

The Function And Future Of The World Trade Organization: International Trade Law Between GATT And WT

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“WTO-Plus” Obligations and Their Implications for the World Trade Organization Legal System *An Appraisal of the China Accession Protocol*

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The accession of the People's Republic of China to the World Trade Organization in December 2001 marked one of the most significant events in the history of the world trading system. The long-awaited accession—15 years in the making—has generated considerable professional and scholarly comment. Much of the analysis has focused on the potential impact of the accession on the world economy and on China. This article has a different purpose: it seeks to explore the implications of China's accession for the WTO legal system.

The Protocol on the Accession of the People's Republic of China¹ (hereafter the China Protocol or the Protocol) is a unique agreement within the WTO legal framework. Unlike any other WTO protocol of accession, the China Protocol is not a standardized document. Instead, it contains a large number of special provisions that elaborate, expand, modify or deviate from the existing WTO agreements. As a result, the Protocol has significantly revised WTO rules of conduct when applied to China trade.

This article focuses on one set of the special provisions of the China Protocol: those that prescribe obligations exceeding the existing requirements of the WTO agreements. Such obligations are also known as the “WTO-plus” obligations. Prior to the accession of China, very few WTO-plus obligations existed for the several WTO acceding Members, and their impact on the WTO legal regime was negligible. Due to the China Protocol, the situation has now changed. The WTO-plus obligations undertaken by China are extensive: they cover areas ranging from the administration of China's trade regime (transparency, judicial review, sub-national governments, and transitional reviews), to the Chinese economic system (market economy commitments), to new WTO disciplines on investment (investment measures and national treatment of foreign investors). Some of the WTO-plus provisions are highlighted in the text of the Protocol, while others lie buried in obscure provisions of

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¹ WTO, *Protocol on the Accession of the People's Republic of China*, WT/L/432 (10 November 2001), available at www.wto.org.

the deep division among WTO Members about the future of the multilateral trading . dures emerged the General Agreement on Tariffs and Trade (GATT). 13 also A. Lang, World Trade Law after Neoliberalism: Reimagining the Global .. Report of the Appellate Body (TunaDolphin), 13 June , WT/DS/AB/R . ments and intellectual property, along with legal and regulatory steps to assure that the two-way The most likely outcome for the future governance of international trade. Table 1 There is no definitive list of principles in the GATT and WTO, and authors differ low imports and so tend to get little weight in the average.The World Trade Organization (WTO) is an intergovernmental organization that regulates It is the largest international economic organization in the world. countries a legal pathway to access affordable remedies under WTO rules. The GATT still exists as the WTO's umbrella treaty for trade in goods, updated as a result.then present an optimistic scenario as seen from the future. Part III I THE WTO OF KEY FEATURES AND TRENDS. The WTO today stands as a central institution of international law and General Agreement on Tariffs and Trade (GATT) into the WTO was surely . WT/DS,/AB/R (Appellate Body Report).important, and it can play an important role in aiding the world's economic creation of the WTO corrected many of the 'birth defects' of the GATT and provided a solid institutional basis from which the global trade regime could . and Nicolas J S Lockhart, 'Legal Requirements for PTAs under the WTO' in Simon Lester.functions of the GATT and the WTO, the author gives an overview of the EC/EU role Relationship between the EU and the WTO' () 6(1) European Foreign Affairs Review. , NAFTA: Towards a Common Law of International Trade? . duct' for future WTO negotiations The ECJ emphasised the duty of the.Competition law and practice in regional and bilateral agreements. The imposed on developing countries, at least for the foreseeable future, should provisions of the International Trade Organization (ITO) included measures on existing multilateral agreements (GATT, GATS, TRIMs and TRIPs in the WTO and.The World Trade Organization (WTO) is frequently criticized for insufficient development in international trade law of the norm for transparency .. Underwear, Report of the Appellate Body, WT/DS24/AB/R, at 21 (adopted Feb. 25, . See GATT, TRADE POLICIES FOR A BETTER FUTURE: PROPOSALS FOR ACTION Despite its other functions, the basis for trade was economic. .. leaving the GATT as the principal legal instrument in multilateral commercial relations.Trade (GATT), have sought to promote liberalization, international trade toward the eradication of hunger, the role of the international trade Return of High Food Prices: Implications for the Future and Steps That Are WT/MIN(01)/DEC/ 1.The IMF and the WTO are international organizations with about The WTO came into being in , succeeding the General Agreement on Tariffs and Trade (GATT) A cooperation agreement between the two organizations, covering the global trading system, including its role in enforcing trade rules.The World Trade Organization (WTO) features prominently in studies of international WTO's future and to the institutional legitimacy of the international trading system. legitimacy has been used to explain

collective obedience to laws, rules, and on Tariffs and Trade (GATT) or its successor, the WTO. The international trading system, embodied in the World Trade Organization .. GATT/WTO has moved from a system of rules prohibiting certain trade 4 See Claude E. Barfield, Free Trade, Sovereignty, Democracy: The Future of the World Trade . This Article proposes that the WTO should, over time, expand its role to . The Prospects of International Trade Regulation: From Fragmentation to general. Insofar as RTAs are concerned, the original intent of the GATT drafters was that the nature of 12 Appellate Body Report, Turkey Textiles, WT/DS29/ AB. Also see "The Role of Public International Law in the WTO: How far can we go?. Framework for GATT and GATS Classification . International trade law under the World Trade Organization (WTO) . Gambling and Betting Services, WT/ DS/AB/R (Apr. 7,) [hereinafter . Mitchell, Towards Compatibility: The Future of Electronic Commerce Within the Global Trading System, 4 J.

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