

Anti-Dumping Laws and Pakistan's Textile Exports: Legal, Economic, and Policy Implications under the WTO Framework

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The backbone of Pakistan's export economy, the textile sector of the country, has been consistently targeted by AD measures exerted by the global north, more specifically, indulging in the liberalization of the textile sector across the globe under the WTO's framework. This research offers a cohesive political, financial, and legal policy framework analysis of the execution of AD regulations regarding textile sector imports of Pakistan, drawing on quantitative literature from focal cases entailing bed linen, cotton yarn, and unbleached fabric. This study also depicts that while anti-dumping actions are legally justified as solutions against unfair business practices, their real-world application frequently depicts methodological and procedural prejudices that operate as disguised protectionism. Based on the WTO Agreement on Anti-Dumping Practices as a benchmark of assessment, this research mainly investigates the identification of causation benchmarks, margins of dumping, and injury evaluation, demonstrating the discretionary space exploited by appraising bodies in importing regions. The examination indicates that AD measures impose indirect and direct costs on Pakistan's exporters at a significant level, optimize economic risk, distort pricing methods, and discourage industrial optimization investment in the longer run. Such actions exhibit adverse implications on independent policy formulation, export earnings, and stability of foreign exchange at the macroeconomic level. This research further analyzes the institutional and legal response of Pakistan at the domestic level, detecting anomalies in the infrastructure of data, legal capabilities, and preventive governance of trade. It shows that robust resistance to AD protectionism needs a multi-dimensional framework encompassing proactive engagement, amalgamation of business policy and competition, and organizational strengthening within the WTO, and joint action with the global south. The results show that without optimized preparedness and practical reforms of AD disciplines at the domestic level, such actions will continue to undermine the growth objectives of the trading systems at the multi-lateral level.

1. Introduction

The textile sector is widely regarded as a key driver of Pakistan's economic development and growth, making significant contributions to employment, exports, and GDP. Nevertheless, it has been witnessed a propagation of non-tariff barriers has been witnessed by the post-Uruguay Round global trade regime, more specifically, AD measures, which have disproportionately impacted the developing regions (SBP, 2023). The textile industry of Pakistan exports — bed-linen, yarn, and unbleached grey cotton fabric — has often been targeted by AD measures imposed by developed countries, more specifically, Japan, the EU, and the US. This research amalgamates policy, financial, and regulatory dimensions to investigate the repercussions of AD laws on the textile industry of Pakistan. Drawing from the regulations of the WTO under the Agreement on Anti-Dumping Practices (ADP), this research mainly evaluates the organizational vulnerabilities, procedural asymmetries, and methodological biases that intensify the vulnerabilities of Pakistan (Government of Pakistan, 2023).

A considerable quantitative literature from various cases involving Japan and the EU exhibits how AD frameworks usually perform as camouflaged isolation rather than apparatuses of fair competition. The studies show that while the domestic regulatory framework of Pakistan has evolved since the 1990s, crucial voids remain in inter-departmental coordination, regulatory defense mechanisms, and organizational capacity. A holistic policy framework amalgamating proactive regulatory innovation, diplomatic engagement within the WTO, and data management is pivotal for protecting the export competitiveness of Pakistan in a highly preferential environment across the globe (UNCTAD, 2021).

Undoubtedly, the clothing and textile sector occupies a focal position in the financial landscape of Pakistan, significantly contributing an estimated 60 percent of the national export earnings and 8.5 percent to the total GDP (State Bank of Pakistan, 2024). Factually, this industry has benefited from the country's comparative advantage in developed production clusters, raw production of cotton, and low costs of labor in Sindh and Punjab. However, in spite of such strengths, the sector remains extremely susceptible to trade restrictions and external turmoil triggered by importing countries. Although tariff restrictions progressively declined under consecutive rounds of the World Trade Organization (WTO) and the General Agreement on Tariffs and Trade (GATT), non-tariff restrictions, more specifically, AD duties have emerged as a compelling form of protection in markets across developed regions (Yazdani, 1999; Khan, 2016)

AD duties, however, are seemingly devised to prevent discriminatory business practices and are usually perceived as a camouflaged apparatus for financial security. Member countries are allowed to impose AD duties on overseas goods under WTO regulations, which are sold at prices below their actual value, which consequently causes injury to the local business landscape (WTO, 2023). Nevertheless, drawing from the empirical literature, such studies are usually carried out on shaky grounds with flexible strategies and methodological asymmetries that excessively disadvantage developing countries' exporters.

In relation to Pakistan, the sector of textiles has been persistently targeted by AD examinations — ranging from grey fabrics and bed linen in the EU to cotton yarn in Japan

(Altaf, 2008). Such practices have not only shortened the export revenues for the country but have also destabilized industrial development and stakeholders' confidence in the long run. The problem assumes supplementary challenges in terms of ATC, which was executed in 1995 to devise the mechanism of long-standing quota under the Multi-Fibre Arrangement (MFA). Although the ATC has been proposed to liberalize the textile business globally in a couple of years, established economies have rapidly replaced quota barriers with protective strategies and AD measures, significantly sustaining business safety through regulatory formalism (Pistikou & Ketsetsidis, 2022). Hence, the transition to a quota-free regime did not transform into real market access for Pakistani exporters.

From the regulatory lens, the experience of Pakistan exhibits crucial deficiencies in both domestic and global AD frameworks. The *Agreement on Anti-Dumping Practices (ADP)* of the WTO offers an in-depth procedural benchmark for starting, examining, and exercising ADDs. However, the hands-on execution of such benchmarks usually exhibits financial and political stakes rather than an objective evaluation of such damages (Hakro & Shah, 2007).

From a local perspective, the early business legislations in Pakistan lacked the technical and organizational resilience to respond to challenging AD scenarios effectively. The consequential representation of the *Anti-Dumping Duties Ordinance (2000)* marked a step forward but remains inadequate to address methodological obstacles in business litigation worldwide (National Tariff Commission, 2022).

