

CHAPTER II

World Trade Organization in Economic of Developing Country

A. History of WTO

The establishment of the World Trade Organization (WTO) backgrounds is inseparable from the history of the World War II. At the World War II, the allies, especially the United States and Britain initiated the establishment of international economic organizations to fill international economic policies. The first goal of the initiative is in order to legitimate the Reciprocal Trade Agreement Policy; the legislation requires the obligation of reciprocity (mutual) for tariff reductions in trade. ¹The Reciprocal Trade Agreement act² provides policies to the President to negotiate tariff reductions. The second objective provides a legal framework to prevent conflicts, such as during the events of World War I and World War II. At the World War II, all countries use protectionist economic system that resulted in the delays of international economic relations.

The inhibition of international economic relations led to the deterioration and the impact of the economic recession in the world. The Efforts to restructure international economic relations were conducted through a conference that been organized in Bretton Woods, New Hampshire, United States, at the end of the World War II, which resulted in

¹ Huala Adolf.1998. *Hukum Ekonomi Internasional*, Jakarta: Rajawali Grafindo. p.20

² The program of the central government legislation United States as a form of amendments to the Smoot-Hawley, set the reduction in tariff rates of up to 50% within the scope of bilateral agreements.

several institutions such, the International Bank Reconstruction and Development (IBRD) and the International Monetary Fund (IMF). The conference, though intended in particular for monetary issues, realized the need for initiatives arrangements concerning trade in goods.³ This will be done through the establishment of the International Trade Organization (ITO). However, the United States Congress as the initiator of the ITO failed to reach agreement on the form of organization and the ITO operating system, it impacted on the ITO that was disbanded and in order to resemble it, the General Agreement On Tariffs and Trade (GATT) was established in 1947.⁴

WTO or the World Trade Organization is the only international organization that specifically regulates interstate commerce issues. WTO is a multilateral trading system governed by an agreement which contains the basic rules of international trade as a result of negotiations that have been signed by the member countries. The interstate approval was interaction forms that bind members to obey the government in the implementation of trade policy.

WTO was officially established on 1 January 1995. The general agreement on tariffs and trade made the rules for this system. From 1947 to 1994 the system of GATT or General Agreement on Tariffs and Trade, contains regulations concerning world trade and generate the highest growth in international trade. Nearly a half-century legal text of the GATT remained the same as in 1947 with several additions, including the consent form approved by some countries and efforts to reduce tariffs. Trade issues resolved

³ *Op.cit.*, Huala Adolf, p.20

⁴ Hatta,2006, p. 53-56

through a series of multilateral negotiations known as the "Round of Trade" or the Trade Round, in an effort to encourage the liberalization of international trade.

Along the way GATT has conducted some negotiations as follows:

1. The first negotiations (1947), held in Geneva, Switzerland.
2. The second negotiations (1948), held in Annecy, France.
3. The third negotiations (1950), done in Torquay, Switzerland.
4. The fourth negotiations (1956), held in Geneva, Switzerland.
5. The fifth negotiations (1960-1961), done in Geneva, Switzerland. Known as "Dillon Round".
6. The sixth negotiations (1964-1967), held in Geneva, Switzerland. Known as "Kennedy Round".
7. The seventh negotiations (1973-1979), held in Geneva, Switzerland. Known as "Tokyo Round".
8. The eighth negotiations (1986-1994), held in Geneva, Switzerland. Known as the "Uruguay Round".

The Eighth or Uruguay Round is considered to be one of the most decisive negotiations that determine GATT development in the future.

Uruguay is the round of negotiations that lasted the longest and included some adjustments that have broader aspects. It did not only discuss about the issue of tariffs and non-tariff, but also other issues that are classified as non-trade aspects such as intellectual property rights, and the interests of poor countries that must be considered.

Then, on the last negotiation is also endorsed an agreement to form a trade organization called the World Trade Organization, known by the WTO.⁵

In the process of its establishment, there were some disagreements about the establishment of the organization itself. United States prefer a contractual approach rather than organizational approach, because the US delegation concerned that if there is an idea to establish an international organization, the Congress would reject the overall results of the Uruguay Round as well as the Congress refused to establish ITO. Meanwhile, on developing countries, part the concerns about the new organization is that its movement and regulations would only benefit the developed and super power countries so it will be much weakened the developing and weak countries. Then, it is also being a concern that the WTO would only be a tool and a means to impose its will and wisdom of the developed countries. In general, these developing countries really want an existence of strong international trade institution in order to secure in balance between rights and obligations among the interests of all member countries.

