versatile, and insightful these concepts are—and, indeed, how natural it can be to make use of them—by illustrating their extension to the context of global trade and Third World poverty.

Law professors are people too. I no longer think my role as an "objective" scholar or teacher obligates me to ignore this path—theology—for dealing with less developed countries in the global trading system. "Objectivity" never prevented me from using economic tools at any point in my career, and certainly it has not done so now. Parts One and Two make extensive use of them. Quite the contrary, I think the whole idea of "objectivity" is over-rated and riddled with hypocrisy and denial. Moreover, I think my role as a scholar and teacher obligates me to reveal possible applications of accepted theological concepts.

Why? Here, too, C.S. Lewis (an Anglican) gave the answer in *The Abolition of Man*:

> For every one pupil who needs to be guarded from a weak excess of sensibility there are three who need to be awakened from the slumber of cold vulgarity. *The task of the modern educator is not to cut down jungles but to irrigate deserts.* The right defence against false sentiments is to inculcate just sentiments. By starving the sensibility of our pupils we only make them easier prey to the propagandist when he comes. For famished nature will be avenged and a hard heart is no infallible protection against a soft head. (p. 433, emphasis supplied.)

In preparing this book, I have endeavored to take C.S. Lewis' advice about irrigation seriously. But, for the reader who still frowns or sighs at *The Abolition of Man*, take heart. Much of the book is about international trade law and development economics. You have free will to put the theology to one side, and to prefer other interdisciplinary approaches, or simply to focus on the "nuts and bolts" of the law.

## Disclaimer #2: Focusing on Preferences

This book is ***not*** a defense of all of international trade law against the criticism that GATT-WTO rules are "unjust" in their treatment of the Third World countries. Rather, it is an examination of one significant type of trade rules, and a consideration of whether those particular rules really are as "unjust" as many critics of the GATT-WTO system contend. To be more precise, there are a number of rules, contained in the 1947 GATT, and scattered about in various WTO agreements reached during the 1986–93 Uruguay Round, that provide one sort of preference or another to Third World countries. Collectively, these rules are called "special and differential" treatment (occasionally abbreviated "S & D" treatment). The focus of the book is on them.

To supporters of the global trading system, and of international trade law in particular, special and differential treatment expresses a kindler, gentler impulse to help Third World countries develop into robust trading nations. It does so, supporters argue, prin-

cipally by granting preferences, *e.g.,* duty-free treatment as opposed to most-favored nation ("MFN") treatment, and offering lengthy periods for phasing in obligations or phasing out trade barriers. Yet, to many critics of the global trading system, and of international trade law in particular, the special and differential treatment rules are crumbs that fall from the table at which major trading powers feast. To these critics, the crumbs are getting ever smaller, in that their value is eroding as the difference between the preferential duty rates they confer, on the one hand, and the MFN rates, on the other hand, narrow with successive rounds of trade negotiations.

To put use a canned phrase, I view special and differential treatment as "where the rubber meets the road." There is no better part of international trade law to see the commitment, or lack thereof, of the First World to helping the Third World in trade matters than in the negotiation, drafting, and implementation of these rules, and in their very nature. If the First World cares, then that care ought to be manifest through generous special and differential treatment rules. What is heard in many Third World countries as "preaching" about market liberalization by the First World ought to be accompanied by non-reciprocal commitments by the First World to eliminate, for example, tariff peaks on industrial products, and subsidies on agricultural commodities. In contrast, if a careful analysis of the rules reveals little unconditional generosity resonating in them, then perhaps views such as that expressed by (for instance) the European Union's ("EU") trade commissioner, Pascal Lamy, are more widespread than typically acknowledged. In December 2002, he dismissed resentment in southern Africa toward EU trade policy, saying it was a "psychological thing" to be blamed on the inability of Africans to overcome their colonial hang-ups.[16]

If there is something sadly realistic to the metaphor that special and differential treatment amounts to crumbs falling off a table, then one response might be to over turn the table, and get a new one. I am not ready to do that. It may be necessary, I concede, to look at the core rules of the GATT-WTO system that apply equally to all WTO Members, and to re-think their substantive content and actual operation. But, that is not my project now. Perhaps naively, I think it may be possible to see what can be done about sharing more of the food on the existing table with a larger number of Members. That is, I think there still is something to be gained by operating within the existing GATT-WTO paradigm, and taking a hard look at the rules that exist to help Third World Members.

