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AN INTRODUCTION TO THE WORLD TRADE ORGANIZATION FOR BUSINESS ENGLISH LEARNERS

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贸易组织概论

WORLD TRADE ORGANIZATION

肖云南 李勇 胡峰松 主编

供商务英语学习者使用



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高等学校教材

AN INTRODUCTION TO THE WORLD TRADE ORGANIZATION

-FOR BUSINESS ENGLISH LEARNERS

世界贸易组织概论

——供商务英语学习者使用

肖云南 黃湧 胡峰松 主编 肖云南 野勇 陈勇 欧志峰 邓红霞 Marion Blaings Tom Cook

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内容简介

本书用英语编写,共分五部分,45章。

第一部分分析 WTO 取代 GATT 的原因,系统介绍了 WTO 的机构、宗旨、原则、职能、法律规则框架、加入程序及其对发展中国家的特殊政策;分析阐述了人们对 WTO 的误解,WTO 贸易体制的好处及其他需要改革的原因。第二部分详细评述了 WTO 的 18 个主要的具体规则。第三部分分析评述了 WTO 的审议机制和争端解决机制。第四部分着重介绍了目前还没有形成协议,因而未纳入多边贸易谈判范围的,但倍受各成员关注的重大议题。第五部分回顾了中国加入 WTO 的重大事件;概述了中美、中欧关于中国加入 WTO 的双边协定内容;分析了中国加入 WTO 的重大意义及中国加入 WTO 为什么要求权力与义务的平衡;综述了中国加入 WTO 对台湾、香港及对中国的相关产业带来的影响。

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编者序言

中国刚刚加入 WTO(世界贸易组织),许多大专院校想为学生开设有关 WTO 的知识讲座。因为学生们常常向政治课教师或素质教育课的教师提出这样一些问题:WTO 到底是个什么样的组织?为什么中国一定要加入 WTO? WTO 对中国有哪些影响?WTO 的法律规则有哪些?如此等等的一系列问题都反映了学生们关注 WTO 和中国彻底走向市场经济的前景,渴求获得有关基本知识。

本书正是为了满足学生们的这一渴求而编写的。希望学生在了解有关 WTO 知识的过程中,同时提高英语水平,因而用英语编写。本书适合有一定英语水平的学习者。可用于大学素质教育或英语泛读课程,亦可用于自修。

为了便于读者理解,我们编写时力求做到文章简短,语言通俗易懂。在每章节的开头提出了2~3个思考问题,并对每个章节的标题、问题及术语均注有中文翻译。书中第二部分是WTO的具体法律协议,由于法律文件有其特有的文体格式,不便简化,故书中保留了法律条例的一些原文句子,并对这一部分和理解难度大的相关内容附录中文翻译,以供参考。湖南大学远程教育学院已把WTO基本知识教育列入了素质教育课。本书还将在湖南大学远程教育学院的协助与支持下,制成多媒体网络教学光盘,这将更有利于读者自修本书。

本书作者都是湖南大学商务英语教学第一线的教师。作者有肖云南、李勇、陈勇、欧志峰、邓红霞。全书由加拿大里贾纳大学语言学院高级讲师 Marion Billings 女士和美国韦恩国立大学的 Tom Cook 教授审校, Cook 教授还为本书写了前言,在此表示衷心地感谢!

由于工作繁忙,编写时间仓促,经验有限,书中可能会有不少纰漏之处,欢迎读者批评指正。

作 者_ 于长沙市岳麓山湖南大学 2002年8月

Preface

China's entry into the WTO has ended a long period of waiting and uncertainty. But it has also created some new questions: What does WTO membership really mean? What is the WTO and how does it function? What changes will it entail for China? What are its main advantages and what are its biggest risks?

In this book the above questions are answered as clearly and carefully as the available information permits. Of course there are no final answers. The WTO itself has only existed in its present form since 1995, and it will continue to evolve. The biggest changes of all will no doubt occur not in the WTO but in China, which is currently and rapidly undergoing one of the largest processes of economic and social change in human history. This process has occurred thus far with a remarkable absence of social and political disruption, unlike the turbulent events that were unleashed when some of the former Soviet republics made their preliminary transitions toward market economies a decade earlier.