As a reaction to the contradictions that happened between the developed and developing countries, on January 14, 1994 an agreement to establish WTO was formed to meet the objectives in the terms of improving the standards of living, ensuring full employment, developing income growth and the demand is high and stable, the expansion of the production of goods and services, while optimizing the use of existing resources in accordance with sustainable development objectives.

⁵ Alfonso, 1989, p.18-28

At the same time, it protects and conserves the environment and improves the ways of doing so in accordance with the needs and requirements of various different levels of economic growth. Then, in order to achieve these goals, it conducted the treaties that aimed at eliminating discrimination on international trade.

In addition to achieve the goal, the WTO was established to run several functions which been written on the article III of the WTO Establishment Agreement stated that the organization was formed to carry out functions as follows:

- a. To assist the implementation of the administration, and to improve the achievement of the objectives of the WTO agreements and the establishment of other multilateral agreements, related to WTO.
- b. As a negotiating forum between member states regarding the trade relations between them.
- c. As a dispute resolution forum between members.
- d. To monitor the trade policies of its members.
- e. To establish cooperation with the IMF and the World Bank and other organizations in order to create a better global economic policy.

In the early years, GATT trade round was concentrating in the term of negotiations on tariff reduction efforts. In Kennedy Round, were discussed the approval of tariffs and anti-dumping. Tokyo Round continued the GATT efforts to progressively reduce tariffs. The average results that obtained on one-third deduction of customs import / export against nine major industrial countries, which resulted in the average tariff on

industrial products down to 4.7%. Tariff reductions, which lasted for eight years, the higher the rate, the cut were more proportionally spacious.⁶

In other issues, the Tokyo Round failed to resolve major products related to agricultural trade and the establishment of a new agreement on "safeguards" or "emergency import measures". Nevertheless, a series of agreements on non-tariff barriers have appeared in various negotiations in some cases interpreting existing GATT rules. Furthermore, the Uruguay Round led to the creation of the WTO. The Uruguay Round took 7.5 years. The round almost covers all areas of trade. At that time, the round is likely to end up in failure. The end of the Uruguay Round brought great changes to the world trading system since the creation of GATT at the end of World War II. Despite the difficulties in the beginning of the discussion, the Uruguay Round provides real results. In just two years, the participants have agreed on a package of cuts import duties on products from developing countries, dispute resolution, and agreed that members provide regular reports on trade policy. This is an important step to increasing the transparency of trade rules around the world.

B. World Trade Organization Structure

The highest body in the structure of the WTO is the Ministerial Conference (MC) is a meeting of trade ministers of WTO member countries that held once in every two years. The Ministerial Conference shall have the authority to take decisions on all matters that negotiated in lower levels and define the issues to be negotiated in the future.

⁶ Paul R. Krugman, 1944, p.196-198

The structure under MC is the General Council (GC) which in charge for five (5) entities, they are:

1. Council for Trade in Goods (CTG), is the body which handles trade in goods, which oversees various committees plus the Working Group as well as the specialized agencies on the issue of textiles and apparel, called Textiles Monitoring Body (TMB).

Committee under the CTG is the Market Access Committee, Agriculture Committee, Sanitary and Phytosanitary committee, committee of Rules of Origin, Measures Subsidies and Countervailing committee, Custom Valuation committee, committee Technical Barriers to Trade, Anti-Dumping Practices committee, Import Licensing committee, and the Safe guard Committee.

2. Council for Trade in Services (CTS), only charge for one committee which is Trade in Financial Services Committee plus three Negotiating Group (NG), NG on Maritime Transport Services, NG on Basic Telecommunications and NG on Movement of Natural Persons. Coupled with the Working Party (WP), namely WP on Professional Services.
3. Council for Trade Related Aspects of Intellectual Property Rights (Council for TRIP's).
4. Disputes Settlement Body (DSB).
5. Trade Policy Review Body (TPRB).

In addition, there are also four committees due to the nature and substance of supervision is under the Ministerial Conference and General Council, they are:

1. Committee on Trade and Environment.
2. Committee on Trade and Development.
3. Committee on Balance of Payments.
4. Committee on Budget-Finance and Administration.

