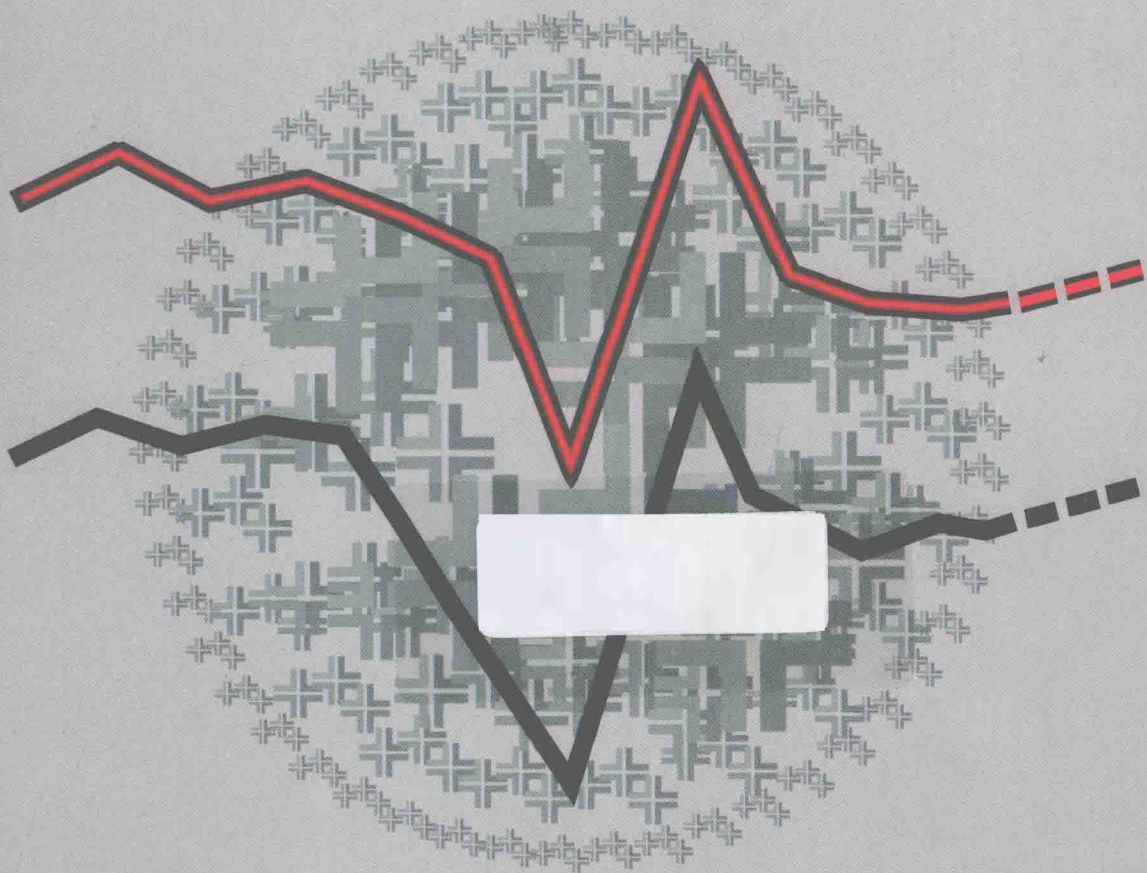


陈德铭 等著

经济危机与规则重构

Economic Crisis and Rule Reconstruction



经济危机与规则重构

陈德铭 等著

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推荐序一

我们身处一个深刻变革的时代。近年来，新兴经济体不断涌出，旧有的确定性逐渐消失，这一切要求我们所有人重新解读当今世界。本书通过分析金融危机大背景下的国际经济和贸易规则的演进，为我们在全新环境中的不断前行指明了方向，而陈德铭先生是一位再理想不过的向导。