I suspect I am not alone in taking this less-than-revolutionary attitude toward international trade law. Lest there be a doubt about the importance of special and differential treatment, or about why I focus on it, consider Oxfam's statement about the pivotal role it plays—or is supposed to play—in cross-border trade:

> *The concept of special and differential treatment is a fundamental element of the multilateral trading system.* It arose from a recognition that countries at differing stages of economic, financial, and technological development have differing capacities and needs. Since the end of the Uruguay Round, there has been a dramatic erosion of the principles underpinning special and differential treatment. Developing countries are now assuming obligations that are inconsistent with policies for poverty reduction. *There is an urgent need to return to some first principles on special and differential treatment*, in particular to en-

16. *Quoted in* Letter from Euan Wilmshurst, Director, Action for Southern Africa, to the *Financial Times*, *Facing Up to Africans' Resentment*, Financial Times, December 4, 2002, at 12.

> sure that there is no WTO prohibition on policies that promote growth and poverty reduction.[17]

Those "first principles" are found largely in the GATT itself. Later on, I identify precisely which rules constitute special and differential treatment. For now, let me point out that — contrary to what is sometimes thought or assumed by critics of international trade law — the universe of special and differential treatment is not confined to the Tokyo Round Enabling Clause and Part IV of GATT (Articles XXXVI, XXXVII, and XXXVIII), plus a few extended phase-in or phase-out periods in the Uruguay Round bargains. That universe is far larger than just these sources. Indeed, it is an expanding universe, with momentum from the Doha Ministerial Conference of 9–13 November 2001 and consequent Doha Development Agenda ("DDA").

## Disclaimer #3: Using the Term "Third World"

I use the term "Third World" ***not*** in any pejorative sense, but rather in an inclusive manner. As synonyms, I also use the terms "less developed country," "impoverished country," and "poor country." Again, I do not intend these synonyms to be pejorative. When appropriate as dictated by GATT-WTO law, I distinguish between "developing" and "least developed" countries. Again, I intend nothing pejorative by these terms. I eschew the short hand expression "LDC," because it can stand for "less developed country," or for "least developed country."

Notwithstanding the occasional legal GATT-WTO distinction between "developing" and "least developed" countries, the World Bank has a three-part classification scheme for all Third World countries: low-income countries; middle-income countries; and high-income countries. The World Bank draws lines to divide these classes with the marker of annual *per capita* gross national product ("GNP").[18] From time to time, the World Bank, other development agencies, or development economists adjust the lines. For present purposes, the exact values do not matter.[19] By "Third World," and its synonyms, I mean to capture all three categories in the World Bank's scheme.

Low-income countries are the so-called "poorest of the poor," with a *per capita* GNP of less than roughly $ 755. Except for the Maldives and Sri Lanka, all of South Asia — Afghanistan, Bangladesh, Bhutan, India, Nepal, and Pakistan — would be included. Many East Asian countries are included, such as Burma, Cambodia, Indonesia, Laos, and Vietnam. Virtually all of sub-Saharan Africa, with the most notable exception being South Africa, is considered "low income."

High-income countries are the best off, in terms of *per capita* GNP. The line to be in this happy category is $ 9,266. Most of the members of the Organization for Economic

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17. Oxfam, Rigged Rules and Double Standards — Trade, Globalisation, and the Fight Against Poverty 236 (2002) (emphasis added). Except for Chapter 4, the study was written by Kevin Watkins.

18. *See* The World Bank, World Development Report 2000–2001 — Attacking Poverty 334–35 (2000) (table entitled "Classification of Economies by Income and Region, 2000," and explanatory notes.)

