

Global Governance, Global Trade and the WTO

Negotiating & Litigating the Rules of the Game

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[1. Basics of WTO; 2. Dispute Resolution System; 3. 'U.S. - China Litigation'; 4. Observations.]



Overview of Global Governance -- Global Trade & WTO

- ["Executive Summary."](#) Global Trends (2025): A Transformed World (National Intelligence Council 2008).
- ["Global Governance 2025 -- A Critical Juncture."](#) pp. iii-vi, 1-6 (National Intelligence Council & ISS, Nov. 2010). ([Executive Summary](#)).
- Lamy, ["Transition from Old Governance to New Governance of a New Trade Order."](#) WTO News (October 1, 2010).
- [International Economic Law and Policy Blog: Will the WTO Become Obsolete?](#)



Overview of U.S. & WTO – Int'l Agreements (Negotiating Rules) & Dispute Resolution (Litigating Rules).

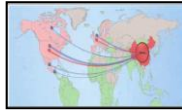
- Malawer, "Trade Agreements & Uruguay Round," ["U.S. Law & Global Trade."](#) (2011) ([PowerPoint](#)) (*Basic U.S. Treaty Approach, Basic WTO & Agreements #48, #50, #52, #53, #60, #62, # 63*).
- [WTO Map of DSU Disputes](#) (2011).
- [WTO & Global Governance \(Rules & System of Law\)](#). WTO Video (2009).
- Malawer, ["World Trade Organization & Dispute Resolution."](#) (*Basics of DSU -- #6, #7, #34, #37, #38, #43, #44 (10-Years Actual Practice -- #53-#60, #64-#66)*) (2011). ([PowerPoint](#)).
- "Sutherland, ["The World Will Regret its Neglect of Doha."](#) Financial Times (Jan. 28, 2011).
- ["Life after Doha."](#) Financial Times (April 19, 2011).
- ["Doha -- Plan B."](#) Wall Street Journal (April 28, 2011).
- Lamy, ["Doha Deadlock."](#) WTO News (April 29, 2011).
- Lamy, ["Global Trade & International Business."](#) (May 12, 2011).



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Case Study of Bilateral Trade Litigation – U.S. AND CHINA (2001-2011).

- Malawer, "[U.S.-China WTO Litigation \(2001-2010\) -- Active & Aggressive Litigants.](#)" (includes chart) (2010). ([PDF version](#)) ([review chart](#)). [LinkedIn discussion](#).
- Martin Wolf in the [Financial Times](#) argues that it is *in the national interest of China to support a stable global trading system*. In particular, to assist to further develop a rules-governed, institutionally based global system. That China should be a guardian of the open trading system. "[How China Should Rule the World.](#)" [Financial Times](#) (March 23, 2011).



Observations.

- Some general propositions:
 - Growing global relationship between trade and national security.
 - Disconnect between role of multilateral institutions and global demands.
 - Rules-based global trade system is a major development and important to international peace.
 - WTO dispute resolution system is robust and effective.
 - WTO has established “*a culture of management of global trade relations.*”
- Bilateral Litigation *U.S. – China.*
 - Active --- Large volume of trade relations, many cases.
 - Recommendations implemented by both.
- Litigation or Negotiations in Trade Relations.
 - Litigation -- Good or Bad?
 - Litigation side of WTO more effective than rule-making?
 - Settles bilateral disputes.
 - Removes restrictions for the system.
 - Clarifies rules for all.
 - Growth & success of litigation (DSU) --- Surprise in context of ambivalent expectations at Uruguay.
- Negotiations approach (Doha) needs to be reviewed and reassessed.
- Global trade relations are constantly evolving. Global trade is one of the most important aspects of international relations today --- Even more so after 9/11 and the 2008 global financial crisis. Maintaining effective multilateral governance is a critical challenge.

