



# THE CONSTITUTIONALIZATION OF THE WORLD TRADE ORGANIZATION

Legitimacy, Democracy, and Community  
in the International Trading System

Deborah Z. Cass

# Constitutionalization Of The World Trade Organization

## Trading Democracy



**United Nations**

## **Constitutionalization Of The World Trade Organization Trading Democracy:**

The Constitutionalization of the World Trade Organization Deborah Z. Cass, 2005 This is a book about the constitutionalization of the World Trade Organization and the contemporary development of institutional forms and democratic ideas associated with constitutionalism within the world trading system It is about constitutionalization enthusiasts who promote institutions management techniques rights discourse and quasi judicial power to construct a constitution for the WTO It is about constitutional skeptics who fear the effect the phenomenon of constitutionalization is having on the autonomy of states the capacity of the WTO to consider non economic and non free trade goals and democratic processes at the WTO and within the nation state The aim of the study then is to disentangle debates about the various meanings of the term constitution when it used to apply to the World Trade Organization and to reflect upon the significance of those meanings for more general international law conceptions of constitutions Cass argues that the WTO is not and should not be described as a constitution either by the standards of any received account of that term or by the lights of any of the current WTO models Under these definitions serious issues of legitimacy democracy and community are at stake The WTO would lack a proper political structure to balance the work of its judicial bodies it may curtail the ability of states to decide matters of national economic interest it lacks authorization by a coherent political community and it risks an emphasis upon economic goals and pure free trade over other equally important social values Instead Cass argues that what is needed is a constitutionalized WTO which considers the economic development needs of states and takes account of the skewed playing field of international trade and its effect on the economic prospects of developing countries In short trading democracy legitimacy and community and not trading constitutionalization are the biggest challenges facing the WTO

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decide matters of national economic interest it lacks authorization by a coherent political community and it risks an emphasis upon economic goals and pure free trade over other equally important social values Instead Cass argues that what is needed is a constitutionalized WTO which considers the economic development needs of states and takes account of the skewed playing field of international trade and its effect on the economic prospects of developing countries In short trading democracy legitimacy and community and not trading constitutionalization are the biggest challenges facing the WTO

*International Economic Law and the Digital Divide* Rohan Kariyawasam, 2008-01-01 In this well researched book the author explains the digital divide and its repercussions for developed and developing nations In his view the overzealous disciplining at the WTO level of instruments affecting trade notwithstanding developing countries still have important tools in their hands intellectual property protection competition policies tax regimes that can help them attract foreign direct investment a crucial ingredient in reducing the current divide Borrowing from the institutions that we have seen developed in international economic relations is highly recommended as well In short whether the divide will continue to persist or conversely whether it will gradually become a historical feature of international relations critically depends on the political will on both sides of the divide The author makes a persuasive argument to support his thesis empirically researched and with strong foundations in theory Petros C Mavroidis Columbia Law School US and University of Neuchâtel Switzerland This path breaking book focuses on the WTO e commerce and information communications technologies It sheds light on how international economic law can be used as a tool in the application of technological processes to facilitate development in developing countries Rohan Kariyawasam begins by looking predominantly at the rise of international digital networks He offers an introduction to the networks used in the delivery of electronic products and network based transactions and the application of WTO law to the sector He then suggests how developing countries can use economic law and technology to tap digital markets in the developed world The book also argues that the advance of basic living standards in some developing countries can be achieved through technological processes but that this cannot happen without such states paying greater attention to the enforcement of economic social and cultural rights at home Picking up the property rights debate including through bilateral trade the author argues that ensuring beneficial technology transfer will require balancing foreign investor rights to protect intellectual property It will also involve restrictions imposed by competition law and WTO surveillance to check the possible misuse of market power by multinational companies The proposed mixture of measures should he argues provide incentives for Foreign Direct Investment Providing a thorough review of the application of WTO law to the telecommunications sector and the regulation of international digital networks this book will be of great interest to postgraduate students in international economic law and international development law as well as those interested in human rights law and technology It will also appeal to government regulators NGOs and technologists interested in ICTs and development Redesigning the World Trade Organization for the Twenty-first Century Debra P. Steger, 2009-12-15 Two

high level commissions the Sutherland report in 2004 and the Warwick Commission report in 2007 addressed the future of the World Trade Organization and made proposals for incremental reform This book goes further it explains why institutional reform of the WTO is needed at this critical juncture in world history and provides innovative practical proposals for modernizing the WTO to enable it to respond to the challenges of the twenty first century Contributors focus on five critical areas transparency decision and rule making procedures internal management structures participation by non governmental organizations and civil society and relationships with regional trade agreements Co published with the International Development Research Centre and the Centre for International Governance Innovation Global Constitutionalism from European and East Asian Perspectives Takao Suami, Anne Peters, Dimitri Vanoverbeke, Mattias Kumm, 2018-11-29 Examines and compares East Asian and European perspectives of Global Constitutionalism **Foreign Investment, Human Rights and the Environment** Shyami Fernando Puvimanasinghe, 2007 Events like the Bhopal disaster the sale of products harmful to human health and safety and child labour especially in resource scarce settings raise fundamental issues of human dignity and ecological integrity From a legal perspective and in the context of Foreign Direct Investment by Transnational Corporations in developing countries they highlight the lacuna of a holistic international legal framework and its implementation This book embodies a critique of the complex web of public international law principles on economics human rights and the environment and their convergence or lack thereof related regional South Asian and domestic Sri Lankan legal arrangements interventions of states and non state actors towards just equitable and sustainable development It is a quest for a middle path in the multidisciplinary landscape of international law development and North South power dynamics globalization of free trade and investment and of social and environmental interests and salient aspects of the philosophical socio economic and legal fabric of South Asia viewed against the evolving controversial and elastic sphere of international relations and law where consensus has hitherto been an elusive dream Collected Courses of the Xiamen Academy of International Law, Volume 3 (2010) The Xiamen Academy of International Law, 2011-06-22 The Collected Courses of the Xiamen Academy of International Law contain the Summer Courses taught at the Xiamen Academy of International Law by highly qualified international legal professionals The Third Volume of the Series contains the following articles New Trends of International Law in the Era of Globalization Stephan Hobe Tradition versus Harmonization in the Recent Reforms of Contract Law Ole Lando Constitutional Functions and Constitutional Problems of International Economic Law in the 21st Century Ernst Ulrich Petersmann International Law A System of Relationships Malcolm N Shaw QC The International Law of Watercourses New Dimensions Patricia Wouters The Xiamen Academy of International Law aims to promote academic exchanges among legal communities across the globe encourage examination of major international issues and by so doing seek ways to improve the possibilities for world peace and international cooperation It seeks to achieve this aim by providing the highest level of education to individuals particularly those from Asian countries interested in the development and use of

