

CONTEXTUALIZING PAKISTAN IN THE WTO DISPUTE SETTLEMENT SYSTEM

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Abstract

This paper shows that Pakistan, a developing WTO country member, has small trading profile in relation to global trade. Its exports to international markets are limited both in variety and volume, yet these exports are playing pivotal role in the economic and overall development goals of the country. This, in turn, signifies the using of WTO dispute resolution mechanism for Pakistan in challenging foreign trade barriers effectively. However, since its WTO membership in 1 January 1995, in over 22 years, Pakistan has participated limitedly in the WTO dispute system. To date, the country has filed just five WTO complaints. This number needs to be increased by Pakistan in the future, in order to benefit fully from the system.

Keywords: Developing Countries, Disputes, Pakistan, WTO Dispute Settlement System

Introduction

Pakistan has a weak economy that is heavily dependent on financing from the International Monetary Fund (IMF).¹ Since 2001, Pakistan has also been engaged in the 'War on Terror' against the Taliban as a close ally to the United States (US), which has led to further deterioration of its economy. Within a span of 12 years, from 2001 to 2013, the country has sustained deficits of almost US\$100 billion due primarily to this conflict.² According to the United Nations Development Programme (2015), with a Human Development Index (HDI)³ value of just 0.538 in 2014, Pakistan is positioned 147th out of 188 countries, lower in rank than Bangladesh, a least developed country, and falls in the category of low human development.⁴

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Pakistan is also one of the founding developing country members of the *General Agreement on Tariffs and Trade* (GATT) 1947⁵ and World Trade Organization (WTO).⁶ It has argued that it is significant for WTO member countries, including its developing country members, to use the WTO Dispute Settlement System (DSS) effectively to redress inconsistent-WTO foreign trade measures, since exports matter greatly in the context of their trade, economic and development objectives. Given so, this article explains Pakistan's export trade profile, and its role in the nation's economy and development, in order to identify the importance of Pakistan's participation in the WTO DSS. It then presents an overview of Pakistan's participation or engagement in the WTO dispute system to determine whether it is an active user of the system.

An Overview of Pakistan's Economic/Geographic Trade Profile & Importance in WTO DSS

Pakistan is characterized by its diverse economy, dominated by three major sectors: agriculture, industry and services. While the services sector constitutes the major source of economic growth of the country, accounting for 58.8% of GDP in 2014–15,⁷ the country's commodity sector is of more significance from an export perspective.

The commodity sector, both agriculture and industry, is the other significant component of Pakistan's economy, and they jointly comprise 41.2% of the nation's GDP in 2014–15.⁸ Agriculture is the main source of livelihood for the country, and plays a key role in the nation's export earnings. It is the major source of raw materials for industry, and in turn, for the nation's exports. It contributed 20.88% of GDP, and accounted for 43.5% of employment in Pakistan in 2014–15.⁹ Its major sub-sector is livestock, which contributed 56.3% to the agricultural value added and 11.8% to GDP in 2014–15.¹⁰ Crops are the second-most important sub-sector of agriculture, and accounted for 39.6% of value addition in the agriculture sector and 8.3% of GDP in 2014–15.¹¹ Cotton is the main source of raw materials in the country's textile industry, the largest component in the manufacturing sector, as well as a major exporter of the country.¹² Other important crops, such as wheat and rice, also contribute to exports and foreign exchange earnings by accounting for 10% and 3.2% of agricultural growth, and 2.1% and 0.7% of GDP, respectively, in 2014–15.¹³ Additionally, Pakistan is also endowed with

substantial mineral resources, particularly in Baluchistan Province, which include precious metals, industrial minerals, rock salt and coal.¹⁴ However, due to a lack of law and order in that Province, the absence of infrastructure and the shortage of technical capacity, these reserves have not been utilized to their potential to date.¹⁵

Industry that relies heavily on agricultural raw materials is the third major component in the country's economy. The industrial sector produces 20.3% in the country's GDP and plays an important role in employment.¹⁶ Its largest sub-sector is the manufacturing sector, which comprises 65.4% of the industrial sector, and contributed around 13.3% to the GDP of the country in 2014–15.¹⁷ The textile industry is the country's largest manufacturing sector, and dominates Pakistan's exports.¹⁸

Trade liberalization is described as “an important part of Pakistan's development and poverty-reduction strategy”.¹⁹ However, the country enjoys a modest trading profile. It is a relatively small global trader, with a share of just 0.15% in world's total exports in 2014–15, ranking it 68th globally in world trade.²⁰ Additionally, its exports are heavily reliant on a single sector, the textile industry, which is the country's largest manufacturing sub-sector, contributing about 8% to the nation's GDP.²¹ That textile sector provides employment to around 40% of the country's industrial labor force, and contributes about 50%–60% of Pakistan's total exports.²² Rice and leather, the second and third-largest exporting sectors of the country, accounted for just 8.8% and 5.1%, respectively, of total exports of the country in 2014–15.²³

