

# Articles

## EXPORT CONTROLS OF NATURAL RESOURCES AND THE WTO/GATT DISCIPLINES

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### ABSTRACT

*WTO/GATT system in previous time has not put much attention on export controls. However, export control issues are now becoming much more important and have attracted widely attentions in international trade.*

*This article firstly analyzes the reasons of trade nations to engage in the export controls through export quotas and export duties which are believed to be the typical forms of export controls. The result comes out with several reasons, such as scarcity of domestic supply, preserving nature resources, price policy, maintaining high level of international price of products, and national security concerns.*

*Secondly, this article discusses about the related disciplines under WTO/GATT. The crucial point of this part is focusing on whether imposing export restrictions are consistent with the provisions of WTO/GATT. The export control measures in question are export quotas and export duties, with each of them has different problems on regulations of the restriction and the applicability of the GATT provisions to such measures. In addition, this article provides three cases concerning export controls in discussing how the Panel and appellate body dealt with such issues.*

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*Thirdly, this article discusses about the applicability of voluntary export restraint agreement as an orderly export agreement, since after the Uruguay Round, such agreements in order to control the export of natural resources are deemed to be in violation of Article 11.1(b) of Safeguard Agreement.*

*Lastly, this article provides a proposal to the future regarding to the issues of export controls under international trade system, which suggests establishing an international mechanism to integrate regulation of export control.*

**KEYWORDS:** *export control, natural resources, scarcity, export quotas, export duties, MFN principle, Article I of the GATT 1994, Article II of the GATT 1994, Article XX of the GATT 1994, voluntary export restraint agreement, Article XIX of the GATT 1994, Safeguard Agreement*