

Law and Politics on Export Restrictions: WTO and Beyond

by Chien-Huei WU. Cambridge International Trade and Economic Law Series. Cambridge: Cambridge University Press, 2021. xxii + 284 pp. Hardcover: AUD\$110.00; eBook: USD\$88.00. doi: 10.1017/9781108953566

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Amid rising populist protectionism and the Covid-19 pandemic, export restrictions have become an intensely debated topic in law and international relations. While export restrictions have been mostly assessed through the lens of the national security exception under the World Trade Organization (WTO) regime, the legal issues go beyond the trade law dimension. Authored by Chien-Huei Wu, an Associate Research Professor at Taiwan's Academia Sinica, the book fills the gap in the existing literature by providing a comprehensive account of regulatory frameworks and case studies involving export restrictions.

The central thesis of the book is that the "export bias" of WTO agreements led to their focus on the liberalization of import restrictions rather than export restrictions. By examining the framework of export restrictions and pertinent concepts of export controls and restraints, the book unveils intertwined areas of WTO law, public international law, investment and competition law. Following the Introduction, Chapter 2 discusses core WTO agreements such as the General Agreement on Tariffs and Trade (GATT), the Agreement on Agriculture, and the Agreement on Safeguards. It also sheds light on WTO panel and Appellate Body reports on WTO-plus obligations of export restrictions in WTO accession protocols, and working party reports of China and Russia.

Chapter 3 reviews international instruments as well as US and European Union (EU) legislation on export controls. Additionally, it explains the changes of "targets" from the Soviet Union and Communist China to non-state terrorist groups. It features key cases including the US-Nicaragua disputes in the GATT era and *Russia - Traffic in Transit*, a landmark case in which the WTO panel ruled that the national security exception under Article XXI:(b) of the GATT should be subject to objective assessment and not self-judging in nature. Chapter 4 shifts the focus to the impact of export restrictions on the global supply chain. In addition to national regulations, the chapter analyzes US-Canada investment disputes, which address whether the export control regime constitutes performance requirements and expropriation. Chapter 5 concludes the book by highlighting emerging issues that arose from Covid-19-related export restrictions and Washington's enhanced export control against Huawei.

In my view, the book provides a valuable up-to-date reference for national and multi-lateral regulations on export restrictions. The detailed analysis of case law on export restrictions and the national security exception in trade and investment law particularly benefits academic research and legal practice. Its comparison between provisions on export licensing and duties under regional pacts, including EU Free Trade Agreements (FTAs) with Singapore and Vietnam, the Trans-Pacific Partnership, and the Association

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of Southeast Asian Nations (ASEAN)-China FTA, is critical to the rapid development of new Asian regionalism. Few academic texts have discussed this comparison.

Nevertheless, there are two minor drawbacks. First, while the title suggests “law and politics” on export restrictions, the book is short on political analyses of government decisions that underline geopolitical conflicts involving China, Japan, Russia, the United States, or the Taliban. The book, particularly Chapter 3, would be more interdisciplinary if it offered theoretical explanations for export restrictions that feature international political economy, an established discipline within political science. Second, in addressing export control regimes, the book predominantly underscores US and EU legislation, which form the basis for most of the legal compliance issues. Exploring pertinent regimes in the Global South, such as China and the ASEAN countries, and their economic impact would provide further evidence of the international salience of export restrictions. Undoubtedly, the lack of discussion on these issues may be the author’s selected omissions in order to keep the book concise and focused.

In sum, this book provides a clear, multifaceted roadmap to legal issues on export restrictions. It helps readers comprehend the complex and fast-growing evolution of export restrictions beyond WTO agreements and reinforces the scholarly nexus between trade law and public international law.

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International Investment Law: Reconciling Policy and Principle

by Surya P. SUBEDI. Oxford, Great Britain and New York, USA: Hart Publishing, 2020. 4th edition. xxxvi + 326 pp. Paperback: £41.99; eBook (PDF): £37.79. doi: unknown

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Surya P. Subedi, a professor of international law at the University of Leeds and member of the Institute of International Law, is one of the pioneers who takes seriously the conflicting interests of the two main participants in international investment law: foreign investors and host states. His emphasis on reconciling controversies surrounding these competing interests continues to manifest in his latest edition of *International Investment Law: Reconciling Policy and Principle*. Indeed, the key theme of this acclaimed book is “the challenge and the need to reconcile the law on the protection of foreign investments with other competing principles of international law” (p. v).

Offering a critical introduction to international investment law, this book contains eight chapters with concluding remarks. In contrast to other books on international investment law, this book does not begin by presenting a historical dimension of the field. Instead, its first chapter deals with fundamental changes and new trends in international investment law, especially the attempts to reform investor-state dispute settlement (ISDS) to strike a balance between competing principles of international law. It

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