



世贸组织与中国

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休闲书屋丛书 / 英汉对照
丛书主编 / 谢艳明



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前 言

20 世纪 30 年代,世界上主要贸易大国为了壮大各自国家的经济,分别提高关税,筑起贸易壁垒,以保护本国的民族经济。贸易战迅速引发成对资源的强取豪夺,进而爆发了第二次世界大战。

二战的硝烟刚刚散尽,为促进国际经济合作,世界银行和国际货币基金便应运而生。随后,在一个临时协定的基础上建立了世贸组织(WTO)的前身——关税及贸易总协定(General Agreement on Tariffs and Trade,简称:GATT)。为了早日推进贸易自由化,并着手纠正 20 世纪 30 年代初期就存在的贸易保护主义措施,1946 年,创始关贸总协定的 23 个缔约国就关税问题展开了谈判。贸易谈判首轮回合就直接导致了削减 45 000 种关税,它涉及 100 亿美元的贸易额,相当于当时世界贸易总额的 1/5。同时,各缔约国还同意关税削减额度应该尽可能地使用初期 GATT 中的临时条款来加以补偿,以此来接受国际贸易组织草案宪章中的某些贸易规则。关税减让和贸易规则构成了关税及贸易总协定,并于 1948 年 1 月开始实施。

尽管 GATT 是临时性的,发挥作用的领域是有限的,但它在过去 47 年多里,为促进和保护众多世界贸易的自由化所取得的成功却是无可辩驳的。这种努力促使世界贸易获得了非常高的增长。20 世纪 50~60 年代,世界贸易每年平均增长 8%。而且这种贸易自由化势头还有助于确保在 GATT 时代的贸易增长率稳步超过生产率。在乌拉圭回合期间,新成员的急剧增加表明,GATT

所代表的多边贸易体制已被公认是发展贸易的有力支撑,也是经济贸易改革的有效工具。

1994年4月,在摩洛哥的马拉喀什签署的《部长宣言》,使得世界贸易组织(WTO)于1995年1月正式成立。WTO的创立是乌拉圭回合多边谈判的产物。作为国际上最“年轻”的组织之一,WTO是二战以后关贸总协定的延续。尽管世贸组织历史不长,但是它在世界经济发展中却起到了重要的推动作用。它力求建立一个全世界统一的经济秩序,并制定了许多维护这一秩序的法律文件,以及解决国际贸易争端的协定。然而,从它建立之日起,各种批评、抗议和谴责在世界各地不断涌现。

本书以轻松的笔调向读者介绍世界贸易组织的发展历程、机构设置、主要协议、对世界经济和政治发展的积极意义,以及在世界各地发生的抗议和一些学者对其进行的批评。这些正反两方面的评说可以使更清楚地认识世贸组织。本书还介绍了中国加入WTO的历程,以及中国须履行的义务和可以享受的权利。展望未来,前进的道路上既有机遇,也有挑战。

编 者

2002年6月

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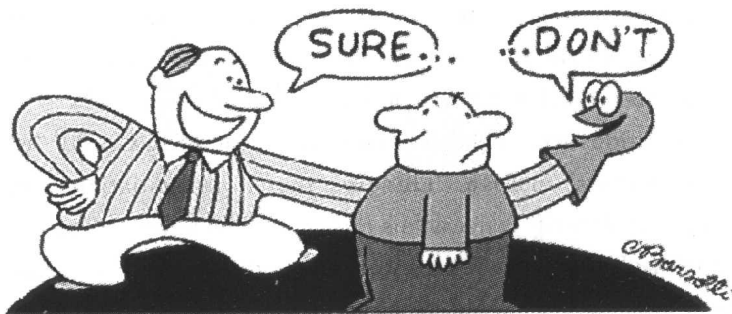
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Part One: From GATT to WTO

第一部分:从关贸总协定到 世界贸易组织



1. General Agreement on Tariffs and Trade

The WTO's predecessor, the General Agreement on Tariffs and Trade (GATT), was established on a provisional basis after the Second World War in the wake of other new multilateral institutions dedicated to international economic cooperation — notably the “Bretton Woods” institutions now known as the World Bank and the International Monetary Fund.

The original 23 GATT countries were among over 50 which

agreed a draft Charter for an International Trade Organization (ITO) — a new specialized agency of the United Nations. The Charter was intended to provide not only world trade disciplines but also contained rules relating to employment, commodity agreements, restrictive business practices, international investment and services.

In an effort to give an early boost to trade liberalization after the Second World War — and to begin to correct the protectionist measures which remained in place from the early 1930s — tariff negotiations were opened among the 23 founding GATT “contracting parties” in 1946. This first round of negotiations resulted in 45,000 tariff concessions affecting \$ 10 billion — or about one-fifth of world trade. It was also agreed that the value of these concessions should be protected by early — and largely “provisional” — acceptance of some of the trade rules in the draft ITO Charter. The tariff concessions and rules together became known as the General Agreement on Tariffs and Trade and entered into force in January 1948.