Financially, the repercussions were crucial. AD examinations normally extend over a couple of years, establishing vagueness across export markets. The indirect costs, for instance, credibility damage and market disruption, amalgamate with compliance drafts and legal representation. It has been asserted by Khan (2016) that AD measures are twice as inflated to the economy as corresponding import tariffs, resulting from their "pro-cartel effects," which consequently enable local business sectors in importing nations to artificially sustain high prices at the expense of consumers. The study sought to offer an in-depth and detailed comprehension of the interplay between Pakistan textile exports and global regimes relative to anti-dumping. We may argue that Pakistan should comply with the rules and benchmarks asserted by the WTO; it must concurrently strengthen its local industries to ensure reasonable representation in business conflicts at the global level.

By consolidating policy suggestions, economic assessments, and regulatory frameworks, the current research sought to contribute to enduring discourse on developing nation resilience and business justice within the multi-faceted system of trading. This study argues that AD measures, while lawfully endorsed by the WTO, are usually strategically executed by wealthy nations to protect their local businesses from valid competition (WTO, 2023). The inflated and sophisticated ADD assessments engender a chilling impact, imposing unmanageable pressures on exporters and disrupting businesses, from developing regions including Pakistan, even in scenarios where decisive actions are never levied. The current research optimizes the existing literature by offering a more granular assessment of the procedural frameworks exerted by the WTO, an in-depth examination of the "hidden costs" and "chilling effect," and a rationalized policy manual tailored for the modern-day complexities confronted by Pakistan.

The structure of this paper is as follows: Segment 2 offers a detailed literature review regarding ADDs and protectionism. Part 3 contains the methodology of the research. Part 4 highlights the regulatory framework of the WTO's ADDs and its built-in procedural and methodological prejudices. Part 5 evaluates the anti-competitive repercussions and the multi-layered indirect and direct expenses of such actions. Part 6 offers in-depth quantitative ADD scenarios regarding focal textiles exports of Pakistan, accumulating profundity and context to existing studies. Last but not least, part 7 completes with a holistic and robust array of policy manuals for the corporate sector, the Pakistan Government, and its ambassadorial corps.

Globally, the textile sector is factually one of the most secure businesses in industrialized regions. Considering the progressive phase-out of import quotas under the ATC and WTO inception, the nature has basically transformed. Instead of depending upon conventional approaches, including import quotas and high tariffs, industrialized nations, more specifically the EU and the US, have gradually adopted ADD as a novel and regulatory flexible business constraint. AD measures are usually accessible as a reward against “unfair” competition; however, they are usually understood as an approach to secure local businesses.

The textile exports of Pakistan, more specifically bed linen, unbleached grey cotton fabric, and yarn, have become recurrent targets of such assessments. The beginning of an AD scenario engenders uncertainty across markets and reduces organizational sentiments, which consequently leads to huge disruptions across markets, possibly driving Asian producers out of the scenario, irrespective of the results. This has significantly engendered a destructive impact on the normal business growth (Profit by Pakistan Today, 2025).

2. Mixed-Method Approach and Research Aims & Objectives

The focal purpose of this study is to carry out a detailed and comprehensive evaluation of the financial, procedural, and legal repercussions of AD measures targeting the textile industry of Pakistan. The current research involves a mixed-method approach.

- **Qualitative and Legal Assessment:** In-depth analyses of the WTO Agreement on AD practices, EU and US AD measures to recognize the procedural benchmarks, rules regarding low injury, and flexibilities that enable the recurrent initiation and accomplishments of AD claims.
- **Quantitative and Economic Evaluation:** Evaluating particular AD scenarios of textiles (unbleached grey cotton fabric bed-linen, and yarn) of Pakistan to empirically analyze the undercutting margins of price, imposed sanctions, and the consequence decrease in the value of export, hence, evaluating the financial repercussions on the sector. The amalgamation of such approaches sought to indicate that, in practice, anti-dumping is usually perceived as a protective and anti-competitive tool, in spite of its fundamental regulatory justification.

The protectionism discourse has significantly evolved from the examinations of conventional quotas and tariffs to the complex realm of NTBs. The study of Bhagwati (1988) coined the notion “gray area measures” to depict voluntary restraints regarding export and other tolls that functioned externally from the vibrant benchmarks of GATT. With the WTO's several

preemptive actions, the emphasis shifted towards ADD, which a considerable literature has critically identified as legal protectionism.

The financial narrative underpinning ADDs is apparently rooted in the predatory pricing theory, where an organization sells below cost to eradicate business rivals and thereby optimize prices to an exploitative level. Nevertheless, several studies have shown that real predatory pricing in global businesses is remarkably rare. As an alternative, the research conducted by Ganesh (2025). shows that ADDs are more often adopted against typical competitive strategies, including third-degree discrimination towards prices, which is a robust and common corporate approach.

The regulatory scholarship regarding the WTO's ADP agreement is wide-ranging. A considerable literature has offered an in-depth and extensive exegesis of the manuscript, emphasizing the substantial will it affords to examine institutional bodies (WTO, 2023). This discretion is usually triggered in a manner that methodically weakens participants, more specifically, those from third-world countries who lack the economic resources to navigate the sophisticated regulatory landscape. The strategy of "zeroing," a systematic approach where adverse margins of dumping are overlooked, has been a specific point of regulatory disagreement, with the Appellate Body of WTO consistently ruling against it, however, confronting tenacious confrontation in its execution from the EU and the US (Palmer, 2003).

The particular repercussions of ADDs on third-world regions have been a rising domain of scientific investigation. The study of Bown (2025) has shown that the regulatory and managerial costs of safeguarding the act of ADD cases as a focal trade barrier excessively impact smaller economies. In addition, the study of Messerlin (2001) quantified the "pro-cartel" impact of ADDs, showing that safeguarding fragmented local manufacturers at a huge cost to customers and downstream firms, consequently creating the whole financial system less vibrant.

In relation to the context of Pakistan, the study of Yazdani (1998) remains a benchmark. Her research offered the initial methodical account of how ADDs were being utilized against the textile sector of Pakistan in the 1990s. Nevertheless, the studies since then have usually been split, demonstrating in the governmental manuscripts, media reports, and policy briefs, lacking an integrated, critical, and academic update. The current research sought to fill that void by synthesizing the fundamental insights with consequent academic discourse across the globe and two decades of supplementary evidence, developing an in-depth, detailed, and focal assessment for the contemporary era.