A broader dissemination of accurate information about the WTO should facilitate the smooth transition projected by the Chinese leaders who took the courageous step of joining the WTO. That, indeed, is a key goal of this book. But such a large undertaking cannot be free of obstacles and pitfalls. Therefore another key goal of the book is to honestly face the possible drawbacks of the WTO, e.g. for the environment, for Chinese agriculture and banking, and for other Chinese industries and businesses that will encounter increased foreign competition. In this way when obstacles arise they may be less of a surprise.

The greatest risk of all may be the pace of change itself. The world is changing rapidly, and China is changing even faster. "Future shock" is thus a genuine possibility, even if the process is guided adroitly and peacefully. The arrival of the World Wide Web not all that long ago probably made further economic and industrial globalization inevitable, and there's no easy way to slow it down. It may not be entirely good, and it probably won't be. It has many opponents among environmentalists and others. But the WTO may be one way to make it better. In such an uncertain world, we should use every reasonable tool at our dispolsal to gain a larger share in the management of our own destiny.

It has been my pleasure to assist in a very minor way in the production of this book, and I congratulate those who did most of the work for doing so much in such a short time.

Tom Cook Ph D

Professor of Wayne State College

Wayne, Nebraska USA

Tom Cook

May 12, 2002

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Part I A Brief Introduction to the WTO 世界贸易组织简介

Chapter 1 General Agreement on Tariff and Trade 关税贸易总协定

The Establishment of GATT GATT 的建立

■ What's the Aim of the Charter of the International Trade Organization (ITO)?

国际贸易组织宪章的宗旨是什么?

■ How was GATT established? GATT 是怎样建立的?

What was the function of GATT before the establishment of WTO? WTO 建立之前 GATT 起了哪些作用?

After the Second World War, several institutions which were intended to coordinate and regulate international economic cooperation were formed. They are referred to as the Bretton Woods institutions $^{\oplus}$, known today as the World Bank and the International Monetary Funds. The original intention was to create a third institution to handle international economic cooperation; the International Trade Organisation (ITO).

The original 23 GATT^⑤ countries were among over 50 which agreed on a draft Charter for ITO, a new specialized agency of the United Nations. The Charter was intended to provide not only world trade disciplines but also it 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 large overhang of 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

① Bretton Woods Institutions 布雷顿森林体系

② World Bank 世界银行

③ International Monetary Funds 国际货币基金组织

④ International Trade Organization(ITO) 国际贸易组织

⑤ CATT 关税及贸易总协定

negotiations resulted in 45 000 tariff concessions^① affecting \$10 billion or about one-fifth of total world trade at that time. It was also agreed that the value of these concessions should be protected by early and largely "provisional"^② acceptance of some of the trade rules in the draft ITO charter. The tariff concession 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 on 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.

From 1948 to 1994, in the absence of any other regulating multilateral body, the GATT provided rules for much of world trade. Until the World Trade Organization (WTO) replaced it in 1994, the GATT was a provisional agreement and organization. During this period the GATT's basic legal text remained much as it was in 1947, though there were additions in the form of "multilateral" agreements as well as "plurilateral" ones (i. e. voluntary membership concerning only a certain number of contracting parties), and efforts to reduce customs duties and other barriers to trade continued. Much of this was achieved through a series of eight multilateral negotiations known as "trade rounds", the most recent being the Uruguay Round. While the GATT no longer exists as an interim organization, the GATT Agreement lives on. The old text is now called GATT 1947; the updated version incorporated into the new WTO agreements is called GATT 1994.

GATT and Its "Trade Round" GATT 及其历届贸易谈判

■ What success have the "trade rounds" achieved?

CATT 的历届贸易谈判取得了什么样的成绩?

What's the result of the Tokyo Round? 东京回合谈判的结果是什么?