Although the ITO Charter was finally agreed at a UN Conference on Trade and Employment in Havana in March 1948 ratification in national legislatures proved impossible in some cases. When the United States’ government announced, in 1950, that it would not seek congressional ratification of the Havana Charter, the ITO was effectively dead. Despite its provisional nature, the GATT remained the only multilateral instrument governing international trade from 1948 until the establishment of the WTO in 1995.

Although, in its 47 years, the basic legal text of the GATT

remained much as it was in 1948, there were additions in the form of “plurilateral” — voluntary membership — agreements and continual efforts to reduce tariffs. Much of this was achieved through a series of “trade rounds”.

【参考译文】

一、关贸总协定(GATT)

第二次世界大战之后,为促进国际经济合作,专门建立了多边机构——“布雷顿森林”机构,即后来的世界银行和国际货币基金组织。随后,在一个临时协定的基础上建立了世贸组织(WTO)的前身——关税及贸易总协定(GATT)。

起初,50多个国家通过了建立一个新的联合国专门机构——国际贸易组织(ITO)的草拟宪章,而这50多个国家中就有23个国家成为关贸总协定缔约国,宪章中不仅包含国际贸易纪律,还包括与就业、商品协定、限制性商业惯例、国际投资和服务业有关的规则。

第二次世界大战后,为了早日推进贸易自由化,并着手纠正30年代初期就存在的贸易保护主义措施,1946年,创始关贸总协定的23个缔约国就关税问题展开了谈判。贸易谈判首轮回合就直接导致了削减45000种关税,涉及100亿美元的贸易额,相当于当时世界贸易总额的1/5。同时,各缔约国还同意尽早地——很大程度上“临时地”——贯彻国际贸易组织的一些规则,以保护关税削减的价值。关税减让和贸易规则构成了关税及贸易总协定,并于1948年1月开始实施。

1948年3月,联合国贸易和就业会议在哈瓦那召开,大会最

后通过了国际贸易组织宪章,但它无法得到一些国家立法机关的批准。1950年美国政府宣布不再寻求国会批准哈瓦那宪章,至此,国际贸易组织实际上已经名存实亡。尽管 GATT 是临时性的,但从 1948 年到 1995 年 WTO 成立,它一直是惟一管理国际贸易的多边机构。

在过去的 47 年中,GATT 的基本法律文本仍是 1948 年的原样,只是增加了自愿成员国的“多边”协议以及为减低关税所做的进一步努力。这些成绩多数是通过一系列的“贸易回合”多边谈判而得以实现的。

2. Trade Rounds

The biggest leaps forward in international trade liberalization have come through multilateral trade negotiations, or “trade rounds”, under the auspices of GATT — the Uruguay Round was the latest and most extensive.

Although often lengthy, trade rounds offer a package approach to trade negotiations; an approach with a number of advantages over issue-by-issue negotiations. For a start, a trade round allows participants to seek and secure advantages across a wide range of issues. Second, concessions which are necessary but would otherwise be difficult to defend in domestic political terms, can be made more easily in the context of a package which also contains politically and economically attractive benefits. Third, developing countries and other less powerful participants have a greater chance of influencing the multilateral system in the context of a round than if bilateral relationships between major trading nations are allowed to dominate. Finally, overall reform in politically-sensitive sectors of world trade can be more feasible in the context of a global package — reform of agricultural trade was a good example in the Uruguay Round.

Most of GATT's early trade rounds were devoted to continuing the process of reducing tariffs. The results of the Kennedy Round in the mid-sixties, however, included a new GATT Anti-Dumping Agreement. The Tokyo Round during the seventies

3. The Tokyo Round

Conducted between 1973 and 1979 and with 102 participating countries, the Tokyo Round continued GATT's efforts to progressively reduce tariffs. The results included an average one-third cut in customs duties in the world's nine major industrial markets, bringing the average tariff on manufactured products down to 4.7 per cent compared with about 40 per cent at the time of GATT's creation. The tariff reductions, phased in over a period of eight years, involved an element of "harmonization", bringing the highest tariffs down proportionately more than the lowest.

Elsewhere, the Tokyo Round had mixed results. It failed to come to grips with the fundamental problems affecting farm trade and also stopped short of providing a new agreement on "safeguards" (emergency import measures). Nevertheless, a series of agreements on non-tariff barriers did emerge from the negotiations, in some cases interpreting existing GATT rules, in others breaking entirely new ground. In most cases, only a relatively small number of, mainly industrialized, GATT members ascribed to these agreements which, as a consequence, were often referred to as "codes". They include the following agreements:

- Subsidies and countervailing measures
- Technical barriers to trade