3. Literature Review

3.1 WTO Frameworks and Global AD Trends

3.1.1 Overview: Why is Anti-Dumping Crucial for Developing Nations' Exporters

Since the late 1970s, AD duties have become one of the most commonly adopted business solutions, more specifically, after the Uruguay Round. Devised under WTO/GATT benchmarks to fix "unfair" pricing (for instance, cost or exports priced below "actual price"), AD measures are lawfully admitted when an evaluating agency triggers (a) damage, (b) dumping to the local businesses, and (c) a correlation between the injury and dumped imports.

Drawing from the previous studies, AD benchmarks levels the playing field. Nevertheless, in practice, the wide-ranging discretion transforms into methodologies, burdens of political economy in importing markets, and the low evidentiary thresholds for damage have made AD duties a crucial tool of safety and protection, coupled with uneven impact on exporters from both developed and developing regions (WTO, 2025).

For Pakistan's textile organizational exporters, the costs are both indirect (i.e., optimized credibility damage, market disruption) and direct (legal defense and duties). Impacts that the study of Yazadni repeatedly demonstrates in Pakistan 1990s series of AD assessments in the US, Japan, and the EU. The case of Pakistan shows a periodic pattern: beginning a scenario could trigger market disruption regardless of the concluding results; assessments are operationally taxing and lengthy; and exporters that seem to be resource-constrained usually endeavor to mount a precisely rigorous defense.

3.2 WTO's organizational pathways, procedural benchmarks, ADP, and regulatory framework

The ADP of the WTO establishes the regulatory benchmarks for definitions of normal price and dumping, AD practices and baselines for devising normal price (including utilization of constructed or third-country price when local sales are not demonstrative); correlation or damage assessments; proceedings for review and sunset; and operational securities (i.e., sampling, provisional actions and timing). Focal design attributes that both practitioners and researchers identify as substantial are:

- **Construction of normal value and comparability benchmarks:** Undoubtedly, AD regulations enable agencies to devise a "normal value" when local sales are not perceived as reliable or representative. This, in turn, engenders susceptibility for various developing nations' exporters when agencies adopt constructed costs or a non-market baseline that optimizes normal value and hence expands evaluated margins of dumping. In relation to Pakistan's unbleached bed linen and cotton fabric, the decision of the European Commission demonstrates how severe adjustments regarding comparability and devised normal value could engender a greater level of provisional margins of dumping. The study of Yazdani () re-drafted the Commission's strategy to comparability adjustments and devised a normal value, and the Pakistani firm's consequential provisional margins.
- **Sampling and Non-Cooperators' Treatment:** in a huge population of exporters, examination agencies indulge in sampling to choose participating and cooperating organizations; non-participatory or non-cooperating organizations could be assigned contrary margins or average facts based on cooperating samples, which, consequently, may likely create greater margin levels for various exporters. The exposure of Pakistan with bed-lined and unbleached grey cotton fabric scenarios indicates that insufficient sample firm margins have been applied, and how non-participatory firms have been allocated relatively greater levels of provisional margins (The Commission's treatment of "non-cooperators").
- **Causality and Damage: Low Thresholds Evidence:** The ADP needs a physical damage triggered by imports perceived as dumped. However, a considerable number

of scenarios and literature have demonstrated how the damage benchmark is usually satisfied by causality demonstrators (i.e., losses of market shares, suppression in price, decrease in local sales, etc.) without severe counterfactuals; other indicators (i.e., changes in demand, third markets competition, and shocks in raw material price) are occasionally discounted. Several researchers have summarized the Commission results that attributed the decrease in EU manufacturers' plants and sales terminations to the destabilizing by Asian countries' dumped imports. On the other hand, it has also been noted that the Commission has restrained other indicators, including third-party imports and increasing prices of cotton.

- **Political Economy and Provisional Actions:** The frameworks of AD enable temporary (provisional) actions before concluding determinations — an attribute that could have instant market-disruption impacts. Provisional measures could also be adopted by local stakeholders as a bargaining or pricing approach. A Considerable literature review regarding unbleached grey cotton fabrics and bed-linen scenarios highlights political indicators (corporate lobbying and domestic politics within the EU), coupled with formal regulatory reasoning.
- **Interface with other Disciplines of WTO:** AD duties could operationally alternate for quotas or protection; The ATC phase-out of quotas in the 1990s accorded with an uptick in AD filings in textiles — an alternative to price-based solutions to quantity limits. It has been evident that, however the ATC detached quotas, developed markets often resorted to AD or protective measures to safeguard local finishing or upstream organizations.

3.3 Financial Evaluation: The “Pro-cartel” impact, security, and loss of efficiency:

A considerable body of literature on economics has shown that AD actions typically serve as disguised protection, incurring substantial welfare costs. Two persistent streams are as follows:

- **Security and strategic adoption:** Local manufacturers and business unions strategically engage with AD petitions: the preliminary screening benchmarks (a local business could file a petition and start an assessment) indicate that business remedies are a political approach. In the sector of textiles (a sector with focused manufacturers' interests in importing regions), AD is attractive because it allows targeted safeguards against particular offshore suppliers. It has been evident that Eurocotton's contribution in starting complaints that targeted Egypt, Pakistan, and India for UCF and bed linen.
- **Pro-cartel impact and cost of welfare:** Several financial experts, including P. Messerlin, have argued that AD is disproportionately twice as expensive as corresponding tariffs, demonstrating the greater level of societal cost in relation to the reliance on AD. A considerable literature across various regions and corporate sectors validates heterogeneity. Filings of AD increase in industries under competitive burden; third-world region's exporters endeavor with the managerial pressure and subsequently lose market share regardless of whether the ultimate measures are withdrawn or at a moderate level. In the late 1990s, Pakistan's exports (UCF and bed linen to the EU and yarn to Japan) closely integrated with such general patterns. The technical/regulatory

resource gap, prolonged assessments, and the arrangement of propionyl measures for Pakistan triggered consistent business uncertainty and critical losses to exports.