Known generally as GATT, the General Agreement on Tariffs and Trade is designed to provide a standard framework for global trade. Founded in 1947, GATT has passed through eight series of

① tariff concessions 关税减让/让步

② provisional 暂时的, 暂定的

③ Havana 哈瓦那

④ ratification 批准

⑤ Multilateral Agreements 多边协议

⑥ plurilateral 诸边的

⑦ the Uruguay Round 乌拉圭回合谈判

multilateral trade negotiations known as rounds; each round is named after the location in which the opening sessions were held, or after a prominent figure involved, such as the Dillon^① and Kennedy Rounds^②. The biggest leaps forward in international trade liberalization have come through multilateral trade negotiations, or "trade rounds", under the auspices^③ of GATT. The most recent was the Uruguay Round, begun in 1986, and completed in 1993. It 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 was a more sweeping attempt to extend and improve the system.

The Tokyo Round was a first try to reform the system. It lasted from 1973 to 1979, with 102 countries participating. It 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 industrial products down to 4.7%. The tariff reductions, phased in over a period of eight years, involved an element of "harmonization" – the higher the tariff, the larger the cut, proportionally. In other issues, 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 subscribed to these agreements and arrangements. Because they were not accepted by the full GATT membership, they were often informally called "codes".

① Dillon 指发动本轮谈判的建议者,美国副国务卿道格拉斯·狄龙

② Kennedy 肯尼迪,美国前总统

③ auspice 预兆,前兆

④ issue by issue 一轮又一轮

⑤ overall 整体的

⁶ Anti-Dumping Agreement 反倾销协定

① come to grips with 努力对付,认真谈话

[®] codes 法则

The Tokyo Round 'codes' includes:

- · Subsidies and countervailing measures^① interpreting Articles 6, 16 and 23 of GATT;
- · Technical barriers to trade sometimes called the Standards Code;
- · Import licensing procedures;
- · Government procurement;
- · Customs valuation interpreting Article 7;
- · Anti-dumping interpreting Article 6, replacing the Kennedy Round code;
- · Bovine Meat Arrangement^②;
- · International Dairy Arrangement;
- · Trade in Civil Aircraft.

These codes were not multilateral, but they were a beginning. Several codes were eventually amended in the Uruguay Round and turned into multilateral commitments accepted by all WTO Members. Only four remained "plurilateral" – those covering government procurement, bovine meat, civil aircraft and dairy products. In 1997 WTO Members agreed to terminate the bovine meat and dairy agreements from the end of the year.

A Brief History of The General Agreement On Tariffs And Trade

GATT Rounds					
Name	Dates	Objective			
Genieva	1947	· Adoption [®] of GATT			
Annecy, France	1949	• tariff reduction			
Torquay, England	1951	• tariff reduction			
Geneva	1956	· tariff reduction			
Geneva ("Dillon")	1960-1962	· tariff reduction			
Geneva ("Kennedy")	1962-1967	tariff reduction GATT negotiation rules			
Tokyo	1973-1979	 overall reduction of tariffs to an average level of 35% and 5%-8% among developed nations non-tariff barrier codes government procurement customs valuation subsidies and countervailing measures antidumping standards import licensing 			
Uruguay	1986-1994	 broadening of GATT limit agricultural subsidies include services trade include intellectual property establishment of the WTO (World Trade Organization) 			

D Subsidies and countervailing measures 补贴与反补贴措施

② Bovine Meat Arrangement 牛肉协议

③ adoption 采用

GATT Needs Further Improvement GATT 需要进一步完善

- What were GATT's limitations? GATT 有哪些局限性?
- What will be the difficulties and problems when WTO is put to use? 世界贸易组织启用之后有何困难和问题?

Given its provisional nature and limited field of action, the success of GATT in promoting and securing the liberalization of much of world trade over its 47 years is incontestable. The most outstanding accomplishment of the GATT since its founding nearly 50 years ago has been the reduction of trade tariffs on average, from 40% to 10%. Continual reductions in tariffs alone helped spur very high rates of world trade growth around 8 percent a year on average during the 1950s and 1960s. And the momentum of trade liberalization helped ensure that trade growth consistently outpaced production growth throughout the GATT era. The rush of new Members during the Uruguay Round demonstrated that the multilateral trading system, as then represented by GATT, was recognized as an anchor for development and an instrument of economic and trade reform.