Under the General Council and the Committee there are two international bodies that deal with agreements that are plurality namely the Committee on Trade in Civil Aircraft and Government Procurement Committee, International Dairy Council and the International Meat Council.

International trade is very crucial in establishing the prosperity of the entire nation. WTO as an international trade organization is expected to bridge the interests of all countries in the world in the trade sector through the provisions agreed upon.

Through the WTO, launched a form of trade in which the activities of trade between countries is expected to run smoothly. In principle, the WTO is a means to push for a free trade orderly and fair in this world. In carrying out its duty to encourage the creation of free trade, the WTO imposes several principles that govern the WTO.

The most important among these principles, among others, through Rates Protection Principles, National Treatment Principle, Most Favored Nations Principles, Reciprocity Principle, Prohibition of Quantitative Restrictions Principle. The principle of Most Favored Nations is the main basic principles of the WTO which states that trade

policy should be implemented on the basis of non-discrimination that all countries should be treated on the same basis and all countries enjoy the benefits of a trade policy.⁷

C. WTO Basic Principle

In the development, the WTO has five (5) basic principles of GATT / WTO is as follows:

1. Equal Treatment of All Members (Most Favored Nations Treatment/MFN)

This principle is governed by Article I of GATT 1994, which requires all commitments made or signed in the framework of the GATT-WTO should be treated equally to all WTO members (the Principle of non-discrimination) unconditionally. A country is not allowed to apply different rates to the level of a country compared to other countries. On the basis of the principle of MFN, member states cannot simply discriminate against its trading partners. The desire of import tariffs granted to the products of a country should be offered to products imported from other member states trading partners.

2. Binding Rates

The principle is enshrined in article II of GATT 1994, in which each member state GATT or WTO should have a list of products or tariffs rate of import duty should be tied (legally bound). The binding of tariffs is intended to create credibility in matters of international trade or export business. That is, a member is not allowed to arbitrarily change or increase the level of tariffs.

3. National Treatment

⁷ Jackson, 1995, p.187

This principle is governed by Article III of GATT 1994, which requires that a country is not allowed to treat discrimination between imported products with domestic products (the same product) for the purpose of protection. This, among others, the domestic charges, laws, regulations and requirements affecting the sale, offer for sale, purchase, transportation, distribution or use of the product, which requires the setting of the amount of the mixture, processing or use of products in the country. Member states are required to provide the same treatment for the goods imported and local, at least not after the imported goods entering the domestic market.

4. The Protection Only Through Tariffs

This principle is governed by Article XI GATT 1994, which requires that protection of the domestic industry is only allowed through rate.

5. Special and Differential Treatment for Developing Countries

To increase the participation of developing countries in international trade negotiations, S&D set to be one of the principles of GATT/WTO. So as WTO agreements have provisions governing the special and differential treatment for developing countries. It is intended to provide easiness for developing countries members of the WTO to implement the WTO agreement.

GATT or WTO set a variety of exclusions from the following basic principles:

1. Regional Cooperation, Bilateral, and Custom Union.

Article XXIV of GATT 1994 allows WTO members to establish trade cooperation in regional, bilateral, and custom union as long as the commitment of each member of the WTO are not members of trade cooperation is not changed to the detriment of WTO member countries that are not included in the cooperation that trade.

2. General Exceptions

Article XX of GATT 1994 allows a country to conduct trade barriers by reason of protecting the health of humans, animals, and plants, importation of goods that are contrary to morals, forest conservation, prevent the trading of goods heritage or cultural value, the gold trade.

3. Anti-Dumping Measures and Subsidies

Article VI of GATT 1994, the Anti-Dumping Agreement and subsidies allow the imposition of anti-dumping duties and customs duties reward only those companies found guilty of dumping by getting subsidies.

4. Measures Safeguards

Article XIX of GATT 1994 and the Safeguards Agreement allows a country to impose quotas on imports of a product which is experiencing a surge in substantial adverse domestic industry.

5. Safeguards Measures to Secure the Balance of Payment

Prohibit the entry of a product that is proven to contain harmful diseases or infectious diseases that endanger the health of humans, animals, and plants.