3.4 Evidentiary sophistication, vulnerability, and procedural asymmetries in developing countries

It has been evident that three origins of disadvantage at the structural level for developing regions' exporters are as follows:

- **Forum shopping and reception:** Serial filings have been faced by exporters, novel positions could shortly arise after one assessment completes. Previous studies call this risk of "re-filing": activists evaluate different claims or depend on somewhat different datasets hoping that one evaluates generates productive measures. It has been evident that recurrent AD charges against the similar goods of Pakistan (i.e., bed-linen, UCF, etc.) and highlights that recurrent assessments impose aggregated market, regulatory, and compliance costs.
- **Capacity and data asymmetry:** Defending an AD scenario needs an in-depth and comprehensive forensic/regulatory expertise, market insights (export and local sales), and cost accounting as well. Exporters from both small and medium-sized enterprises usually lack centralized data silos to instruct tremendous defense personnel. It has been evident that various manuscripts regarding Pakistan's fragmented organizational readiness which includes poor governmental response or fragmented regulatory representation significantly led towards negative provisional results. The scholars emphasized the need for technical facilitation and pre-existing insights at the governmental level to effectively respond
- **Procedural sensitivity:** Consequences of AD usually hinge on procedural choices: the selection of representative local sales, sale date, comparability adjustments, and affiliated parties' treatment. Slighter alterations in methodology could swing margins of dumping more dramatically. The UCF case's comparability adjustments and EC's transection date treatment (the date of invoice utilized rather than date of contract; Pakistani proposals rejection for import charge allowances) demonstrate how methodological details highly matter.

3.5 Textiles: ATC Transition and Sectoral Dynamics:

Apparel and textiles are distinguished for various factors: vertically fragmented value chains (i.e., raw cotton → yarn → grey fabric → finishing → garments), conventionally huge levels of quota safeguarding under the Multi-Fibre Arrangement (MFA), and heavy cyclical variations. When the quotas/MFA have been phased out under the ATC, the import competitive organizational sectors in wealthy regions are confronted with sudden exposure to competition relative to price, optimizing a tendency of AD requirements targeted at intermediate or upstream goods that endangered local finishing and weaving organizational sector's capacity. A considerable literature confronts with how value chain dynamics in textile industry (i.e., EU yarn manufacturers' curiosity in safeguarding weaving phases) formed the strategies of AD examinations across European work settings, where other member countries with upstream ability sought actions to safeguard integrated parts of their organizational sector. The removal of ATC's quota hence generated a period of transition in which safeguarding and AD

approaches replaced earlier quantity restrictions; Pakistani exporters and the rest of the Asian distributors come upon with novel regulatory and managerial challenges even as quotas fell away. The managerial implications, evident in previous studies, are that liberalization of the quotas does not mechanically generate accessibility towards a liberal market when corrective regulatory actions are still politically lucrative and attractive to importers.

3.6 Literature Gaps and Consequences for Pakistan-Centric Analyses

The quantitative and cross-regional literature is evident in patterns (high rate of achievements for US/EU petitioners, optimizing filings in the post-ATC era, AD filling focusses in textiles); however, they leave room for further granular, value chain, and organizational level assessments that integrate procedural choices in examinations to quantifiable outcomes of exports. In relation to Pakistan, the existing studies offer both empirical and qualitative evidence regarding how AD strategies mitigate exports, optimize safeguarding expenses, and transform overall organizational practices (i.e., developing data solutions for exporters, obtaining regulatory help from governments, and seeking AD legislation at the local level). Nevertheless, the studies would benefit from optimizing quantitative predictions of lost revenues from export attributable to AD cases (product cycles and demand shocks controlling) and from analyses of organizational reforms in Pakistan (i.e., capacity optimization of NTC) in post 1990s.

3.7 Brief Conclusion of the Literature Review:

The review of the literature paints AD as a regulatory permitted but rationally defective approach due to incentives of the political economy and methodological discretion, which usually performs as protectionism and imposes huge costs on exporters from third-world regions. In relation to the textile sector of Pakistan, the findings from the studies documented in mid 1990s, (bed-linen, UCF and yarn) demonstrates this dynamic undoubtedly and recommends that the response of the regional policy must focus on prevention capacity optimization (data and regulatory preparedness), strategic level engagement with the WTO and selective regulatory reforms at local level to ensure defense competence and reciprocity.

4 Regulatory Framework: AD Rules of WTO and Domestic Response of Pakistan

4.1 The Global Regulatory Framework:

The regulatory base for contemporary AD rules lies in **Article VI of the General Agreement on Tariffs and Trade (GATT 1947)** and its consequent elaboration in the **WTO Anti-Dumping Agreement (ADA)**. Such tools explain dumping as the sale of a commodity in a foreign market at below its actual price — usually the domestic value in the foreign (exporting) market — and allow AD duties imposition when the following three benchmarks are fulfilled:

- **Causation** (integrating injury to the dumped imports (WTO 2025))
- **Dumping** (i.e., $\text{Export Value} < \text{Actual Value}$); and
- **Material Damage** (or injury thereof) to a local business.

The ADA controls duration and imposition of duties (Article 9-11), analytical approaches (Article 5-7), and identification of damage (Article 3-4). Whereas established to

avoid unfair practices, critics have long asserted that the ADA's openly crafted language permits domestic bodies extensive discretion, enabling politically driven defense under a regulatory facade (Messerlin, 1998; Prusa & Skeath, 2004).

4.2 Focal Technical Assurances

- **Commencement and Proof:** Article 5(1)-3 entails that the petition includes prima-facie proof of damage and dumping, facilitated by local businesses, indicating roughly 25% of the entire manufacturing. However, as researchers noted, departments seldom act on an evidentiary basis, demonstrating political burden from highly organized segments (Finger, 1998).
- **Provisional Actions:** Article 7 permits provisional measures or assurances for nearly 6 months (extendible to 9), triggering instant business disruption even before a concluding determination.
- **Comparability Price:** Article 2 allows the creation of normal prices when local values are unreliable or unavailable, announcing procedural discretion that usually expands margins of dumping.
- **Reviews of Sunset Clause:** According to Article 11, it is mandatory that expiry occur after 60 months, until or unless an evaluation demonstrates that removal would likely lead to continuation or recurrence of dumping or injury.