GATT's strength, however, is too one-sided towards trade. While most people appreciate being able to earn a decent living, trade is not the exclusive factor in society. There are other important components in a country's continued development, such as regional development, environmental stewardship⁴, and social infrastructure⁵ programs. These need room to play a complementary role to GATT, either beside it or within it.

An example of the effect of the single-minded pursuit of trade is the export of frogs' legs from Bangladesh® over the last 15 years. With the European supply having been decimated from® over-harvesting and a polluted habitat, buyers turned in 1977 to the estimated one billion frogs available in this impoverished® Asian country. Enticed® by the benefits of trade, Bangladeshis went about harvesting this new found cash-crop bonanza®.

By 1988, the number of frogs had dropped to 400 million, raising serious questions about the effects

① incontestable 无可争辩的,不容置疑的

② momentum 趋势

③ anchor 支撑点,依靠

④ stewardship 管理工作

⑤ infrastructure 基础设施

⑥ Bangladesh 孟加拉共和国

⑦ be decimated from 向…征收,从…抽取

⑧ impoverished 贫穷的

⑨ entice 诱惑

⑩ bonanza 幸运,带来好运之事

of this unregulated trade. The frogs ate insects, reduced the spread of tropical diseases, and fertilized the rice paddies with their droppings. With the dramatic decline in the number of frogs, Bangladesh was forced to increase its imports of petro-chemical[®] fertilizers and pesticides by 25%.

The net economic result of this 'trade only' policy was the annual spending of \$30 million to import petro-chemical products, in order to earn \$10 million from the export of frogs' legs. Furthermore the new chemicals threatened the environment.

Similar concerns can be expressed over the potential loss of control over setting standards. The GATT takes a dim view of countries using phytosanitary² and environmental rules to impede³ trade, legitimately⁴ or not. For example, if Canada decides not to approve the use of BST for safety reasons, while imported U.S. dairy products have a competitive advantage because of the use of this synthetic growth hormone's use in American dairy herds, will Canada be able to stop those products at the border? Will Canada be able to keep out fruits and vegetables produced in developing countries using DDT, a crop protection product banned in Canada and many developed countries.

Despite the fact that the GATT bureaucracy^⑤ has established a working group on the relationship between the environment and trade, in an attempt to make the GATT "green", there cannot be much hope for environmental improvements when the rules are written in favor of trade alone.

In law, one is judged innocent until proven guilty, except by the tax department, which assumes that you are guilty unless you can prove otherwise. GATT judges environmental rules, not by their ability to improve the overall conditions of trade, but simply by their effect to deter commercial transactions. GATT has a long way to go before it can be judged "green".

The limited achievement of the Tokyo Round, other than the tariff reduction results, was also a sign of difficult times to come. GATT's success in reducing tariffs to such a low level, combined with a series of economic recessions in the 1970s and early 1980s, drove governments to devise other forms of protection for sectors facing increased overseas competition. High rates of unemployment and constant factory closures led governments in Europe and North America to seek bilateral market-sharing arrangements with competitors and to embark on[®] a subsidies race to maintain their holds on agricultural trade. Both these changes undermined the credibility and effectiveness of GATT.

Apart from the deterioration[®] in the trade policy environment, it also became apparent by the early 1980s that the General Agreement was no longer as relevant to the realities of world trade as it had been in the 1940s. For a start, world trade had become far more complex and important than 40 years earlier. The globalization of the world economy was underway, international investment was exploding. Trade in services, not covered by the rules of GATT, was of major interest to more and more countries and, at

① petro-chemical 石油化学的

② phytosanitary 植物检疫的

③ impede 阻止

④ legitimately 正当的, 合理的

⑤ bureaucracy 行政系统

⑥ embark 着手,从事,登上

① deterioration 恶化

the same time, Was closely tied to further increases in world merchandise trade. In other respects, the GATT had been found wanting. For instance, with respect to agriculture, loopholes^① in the multilateral system were heavily exploited, and efforts at liberalizing agricultural trade met with little success. In the textiles and clothing sector, an exception to the normal disciplines of GATT was negotiated in the form of the Multi-fiber Arrangement. Even the institutional structure of GATT and its dispute settlement system were giving cause for concern.