19. I set forth the figures from the World Development Report 2000–2001.

Cooperation and Development ("OECD"), such as Australia, Canada, Japan, New Zealand, the United States, and Western Europe, are above the line. A number of non-OECD countries, including Israel, Singapore, and Taiwan, also are above the line. Arab oil-exporting countries such as Kuwait, Qatar, and the United Arab Emirates ("UAE") are considered high-income, but this fact suggests an important limitation on the category. Presence in the category does not necessarily mean possession of an industrialized economy. The Arab oil-exporters are very nearly one-commodity countries.

Clearly, the broadest band is the middle one—between $ 756 and $ 9,265 *per capita* GNP. It captures countries as diverse as China, at the lower end, and Chile, at the higher end. Thus, the World Bank divides "middle-income countries" into "lower middle-income" (*e.g.,* Bolivia, China, Egypt, Iran, Jordan, Kazakhstan, Russia, Syria, Peru, Indonesia) and "upper-middle income" (*e.g.,* Brazil, Chile, Hungary, Korea, Lebanon, Libya, Malaysia, Mexico, Poland, Saudi Arabia, and South Africa). Some upper middle-income countries are well along the path of industrialization, and thus are called newly industrialized countries ("NICs"). Brazil is a quintessential NIC.

# Acknowledgments

Unflagging in his support for my work ever since I entered teaching, and unequaled in his wise counsel on how to improve my work, is the President of Carolina Academic Press, Dr. Keith Sipe. It would not be too great an overstatement to say Keith plays a positive role in nearly every major happy event in my academic career. Just one example is this book. Its publication is due in no small measure to Keith's genuine intellectual interest in ideas, and to his courage as a businessman to publish provocative ones. That is a rare combination. Thank you, Keith.

I am grateful to the first individuals who examined and commented upon an early draft manuscript: three of my cosmopolitan and talented Research Assistants, Tiloma Jayasinghe and Probir Mehta, George Washington ("GW") University Law School J.D. Class of 2001, and Mohammed Zakirul Hafez ("Zakir"), GW LL.M. Class of 2000 and GW S.J.D. candidate. They represent three countries close to my heart, Sri Lanka, India, and Bangladesh, and the religions that have flourished in them for centuries—Buddhism, Hinduism, and Islam. Among the many helpful reactions they shared to earlier drafts, one stands out in my heart: their ability to relate some Catholic teachings to doctrines and practices in these other great religions. They were not telling me all religions are equal. They told me that applying Catholic concepts to problems of trade and development might not be so risky after all.

I am equally thankful to the next person who studied various early drafts of the manuscript and made many helpful suggestions, another Research Assistant with whom I have been blessed to work, Kara Deyerin. She engaged in this project not only as a member of the GW Law School J.D. Class of 2004, but also of the GW Elliott School of International Affairs M.A. Class of 2004. Thus, she brought to the project not only the technical experience of a trade professional, but also the agility of a globally-minded scholar.

While in Bangladesh in December 2001, I received strong reinforcement to apply Catholic concepts to issues of trade, growth, and injustice. Through the good offices of Zakir, and with the financial support of GW, I had the privilege of presenting an early draft publicly for the first time while on a lecture tour in that country. Bangladesh is not an insignificant venue. By population (roughly 130 million), it is the eighth largest country in the world, and the third largest Muslim country in the world (after Indonesia and Pakistan). Yet, it is slightly smaller than my home state of Wisconsin.

I presented the draft at the University of Dhaka Faculty of Law, Rajshahi University Faculty of Law, and the Asian University of Bangladesh ("AUB"). Dhaka is, of course, a famed institution dating back to 1921, Rajshahi dates from the 1950s, and AUB is the largest private university in the country. At all three venues, the attendees were nearly entirely Sunni Muslim. Rajshahi, in particular, has a concentration of who, by the western media, are called (somewhat misleadingly) "fundamentalists." I also had the honour

of discussing my research with the Ministers of Commerce, Law, and Agriculture, all of whom are Muslim, and one of whom (the Minister of Agriculture) is the head of the *Jamaat-I-Islami* Party.