The rest of the country's exports comprise sugar, fruits, vegetables, jewellery, cement, and fish (including fishery) products, which individually contribute a very small share to national exports. Together, these accounted for 30.7% of Pakistan's total exports in 2014–15.²⁴ Simply put, Pakistan has a modest trade profile, both in volume and diversity, in light of total global exports. An expansion of Pakistan's trade volume, including in building a viable export base, can boost the development of the national economy. It can also further reduce the trade deficit,²⁵ attract more direct foreign investment, create more employment opportunities, facilitate debt payments, further reduce

overall balance of payment deficit, and upgrade the standard of living of much of the population. Empirical studies have also found positive relationships between exports and economic development growth in Pakistan.²⁶

It is important, however, that the country should not marginalize or sideline its current exports. Pakistan has to take its present exports seriously. These exports, even modest in volume and diversity, are providing substantial support to the country's current employment, sources of livelihood, economy and development. This is because, for example, the fishing industry, which is one of the small commodity-producing sub-sectors in Pakistan, contributes to the employment of around 400,000 people directly and another 600,000 people indirectly in the country's ancillary industries.²⁷ The fishing industry contributes almost 1% to the country's GDP and 2.1% to the agriculture sector in Pakistan.²⁸ It should be mentioned here that in the year 2012–13 around 103,822 million tons of fish and fishery products were exported by Pakistan, which earned US\$232.4 million for the nation.²⁹ This amount is even more than the amount (US\$165 million), which was allocated by the most populous province of Pakistan, Punjab, in the same year to support the Province's health sector.³⁰

Overall, as mentioned earlier, the Pakistani economy is weak, and has deteriorated due to the war against the Taliban. The country falls within the lower groupings of the United Nations' Human Development Indicators. For example, 45.6% of the total population of Pakistan is living in multidimensional poverty.³¹ The country is short of adequate health care to satisfy the primary health care needs of its people.³² So, if present exports are not nurtured effectively, Pakistan's economy is likely to deteriorate further, and the nation's development will be further undermined. The country needs to maximize access for its products to foreign market. This, in turn, reinforces the significance of using WTO DSS by Pakistan in challenging foreign trade restrictive barriers, that allegedly in violation of WTO rules.

The following section describes Pakistan's participation in the WTO dispute resolution system, identifying whether Pakistan has sufficient engagement in the system.

Pakistan's Engagement in the WTO Era as a Complainant

To date, in its over 22-year history of WTO membership, Pakistan has initiated only five WTO cases. The country filed its first WTO complaint in 1996, challenging the US ban on importation of its shrimp and shrimp products.³³ In 2000, Pakistan initiated its second WTO case, in which the US safeguard measures on Pakistani combed cotton yarn were challenged.³⁴ Pakistan's third WTO case as a complainant took place in 2005, when it contested Egyptian anti-dumping duties on the importation of its match boxes.³⁵ After a gap of roughly 9 years since its third WTO complaint, in November 2014, the country filed its fourth complaint in the WTO DSS, the *EU — PET* case,³⁶ WTO/DS/486, that is currently in the WTO panel stage.³⁷ In November 2015, Pakistan filed its fifth and latest WTO complaint, the *South Africa Cement* case, WTO/DS/500, which is in the consultations stage.³⁸

The Shrimp Turtle WTO Dispute

On 8 October 1996, for the first time in its WTO history, Pakistan filed a WTO complaint.³⁹ The other co-complainants were India, Malaysia and Thailand.⁴⁰ The complainants, including Pakistan, challenged Section 609 of the *US Public Law* 101-162, requiring them (the complainants) to use approved Turtle Excluder Devices (TEDs) in shrimp harvesting for certification of their shrimp and shrimp products exports to the US, on the ground that it was inconsistent with the applicable WTO rules.⁴¹ On 30 January 1997, after the failure of consultations, Pakistan joined Malaysia and Thailand as a co-complainant and requested the WTO Dispute Settlement Body (DSB) to establish a WTO panel.⁴² In February 1997, India also requested the DSB for the formation of a panel on the same matter.⁴³ The DSB established a panel at the request of India on 10 April 1997, and agreed that this panel would be merged into the panel that had established earlier at the request of Malaysia, Thailand and Pakistan on 17 February 1997.⁴⁴

The panel decided in favour of the complainants, including Pakistan, by declaring that the US action was inconsistent with GATT 1994 Article XI:1, and outside the scope of the chapeau of Article XX of the GATT 1994.⁴⁵ The panel held that the US export requirement measure discriminated between countries where same conditions had prevailed.⁴⁶

The US appealed against the panel report to the WTO AB on 13 July 1998.⁴⁷ The AB reversed the panel's determination by declaring the US measure within the scope of the chapeau of the GATT 1994 Article XX.⁴⁸ However, the AB found that these measures were applied in a manner which amounted to unjustifiable and arbitrary discrimination between countries where the same conditions prevailed, contrary to the Article XX.⁴⁹ The AB recommended that the US bring its inconsistent measures in conformity with WTO rules.⁵⁰ After consultations between the parties to the dispute, 13 months was agreed as a reasonable time period for the US's compliance with the DSB's recommendations under Article 21.3 of the DSU.⁵¹ In 2001, after implementing TEDs in trawling vessels and fulfilling the requirements of the US law, the US certified Pakistan's shrimp catching mechanism satisfactory and lifted the ban on importation of shrimp and shrimp products from Pakistan.⁵²