4.3 Pakistan's Domestic Regulations and WTO's AD Rules: Legal Framework:

4.3.1 Legal Framework of WTO on Anti- Dumping:

The WTO's Anti-Dumping Agreement (ADA) mainly establishes the foundations of the international regulatory regime controlling AD measures. It offers both the procedural and substantive requirements for the commencement, examinations, and executions of AD measures. Based on GATT (1947) Article VI, we may argue that dumping seems to happen when a product is familiarized into the trade of another region "at below the normal price", triggering or threatening material harm to the local corporate entities of the importing country. Nevertheless, the conversion of this wide-ranging principle into enforceable obligations and rights has been manifested by crucial interpretative discretion. The multifaceted approaches of ADA, more specifically in identifying constructed value, normal value, and contributing link has been subject to fluctuating interpretations by examining bodies. This has caused systematic asymmetry between developing and developed regions, the former usually lacking the organizational capability to effectively confront uncertain determinations (Palmer, 2003; Hoekman & Kostecki, 2009).

4.3.2 Determination of Dumping

Under ADA's Article 2, dumping exists when the product's value is below its equivalent product value in the exporting country's local market. Three fundamental methods are permitted to construct a "normal value".

1. **Price in Home Market:** The chosen criterion, depicting the value at which a good is sold in the local market of the exporter's country in the ordinary trade course.

2. **Constructed Value (CV):** Based on production cost coupled with administrative and general expenses, reasonable selling amount, and profitability as well.
3. **Price in Third Country:** This method is adopted when sales in home markets are distorted or inadequate.

It has been depicted from previous research that when local sales are less than the actual cost in huge quantities, bodies may likely neglect them and establish a normal value otherwise. This article, while legitimately sound, has been disapproved for institutional bodies to inflate established value and hence broaden margins of dumping (Blonigen & Prusa, 2016).

4.3.3 Determination of Causation and Injury

ADA's Article 3 requires that a determination of harm be based on favorable proof and an impartial investigation of the price and volume effects of dumped imports and their implications on local organizations. Injury could be evident where dumped imports effectively weaken local prices or overwhelm price optimization that would otherwise happen. The causal connection between injury and dumping should be established; however, the ADA permits discretion in assessing other factors, including optimization in input prices, technological transformations, and demand contraction. This, in turn, led towards subjective determination, where evaluators selectively attribute injury to imports even in the nonappearance of visible causality (Yazdani, 1999).

4.3.4 Transparency and Procedural Benchmarks

ADA's Article 5 depicts procedural benchmarks for originating assessments. An application should be facilitated by local manufacturers representing nearly 25 percent of the entire product's manufacturing. Once started, authorities should give notice to all stakeholders, for instance, importers, exporters, and the exporting region's government. Articles 12 and 6 depict the due process and transparency thresholds, offering stakeholders the right to access data of a non-confidential nature, submit proof, and receive revelation of crucial information before a concluding determination. In spite of such formal assurances, evidentiary pressure and time-related obstacles usually disadvantage developing regions' exporters. They are obligated to fulfill sophisticated questionnaires—entailing the cost of manufacturing, accounting reconciliations, and sales insights—within the given time framework. Hence, failure to offer entire insights permits relevant bodies to execute “facts available” (Article 6.8), which usually results in higher margins of dumping and negative inferences.

4.4 The Domestic AD Legislation in Pakistan

The response of Pakistan gradually evolved. The country had no dedicated business-remedy regulations until the late 1990s. Assessments involving exports (i.e., bed linen to the EU and cotton in Japan) of Pakistan unveiled the nonappearance of organizational frameworks to protect exporters. Identifying this susceptibility, the legislative bodies enacted the ADD Ordinance (2000), consequently integrated under the ADD Act (2015). Both are managed by the NTC.

4.5 The ADD Ordinance 2000

This Ordinance closely reflects the ADA of WTO. It entails causal connections, material damage, and dumping as well; crafts benchmarks for filing petitions, examinations, and identifications; and enables NTC to impose financial and provisional measures. The focal attributes are as follows:

- **Assessment Process:** A written requisition should demonstrate nearly 25% of the local manufacturing. The NTC executes initial screening and issues a commencement notice if the proof is adequate.
- **Provisional Actions:** Allowed for 4 months (extendible to 240 days).
- **Revelation and Confirmation:** It is required by sections 32-34 that public disclosure of mandatory data permits the exporter's data on-site verification.
- **Mechanism of Appeal:** The relevant stakeholders could oppose determinations before the Appellate Tribunal.
- **Sunset clause:** Duties expire after five years or unless an appraisal validates continuation.

A considerable body of literature has shown that the aforementioned Ordinance would enhance Pakistan's reputation and provide entrepreneurs with a domestic platform to empower the government and secure or initiate AD cases as required.

4.6 The National Tariff Commission

The NTC, originally established under the NTC Act (1990), executes safeguarding, countervailing, and AD laws. Its focal obligations are as follows:

- Execute assessments on requisitions from local businesses;
- The country representation in the committees of the WTO;
- Advising the Commerce Ministry on policy regarding business remedies.

Despite such a mandate, hands-on obstacles persist. The NTC performs with low financial resources and a small human capital pool. The harmony among the Commission, the Chamber of Industry and Commerce, and exporters remains ad hoc. A considerable literature has shown a number of chronic deficiencies, including poor information gathering, inadequate funding for permissible representation in offshore markets, and a lack of centralized registries for exporters. Such firm adoption of AD at the domestic level has two policy advantages: it indicates compliance with the norms of WTO, for instance, reciprocity, and it nourishes organizational capacity to assess offshore assessments __ a focal requirement for safeguarding exporters in offshore markets.