In front of these Bangladeshi audiences, I neither hid nor trumpeted the theological tools of analysis. Likewise, I was plain about my faith. To my delight, the audiences — senior and junior law faculty, law students, distinguished practitioners, and top policy makers — strongly supported my attempt at synthesizing law, theology, and economics. After the lecture at Rajshahi, an economics professor, Dr. Mohammad Solaiman Mandal, excitedly handed me a copy of his book, which takes an Islamic approach to practical problems of Third World development: *Socioeconomic Development and Human Welfare — An Interdisciplinary Approach* (Uttoron Offset Press/International Institute of Islamic Thought 2000). It was a gesture of encouragement, not self-promotion.

To Bangladeshi audiences, of greatest import was the presence in the United States of law professors who care deeply about trade issues affecting their impoverished country. Bangladesh is one of the world's least developed countries with a *per capita* gross national product ("GNP") hovering in the range of U.S. $350 (or roughly $1,400 in Purchasing Power Parity terms).[20] As for using theological concepts, well, that was more than just a good idea. It was, if anything, an obvious intellectual move. After all, the Bangladeshi lawyers were schooled in the Islamic tradition in which the *Shari'a* is the law from Allah recited to the Prophet Muhammad (Peace Be Unto Him) by the Archangel Gabriel between 610 and 632 A.D. in the mountains of the Hejaz. To these lawyers, religion and law are intertwined, all the more so when the issue is how best to help poor people.

Put directly, to them, our failure to draw on a rich theological tradition bespeaks our intellectual poverty, as well as our reluctance to engage them in a profound dialogue. Lest anyone in the American legal academy fear that using Catholic theology to analyze the trade problems of less developed countries would be offensive to Muslims, my experience in Bangladesh stands as at least a partial rebuttal. How can I possibly describe in words the extraordinary goodwill extended to me in the lecture halls at Dhaka, Rajshahi, and AUB, and by leading cabinet-level Ministers? And, all this *after* the 11th of September.

Another post-September 11th blessing came by way of Professor John Head of the University of Kansas School of Law. He kindly arranged for an invitation to a *Kansas Law Review* symposium on globalization in February 2002. It was the first time in the western world I presented a portion of the manuscript dealing with theology and law. The response was tremendously encouraging, and the feedback was enormously helpful in improving the manuscript. John, and the editors of the *Review*, were generous not only in their hospitality, but also in the freedom they gave me to consider the application of theological tools to trade and development issues. I also thank them for allowing me to avoid "re-inventing the wheel" by using in Part Three material from *Theological Categories for Special and Differential Treatment*, 50 Kansas Law Review 635-93 (2002).

Likewise, I thank the *New Zealand Law Review*, and particularly Professors Neil Campbell and Scott Optican of the University of Auckland Faculty of Law, for their

20. *See* World Bank, World Development Indicators 2000, table 1.1 at 10 (2000) and *Virtual Bangladesh: Economy — Thumbnail Facts, Vital Statistics, and Key Indicators*, www.virtualbangladesh.com (visited December 2001).

support of this project. They procured excellent comments on my work on GATT Article XXIV:11, concerning special trade relations between India and Pakistan. And, they and the *Review* helped me avoid wheel re-invention by permitting me to use material first published as *The Forgotten Mercy: GATT Article XXIV:11 and Trade on the Subcontinent*, 2002 New Zealand Law Review, 301-57. The *Fordham International Law Journal* similarly assisted me, allowing me to use material from *Marxist Origins of the "Anti-Third World" Claim*, 24 Fordham International Law Journal 132–157 (2000). Scott, his colleagues on Auckland's Law Faculty, New Zealand's Legal Research Foundation ("LRF"), and the International Law Association ("ILA") also arranged for me to present the entire book at Auckland's historic Northern Club in March 2003. The timing of that event proved auspicious, as it occurred just as I received page proofs. Hence, the lecture and subsequent comments catalyzed a final round of modifications and verifications, all with "Kiwi" perspectives in mind!

