

Cite as: 11 TECH. L. REV., June 2014, at 75.

The Export Quantitative Restrictions on Natural Resources: The Policy Concerns and the Justifications

Ching-Wen Hsueh^{*}

Abstract

In the past, the trade barriers to the exports were not common in practice. However, the raw materials can not always meet the global demands as a result of climate change or the increasing demands from the newly industrialized countries. The shortage of raw materials leads to the increase of export restrictions. Besides trade concerns, there are different policy concerns for export restrictions, such as food securities or preservation of natural resources, based on which the restrictions could be justified. The export restrictions on natural resources could be justified by Articles XI: 2(a) or XX(g) of GATT. The applications of these provisions would be reviewed and the focus would be the balance between the protection for free trade and other policy needs of the members.

Keywords: Export Quantitative Restrictions, The Scope of GATT XI:1, General Exceptions, Essential Product, Exhaustible Natural Resources, Necessity Test

^{*} Assistant Professor, Institute of Technology Law, National Chiao Tung University; Dr. iur., University of Cologne, Germany.