4.7 Amalgamation of Domestic Law and Global Obligations:

The correlation between Pakistan's local framework and WTO regulations is managed through a dualist framework: global agreements need enabling legal frameworks to develop local obligations and rights as well. The ADD Ordinance, however, serves as the internal regulatory mechanism transforming the commitments of Pakistan's commitments towards the WTO by enforcing reductions at the domestic level. Nevertheless, voids still exist:

- **Due Process and Transparency:** Although the Ordinance entails provisions of confirmation and disclosure, on-ground execution usually falls short. Exporters often report restricted access to closed datasets in offshore examinations.
- **Coordination:** The correlation between the Commerce Ministry and NTC (and between
- **Coordination:** The link between the NTC and the Ministry of Commerce (and between these bodies and private exporters) remains weak, limiting real-time information flow necessary for mounting WTO-level defenses.
- **Judicial Review:** No dedicated business courts exist to expedite proceedings. Appeals to the High Court are conceivable but not cost-effective. Several law researchers recommend that amalgamating WTO-compatible procedural protections __ for instance, obligatory consultation with impacted exporters, digital case management frameworks and time-bound decision schedules __ would optimize Pakistan's credibility and compliance (Yusuf, 2020).

4.8 Regional and Comparative Perspectives:

Other developing regions have adopted identical dual mechanisms with varying efficacy:

- **Brazil** and **Turkey** have built organizational competencies empowering proactive protectionism and the commencement of cases.
- **India** has established a rigorous Directorate General of Trade Remedies, today, one of the highly resilient AD bodies around the world.
- **China**, after its agreement with the WTO, developed dedicated tribunals and invested in regulatory training to manage AD litigation.

Pakistan's comparatively modest organizational-legal capability contrasts with such instances, underlining the need for constant investment in exporters' awareness and law-business expertise. A considerable literature suggests that a national "Exporter's Data Cell" within the NTC remains pertinent, aimed at sustaining ready-to-use pricing and cost information Silos for swift response towards cases.

However, legislation in Pakistan is officially WTO-centric; executional voids persist in the following four domains:

- **Coherence in Policy Frameworks:** Disintegration between the corporate sector, business activities, and the ministries of foreign affairs weakens an integrated safeguarding mechanism.
- **Legal Depiction:** Small exporters seldom afford global legal consultation firms experienced in cases regarding anti-dumping.
- **Quality of Data:** Various domestic firms lack dependable cost-related insights, fragmenting defenses or petitions.
- **Timeliness.** Assessments usually exceed statutory time limits, which consequently erodes integrity and trustworthiness.

To address such voids, policymakers suggest:

- Encouraging reforms in WTO at the procedure level (i.e., optimized transparency in the construction of normal value, higher initiation benchmarks);
- Conveying arrangements regarding mutual support towards developing regions within the AD Practices Committee of the WTO;
- Building a Business Remedies Facilitation Department within the Commerce Ministry, and
- Establishing a schedule of accredited business-regulations experts for government-facilitated defense.

Reforms would not only fortify the defensive capabilities of Pakistan but also significantly contribute to wider efforts by developing partners to democratize the business-remedy regime around the globe.

4.9 Domestic AD Framework of Pakistan

4.9.1 Historical Context

The early business legislation in Pakistan did not entail detailed provisions to counter AD duties. In the mid-1990s, when exports of Pakistan, more specifically in the textile sector, were confronted with various AD duties abroad, it was evident that no institution at the local level was equipped to examine such actions. The 1969 Customs Act entailed inadequate references to countervailing AD measures but lacked WTO consistency and methodological comprehensiveness. Fulfilling this void, crucial legal reforms have been taken by Pakistan following its dedication with Uruguay Round.

4.9.2 Organizational Structure and Procedure

It is the responsibility of NTC to conduct assessments into suspected dumping, identifying injury to local corporate entities, and suggesting the termination or imposition of AD measures. Its framework comprehensively depicts the WTO's ADA, which is mentioned below.

1. **Commencement:** Complaints should be submitted by or on behalf of local manufacturers accounting for nearly 25% of the entire production at the domestic level.
2. **Initial Determination:** The NTC evaluates whether adequate proofs exist to warrant assessment within 60 days.
3. **Assessment:** Stakeholders (offshore governments, importers, and exporters) are invited and notified to submit data.
4. **Provisional Actions:** For up to four months, the NTC could take provisional actions if initial results demonstrate injury and dumping.
5. **Last Determination:** A conclusive decision should be made within 1 year (extendable to one and a half years).
6. **Sunset Clause and Evaluation:** After five years, duties expire unless an appraisal develops that termination would likely lead to repetition of injury or dumping.

Whereas procedurally sound, the framework confronts executive obstacles, more specifically in the gathering of evidence, the technical capability of appraisal bodies, and

transparency as well. Undoubtedly, the NTC has inadequate resources to execute cost-related audits and authenticate pricing information, which distorts its capability to safeguard exporters from Pakistan worldwide (NTC Annual Report, 2023).

4.9.3 Reciprocity and Implementation

The Act of anti-dumping enables NTC to enforce ADDs on imports that injure domestic entrepreneurs, thereby providing reciprocal safeguarding. Nevertheless, Pakistan has traditionally exercised restraint in executing such actions, with nearly 10 appeals annually in comparison to China's 60 to 70 and India's 30 to 40. This underutilization depicts both a policy preference for organizational inertia and liberal trade (UNCTAD, 2021).

A considerable literature has argued that the nonappearance of robust implementation at the domestic level weakens the negotiating power of Pakistan at conflict management forums like the WTO. On the other hand, the nations, including Brazil and India, have adopted sound AD measures as a leverage of bargaining and deterrents (Hoekman & Kostecki, 2017).