As if these blessings were not enough, I received three others while nearing completion of the manuscript. First, in October 2002, Professor David Fidler of Indiana University School of Law (Bloomington) did me an enormous favor I did not expect—but only because I did not, at the time, know David better. Pressed with his important work on international public health issues, and their interface with international law, he read the manuscript and sent me an e-mail of five single-spaced pages of detailed comments. His critique demonstrated not only his interest in the substance and methodology I was trying to advance, but also his sincerity in having me advance them in a more persuasive fashion that would appeal to a wider audience. Almost immediately, I took his comments and began re-working several parts of the manuscript. I cannot say I got everything "right," but I can say I am grateful to David for pushing me to think harder and deeper about a number of issues.

Second, during the fall 2002, I had occasion to test all or parts of the manuscript at a variety of academic and practitioner settings in the United States and overseas. One of the most important such opportunities came in December 2002 at the World Trade Organization. Through the good offices of the Appellate Division, and supported by the Legal Affairs and Trade and Development Divisions, I lectured on the nearly-final draft of the book in one of the august meeting rooms, known as "Salon A." Through that WTO lecture, I received many encouraging and constructive comments on the draft. For example, I was reminded (rightly so) of the importance of clarifying the focus of my efforts even more than I already had. I was not trying to mount a defense of all of international trade law, but rather to focus on the debate about GATT-based special and differential treatment. That focus made sense. Such treatment is supposed to help the Third World. If it does not, then trade law is particularly vulnerable to the criticism of injustice. Moreover, in light of the uncertainties surrounding the Doha Round negotiations on a wide range of topics, including agriculture, intellectual property, and dispute resolution, broad focus on a "moving target" in this first edition of the book seemed unwise.

No less important than comments from the formal WTO lecture were the suggestions from informal meetings with many senior officials at the WTO, including the Director-General, Dr. Supachai Panitchpakdi, two members of the Appellate Body, and Ambassadors and Senior Counselors from the delegations of Nicaragua, Pakistan, and Saudi Arabia. I was delighted to learn from these experts of the need to inject into WTO matters greater emphasis than traditionally occurs in the realist ambiance of trade negotiations on the moral implications of international trade rules. They spoke from considerable experience, and sometimes frustration, with the gap between trade law "as it is" and "as it ought to be." Consequently, they welcomed academic works on trade and

development from more than a conventional economic standpoint. At times in my discussions with WTO officials, I was struck by a near-yearning for philosophical—and, yes, theological—approaches to dealing with the tension between the First World and the Third World, and for that matter, between the Islamic World and non-Islamic World. Of course, I do not pretend to have done much beyond attempting to be provocative in a way that might be constructive.

The third and final blessing in connection with the preparation of the book was my assistant at GW's International and Comparative Legal Studies Program, Ms. Silena Davis. Always cheerful, wonderfully calm, and very patient with my idiosyncrasies, Silena provided indispensable editorial corrections on the manuscript. She, along with my Research Assistant, Kara Deyerin, also built the index—not an easy or especially fun task.

With each successive publication, I grasp better what George Orwell meant in his essay, *Why I Write*: "I hope to write another [novel] fairly soon. *It is bound to be a failure, every book is a failure*, but I do know with some clarity what kind of book I want to write."[21] *Trade, Development, and Social Justice* has provoked this sentiment too. It is not simply that I am responsible for all errors, whether big or small, conceptual or technical. Of course I am. It is also that I feel more aware than before of the existence of such errors. For them, I ask forgiveness from the reader of the first edition, along with help for an improved second edition.