作为危机时期的中国商务部长以及在世界贸易组织中我本人有幸曾与之共事的贸易谈判代表，陈德铭先生具有丰富的经验。在讨论前述重要议题时，这些经验很有参考价值。他亲眼目睹了 2008 年多边贸易体制陷入瘫痪的全过程，也全程参与了为打破僵局开展的初期工作，也正是这些早期的努力最终促成了 2013 年 12 月巴厘岛部长级会议的成功。巴厘岛会议的成功引发了对世界贸易组织前景、贸易规则重构以及多哈回合谈判最终结束的大辩论。对这场辩论而言，本书的出版是重要而及时的。

翻阅此书，你会了解到陈德铭先生在如何解决现有国际经济规则与全球经济不断变化之间的适应性与不适性方面的分析。这一点凸显了以规则为基础、通过巴厘岛会议的成功而复兴的多边贸易体制的重要性，以及世界贸易组织争端解决机制的价值。

阅读中国观点的部分，也可以感受到作者的真知灼见。这一部分

讨论了包括从区域贸易安排到知识产权在内的许多重要议题，并在结论中为中国未来的经济开放与合作提供了建议。

当我们预测未来与贸易有关的倡议，或为之采取行动前，必须对近年来发生的变革性事件做出恰当的评估。凭借此书，陈部长对大辩论贡献了及时、重要的深刻见解。毫无疑问，任何有关世界贸易组织内规则重构的讨论都将从陈部长的观点和分析中获益良多。

阿泽维多

世界贸易组织总干事

FOREWORD I

We are living through a period of profound change. Recent years have seen new economies emerge and old certainties vanish, challenging us all to look at the world afresh. By analysing the evolution of international economic and trade rules in the context of the financial crisis, this book helps us to navigate this new landscape – and Chen Deming is the ideal guide.

Mr Chen has tremendous experience to bring to bear on these issues -both as a Minister during the crisis and as a trade negotiator at the World Trade Organization (WTO) where I had the privilege of working alongside him. He saw first-hand the process which led to the paralysis of the multilateral trading system in 2008 and the early steps towards resolving it, which led eventually to the successful Ministerial meeting in Bali in December 2013. That success has sparked a debate about the future of the WTO, the restructuring of trade rules and the conclusion of the Doha round -a debate to which this book is an important and timely contribution.

Within these pages you will find analysis that will shed light on how to address the match and mismatch between existing international economic rules and the shifting realities of the global economy. It highlights the

importance of the rules-based multilateral trading system – much revived by the success in Bali-and the value of the WTO's dispute settlement mechanism.

There is also valuable insight here into China's perspective, with thoughts on many important issues, from regional trade initiatives to intellectual property, concluding with a prescription for further economic opening and engagement.

Any attempt to predict or prescribe actions on future trade-related initiatives will have to be soundly anchored on a proper assessment of the transformative events of recent years. With this book Minister Chen has made an early, important and insightful contribution to the debate. Certainly any conversation on rules restructuring within the WTO will benefit from his thoughts and analysis.

A handwritten signature in black ink, reading "Robert Azevedo". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

(Robert Azevedo)
Director-General of the WTO

推荐序二

正如本书所展示的，作为中国的商务部长，陈德铭是一位经验丰富的贸易谈判代表。他也是一位专家，一位知识分子，一位改革家。当然，出于透明度的考虑，我必须再补充一点：他是我的朋友。

他多方面的才华在本书的各个章节中表露无遗。

他对 2007—2008 年爆发于美国的金融危机所做的分析完全正确：这一危机始于最全球化的行业——金融业缺乏全球化监管，在世界范围内造成了可怕的后果，尤其是大量的失业。如果我们仔细分析以往历次危机，并且充分考虑全球化（或者陈德铭所言的“再全球化”）发展的速度之快，我们本该采取预防措施。遗憾的是，由于缺少国际共识，我们未能采取行动。危机催生了 20 国集团，其正在逐步修正全球治理中的失灵，但在我看来进展缓慢。