D. Trade Agreement Substance of the World Trade Organization (WTO)

The phenomenon of today's world economy makes countries in the world are required to follow the trend of economic globalization which leads to globalize in terms of a summarize compression of the World in the economic field. Economic globalization is also increasingly being developed by the principle of liberalization of trade or other free trade agreements, has had an impact on the laws of each country involved in economic globalization and free trade. Therefore the current economic globalization and free trade was difficult to be rejected and must be followed. This is because of economic globalization and the free trade evolved through negotiations and international agreements.⁸

The implication of economic globalization toward the law can not be avoided. Therefore, law globalization is following the economic globalization. In a sense, the substance of the various laws and agreements spread beyond national borders (cross-border).⁹ In the view of Lawrence M. Friedman, who said the law was not autonomous, but otherwise the law is open at any time to outside influence.¹⁰ It is understandable that the economic globalization and free trade have caused a profound impact on the field of law. Countries in the world are involved with economic globalization and free trade, both

⁸ John Braitwhaite dan Peter Drahos, *Global Bussiness Regulation*, New York: Cambridge University Press, 2000, p. 23-24

⁹ Erman Rajagukguk, *Globalisasi Hukum dan Kemajuan Teknologi: Implikasinya Bagi Pendidikan Hukum dan Pembangunan Hukum Indonesia*”, Medan: Universitas Sumatera Utara, p. 4

¹⁰ Lawrence M. Friedman, *Legal Culture and the Welfare State: Law and Society, an Introduction*, Cambridge, Massachusetts, London: Harvard University Press, 1990, p. 89

developed and developing countries, even the least developed countries should standardize the laws in their economic activities.

The economic implications of globalization for the law can not be avoided. Therefore, globalization is the globalization of the economy following the law. In a sense, the substance of the various laws and agreements spread beyond national borders (cross-border). According to Lawrence M. Friedman, said the law was not autonomous, but otherwise the law is open at any time to outside influence. It is understandable that the economic globalization and free trade have caused a profound impact on the field of law. Countries in the world are involved with economic globalization and free trade, both developed and developing countries, even the least developed countries should standardize the laws in their economic activities.

WTO as the World Trade Organization is an international organization that generated in talks Uruguay, which was held within the framework of the General Agreement on Tariffs and Trade (GATT), which began in September 1986 in Punta del Este, Uruguay, and ended on 15 April 1994 in Marrakesh, Morocco. WTO began operating as an international organization on January 1, 1995. The WTO called a vital support for strengthening the economic cooperation of the world and is also known as one of the most important international organization in the field of international economy, in addition to other international organizations. This can be observed from the opinion of Peter D. Sutherland, former Director General of GATT which delivered at the World Economic Forum:

“Money, Finance and Trade have all to be treated in an integrated way. The Resources that can be mobilized by the World Bank in support of the Development of essential infrastructure and Enterprises are vital, especially to give a lead to promoting private sector initiatives. The IMF’s role of Monetary policy is crucial one. And the new WTO will – over and above all its other specific means of gauging the appropriateness effectiveness of micro-economic policies through their impact on Trade and consistency with multilateral rules.”¹¹

Nowadays, the substance that being handled by WTO are extended to include a new field that had not previously been included in GATT, as policy issues in the field of investments that have an impact on trade and services trade issues within the General Agreements on Trade in Services (GATS). Within WTO, agreed international trade agreements that must be obeyed by WTO member countries, with groupings as follows:

¹¹ Peter D. Sutherland, *Global Trade – The Next Challenge*, Davos: World Economic Forum, 28 Januari 1994

	Commodity	Services	Intellectual Property Right	Dispute
Basic Principles	GATT	GATT	TRIP's	DSU
Additions	Agreement on Goods and Attachment	Attachment Services		
Market Access Commitment	Commitment Schedules for States Member	Schedule Commitment of States Member (exceptions to the MFN principle).		

The agreements that occurred in the trade agreement under the WTO is primarily reduce barriers, either in the form of tariff and non-tariff barriers.¹² These barriers include customs duties and the imposition of the import ban measures or quantitative restrictions on imports through setting quotas on goods selectively.¹³ Since the establishment of GATT in 1947, it has been held nine rounds of trade negotiations.¹⁴ This negotiation round main goal is to negotiate issues of tariff reduction on imported goods.¹⁵ The results that have been achieved through these negotiations is the reduction of tariff rates on a

¹² Direktorat Perdagangan, Perindustrian, Investasi, dan HKI, Direktorat Jenderal Multilateral, Departemen Luar Negeri, *Sekilas WTO (World Trade Organization)*, ed.4, Jakarta: Dit.Perdagangan, Perindustrian, Investasi, dan HKI, Ditjend Multilateral, Departemen Luar Negeri, 2006, p.6