The US Cotton Yarn WTO Dispute

In March 1999, the US imposed transitional safeguard measures (quantitative restrictions) on imports of combed cotton yarn from Pakistan under Article 6 of the *WTO Agreement on Textiles and Clothing* (ATC), on grounds that increased imports of combed cotton yarn in its territory had caused serious damage or actual threat to its domestic industry.⁵³ After the US refused to comply with the recommendations of the Textiles Monitoring Body (TMB),⁵⁴ Pakistan decided to challenge the US safeguard measures at the WTO DSS. It was the first time in the trade history of Pakistan that it brought and litigated a WTO case, in absence of other complainants, at the WTO DSS. Both the panel and AB ruled in favour of Pakistan by declaring the US transition safeguard measures inconsistent with Article 6 of the ATC, and recommended that the US remove its safeguard measures.⁵⁵ On 9 November 2001, the US complied with the rulings and recommendations of the WTO DSB, and removed the quota restraints on the imports of cotton yarn from Pakistan.⁵⁶

The Egypt Anti-Dumping WTO Dispute

In 1998, Egypt imposed safeguard measures on imports of Pakistani matches in boxes for three years.⁵⁷ At the expiry of three years in 2001, the exports of matches from Pakistan to Egypt were resumed. However, on 11 August 2002, the Egyptian authorities initiated anti-dumping

investigations against imports of matches from Pakistan.⁵⁸ On 19 November 2003, Egypt imposed final anti-dumping duties on Pakistani matches at the rate of 29% against the Khyber Match Factory (Pvt) Ltd, 26% against the Mohsin Match Factory (Pvt) Ltd and 29% against the rest of Pakistani match exporters/manufacturers, based on a constructed normal value for a period of five years.⁵⁹ At the time, Pakistan match companies shared 83% of the total domestic match market in Egypt,⁶⁰ amounting to approximately US\$5 million.⁶¹ The match industry in Pakistan employed around 5,000 people in the Khyber Pakhtoon Khwa Province of Pakistan.⁶² Pakistan filed a WTO complaint (a request for consultations with Egypt) against the Egyptian anti-dumping duties on 21 February 2005.⁶³ After WTO consultations failed to produce a mutually agreed solution between Pakistan and Egypt, Pakistan requested the WTO DSB to establish a panel in June 2005.⁶⁴ However, before the panel's ruling or report, both countries, Pakistan and Egypt, succeeded in resolving the matter through a mutually agreed settlement. On 10 December 2005, a price undertaking agreement (US\$6.75 per carton of 1,000 match boxes from Pakistan on CIF basis) was reached between Pakistan and Egypt.⁶⁵ Accordingly, Pakistan and Egypt notified the DSB of a mutually agreed solution in March 2006, and made a request for dissolution of the established panel.⁶⁶

The EU — PET WTO Dispute

On 5 November 2014, Pakistan requested consultations with the EU relating to the EU's imposition of countervailing measures on imports of certain polyethylene terephthalate from Pakistan.⁶⁷ After consultations, held on 17 December 2014, failed to produce a mutual satisfactory solution, in February 2015, Pakistan has made a request to the WTO DSB to establish a panel to examine the issue.⁶⁸ Pursuant to Pakistan's request, the DSB established a WTO panel on 25 March 2015, and the matter is currently in the panel stage.⁶⁹

The South Africa Cement WTO Dispute

Pakistan has filed its fifth and latest WTO case, the *South Africa Cement* dispute, on 9 November 2015.⁷⁰ In this case, Pakistan has challenged the validity of South Africa's imposition of provisional anti-dumping duties on the imports of Portland cement products from Pakistan under

Articles, inter alia, 7.1 of the WTO ADA and VI of the GATT 1994.⁷¹ Currently, the dispute is in the consultations stage.

Pakistan as a Respondent

As of March 2017, Pakistan was respondent in three WTO disputes. The first WTO case against Pakistan was filed by the US in April 1996 under the TRIPS agreement for protection of Intellectual Property Rights.⁷² Pakistan was respondent again in November 1997, when the EU challenged the validity of Pakistan MOC's Notification No S.R.O.674(I)/96 in the WTO DSS under Article XI of the GATT 1994.⁷³ That notification prohibited exports of various kinds of hides and skins, with exceptions, and wet blue leather made from cow hides and cow calf hides.⁷⁴ The third and latest WTO complaint against Pakistan was filed by Indonesia in November 2013, challenging Pakistan's anti-dumping and countervailing duty investigations on imports of certain paper products from Indonesia.⁷⁵ The dispute has resolved before the establishment of a panel.⁷⁶