然而，金融业并非全球经济治理的唯一短板。正如书中多个章节描述的，贸易、投资和环境也需要更强有力的国际纪律约束，以有效驾驭全球化。本书作者的建议涉及这一领域中的许多内容，包括服务贸易、政府采购、贸易救济、知识产权和电子商务。陈德铭的改革特质也表现在其应对关键性、敏感性问题的态度上，如国有企业或“竞争中立”。

我认为陈德铭令人敬畏的学术水平充分显示在他对国际贸易新格局的描述中：全球价值链，我们所处的真实世界与大多数贸易专家依然

认为的传统贸易世界大不相同。随着出口商品中进口成分不断增加，传统的重商主义方式已不再重要。非关税措施的重要性与日俱增，拷问着互惠及特殊和差别待遇的古老智慧。过去，大多数贸易壁垒的目标是保护国内生产商。未来，贸易壁垒将更多表现为旨在保护消费者的措施。或者更准确地说，表现为通过标准、准则或认证的方法控制与消费者有关的风险。简言之，贸易的开放正在从削减关税向监管协调演进。

为了实现全球贸易监管的这一新境界，陈德铭阐述了区域化和多边化的有序共存。这也是极少数我无法苟同的观点。我认为，创造公平的环境，尤其是出于发展中国家的利益创造公平的环境需要多边层面的融合。若想实现这一点，世界贸易组织成员就必须同意按照 GATT/WTO 第 24 款重申多边主义优先于区域主义。而且我认为有必要重新修订第 24 款，以避免“监管歧视”。这一点在投资规则领域表现得尤为突出。我曾多次主张以多边制度替代如意大利面条般错综复杂的双边投资协议。无须多言，我完全支持陈德铭关于中国在加强基于规则的贸易体系中发挥的新责任的远见。中国在世界经济中的分量非常重要，因此其利益与政策无法与世界分道扬镳。而没有中国的参与，世界也无法形成新的规则。这与我的期待完全吻合：中国出现新一波始于服务业、旨在提升中国服务业生产率的贸易开放。

最后，我必须对陈德铭在本书对全球市场资本主义的内在矛盾所做的深刻思考表示敬佩。不管表现何种形式，这一矛盾如今仍然存在。经济人既是工人，也是消费者。作为一名消费者，他欢迎竞争，因为竞争可以带来创新以及更好、更便宜的商品和服务。作为工人，他讨厌对生产率、资质和流动能力的持续压力，渴望人与人之间的合作。竞争与合作的尺度如何把握？陈德铭数度提出了这个问题，尽管其回答也是探索性的。

作为中国的老朋友，我可以说，这一基础性问题的解决在很大程度上有赖于中国的转型。我们所有人的自身利益都与中国的向好息息相关。陈德铭的愿景、解读和建议既关乎中国的发展建设，也关乎重塑更好的世界秩序。两者齐头并进，不可割裂。如同陈德铭的观点，我相信一定会更好。

帕斯卡·拉米
世界贸易组织前任总干事

FOREWORD II

As evidenced in this book, Chen Deming who is known as a seasoned trade negotiator in the world when he was the Trade Minister of China, is also an expert, an intellectual, and a reformist. I must add, in the interest of transparency, that he is a friend of mine.

The various facets of his talent appear throughout the chapters.

His analysis of the financial crisis which erupted in the US in 2007-2008 is spot on: it originated in the poor global regulation of the most global industry: finance. And the consequences were terrible worldwide. Not least because of the huge number of job losses. Looking at the past crises and considering how fast globalization (or “re-globalization” as Chen puts it) has grown since should have led to preventive action. Because of the absence of international consensus this unfortunately did not happen. A failure in global governance which the G-20, the birth of which was midwived by the crisis, is now fixing, although too slowly in my view.