¹³ Ibid

¹⁴ Ibid

¹⁵ Ibid

regular basis on industrial products which range in percentage of 6.3% by the end of 1980.¹⁶ The era of development that arises in the aftermath of the 1980s, to encourage discussion about the constraints of non-tariff contained in the goods, services, and intellectual property rights.¹⁷

To encourage the participation of developing countries in the WTO agreement, then in the international trade agreements under this organization there are exceptions granted to developing and underdeveloped countries. Exceptions are mentioned in all the agreements agreed upon, known as Clause Special and Differential Treatment (S & D).¹⁸ Implementation of the provisions of special treatment to the developing and underdeveloped countries is often become obstacles in the trade negotiations due to the application of S & D would be strongly opposed by the developed countries that looking for a different treatment is considered to be more disruptive than beneficial.¹⁹

E. WTO Impact on Economic of Developing Countries

Since established, the roles of WTO are much more on controlling the economic policies of the member states. Inside the WTO forum, international trade agreements not only regulate the traffic of goods but also the services sector, intellectual property rights, and investment²⁰. Primarily, WTO also agreed on a system of dispute settlement in the

¹⁶ Ibid

¹⁷ H.S. Kartadjoemana, *GATT, WTO, dan Hasil Uruguay Round*, Jakarta: Universitas Indonesia Press, 1998, p.77

¹⁸ Joseph E. Stiglitz & Andrew Charlton, *Fair Trade For All – How Trade Can Promote Development*, Oxford: Oxford University Press, 2007, p. 88

¹⁹ John H. Jackson, et al., *Legal Problem of International Economic Relations – Cases, Materials and Text on the National and International Regulation of Transnational Economic Relation*, 4th edition, Minnesota: West Publishing Co, 1995, p. 1187

²⁰ Peter Va Den Bossche, *The Law and Policy of the World Trade Organization – Text, Cases, and Materials*, 6th edition, United Kingdom: Cambridge University Press, 2007

Dispute Settlement Understanding (DSU) that gives a legal right to member countries to oppose trade policies of other countries in terms of the policy result in losses.²¹

WTO member countries based on strict international trade policy could not longer be able to freely take international trade policies that are protective to its domestic industry such as providing subsidies and the provision of national charges on goods²². It can be concluded in this case the space for member states to provide protection or in relation to developing countries build national industries to be limited due to the country's sovereignty to determine the policy direction subjugated under WTO.²³

Based on these facts provide an understanding of free trade system applied by WTO, it has hampered the member countries rather than provide benefits for the development of the country. One example that can be taken is the fact that happened to Vietnam, Argentina, and Haiti.²⁴ Vietnam in early trade era in 2000 has not become a participant of the WTO. However, economic development conducted since 1980, currently has a high economic growth rate. In contrast, Argentina and Haiti is a member WTO, of the 1990s, economic growth turned out to not be improved even more likely to quit, increased poverty, foreign debt increased, which in turn give rise to considerable political dispute between the years 2000-2003.

WTO authority not only cause harm to the developing countries. With the implementation of the free market by the WTO, a lot of companies in developed

²¹ Huala Adolf, *Hukum Penyelesaian Sengketa Internasional*, edisi ke-2, Jakarta: Sinar Grafika Offset, 2006, p.132

²² Andreas F. Lowenfeld, *International Economic Law*, Oxford: Oxford University Press, 2002

²³ Stephen Woolcock, *The Multilateral Trading System Into the New Millenium*, dalam *Trade Politic: International Domestic and Regional Perspectives*, 1999

²⁴ Bruce Ross-Larson, ed., *Making Global Trade Work for People*, United Kingdom: Earthscan Publication, 2003, p. 27

countries are moving the industrial process to the developing countries that considered having a low cost level, resulting in a decrease of employment in industrialized countries, that create unemployment rates and higher levels of well-being declining in the long term. Overall, agreement in WTO only gave benefit for multinational companies with large capital. The main objective of the WTO to develop equitable economic development, at this time ruled by the free market development for multinational companies whose inclinations are companies of the group of developed countries such as United States, Japan, or the countries in continental Europe.²⁵

The disclaimers of the main goals due to the formation of trade agreements such as the Trade Related Investment Measures (TRIMs) and Trade Related Aspects of Intellectual Property Rights (TRIPs).²⁶ Based on TRIPs, multinational companies nowadays is not only can be a holder of a patent new inventions, but now multinational companies is also possible may hold intellectual property rights to products that are not categorized as an invention such as seeds or varieties of crops is very important for developing countries, the majority of which agricultural country. TRIPs trade policy mentioned above will complicate the developing countries to increase the level of its economy that relies heavily on agriculture, due to access to seeds and varieties to be limited, given the multinational company will sell its product as a commodity with a price on demand or market prices.

