

Trade, Law *and* Development

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Foreword
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TABLE OF CONTENTS

- I. INTRODUCTION
- II. CONTENTS OF THE ISSUE
- III. ACKNOWLEDGEMENTS
- IV. CONCLUSION

I. INTRODUCTION

Every year, the Board publishes two issues. A winter issue, which is a General Issue covering various aspects of international economic law; and a Summer Issue, which covers views of various authors on a particular theme. The theme is chosen through a transparent and democratic process. Recently, the Journal encountered several challenges, including a website hacking incident and administrative delays. In response, the Board has decided to adjust the schedule for upcoming publications. Following the release of the current issue, the winter issue will now serve as the Special Issue, and the summer issue will become the General Issue.

Over the years, this Journal has become a platform for scholars, practitioners, and policymakers to engage in a rigorous and thought-provoking dialogue on the intersections of international trade law and development. This Issue features a diverse set of articles that cover a wide range of topics related to international trade, including critical minerals, World Trade Organization (WTO) Dispute Settlement, and international investment agreements and environment.

II. CONTENTS OF THE ISSUE

We kickstart the Issue with our first article by Mr. Aditya Suresh. In this article, the author interprets the “standard of review” applied in examining scientific evidence

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within the framework of the WTO Dispute Settlement System. While considering the existing challenges and barriers encountered by the various stakeholders and legal mechanisms in assessing scientific evidence, particularly in grave circumstances such as humanitarian crises and the resultant impact on trade, the article seeks to address the critical issues with the standard of review applied by WTO Panels and the Appellate Body. The author posits that while some of the decisions arising from employing the standard have exhibited bias towards certain states, while others have taken intrusive measures, which in turn has led to suspicions on the credibility of the mechanism. The editorial team for this article comprised Priyanshu Shrivastava, Alka Nanda Mahapatra, and Akanksha Samantray.

Further, in the next article, Dr. Lorenzo Cotula examines the growing demand for minerals like lithium, cobalt, and nickel, driven by renewable energy needs and geopolitical competition. He highlights how international economic law, through treaties and non-binding frameworks, governs the extraction and trade of these raw materials. The author illustrates how a complex web of legal instruments, including trade agreements, national mining laws, and foreign investment protocols, regulates supply chains. The narrow focus on the energy transition, which often sidesteps deeper questions about sustainable production and consumption is critiqued. The article also explores international dispute mechanisms, referencing Indonesia's nickel export restrictions, which reveal tensions between supply chain security and multilateral trade rules. The author concludes by stressing the need to integrate sustainability and fair transition principles into global governance frameworks. The editorial team assisting Dr. Cotula comprised Priyanshu Shrivastava, Yug Gandhi, and Ishaan Pant.

In the next article, Professor Marc Froese offers a new take on trade retaliation and unilateral trade measures, which are increasingly being resorted to by countries in the multilateral trading system of a fragmenting and increasingly multipolar system. While retaliatory tariffs outside the WTO dispute settlement system may be traditionally viewed as a failure of the principle of reciprocity, the author presents an alternative perspective demonstrating that this is not always the case. The article examines the disputes in which retaliation was authorised by the WTO and discusses case-studies that demonstrate the complex outcomes of such retaliation. The conclusion underscores how extrajudicial retaliation reflects both a legal and political response to institutional breakdown, aiming to restore cooperation through reciprocity. The editorial team assisting Professor Froese consisted of Chathurya Srinivasan, Alka Nanda Mahapatra, and Aastha Gupta.

The next article by Dr. Yasmin Salama examines the disconnect between 'new-generation' investment treaties and their practical outcomes in investor-state disputes, focusing on the *Eco Oro v. Colombia* case under the Canada-Colombia Free Trade Agreement. Despite Colombia's citizen-empowering approach to protecting

ecologically sensitive páramos, reflected in both treaty commitments and constitutional framework, it faced an adverse ruling in an Investor-State Dispute Settlement tribunal, even though the investor lacked an environmental license. The author argues that this incongruity stems from two key factors beyond typical ISDS systemic issues: a misalignment between Colombia's objectives and the actual treaty language, including related clauses and state practice; and the limited scope of participatory mechanisms at the national level. These factors prevented Colombia from fully leveraging its people-centred reforms and establishing the company's misconduct as illegal under domestic law, illustrating how even well-intentioned "new generation" treaties may fail to achieve their intended balance. The editorial team assisting the author consisted of Simran Bherwani, Shambhavi Uniyal, and Bianca Bhardwaj.

Lastly, Ms. Victoria Trifonchovska traces the diffusion of legal norms related to Geographical Indications (GIs) from the European Union to China, focussing on the protection of GIs within the framework of the WTO's TRIPS Agreement. She argues that the EU's *sui generis* system of GI protection has been successfully transplanted into China's legal system, with China adopting key European norms on GI protection. She assesses the extent to which China has adopted, adapted, or resisted European GI norms, finding that China's legal approach to GIs largely mirrors that of the EU, particularly in the protection of unregistered collective marks and the assessment of similarity between GI products. Furthermore, the author provides recommendations for expanding the EU-China GI Agreement to include non-agricultural GIs and strengthen enforcement against counterfeiting and IP violations. The editorial team assisting the author consisted of Nivedita Sharma, Alka Nanda Mahapatra, and Thejas Velaga.

III. ACKNOWLEDGEMENTS

The Journal has been fortunate for having support from various quarters. We would like to extend our gratitude to our patron, Prof. (Dr.) Harpreet Kaur, the Honourable Vice Chancellor of National Law University, Jodhpur for her constant support. We would like to thank the Registrar who has been instrumental in ensuring administrative approvals for the Journal are processed in a timely and efficient manner. We would also like to thank the Head Librarian of the University, Mr. Vinod D., for his invaluable assistance in managing our database of subscribers, and in helping us maintain the accountability of our subscriptions.

We would be remiss if we did not express our heartfelt gratitude to Dr. Bipin Kumar, the Faculty-in-Charge of the Journal. Dr. Kumar has been a cornerstone of the Journal's continued success by providing unwavering strength and support. He has always ensured we had the requisite financial and administrative support we needed to function effectively.

We are extremely thankful to our Consulting Editors, who have been pillars of support to the Journal. They have helped us navigate a plethora of challenges that come with managing a journal. We have benefitted immensely from their advice and recommendations.

Finally, thanks are due to the editors on the Board, who have worked tirelessly to ensure that this issue sees the light of the day.

IV. CONCLUSION

The publication of this Issue also marks the end of our tenure as members of the Editorial Board. Having been associated with the Journal for over four years has been an incredibly rewarding experience for us. Admittedly, managing the Journal and dealing with the myriad challenges that come with it was not easy and constantly kept us on our toes to keep up with the lofty standards that the Journal has maintained.

However, this was also the activity which helped us learn the most and allowed us to be a part of this incredible community. We are now passing the baton of Editors-in-Chief to Chaturya Srinivasan, Priyanshu Shrivastava, and Simran Bherwani, all of whom have been tremendous editors on our Board. We are also pleased to announce the appointment of Samiksha Lohia as the Managing Editor. We are confident that these Editors will keep up the stellar work that they have done so far, to take the Journal to new heights and for that, they have our best wishes!

On this note, we sign off and thank everyone who has made it such a wonderful experience for us!