The US — Patent Protection WTO Dispute

On 30 April 1996, the US filed a WTO complaint, challenging Pakistan's laws under Articles 27, 65 and 70 of the WTO TRIPS agreement for not providing patent protection for pharmaceutical and agricultural chemical products.⁷⁷ Under Article 4.11 of the WTO DSU, the EU also joined the consultations, in support of the US's claim, raising its concerns regarding the absence of the patent protection system in Pakistan to safeguard the EU pharmaceutical and agricultural chemical industry's export interests in the Pakistan market.⁷⁸ On 3 July 1996, the US requested DSB for establishment of a panel on the matter.⁷⁹ Pakistan raised concerns over the US's request to establish a panel, as it had already 'assured the United States of its sincere efforts to fulfil its obligations under the TRIPS Agreement', and was still engaged in negotiations with the US.⁸⁰ Upon Pakistan's request, the DSB delayed the establishment of the panel. To fulfil Pakistan's obligations under the TRIPS rules; Pakistan President Farooq Ahmad Khan Leghari issued *Ordinance No. XXVI* on 4 February 1997.⁸¹ On 28 February 1997, the US and Pakistan notified the DSB that they had reached a mutually agreed solution to the matter.⁸²

The EU — Export Measures WTO Dispute

On 13 August 1996, the MOC of Pakistan amended Notification No. S.R.O.714(I)/95 of 20 July 1995, and enacted a new Notification No.S.R.O.674(I)/96, prohibiting exports of, inter alia, all kinds of hides and skins, with exceptions, and wet blue leather made of cow skins and cow calf skins.⁸³ In November 1997, the EU challenged the validity of MOC's Notification No.S.R.O.674(I)/96 under Article XI of GATT 1994 in the WTO DSS.⁸⁴ According to the EU, such a measure appeared to nullify or impair the benefits accruing to it under GATT 1994, particularly because it 'limit[ed] the access of EC industry to competitive sourcing of raw and semi-finished materials'.⁸⁵ The matter was resolved through a mutual agreed settlement between the EU and Pakistan.⁸⁶

The Indonesian Paper Products WTO Dispute

In November 2013, Indonesia challenged Pakistan's anti-dumping and countervailing duty investigations on imports of certain paper products from Indonesia, inter alia, under Article 5.10 of the ADA and Article 11.11 of the ASCM.⁸⁷ Indonesia claimed that Pakistan initiated the above investigations in November 2011.⁸⁸ Article 5.10 of the ADA and Article 11.11 of the ASCM provide that any anti-dumping or countervailing duty investigation has to be terminated after 18 months from the date of its initiation.⁸⁹ According to Indonesia, by November 2013, two years after their initiation, however, both investigations were still pending.⁹⁰ Pakistan had neither terminated the investigations nor issued final determinations.⁹¹

After the failure of consultations to resolve the dispute, Indonesia requested the DSB on 12 May 2014 to establish a panel in order to examine the matter.⁹² Pakistan, however, notified the DSB of its concerns over Indonesia's request to establish a panel by stating 'that no provisional or definitive anti-dumping or countervailing duties had been imposed by Pakistan on the products in question'.⁹³ Pakistan added further that "[s]ince the initiation of the investigations by Pakistan, Indonesia's share of the import market had grown and ... the investigations did not have any economic impact on Indonesia".⁹⁴ On 23 May 2014, pursuant to Pakistan's request, the DSB deferred the establishment of the panel.⁹⁵ Pakistan terminated its countervailing and

anti-dumping investigations in June 2014 and November 2015, respectively.⁹⁶ Consequently, Indonesia decided to not refer the issue to the WTO dispute settlement procedures, and it did not file a new request to the DSB for the establishment of a panel.⁹⁷

Pakistan as a Third Party

A WTO member state also acquires experience and a better understanding of the WTO rules and dispute system as a third party, rather than a direct participant, in WTO proceedings. As of March 2017, Pakistan has reserved its rights as a third party in 10 WTO cases.⁹⁸ In reality, however, just as a direct participant or complainant, Pakistan's participation as an active third party in the WTO DSS is also modest. This is because, out of the total of 10 cases in which the country participated as a third party, two were resolved mutually between the complainants and respondents during consultations.⁹⁹ In another two cases, the *US — Rules of Origin for Textiles and Apparel Products* (WTO/DS/243) and *Turkey — Measures Affecting the Importation of Rice* (WTO/DS/334) disputes, Pakistan reserved its rights to participate as a third party in panel proceedings, but it did not make any written or oral submission.¹⁰⁰ Likewise, in the *US — Subsidies on Upland Cotton* (WTO/DS/267) and *Australia — Measures Affecting the Importation of Apples from New Zealand* (WTO/DS/367) WTO cases, Pakistan participated as a third party in both the panel and AB stages without making any submission (neither written nor oral).¹⁰¹

Indeed, Pakistan, as a third-party participant, made submissions in only two WTO cases.¹⁰² In the *US — Measures Affecting Imports of Woven Wool Shirts and Blouses from India* (WTO/DS/33), Pakistan made written submission during the panel proceedings.¹⁰³ In this dispute, Pakistan had systematic interests in restricting the US from adopting same measures in future, contrary to its textile exports to the US.¹⁰⁴ Similarly, in the *European Communities — Conditions for the Granting of Tariff Preferences to Developing Countries* (WTO/DS/246), Pakistan made oral submission during the first substantive meeting of the panel, fully supporting the EU's arguments and disagreeing with India's stance.¹⁰⁵ Pakistan had systematic and tangible trade interests in the case, as India brought the complaint, under Article I: 1 (Most-Favoured-Nation Treatment) of the GATT 1994, challenging the consistency of the