4.10 Regulatory Gaps and Obstacles

Despite official compliance with the institutional (WTO) benchmarks, the AD framework of Pakistan confronts various obstacles are as follows:

1. **Fragmented Infrastructure of Data:** Exporters usually fail to sustain cost-related records compatible with the global benchmarks, leading to rejected or imperfect submissions.
2. **Insufficient Engagement with WTO:** Although Pakistan actively participates in the AD Practices Committee, it rarely facilitates joint reform initiatives or tables proposals by developing regions.
3. **Inadequate Legal Competency:** The business evaluators and lawyers of Pakistan lack expertise in sophisticated AD litigations. In crucial cases against Pakistan, including the EU's evaluations on unbleached cotton fabrics in 1996, safeguarding endeavors have been damaged by insufficient regulatory representation (Yazdani, 1999).
4. **Nonappearance of Precautionary Diplomacy:** Pakistan's diplomatic missions in Tokyo, Brussels, and Washington usually reactively respond to AD notices rather than engaging in early discussions with relevant bodies.
5. **Poor Coordination:** Intersections between corporate associations, the Commerce Ministry and NTC lead to unpredictable responses throughout global investigations.
6. **Ministry and NTC lead to unpredictable responses throughout global investigations.**

4.11 Empirical Repercussions

4.11.1 The Impact of AD on the Textile Exports of Pakistan

4.11.2 Textile Sector Microeconomic Significance

Clothing and textiles significantly contribute to Pakistan's economy. It is estimated that the textile sector contributes nearly 8-9% of the country's GDP, over 60% of the earnings from exports, and one-third of the corporate sector employment (State Bank of Pakistan, 2024). Bed linen, unbleached grey fabric, and Cotton yarn dominate the export mix. The competitiveness of this sector is based on cheaper human capital and the transition from ginning to weaving

vertical production lines. Nevertheless, such benefits have been diluted by recurrent AD measures imposed in pivotal markets, more specifically in Japan and the EU.

4.12 Patterns of anti-dumping actions against Pakistan

Pakistan has been confronted with several AD investigations between FY 1994 and FY 2004 targeting textile and related goods. Focal episodes are as follows:

Table No 1: Focal Episodes

Year	Product	Initiating Authority	Outcome	Average Duty
1995	Cotton yarn	Japan	Terminated after provisional findings	15–22 %
1996	Unbleached cotton fabric (UCF)	EU	Provisional duties confirmed	8–11 %
1997	Bed-linen	EU	Final duty imposed (DS141 litigation)	7.4–13.1 %
1999	Grey cotton fabric	EU	Provisional duties suspended	6–9 %
2003	Towels	US	No measures imposed	—

Source: (European Commission reports.)

These actions transition from quota-based regulation under the Multi-Fibre Arrangement to tariff-based liberalization under the Agreement on Textiles and Clothing (ATC). As quotas were phased out, importing countries increasingly resorted to anti-dumping and safeguard mechanisms as “surrogate protection” (Bhagwati & Panagariya, 1996).

4.13 Business-Flow Impact

Using Penal datasets, a considerable literature regarding third-world region exporters shows that AD measures mitigate bilateral exports by nearly 15-30% in the initiation year and roughly 50% when AD actions are long-established (Bown & Crowley, 2007). Applying such elasticities to textile exports of Pakistan in 1997 (nearly US \$5.2 billion) recommends that predetermined sales of \$700–900 million during the EU years of investigation. Exports of bed linen alone fell from €580 million in 1996 to €370 million in 1999 before recovering post-WTO litigation (European Commission, 2001).

4.14 Market-Share & Price Impact

A considerable literature has shown that for Pakistan’s UCF exports, CIF prices to the EU increase by 10-12% within a couple of months of the provisional declaration; on the other hand, the share of the market decreased from 17-11% in bed linen and from 15-9% in a grey fabric. Even after duties have been revoked or lowered, the buyer confidence loss and churn costs prevented optimum market position recovery.

4.15 Organizational Level Costs

A number of studies have shown that exporters' auditing cost accounts bear crucial transactional and legal data and engage with EU-based counsel. It has been projected that safeguarding expenses for an average-sized organization are US \$80 000 per case. Minor manufacturers usually withdraw, leaving the ground to an inefficient but huge integrated firm (i.e., Kohinoor Textile, Nishat Fabrics, Chenab Mills). Such integrations intensify organizational focus and mitigate export participation diversity.

4.16 Case Study 1 — Bed Linen (DS 141 & EU, 1997)

The case of bed linen is highly researched, as well as the only case litigated in the WTO by Pakistan. The EU imposed decisive measures by following a 1997 complaint by Eurocotton, such as duties ranging from 7.4% to 13.1% in relation to the exports of Pakistan. Pakistan confronted this approach, asserting that the Commission's model-wise calculations and "zeroing" practice violated ADA Articles 2.4 and 2.4.2. The Appellate Body judgment in 2001 was in favor of Pakistan (EC — Bed Linen, DS141). In spite of the judgment leading to reconsideration of duties, financial injury had already happened: between 1997 and 2000, exports of bed linen to the EU declined by 30%, and a crucial loss was faced by Pakistan in terms of buyer contracts to Egypt and India. However, a longstanding advantage has been evident from this case, for instance, optimized expertise of NTC, capacity optimization in litigation at WTO, and higher-level standardization among exporters. Post-2001 exports rebounded by 2003 by €620 million, demonstrating that limited salvage once regulatory obstacles have been removed.

4.17 Case Study II — Cotton Yarn (Japan, 1995)

From Pakistan, Thailand and India, the Finance Ministry of Japan started litigation on cotton yarn in 1995 following petitions from local firms. The case has been finished after provisional results; however, triggered instant business contraction. Between 1994 and 1996, yarn exports to Japan from Pakistan decreased by 38%. The examinations showed that two dilemmas have become persistent themes: (1) nonappearance of authorized legal facilitation from exporters, (2) insufficient standardized cost insights. Post- case reviews conducted by Pakistan Textile Exporters Association showed that buyer shifts towards China and India after the closure

4.18 Case Study III — Unbleached Cotton Fabric (EU, 1996)

In 1996, the EU Commission examined fabrics targeted at Egypt, Indonesia, India, and Pakistan. Under Council Regulation (EC) No. 1208/96, provisional duties of 8-11% have been imposed. Several studies have shown that, despite EU manufacturers claimed value, they are undercutting by 15%. Based on the EU Commission's datasets, we can argue that no significant manufacturing recovery has been evident at the domestic level after the imposition of duties, suggesting that duties may safeguard unproductive units without reinstating competitiveness. The measures have shifted exports towards non-EU markets for Pakistan (Russia, the Middle East), however, at a discounted rate, mitigating 12% per unit revenue. The indirect repercussions included loss of nearly 25000 personnel across firms in Punjab and declined capacity adoption (78% to 64%) from 1997 to 1999. The aforementioned scenario has demonstrated the spread of offshore business remedies into local markets through export channels.