But finance is not the only weak spot in global economic governance. As described in various chapters, trade, investment, environment also need

stronger international disciplines for globalization to be properly harnessed, and the author's suggestions cover much of this ground, including services trade, government procurement, trade remedies, intellectual property, E-commerce. Chen's reforming credentials also appear in dealing with issues that are critical, as well as sensitive for China, such as state owned enterprises, or "competitive neutrality".

Where I believe Chen deploys his formidable pedagogic qualities is in his description of the new patterns of international trade: global value chains, the real world we live in as opposed to the conventional world of trade most trade experts still have in mind. The increasing import content of exports is slowly making the traditional mercantilist approach irrelevant. The growing importance of non-tariff measures is questioning the old wisdom of reciprocity and special and differential treatment. In the past, most obstacles to trade were aiming at protecting domestic producers. In the future, obstacles to trade will lie more and more in measures the purpose of which is to protect the consumers. Or, to be more precise, in differences in managing consumer related risks through standards, norms or certification procedures. In short, opening trade is evolving from tariff reduction to regulatory harmonization.


To achieve this new stage in global trade regulation, Chen basically makes the case for an orderly coexistence of regional and multilateral approaches. This is one of the rare topics on which I beg differ from him. I believe the necessary multilateral convergence which is needed to level the playing field, especially to the benefit of developing countries, will not happen without WTO members agreeing to restate the primacy of

multilateralism over regionalism which lies in GATT/WTO article XXIV, and which needs, in my view, to be redrafted in order to avoid “regulatory discrimination”. This is particularly true in the field of investment rules which I have advocated many times, to replace the spaghetti bowl of bilateral investment agreements by a multilateral regime. Needless to say, Chen’s vision of China’s new responsibilities in strengthening the rules based trading system has my full support. China’s weight in the world economy is now such that its interests and policies cannot diverge from the rest of the world, nor could the rest of the world frame a new set of rules without China on board. This is fully in line with what I expect to happen: a new wave of trade opening in China, starting with services in order to improve China’s productivity in this sector.

Finally, I must pay tribute to the deep thinking Chen devotes throughout his book to the inherent tensions within global market capitalism, as it stands today, whichever shape it takes. Homo oeconomicus is both a worker and a consumer. As a consumer, he is fond of competition which brings innovation, better and cheaper goods and services. As a worker, he resents constant pressure on productivity, qualifications, mobility and looks for more human cooperation. How much competition? How much cooperation? Chen’s answer to this question, which he raises many times, albeit often implicitly remains tentative.

What I can say, as an old friend of China, is that a large part of the solution to this fundamental problem lies in the transformations of China. We all have a huge stake in China getting it right. Chen Deming’s visions,

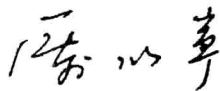
explanations, suggestions, are as much about the construction of China as about the reconstruction of a better world order. They now go hand in hand and cannot be separated. For the better, I believe, like him.

A handwritten signature in black ink, consisting of a vertical line on the left, a horizontal line extending to the right, and a vertical line on the right that descends below the horizontal line.

(Pascal Lamy)
Former Director-General of the WTO

推荐序三

2008年美国金融危机发生以来，国际经济领域内一直在酝酿着规则重构问题。这不仅将使每个国家今后了解安排活动的依据何在，如何趋利避害，而且还影响到各国经济战略目标的调整 and 实现。中国作为一个越来越具有重大国际影响的社会主义大国，同样必须进一步了解国际经济领域内规则重构问题的来龙去脉，既要心中有数，更要把握住有利的时机，做出战略目标得以顺利实现的改革部署。那么，在新的情况下，我们怎样扼要地了解这些变动的由来，以及我们应该做出哪些重要的调整？在这里，我郑重地向广大读者推荐陈德铭同志率领下的相关课题组共同撰写的《经济危机与规则重构》一书（商务印书馆2014年出版）。我感到，这可能是最能帮助读者很快进入这个研究领域的入门读物，同时也是最能帮助读者在现有知识的基础上深入开展研究的必读参考书。



（厉以宁）

2014年1月22日

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