Forward

FORWARD TO THE SPECIAL ISSUE ON "REVISITING 'EXCEPTIONS' UNDER INTERNATIONAL ECONOMIC LAW"

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The high importance of societal interests and values such as public morals, public health, the environment and national security are widely recognized as a core of public policies by each country. A government's implementation of its non-economic policy objectives, however, often raises a market protection concern due to its undesirable effects on free trade. As enshrined in "Exceptions" clauses, World Trade Organization (hereinafter "WTO") Members are allowed to choose trade-restrictive measures to respond to their special interests, but only subject to strict disciplines therein. For the WTO and its members, how to maintain the value of open trade, the special needs for preserving some eminent non-trade interests and the avoidance of the potential abuses in the context of "Exceptions" has always been challenging.

One of the current and imperative challenges the WTO is facing is the rising protectionism in the United States (hereinafter "U.S."). The imposition of tariffs of 25% and 10% on imports of respectively steel and aluminum products is a notable example. Relying on the section 232 of Trade Expansion Act, the U.S. grounded its import restrictions on allegedly national security protection. While the use of security exceptions in General Agreement on Tariffs and Trade (GATT) Article XXI remains to be explored, some actual implications ensuing the U.S. trade actions have occurred. For instance, in order to challenge the U.S.'s tariffs on steel and aluminum, several WTO disputes have been separately launched by China,

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India, Canada, Mexico, Norway, Russia, the European Union and Switzerland. The timing of these trade disputes highlights the importance of having a clearer and operative rule for a distinction between a legitimate national security measure and a disguised trade protectionism.

The WTO jurisprudence through its case-laws and treaty interpretations has provided some useful guidance for Members in the use of Exceptions. However, the evolving jurisprudence of the WTO is far from a perfection. Many undefined issues need clearer rules and more clarity, which can enable Members to respond to new emerging challenges such as global warming, diverse cultures and rising protectionism. Accordingly, we have decided to publish a special issue on revisiting "Exceptions" under international economic law.

Most of the papers in this special issue are authored by the members of Asia WTO Research Network (AWRN). Some papers are separately submitted to the journal. I am pleased that all the seven papers have been considered by peer-reviewers for their academic and practical values. As shown in this volume, the topics addressed in these papers include national security exceptions, public morality exceptions, Halal food-related exceptions, prudential exceptions and public interest exceptions. The contributors have not only provided their observations from the perspectives on trade in goods, trade in services and competition, but they have also extended their visions to the issues in the regional or country-specific contexts. The in-depth analysis and extensive coverage of the papers may be expected to make relevant problems clearer and more focused.

We hope that the readers of the Asian Journal of WTO & International Health Law and Policy (AJWH) will benefit from the discussions in this special issue in relation to the current debates on various "Exceptions" and their possible resolutions. We also hope that this special issue will contribute to finding a good balance between market access liberalization and the protection of non-trade values of high importance for the WTO and its Members.

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