4.19 Structural and Macroeconomic Repercussions

4.19.1 Organizational and Employment Performance

AD actions result in a loss of employment due to decreased inventory accumulation and reduced capacity utilization. The APTMA projected temporary layoffs of 80000

personnel caused by the 1996–1998 EU cases. The performance shows for weaving and spinning decreased by 8.4% and 6.8%, respectively (Central Bank Annual Report, 1999).

4.19.2 Investment and Exchange Rate Impact

In 1999, the earnings from foreign exchange were reduced by US\$600 million, compelling the current account and restricting modernization in investment. The uncertainty among investors obviously delayed imports of equipment as well as plans for expansions. It has been evident a 4% growth in textile investment per year during 1995-2000 in comparison to the 9% growth in the last five years (The World Bank, 2002).

4.19.3 Diversification of Market:

In the Middle East and Asia, exporters responded by reorienting towards emerging markets. Nevertheless, unit prices in such emerging markets have decreased by 15 to 20%; hence, diversification reduced the loss of volume rather than the mitigation of revenue. Several studies have shown that the reorientation of export did not completely offset the loss of greater value EU orders, and in 1998, the average export unit price for UCF of Pakistan decreased from US \$1.68/m² to US \$1.43/m².

4.19.4 Policy Feedback, Adoption and Learning: Dynamic Impact:

Although the short-term repercussions have been adverse, the AD exposure activated crucial workplace behaviors. Exporters started keeping transaction databases and standardized records of cost to facilitate potential safeguarding.

- **Advocacy of Policy Frameworks:** In the WTO Committee on AD Practices, Pakistan became active by collaborating with Brazil and India through suggesting firm transparency benchmarks.
- **Vertical Integration:** organizations invested in spinning-to-weaving integration to mitigate challenges of transfer-value.
- **Regulatory Capacity:** The NTC and the Commerce Ministry established dedicated business-remedy units, partially subsidized by the Pakistan Export Promotion Bureau.

Hence, while AD actions initially depressed exports, they brought organizational adoption in the long run, which consequently optimized capability of Pakistan to engage in rule-oriented business practices.

4.20 Comparative Environment

Cross-regional studies have shown identical patterns for developing exporters are as follows:

- **China:** More than 80 AD investigations faced by China between 1997 and 2001, the experience of Pakistan is unique for its minor organizational scale and restricted fiscal capability to facilitate regulatory defense. However, its accomplishment in EC — Bed Linen made it a sign of assertiveness in the WTO as a developing nation.
- **India:** More than 47 AD cases faced by India in EU markets between 1995 and 2005; however, India responded by creating a vigorous directorate for business remedy at the

local level, which has also filed aggressive cases to engender harmony in the process of negotiation.

4.21 Implications of Financial Policy

- **Data Analytics:** Developing a business information unit at the national level connecting export, customs, and tax records would facilitate early warning of potential cases.
- **Regulatory Safety Fund:** A public-private joint fund for AD litigation could generate resources and mitigate organization-wide expenses.
- **Regional cooperation:** South Asian regions must organize positions within the WTO to claim higher transparency in EU/US methodologies.
- **Strategy for Export Market:** Undoubtedly, diversification is essential, but inadequate without enhancing product branding and quality to mitigate value-centric susceptibility optimization. Investing in value-added textiles (home décor, garments) could weaken the experience to upstream allegations of dumping.

5 Conclusion

5.1 Toward a Robust Legal Mechanism

A robust and strengthened legal safeguard against AD measures requires both external advocacy and reforms at the internal level.

1. **Coordination at the Regional Level:** Coordination with other developing regions via G77 and SAARC to present joint proposals of reforms at the WTO.
2. **Proactive Diplomacy:** Engagement with the AD practices Committee of the WTO to suggest explanations on the provisions regarding “facts available”, “lesser duty rules” and “zeroing.”
3. **Legal Coordination:** Developing collaborations between corporate alliances, academia, and academia at both public and private levels.
4. **Transparency of Data:** Establishment of digitalized cost-related data silos for exporters, enabling swift accessibility of authentic data throughout evaluations.
5. **Nurturing Capabilities:** Dedicated development initiatives for business exporters, business lawyers, and NTC in the WTO’s cost accounting and conflict procedures.

Such actions would not only enable Pakistan to safeguard itself from offshore dumping cases more effectively but also to engage more strategically with its own domestic legislation to manage harmful imports.

5.2 Contribution of Governmental Bodies

As the regulatory and other costs of contributing towards AD examinations are crucial and are usually beyond the organizational resources, they depend upon their institutional bodies to protect their interests. The Pakistan government should play a more pivotal role in the future regarding AD examinations, thereby facilitating exporters and their respective organizations. Moreover, the Pakistan government must facilitate the proposal submitted at the WTO, which

demonstrates alterations in rules, so that the conflict management bodies follow the same procedures offered by the Dispute Settlement Understanding. At this time, it has been evident that dedicated provisions in the agreement regarding to managing conflicts in the context of anti-dumping.

The ADP agreement unfairly confines the contribution of the conflict management bodies. The ADP excludes AD cases from the normal panel of managing conflicts. In conflicts on all other matters, the panels are sanctioned to recognize whether the country has breached its regulations under the agreement. This authority has been delegated to the panels in AD cases. Such selective procedures and the discretion they offer to those originating the AD cases required to be reestablished. Without such reforms, the WTO will fail to independently perform as a neutral body in identifying the veracity of AD claims. The developing regions should bury their business differences and thrash out a similar stance on ADD ahead of the upcoming WTO meeting in Seattle. It is time for the world to dump anti-dumping, a substantial obstruction to the potential export growth in developing regions in general and Pakistan in particular.

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