EU Drug Arrangements that provided certain tariff preferences to predetermined countries, including Pakistan.¹⁰⁶ During the dispute, Pakistan also notified the AB of its intention to participate as third party in the AB's proceedings, and made oral statements at the oral hearing.¹⁰⁷

Conclusion

Pakistan is one of the founding developing country members of GATT 1947 and the WTO. While Pakistan has a small share in relation to total global exports, the country's exports are considerably significant in relation to the nation's economic and development goals. Pakistan, thus, needs to make effective use of the WTO DSS against WTO-inconsistent foreign trade measures, in order to facilitate, maximize or encourage its exports to foreign markets. In practice, however, Pakistan has made modest participation in the WTO dispute resolution system. Since 1995, as of March 2017, in over 22 years of its WTO membership, it has participated as a complainant on only five occasions.

Notes and References

¹ See, eg, Jeremy Dear, Paula Dear and Tim Jones, 'Life and Debt: Global Studies of Debt and Resistance' (Report, Jubilee Debt Campaign, October 2013) 35–8 <http://jubileedebt.org.uk/wp-content/uploads/2013/10/Life-and-debt_Final-version_10.13.pdf>; Bretton Woods Project, *Why the IMF Must Cancel Pakistan's Debt* (19 September 2013) <<http://www.brettonwoodsproject.org/2013/09/art-573374/>>; Bretton Woods Project, *Pakistan Needs to Borrow 'to Repay IMF'* (25 June 2013) <<http://www.brettonwoodsproject.org/2013/06/art-572740/>>; FaseehMangi and Divya Patil, 'Pakistan's Risk Surges to One-Year High amid Global Turmoil', *Bloomberg Business* (online), 15 February 2016 <<http://www.bloomberg.com/news/articles/2016-02-14/pakistan-default-risk-surges-as-50-billion-debt-bill-coming-due>>. For Pakistan's consultations and activities with the IMF in relation to the nation's debt (1995–2015), see International Monetary Fund, *Pakistan and the IMF* <<http://www.imf.org/external/country/pak/index.htm>>.

² '12-Year War on Terror Cost \$100bn, Says Dar', *Dawn* (online), 13 December 2013 <<http://www.dawn.com/news/1072098>>.

See also Mehtab Haider, 'Pak Sacrifices in War on Terror Not Fully Appreciated, Dar Tells US Envoy', *The News* (online), 13 January 2016 <<http://www.thenews.com.pk/print/90033-Pak-sacrifices-in-war-on-terror-not-fully-appreciated-Dar-tells-US-envoy>>.

³ The HDI is a composite measure of three main dimensions of human development: life expectancy, access to knowledge or educational attainment, and gross national

income (GNI) per capita: United Nations Development Programme, 'Work for Human Development' (Human Development Report, 2015) 3 <http://hdr.undp.org/sites/default/files/2015_human_development_report_1.pdf>.

⁴ Ibid 210. With a HDI value of 0.570, Bangladesh ranks 142nd and falls in the category of medium human development.

⁵ *General Agreement on Tariffs and Trade*, opened for signature 30 October 1947, 55 UNTS 194 (entered into force 1 January 1948).

⁶ *Marrakesh Agreement Establishing the World Trade Organization*, opened for signature 15 April 1994, 1867 UNTS 3 (entered into force 1 January 1995).

⁷ 'Growth and Investment' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2014–15* (2015) 11, 15 <http://www.finance.gov.pk/survey_1415.html>.

⁸ Ibid 7, 15.

⁹ Ibid 7.

¹⁰ Ibid 8.

¹¹ Ibid.

¹² 'Agriculture' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2014–15* (2015) 26–7; 'Manufacturing and Mining' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2014–15* (2015) 49–51.

¹³ 'Agriculture', above n 12, 28.

¹⁴ Attaullah Shah, 'Manufacturing and Mining' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2012–13* (2013) 45–6 <http://www.finance.gov.pk/survey_1213.html>.

¹⁵ Ibid 46.

¹⁶ 'Growth and Investment', above n 7, 9.

¹⁷ Ibid 10.

¹⁸ 'Manufacturing and Mining', above n 12, 49–51.

¹⁹ *Trade Policy Review of Pakistan*, WTO Doc WT/TPR/S/193 (10 December 2007) (Report by the Secretariat) [10].

²⁰ 'Trade and Payments' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2014–15* (2015) 137 <http://finance.gov.pk/survey_1415.html>; Central Intelligence Agency, *The World Fact Book: Pakistan* <<https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>>.

²¹ 'Manufacturing and Mining', above n 12, 49–51; Shah, above n 14, 37.

²² 'Manufacturing and Mining', above n 12, 51; Shah, above n 14, 37; 'Trade and Payments' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2014–15* (2015) 141.

²³ 'Trade and Payments', above n 22, 141–2.

²⁴ Ibid.

²⁵ Pakistan faces a large trade deficit due to a high gap between the value of its exports and value of its imports. For example, in comparison to imports valued at around US\$46 billion (PKR 4,665,113.5 million), the country exported about US\$24 billion (PKR 2,417,704.2 million) of goods in 2014–15. As a result, Pakistan suffered around US\$22 billion (PKR 2,247,409.3 million) trade deficit in 2014–15, touching

almost the value of its total exports (US\$24 billion) in the same year. For Pakistan's trade deficit during 2010–15, see Pakistan Bureau of Statistics, *Value of Foreign Trade*

<http://www.pbs.gov.pk/sites/default/files/tables/14.1_0.pdf>.