international law persons such as young lecturers in international law diplomats practitioners of transnational law government officials in charge of foreign affairs and officials of international organizations

The Democratic Legitimacy of International Law Steven Wheatley, 2010-06-02 This book restates the deliberative ideal developed by Habermas and applies this to the systems of global governance

The World Trade Organization Anna Lanoszka, 2009 Examining the World Trade Organization this book covers the basics the WTO's history its structure and its practices and concerns It presents an overview of the world trading system since the end of World War II It also explains the profound changes brought about by the establishment of the WTO

**Traversing the Divide** Kim Rubenstein, 2021-03-05 This collection honours the work of Deborah Cass 15 February 1960 4 June 2013 a brilliant Australian constitutional and international lawyer Deborah studied at the University of Melbourne and Harvard Law School and taught at Melbourne Law School The Australian National University and the London School of Economics A member of The Australian National University's Centre for International and Public Law from 1993 to 2000 Deborah's work offered illuminating new perspectives in a range of fields from the right to self determination critical international legal theory and feminist legal theory to the international trade law system The title of this edited collection draws on one of her articles *Traversing the Divide* International Law and Australian Constitutional Law 1998 20 Adelaide Law Review 73 This book evolves from a symposium held to draw together academics from around the globe to reflect on Deborah's extensive scholarship and contributions to public law and international law and to examine how her work is of value to current domestic and international law issues The pieces selected for this volume both remind us of Deborah's outstanding academic career and provide important insights on current public law and international law pressing issues While devoting fine attention to the stuff of everyday life Deborah Cass was also a brilliant scholar Although the deep sense of loss and sadness at Deborah's death remains it is wonderful to have her writings as a continuing source of inspiration and consolation In them we continue to hear Deborah's firm clear voice her appreciation of language her seriousness her curiosity her sensitivity and her wry humour Professor Hilary Charlesworth

Chinese Journal of International Law, 2007

*New York University Journal of International Law & Politics* New York University. International Law Society, 2006

Recueil Des Cours, 2007 The author director of the Lauterpacht Center for International Law examines in this course the multilateral rights and obligations in International Law He starts by introducing terms that a priori do not seem to pose any particular problem such as for instance the terms bilateral and multilateral but that on closer inspection deserve to be looked at in more detail He then gives an historical outline of the development of multilateral law making In the next chapter he examines the multilateral treaty as constitution and the United Nation Charter James Crawford then studies the sources of international law as sources of multilateral rights and obligations multilateral rights and obligations as components of general international law and the development of the multilateral categories jus cogens etc In the last chapters Professor Crawford tackles the question of claims for breaches of multilateral obligations and the decriminalization

of State responsibility by looking at the peremptory norms and international crimes of State Publisher s description

Development and the Rule of Law in the WTO Intan Murnira Ramli,2008 International economic law has been evolving toward an unprecedented degree of institutionalism and supranational legal authority expressed through the availability of legalistic and more coercive mechanisms to develop international legal obligations enforceable upon states This book will explore the transparency of the Dispute Settlement Mechanism DSM within the World Trade Organization WTO the level of participation of the WTO members especially those of the developing and the least developed countries and the attitude of the DSM in relation to the issue of development

**The WTO and the Doha Round** Ross P. Buckley,2003 Among the specific issues researched and analysed here are the U S led return to a unilateralist and interventionist approach to global problems the importance of the rules based WTO system to developing nations as a crucial alternative to power politics the failure to achieve enhanced access to developed world markets for agricultural products textiles clothing and footwear the relevance of GATS and TRIPS to the developing world internal WTO governance issues including the important role of the Secretariat as negotiator and mediator the implementation phase of the dispute settlement understanding the continuing resistance to linking trade and environment the place of human rights in the international trading system and the likely impact of the double scourge of AIDS and terrorism on flows of trade capital people and knowledge

*United Nations Juridical Yearbook* United Nations,2005 *The Journal of World Investment & Trade* ,2007

**Globalisation and Labour Rights** Christine Kaufmann,2007 This book examines the tension between core labour rights defined by the International Labour Organisation and the interests of economic institutions

**The EU, the WTO and China** Francis Snyder,2010-09-02 Snyder s book consists of a series of integrated studies of sites of governance global legal pluralism and the regulation of international trade

**The Shifting Allocation of Authority in International Law** Tomer Broude,Yuval Shany,2008-07 Essays in honour of Professor Ruth Lapidoth T p

## Reviewing **Constitutionalization Of The World Trade Organization Trading Democracy**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Constitutionalization Of The World Trade Organization Trading Democracy**," an enthralling opus penned by a very acclaimed wordsmith, readers attempt an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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