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**gLAWcal
Comment #301**

**THE MOST-FAVORED NATION
PRINCIPLE**

Based on

**Julien Chaisse & Xinjie Luan “Can
Trade Restrictions Be Justified by Mor-
al Values? Revisiting The Seals Disputes
Through a Law and Economics Analy-
sis”**



gLAWcal
Global Law Initiatives for Sustainable Development



A gLAWcal comment on Julien Chaisse & Xinjie Luan “Can Trade Restrictions Be Justified by Moral Values? Revisiting The Seals Disputes Through a Law and Economics Analysis” in Paolo Davide Farah and Elena Cima (Eds.) China’s Influence on Non- Trade Concerns in Interna- tional Economic Law

This legal principle has ensured that there has been a significant consideration for nations that have cultural practices that may not be allowable at the scale of a large nation. The text states an example of Inuit cultures being allowed to sell “seal” and “seal products” for cultural, educational, or ceremonial purposes. A larger EU nation would not be afforded the same protections by the WTO because they do not have the same cultural ties to the practice that the Inuit nation would. It is an understandable condition, but it is often difficult to distinguish when a large nation has legitimate cultural considerations that would afford exception to an international rule in the WTO. Litigation is often required to afford some resolution that is nearest the desires for the individual nation. Often, these cultural consid-

erations may be a vehicle to continue practices that would be considered unlawful in other circumstances. They are afforded as considerations to indigenous populations as an opportunity for that nation to continue existing in their culturally relevant status that they wouldn’t otherwise possess without that practice or custom offering. It is often difficult to provide a unilateral approach to the many trading practices of the hundreds of nations in the WTO, therefore participation by national officers, policy, and legal experts are necessary to ensure that many of the hiccups in producing international standards can continue at the speed that provides opportunities for the national markets, and ensures that harms are not being produced by those same participants in a global market. While not always successful, participation and adherence to WTO rulings provides a glimmer of hope in this lofty goal.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



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