



Anti-dumping & Countervailing Measures: The Complete Reference

By R.K. Gupta

Response Books, New Delhi, 1996. pp 295, Price : Rs 425/- (Cloth)

During the post-World War II era, traditional forms of trade protection such as tariffs and quantitative restrictions have been gradually reduced and dismantled in successive rounds of multilateral trade negotiations. This has contributed to a rapid expansion in world trade which has been further stimulated by regional and unilateral trade liberalisation. The reduction in traditional forms of protection and the resulting growth in world trade have, however, been accompanied by a simultaneous increase in the use of alternative and non-traditional forms of protection measures such as voluntary export restraint and import expansion mechanisms, technical barriers, and health and safety standards. In addition, countries have increasingly resorted to a variety of protectionist measures to counter “unfair” trade prac-

tices, including standards relating to the environment and labour, anti-dumping duties, and countervailing measures. The rising trend in the application of these less transparent forms of protection reflects the competitive pressures and challenges posed by an increasingly open global trading system.

During the Uruguay Round of multilateral trade negotiations, agreements were signed for many of these alternative measures. The main intent of these agreements was to introduce greater transparency and discipline in the use of such instruments by clarifying rules and codifying practices, and to provide a multilateral institutional framework where such actions could be negotiated and contested. Included among these agreements were the Agreement on Anti-dumping and the Agreement on Subsidies and Countervailing Measures, reflecting the proliferation of anti-dumping and countervailing duty legislation in both developed and developing countries.

The Agreement on Anti-dumping provides for a levy of anti-dumping duties to counter the effects of dumping, i.e., the sale of a product to another country at less than its “normal value”, if there is material injury to a domestic industry in the importing country. The Agreement on Subsidies and Countervailing Measures provides for a levy of countervailing duties to offset any bounty or subsidy (with some exceptions) granted to a product in the exporting country. Both these multilateral

agreements came into effect on January 1, 1995 along with the entry into force of the Uruguay Round Agreement and the WTO.

It is difficult to say whether the international sanction granted to these instruments under the Uruguay Round framework is a problematic or positive development. The answer depends on what countries hope to achieve by using these instruments, if these are indeed the appropriate measures for the case in question, and if the eventual benefits from their application justify the costs incurred. What is clear, however, is that these agreements are a *fait accompli* and therefore all WTO member countries must bring domestic legislations and provisions in these areas into conformity with the relevant agreements signed under the Uruguay Round.

In this context, RK Gupta’s book, *Anti-dumping & Countervailing Measures* is a useful reference for a wide range of concerned parties who need to be informed of the provisions of the Uruguay Round agreements in these areas. It is a comprehensive guide to initiating action against dumped and subsidised imports, with detailed accounts of the definitional, conceptual, administrative, legal, and institutional issues involved in undertaking and concluding investigations against such products, in line with the latest multilateral agreements. The book is on the whole successful in realising its stated objective of providing basic material on the subject, given its fact-based approach,

detailed step-by-step accounts of rules and procedures, detailed explanations of terminology and concepts, and numerous illustrations and case descriptions of investigations initiated by and against India. It is also able to cater to a wide target audience, including the domestic industry, importers, exporters, and government officials. In short, it is a highly informative and factually replete “Complete Reference” on the procedural aspects of the topic.

The attention to detail is the main strength of this book and is evident throughout. For instance, the definition of dumping is discussed exhaustively with each component of the definition such as “normal value”, “sales in the domestic market”, and “ordinary course of trade” explained separately and with substantial amount of detail and qualifications to remove any ambiguity. Similarly, in discussing procedures to initiate investigations and file applications against dumped and subsidised products, the book provides extensive detail on the wide range of parameters such as prices, volumes, profits, and sales for which information is required to initiate the investigations, and on the procedural aspects of verifying, inspecting, and disclosing this information. Likewise, the step-by-step account of the judicial review and dispute settlement procedures under the WTO to address unfair decisions by investigating authorities with specifics on administrative mechanisms, time frame, exceptions, and other technical and institutional

issues, illustrates the importance given to factual detail in this book. The informative comprehensiveness is strengthened by the use of illustrative examples from India and abroad for a variety of products against which anti-dumping duties or countervailing measures have been applied. These examples and case presentations help put the technical and procedural information in a realistic context and give the book a hands-on, practical orientation.