²⁶ See, eg, Ronald R Kumar, 'Do Remittances, Exports and Financial Development Matter for Economic Growth? A Case Study of Pakistan Using Bounds Approach' (2011) 11(1) *Journal of International Academic Research* 18; Mohammad Afzal, 'Causality between Exports, World Income and Economic Growth in Pakistan' (2006) 20(1) *International Economic Journal* 63; Musleh-ud Din, Ejaz Ghani and Omer Siddique, 'Openness and Economic Growth in Pakistan' (2004) 42(4) *Pakistan Development Review* 795; Nasim Shah Shirazi and Turkhan Ali Abdul Manap, 'Exports and Economic Growth Nexus: The Case of Pakistan' (2004) 43(4) *Pakistan Development Review* 563; Ashfaq H Khan and Najam Saqib, 'Exports and Economic Growth: The Pakistan Experience' (1993) 7(3) *International Economic Journal* 53.

²⁷ Zofeen Ebrahim, *Inside Pakistan's Untapped Fishing Industry*, Inter Press Service News Agency <<http://www.ipsnews.net/2014/11/inside-pakistans-untapped-fishing-industry/>>. See also Muhammad Mohsin et al, 'Contribution of Fish Production and Trade to the Economy of Pakistan' (2015) 5(18) *International Journal of Marine Science* 1, 1.

²⁸ Abbas Ali Chandio et al, 'Analysis of Agricultural Subsectors Contribution Growth Rate in the Agriculture GDP Growth Rate of Pakistan' (2015) 4(8) *International Journal of Humanities and Social Science Invention* 101, 101.

²⁹ Omer Farooq, 'Agriculture' in Ministry of Finance (Pakistan), *Pakistan Economic Survey 2012–13* (2013) 32.

³⁰ The Punjab government has allocated a budget of PKR16.5 billion (or around US\$165 million) for health sector in 2012–13: 'Punjab Government Announces Rs780b Budget for 2012–13', *The Express Tribune* (online), 9 June 2012 <<http://tribune.com.pk/story/391245/budget-2012-13-punjab-government-allocates-rs780b/>>.

³¹ United Nations Development Programme, above n 3, 61, 229.

³² Ibid 240; World Health Organization, *World Health Statistics 2015* (2015) 118 <http://apps.who.int/iris/bitstream/10665/170250/1/9789240694439_eng.pdf?ua=1&ua=1>.

³³ *United States — Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/1, G/L/116 (14 October 1996) (Request for Consultations by India, Malaysia, Pakistan and Thailand) ('*Request for Consultations in Shrimp Turtle Case*').

³⁴ *United States — Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan*, WTO Doc WT/DS192/1 (3 April 2000) (Request for the Establishment of a Panel by Pakistan) [1].

³⁵ *Egypt — Antidumping Duties on Matches from Pakistan*, WTO Doc WT/DS327/1, G/L/731, G/ADP/D61/1 (24 February 2005) (Request for Consultations by Pakistan) ('*Request for Consultations in Egypt Anti-Dumping Case*').

³⁶ *European Union — Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan*, WTO Doc WT/DS486/1, G/SCM/D103/1, G/L/1089 (7 November 2014) (Request for Consultations by Pakistan) ('*Request for Consultations in EU — PET Case*').

³⁷ *European Union — Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan*, WTO Doc WT/DS486/4 (13 November 2015) (Communication from the Panel) ('*Communication from the Panel in EU — PET Case*').

³⁸ *South Africa — Provisional Anti-Dumping Duties on Portland Cement from Pakistan* WTO Doc WT/DS500/1, G/L/1139, G/ADP/D112/1 (12 November 2015) (Request for Consultations by Pakistan) ('*Request for Consultations in South Africa Cement Case*').

³⁹ *Request for Consultations in Shrimp Turtle Case*, WTO Doc WT/DS58/1, G/L/116.

⁴⁰ *Ibid.*

⁴¹ *Ibid.* See also Appellate Body Report, *United States — Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/AB/R (12 October 1998) [1] ('*Shrimp Turtle Appellate Body Report*').

⁴² *United States — Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/7 (7 February 1997) (Request for the Establishment of a Panel by Pakistan).

⁴³ *United States — Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/8 (4 March 1997) (Request for the Establishment of a Panel by India).

⁴⁴ Panel Report, *United States — Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/R (15 May 1998) [1.3].

⁴⁵ *Ibid* [7.17], [7.62], [8.1].

⁴⁶ *Ibid* [7.33], [7.49].

⁴⁷ *Shrimp Turtle Appellate Body Report*, WTO Doc WT/DS58/AB/R, [8].

⁴⁸ *Ibid* [187].

⁴⁹ *Ibid* [184], [187].

⁵⁰ *Ibid* [188].

⁵¹ *United States — Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/15 (15 July 1999) (Status Report by the United States).

