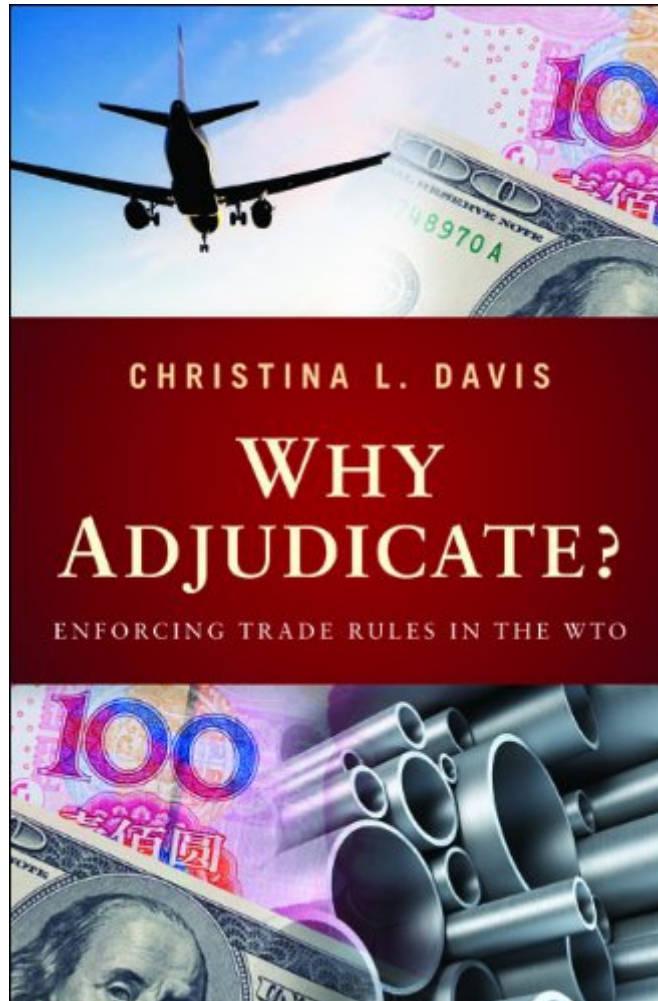




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Why Adjudicate?: Enforcing Trade Rules In The WTO



Synopsis

The World Trade Organization (WTO) oversees the negotiation and enforcement of formal rules governing international trade. Why do countries choose to adjudicate their trade disputes in the WTO rather than settling their differences on their own? In *Why Adjudicate?*, Christina Davis investigates the domestic politics behind the filing of WTO complaints and reveals why formal dispute settlement creates better outcomes for governments and their citizens. Davis demonstrates that industry lobbying, legislative demands, and international politics influence which countries and cases appear before the WTO. Democratic checks and balances bias the trade policy process toward public lawsuits and away from informal settlements. Trade officials use legal complaints to manage domestic politics and defend trade interests. WTO dispute settlement enables states and domestic groups to signal resolve more effectively, thereby enhancing the information available to policymakers and reducing the risk of a trade war. Davis establishes her argument with data on trade disputes and landmark cases, including the Boeing-Airbus controversy over aircraft subsidies, disagreement over Chinese intellectual property rights, and Japan's repeated challenges of U.S. steel industry protection. In her analysis of foreign trade barriers against U.S. exports, Davis explains why the United States gains better outcomes for cases taken to formal dispute settlement than for those negotiated. Case studies of Peru and Vietnam show that legal action can also benefit developing countries.

Book Information

File Size: 3713 KB

Print Length: 345 pages

Page Numbers Source ISBN: 0691152764

Publisher: Princeton University Press (May 27, 2012)

Publication Date: May 27, 2012

Sold by:Â Digital Services LLC

Language: English

ASIN: B007BP3F0O

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Enhanced Typesetting: Enabled

Best Sellers Rank: #1,110,920 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #34 in Kindle Store > Kindle eBooks > Nonfiction > Politics & Social Sciences > Politics & Government > International & World Politics > Treaties #218 in Books > Politics & Social Sciences > Politics & Government > International & World Politics > Treaties #418 in Books > Politics & Social Sciences > Politics & Government > International & World Politics > Trades & Tariffs

Customer Reviews

This is a book about the choice of governments to use the World Trade Court of the World Trade Organization to adjudicate disputes with other governments. The alternatives are either to do nothing or to engage in direct negotiations with those other governments. The author argues that democratic governments tend to use the Court to insulate themselves from direct pressure from private interests groups so that their citizens can continue to enjoy greater degrees of trade liberalization overall. The author's careful analysis of data on trade disputes leads her to assert, in addition, that the outcomes are better when governments avail themselves of these forums for dispute resolution. Thus, the apparent trend toward legalization is a pragmatic response of governments to the domestic political pressures that result from globalization of the world economy.

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