With all good wishes.
Raj Bhala
Auckland, New Zealand
28 March 2003

21. George Orwell, *Why I Write*, *in* A Collection of Essays 316 (1946) (emphasis added).

# Table of Abbreviations

| *Abbreviation* | *Full Term* |
|---|---|
| **ACP** | African, Carribean, or Pacific |
| **AD** | antidumping |
| ***AD Agreement*** | WTO *Antidumping Agreement, i.e., Agreement on Implementation of Article VI of the General Agree - ment on Tariffs and Trade 1994* |
| **AFTA** | ASEAN Free Trade Area |
| **AGOA** | African Growth and Opportunity Act |
| ***Agriculture Agreement*** | WTO *Agreement on Agriculture* |
| **ASEAN** | Association of South East Asian Nations |
| ***ATC Agreement*** | WTO *Agreement on Textiles and Clothing* |
| **BDC** | beneficiary developing country |
| **BOP** | balance of payments |
| **CAP** | Common Agricultural Policy |
| **CBM** | confidence building measure |
| **CTD** | Committee on Trade and Development |
| **CVD** | countervailing duty |
| ***DSU*** | WTO *Understanding on Rules and Procedures Gov - erning the Settlement of Disputes* |
| **EBA** | Everything But Arms |
| **EC** | European Communities |
| **EEC** | European Economic Community |
| **EU** | European Union |
| **FDI** | foreign direct investment |
| **FTA** | Free Trade Area |
| **GATS** | General Agreement on Trade and Services |
| **GATT** | General Agreement on Tariffs and Trade |
| **GDP** | Gross Domestic Product |
| **GM** | genetically modified |
| **GMO** | genetically modified organism |
| **GNP** | Gross National Product |
| **GSP** | Generalized System of Preferences |
| **Havana Charter (ITO Charter)** | Charter for an International Trade Organization |
| **HIPC** | Heavily Indebted Poor Country |
| **HS** | Harmonised System |
| **HTS** | Harmonised Tariff Schedule |
| **ICOR** | Incremental Capital-Output Ratio |

| | |
|---|---|
| **IFC** | International Finance Corporation |
| **IMF** | International Monetary Fund |
| **ITO** | International Trade Organization |
| **MFA** | Multi-Fibre Arrangement |
| **MFN** | most favoured nation |
| **MNC** | multinational corporation |
| **NAFTA** | North American Free Trade Area |
| **NGO** | non-governmental organization |
| **NIC** | newly industrialized country |
| **NIE** | New Institutional Economics |
| **NIEO** | New International Economic Order |
| **OECD** | Organisation for Economic Cooperation and Development |
| **OPEC** | Organisation of Petroleum Exporting Countries |
| **PBUH** | Peace Be Unto Him (referring to the Prophet Muhammad) |
| **PPP** | Purchasing Power Parity |
| **PTA** | preferential trade agreement (arrangement) |
| **RMG** | ready-made garment |
| **RTA** | regional trade agreement |
| **SAARC** | South Asian Association for Regional Cooperation |
| **SAFTA** | South Asia Free Trade Agreement |
| **SAPTA** | South Asia Preferential Trading Agreement |
| ***SCM Agreement*** | WTO *Agreement on Subsidies and Countervailing Measures* |
| ***SPS Agreement*** | WTO *Agreement on Sanitary and Phytosanitary Standards* |
| **TAA** | trade adjustment assistance |
| ***TBT Agreement*** | WTO *Agreement on Technical Barriers to Trade* |
| **TOT** | terms of trade |
| **TPA** | Trade Promotion Authority |
| **TPRM** | Trade Policy Review Mechanism |
| ***TRIMS Agreement*** | WTO *Agreement on Trade Related Investment Measures* |
| ***TRIPS Agreement*** | WTO *Agreement on Trade Related Aspects of Intellectual Property Rights* |
| **TVE** | town and village enterprise (China) |
| **UAE** | United Arab Emirates |
| **UNCTAD** | United Nations Conference on Trade and Development |
| **USTR** | United States Trade Representative |
| **VRA** | Voluntary Restraint Agreement |
| **WHO** | World Health Organisation |
| **World Bank** | International Bank for Reconstruction and Development |
| **WTO** | World Trade Organisation |
| ***WTO Agreement*** | *Agreement Establishing the World Trade Organisation* |