⁵² Correspondence between Pakistan WTO Mission Geneva and Pakistan Ministry of Commerce, 25 October 2000 (Pakistan, Ministry of Commerce files).

⁵³ Panel Report, *United States — Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan*, WTO Doc WT/DS/192/R (31 May 2001) [2.1]–[2.4] ('*US Cotton Yarn Panel Report*').

⁵⁴ *Report of the Fifty-Eighth Meeting*, WTO Doc G/TMB/R/57 (28 October 1999) [5]. See also *Fifty-Fourth Meeting of the TMB*, WTO Doc G/TMB/18 (29 April 1999)

(Note by the Chairman); *Fifty-Sixth Meeting of the TMB*, WTO DocG/TMB/19 (29 June 1999) (Note by the Chairman).

⁵⁵*US Cotton Yarn Panel Report*, WTO Doc WT/DS/192/R [8.1]–[8.5]; Appellate Body Report, *United States — Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan*, WTO Doc WT/DS/192/AB/R (8 October 2001)[128]–[129].

⁵⁶ World Trade Organization, *Dispute Settlement: Dispute DS192: United States — Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan* <http://wto.org/english/tratop_e/dispu_e/cases_e/ds192_e.htm>.

⁵⁷*Brief on Anti-Dumping Duty on Pakistan Export of Matches in Boxes to Egypt* (Pakistan, Ministry of Commerce files).

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ Tanveer Ahmed, ‘Egypt Removes Anti-Dumping Duty on Pakistani Matches’, *Daily Times* (online), 17 April 2009 <<http://archives.dailytimes.com.pk/business/17-Apr-2009/egypt-removes-anti-dumping-duty-on-pakistanmatches>>.

⁶² *Ibid.*

⁶³*Request for Consultations in Egypt Anti-Dumping Case*, WTO Doc WT/DS327/1, G/L/731, G/ADP/D61/1.

⁶⁴*Egypt — Antidumping Duties on Matches from Pakistan*, WTO Doc WT/DS327/2 (10 June 2005) (Request for the Establishment of a Panel by Pakistan).

⁶⁵*Brief on Anti-Dumping Duty on Pakistan*, above n 57.

⁶⁶*Egypt — Antidumping Duties on Matches from Pakistan*, WTO Doc WT/DS327/3, G/L/731/Add.1, G/ADP/D61/2 (29 March 2006) (Notification of a Mutually Agreed Solution).

⁶⁷*Request for Consultations in EU — PET Case*, WTO Doc WT/DS486/1, G/SCM/D103/1, G/L/1089.

⁶⁸*European Union — Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan*, WTO Doc WT/DS486/2 (13 February 2015) (Request for the Establishment of a Panel by Pakistan).

⁶⁹*European Union — Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan*, WTO Doc WT/DS486/3 (18 May 2015) (Note by the Secretariat) [1]; *Communication from the Panel in EU — PET Case*, WTO Doc WT/DS486/4.

⁷⁰*Request for Consultations in South Africa Cement Case*, WTO Doc WT/DS500/1, G/L/1139, G/ADP/D112/1.

⁷¹ *Ibid.*

⁷²*Pakistan — Patent Protection for Pharmaceutical and Agricultural Chemical Products*, WTO Doc WT/DS36/1, IP/D/2 (6 May 1996) (Request for Consultations by the United States) (‘*Request for Consultations in US — Patent Protection Case*’).

⁷³ *Pakistan — Export Measures Affecting Hides and Skins*, WTO Doc WT/DS107/1 (20 November 1997) (Request for Consultations by the European Communities) ('*Request for Consultations in EU — Export Measures Case*').

⁷⁴ *Ibid.*

⁷⁵ *Pakistan — Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia*, WTO Doc WT/DS470/1, G/ADP/D99/1, G/SCM/D99/1, G/L/1059 (2 December 2013) (Request for Consultations by Indonesia) ('*Request for Consultations in Indonesian Paper Products*').

⁷⁶ World Trade Organization, *Dispute Settlement: Dispute DS470: Pakistan — Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia* <https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds470_e.htm>; National Tariff Commission, Government of Pakistan, *Notice of Termination of Investigation against Alleged Subsidized Imports of Certain Writing/Printing Paper into Pakistan Originating in and/or Exported from Indonesia and Thailand*, CVD No 2/2011/NTC/CP, 3 June 2014 (Pakistan, National Tariff Commission files); National Tariff Commission, Government of Pakistan, *Notice of Closure of Investigation against Alleged Dumping of Writing/Printing Paper into Pakistan Originating in and/or Exported from China, Indonesia, Japan and Thailand*, ADC No 26/2011/NTC/CP, 21 November 2015 <<http://192.185.75.18/~ntcgov/downloads/201115%20Notice%20of%20Conclusion.pdf>>.

⁷⁷ *Request for Consultations in US — Patent Protection Case*, WTO Doc WT/DS36/1, IP/D/2.

⁷⁸ *Pakistan — Patent Protection for Pharmaceutical and Agricultural Chemical Products*, WTO Doc WT/DS36/2 (28 May 1996) (Request from the European Communities to Join Consultations).