However, the extreme attention to detail is also a major weakness of this book. At times, the amount of factual information provided is excessive and it is difficult to draw out the significant elements. Some of the chapters, especially those dealing with the procedural mechanisms for initiating investigations and those presenting illustrative cases, are too loaded with factual information. Furthermore, basic features of the agreements, such as the **de minimis provisions** which define the threshold levels for determining the margin of dumping or the **sunset provision** which stipulates the period for which anti-dumping duties are valid, get lost in the mass of information that is provided. While the book’s sole focus on factual content is in line with the author’s professed objective of writing a reference guide, some analytical discussion is required. This includes some discussion of the significance and validity of using anti-dumping duties and countervailing measures and of recent trends in this regard, the

salient features of the Uruguay Round agreements in these areas, and the benefits and costs of such protective measures. Such analytical content would have made the book more appealing to the reader.

The writing style contributes to the tediousness of the book. This is particularly due to the numerous parenthesised references to sections and paragraphs of various domestic and international agreements and acts that are provided in the appendices and annexures. This forces the reader to refer to the back of the book repeatedly or have a priori information in this area. The tediousness also results from the far too many lengthy illustrative investigation cases presented in the final chapter. After reading the first few cases, one feels inundated by the factual information and blow-by-blow accounts of which concerned party did what, when, and how. As a result, it is difficult for the reader to sustain his interest.

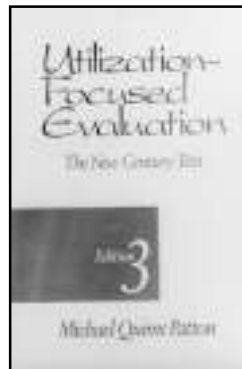
The book also fails to provide contextual information on the subject of anti-dumping and countervailing legislation. While there are references throughout the book to the Uruguay Round Agreements in these areas, there is no background discussion on these agreements or on the subject in general. It would have been helpful to have an opening section on: historical and current trends in the use of anti-dumping duties and countervailing measures in international trade; earlier codes in

these areas including the Tokyo Round Anti-dumping Code and the how they differ from the latest agreements; the significance of the discussions on anti-dumping duties and countervailing measures within the overall context of the Uruguay Round negotiations; and the future prospects of such protective measures. This contextual information would have helped place the factual content on procedural and legal matters in a proper perspective. At present, one finds oneself wading through too much administrative and other technical detail without appreciating why and how these procedures have arisen or their significance in the larger context of international trade and protectionism.

The arguments notwithstanding, *Anti-dumping and Countervailing Measures* is a good book to keep ready on the shelf for reference purposes but is not appropriate for the student of international trade looking for insight on the subject.

- Rupa Chanda

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Utilization-Focused Evaluation: The New Century Text

By Michael Quinn Patton (1996), Sage Publications. pp 431 Price : \$ 69.95 (Cloth) \$ 29.95 (Paper)

Most organised human endeavours are underpinned by the desire to improve the human condition. Any organisation of such activities relies on some notion of a desirable state of affairs, of the goals to be attained and an understanding of a process or path to achieve the chosen ends. Organisations and programmes are established to implement certain functions that are intended to facilitate the attainment of the targets. Evaluation becomes (or should be) an essential part of any such organisation or programme to assess its effectiveness, and develop ways to improve on the desired goals and/or means to accomplish them. *Utilization-Focused Evaluation: The New Century Text* by Michael Quinn Patton has attempted to familiarise readers with the theoretical essentials of the field

of evaluation and provide quite specific and detailed practical advice on conducting evaluation studies.

Patton has emphasised the fact that evaluation is not an easy process. If not handled properly, all the efforts that go into the process of producing evaluation reports can go to waste because they may remain unutilised. An evaluation study that does not result in subsequent decisions/actions is waste of critical professional time and scarce resources. Hence, the focus of the entire book is on conducting evaluation studies such that their outputs are 'utilised', rather than on achieving 'scientific' perfection during the process of evaluation.

According to Patton, "Utilization-Focused Evaluation begins with the premise that evaluations should be judged by their utility and actual use; therefore evaluators should facilitate the evaluation process and design any evaluation with careful consideration of how everything that is done, from beginning to end, will effect use . . . the focus of utilization-focused evaluation is on intended use by intended users." (page 20)

The book has cited numerous examples (mostly from North America), which suggest that evaluations that focused more on methodological purity than utilisation, were more likely to gather dust than be used to implement real improvements. This is because their outputs, although academically sound, did not necessarily provide information that was useful for