²⁵ A.F. Elly Erawati, *Globalisasi dan Perdagangan Bebas: Suatu Pengantar, dalam Aspek Hukum dari Perdagangan Bebas – Menelaah Kesiapan Hukum Indonesia dalam Melaksanakan Perdagangan Bebas*, edited by Ida Susanti and Bayu Seto, Bandung: PT. Citra Aditya Bakti, 2003, p.30-31

²⁶ *Op.cit.*, John Braithwaite and Peter Drahos

Based on this fact, environmental activists say that this is a violation of the rights of the farmers, considering the seeds of plants that have been patented by multinational corporations classified as genetic commons. Genetic commons is a plant seed that has been developed over a long time by farmers and developed traditionally, with a socialization process that is also traditional.²⁷ In addition to TRIPS, WTO agreements also do not accommodate the interests of developing countries are TRIMs. Prior to the implementation of TRIM, the principle of international investment is based on Chapter VII of the Charter of Economic Rights and Duties of States (CERD), which states the country has the sovereign right and responsibility to develop economically, socially, and culturally, the implementation is done by setting policies it can support its development objectives.²⁸ CERD in Article 2 paragraph 2 letter b, also specify a sovereign state has the right to regulate and supervise the business activities of multinational companies in the country to protect the economic and social sectors.

Two basic principles that implemented by CERN in essence determine the state's right to establish investment policies that are more directed to national development.²⁹ The implementation of TRIM has violated any policies that can be done by the state to carry out the national economic development. One activity that is prohibited is the provision about discrimination of national and foreign products. Most of the national industries in developing countries are classified as infant industry that in essence is an

²⁷ Vandana Shiva, *From Commons to Cooperate Patents on Life*, dalam Alternatives Task Force of the International Forum on Globalization, *Alternatives to Economic Globalization: A Better World is Possible*, edited by John Cavanagh, USA: Koehler Publisher, 2002, p.35

²⁸ Pasal VII Charter of Economic Rights and Duties of States

²⁹ Martin Khor, *The WTO and the South: Implications of the EMerging Global Economic Governance for Development*, dalam *Globalization versus Development*, edited by Jomo K.S dan Shyamala Nagara, 2001, p. 61

industry that is still in the development stage with low production levels. Unfair competition in this case was created because equality of treatment between infant industry and multinational companies with high levels of capital and production. Appropriately through CERD, developing countries can undertake the development of small industries, through subsidies or quota restrictions, but with the implementation of TRIM then it cannot be implemented.

Other agreements that also become as obstacles to national development of developing countries is an agreement in the field of agriculture that provides an exception enforceability of rules in the Agreement on Subsidies and Counter veiling Measure. Mentioned earlier in the majority of developing countries is a country that excels in agricultural products, but through agricultural agreements, the activity is inhibited, which is currently highly industrialized countries are still using a very high subsidies to protect the agricultural sector within the country.

In the 1994's GATT, does not specifically regulate the impact of free trade on the environment or the restriction of trade actions that would have a negative impact on the environment. Nowadays many member countries use environmental issues as one of the reasons for implementation of protectionist policy. One is as occurred in dispute resolution over the disputed DSB US - Shrimp that is based on the actions of the United States banned the import of shrimp from countries members of the WTO under the rules of Section 609 of US Public Law 101-162³⁰ that was captured by the way can kill turtles, Submission of the dispute resolution submitted by India, Pakistan, Malaysia, and

³⁰ WTO, *India etc versus US: 'shrimp-turtle'*, accessed https://www.wto.org/english/tratop_e/envir_e/edis08_e.htm on December 18th 2015

Thailand as the exporter of shrimp to the United States. A fourth argument is that the country is the US shrimp import ban is a violation of Article XI, GATT 1994, about quantitative restriction.