⁷⁹ *Pakistan — Patent Protection for Pharmaceutical and Agricultural Chemical Products*, WTO Doc WT/DS36/3 (4 July 1996) (Request for the Establishment of a Panel by the United States).

⁸⁰ *Minutes of Meeting*, WTO Doc WT/DSB/M/21 (5 August 1996) 3.

⁸¹ *Pakistan — Patent Protection for Pharmaceutical and Agricultural Chemical Products*, WTO Doc WT/DS36/4, IP/D/2/Add.1 (7 March 1997) (Notification of a Mutually Agreed Solution).

⁸² *Ibid.*

⁸³ *Request for Consultations in EU — Export Measures Case*, WTO Doc WT/DS107/1.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ World Trade Organization, *Dispute Settlement: Dispute DS107: Pakistan — Export Measures Affecting Hides and Skins* <https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds107_e.htm>; European Commission, *Barrier Fiches Result: Export Measures on Hides and*

Skins<http://madb.europa.eu/madb/barriers_details.htm?barrier_id=970187&version=3>.

⁸⁷ *Request for Consultations in Indonesian Paper Products*, WTO Doc WT/DS470/1, G/ADP/D99/1, G/SCM/D99/1, G/L/1059.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² *Pakistan — Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia*, WTO Doc WT/DS470/2 (13 May 2014) (Request for the Establishment of a Panel by Indonesia).

⁹³ World Trade Organization, *Dispute Settlement: Panel Established on US-India Dispute over Solar Energy*, 23 May 2014 <https://www.wto.org/english/news_e/news14_e/dsb_23may14_e.htm>.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ National Tariff Commission, Government of Pakistan, *Notice of Termination of Investigation against Alleged Subsidized Imports of Certain Writing/Printing Paper*, above n 76; National Tariff Commission, Government of Pakistan, *Notice of Closure of Investigation against Alleged Dumping of Writing/Printing Paper into Pakistan*, above n 76.

⁹⁷ World Trade Organization, *Dispute Settlement: Dispute DS470: Pakistan — Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia* <https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds470_e.htm>; WorldTradeLaw.net, *Ongoing WTO Disputes* <<http://www.worldtradelaw.net/static.php?type=dsc&page=currentcases>>.

⁹⁸ Pakistan participated as a third party in WT/DS32, WT/DS33, WT/DS58, WT/DS190, WT/DS243, WT/DS246, WT/DS267, WT/DS334, WT/DS367, and WT/DS511. See World Trade Organization, *Member Information: Pakistan and the WTO* <https://www.wto.org/english/thewto_e/countries_e/pakistan_e.htm>.

⁹⁹ *United States — Measures Affecting Imports of Women's and Girls' Wool Coats*, WTO Doc WT/DS32/2 (30 April 1996) (Communication from India); *Argentina — Transitional Safeguard Measures on Certain Imports of Woven Fabric Products of Cotton and Cotton Mixtures Originating in Brazil*, WTO Doc WT/DS190/2 (30 June 2000) (Notification of a Mutually Agreed Solution).

¹⁰⁰ Panel Report, *United States — Rules of Origin for Textiles and Apparel Products*, WTO Doc WT/DS243/R (20 June 2003) [1.6], [4.1]; Panel Report, *Turkey — Measures Affecting the Importation of Rice*, WTO Doc WT/DS334/R (21 September 2007) [1.7], annexes A–C.

¹⁰¹ Panel Report, *United States — Subsidies on Upland Cotton*, WTO Doc WT/DS267/R (8 September 2004) [1.6], annexes A–F; Appellate Body Report, *United States — Subsidies on Upland Cotton*, WTO Doc WT/DS267/AB/R (3 March 2005) [7], [9]; Panel Report, *Australia — Measures Affecting the Importation of*

Apples from New Zealand, WTO Doc WT/DS367/R (9 August 2010) [1.5], [5.1]–[5.113]; Appellate Body Report, *Australia — Measures Affecting the Importation of Apples from New Zealand*, WTO Doc WT/DS367/AB/R (29 November 2010) [8], [10].

¹⁰²*United States — Measures Affecting Imports of Woven Wool Shirts and Blouses from India*, WT/DS33; *European Communities — Conditions for the Granting of Tariff Preferences to Developing Countries*, WT/DS 246.

¹⁰³Panel Report, *United States — Measures Affecting Imports of Woven Wool Shirts and Blouses from India*, WTO Doc WT/DS33/R (6 January 1997) [4.16]–[4.17]. Pakistan did not reserve its rights to participate as a third party in the AB stage: see Appellate Body Report, *United States — Measures Affecting Imports of Woven Wool Shirts and Blouses from India*, WTO Doc WT/DS33/AB/R (25 April 1997).

¹⁰⁴*Ibid.*

¹⁰⁵Panel Report, *European Communities — Conditions for the Granting of Tariff Preferences to Developing Countries*, WTO Doc WT/DS246/R (1 December 2003) [1.7], [1.12], [5.79]–[5.84].

¹⁰⁶*Ibid.* [2.1]–[3.1].

¹⁰⁷Appellate Body Report, *European Communities — Conditions for the Granting of Tariff Preferences to Developing Countries*, WTO Doc WT/DS246/AB/R (7 April 2004) [7]–[8].