

Book Review: Yong-Shik Lee: Reclaiming Development in the World Trading System

Malkawi, Bashar H.

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Book Review: Yong-Shik Lee, Reclaiming Development in the World Trading System, Cambridge University Press (2016).

Reviewed by Bashar Malkawi, Dean and Professor of Law, College of Law, University of Sharjah, UAE.

In the decade since the WTO began to function, many questions have arisen about its impact on developing countries and their interests. The book comes at a time when the focus in international trade is on development and how to accommodate the interests of developing countries. Indeed, the Doha Round— the latest round of trade negotiations among the WTO membership— is dubbed the "the Doha Development Agenda" to improve the trading prospect of developing countries.

Right from the start, the author sets his objectives clear. The focus of the book is rather narrow. The main focus of the book is to examine every possible facet of the world trading system from a development perspective to advance economic development. Thus, the book title "Reclaiming Development". Lee sifts his years of experience with international economic law in search of an enhanced role for "trade and development". By importing detailed rules and cases within the WTO, he examines "development" from every angle.

The book does not immediately turn to its thesis. Rather, it sets out the broader legal background in the following chapters. The book starts with examination and analysis of the core principles of international trade law i.e. the most-favored-nation principle and national treatment. Since the GATT/WTO was established it has had an overloaded agenda. The agenda includes tariffs and subsidies, trade remedies, rules of origin, government procurement, technical barriers to trade, sanitary and phytosanitary measures, and the WTO dispute settlement mechanism. This book has chapters on each of these subjects. In this aspect, the book looks like many other books written on the WTO. However, the current book is not repetitive but rather fascinating for readers from different backgrounds in that it has a fresh look at the WTO. The book has a development-centric view of the world trading system.

Trade plays a major role in economic development. Providing trade preferences to promote developing countries exports may advance development, but other domestic initiatives can offer wider opportunities and gains for the export sector and whole economy. The second part of the book addresses regional trade and development issues in major regions, including Asia, Latin America, and Africa, as case studies to show how the international trading system has been adopted by developing countries in these areas to foster economic development. The conclusions in the final chapters are strong.

In this context, Professor Lee takes the view that the current WTO disciplines are not sufficient to facilitate development, and some of these provisions in fact prohibit developing countries from adopting effective development policies. A proposal has been made for a separate agreement on trade and development (ADF). The ADF would encompass the existing preferential provisions for developing countries and incorporate the proposals for facilitating development. This view, which is central for his book, is clearly explained. The author feels that it is necessary the trade rules

recognize and protect adequate policy space for developing countries. His support for this concept is founded on the unchanging hope that the regulatory framework of international trade would contribute to, rather than inhibit, the economic development of developing countries. The present reviewer cannot agree more with this argument. This is not a convenient political phrase but a serious debate that must be defined and expanded.

The present reviewer wished that the author focused on the work of the Committee on Trade and Development. Although this committee is not fundamental to WTO activities nevertheless its discussions and reports could provide future directions for the debate on development. In addition, the author briefly mentioned the One Belt, One Road (OBOR) initiative. Perhaps, further analysis was needed. In terms of scale or scope, OBOR has no parallel in modern history. The OBOR is envisioning a massive new network of inter-connected railways, roads, sea and airports throughout Asia, the GCC, and Africa and into Europe, substantially influencing the global economy. OBOR forms an integral part of China's aspirational ascendancy both in Asia and in the global context and "will be a catalyst for shifting power alliances and the changing fortunes of nation states. Finally, the present reviewer wished that the author dedicated a chapter to Arab countries. The book refers in varying degrees to trade and development initiatives in Asia, Africa, and Latin America. The book overlooks the Middle East an important region economically and politically. Arab countries have adopted the strategy of economic integration and engaging in world trade.

The book adds a fresh look at the WTO and broader international trading system. Greater thought is given to the reasons why economic development in developing countries has been successful and how the trading rules can change to accommodate the interests of developing countries. The book is a must read for any scholar or reader interested in exploring these issues in a clear and interesting style. Between the different editions of the book the unanswered question remains; when the WTO system - risking irrelevance- would enhance and effectuate its development provisions and initiatives?