Together, these and other factors convinced GATT Members that a new effort to reinforce and extend the multilateral system should be attempted. That effort resulted in the Uruguay Round in 1986.

Chapter 2 WTO Substituted for GATT, Why 世界贸易组织取代关贸总协定,为什么

The Uruguay Round 乌拉圭回合谈判

- What was the most significant contribution of the Uruguay Round? 乌拉圭回合谈判最大的贡献是什么?
- When did the WTO come into existence? WTO 是什么时候开始建立的?
- How was the WTO established? WTO 是怎样建立的?

The Uruguay round took seven and a half years, almost twice the original schedule, and at the end, 123 countries were taking part. This round covered almost all trade, from toothbrushes to pleasure boats, from banking to telecommunications, from the genetics of wild rice to AIDS treatments. It was quite simply the largest trade negotiation ever, and most probably the largest negotiation of any kind in history.

At times it seemed doomed to fail. But in the end, the Uruguay Round brought about the greatest reform of the world's trading system since GATT was created at the end of the Second World War. And yet despite its troubled progress, the Uruguay Round did see some early results. Within only two years, participants had agreed on a package of cuts in import duties on tropical products, which are mainly exported by developing countries. They had also revised the rules for settling disputes, with some measures implemented immediately. And they called for regular reports on GATT Members' trade policies, a move considered important for making trade regimes[®] transparent around the world.

The seeds of the Uruguay Round were sown in November 1982 at a ministerial meeting of GATT

① loophole 漏洞

② regimes 政权,政体,政权制度

Members in Geneva. Although the ministers intended to launch a major new negotiation, the conference stalled on the issue of agriculture and was widely regarded as a failure. In fact, the work program that the ministers agreed on formed the basis for what was to become the Uruguay Round negotiating agenda.

Nevertheless, it took four more years of exploring, clarifying issues and painstaking consensus-building, before ministers agreed to launch the new round. They did so in September 1986, in Punta del Este, Uruguay. They eventually accepted a negotiating agenda which covered virtually every outstanding trade policy issue. The talks were going to extend the trading system into several new areas, notably trade in services and intellectual property, and to reform trade in the sensitive sectors of agriculture and textiles. All the original GATT articles were up for review.

It was the biggest negotiating mandate $^{\oslash}$ on trade ever agreed upon, and the ministers gave themselves four years to complete it.

Two years later, in December 1988, ministers met again in Montreal, Canada for what was supposed to be an assessment of progress at the round's half-way point. The purpose was to clarify the agenda for the remaining two years, but the talks ended in a deadlock[®] that was not resolved until officials met more quietly in Geneva the following April.

Despite the difficulty, during the Montreal meeting[®], ministers did agree on a package of early results. These included some concessions on market access for tropical products, aimed at assisting developing countries, as well as a streamlined dispute settlement system, and the Trade Policy Review Mechanism, which provided for the first comprehensive, systematic and regular reviews of national trade policies and practices of GATT Members. The round was supposed to end when ministers met once more in Brussels[®], in December 1990. But they disagreed on how to reform agricultural trade and decided to extend the talks. The Uruguay Round entered its bleakest[®] period.

Despite the poor political outlook, a considerable amount of technical work continued, leading to the first draft of a final legal agreement. This draft "Final Act" was compiled by the GATT director general, Mr. Arthur Dunkel, who chaired the negotiations at the officials' level. It was put on the table in Geneva[©] in December 1991. The text fulfilled every part of the Punta del Este mandate, with one exception – it did not contain the participating countries' lists of commitments for cutting import duties and opening their services markets. This draft became the basis for the final agreement.

For the following two years, the negotiations wavered between impending failure, to predictions of imminent success. Several deadlines came and went. New points of major conflict emerged to join agriculture; services, market access, anti-dumping rules, and the proposed creation of a new institution.

① Punta del Este, Uruguay 乌拉圭东岬市(乌拉圭回合谈判地)

② Mandate 委任托管权,命令,要求

③ deadlock 僵局

④ Montreal meeting 蒙特利尔会议

⑤ Brussels 布鲁塞尔

⑥ bleakest 最凄凉的

⑦ Geneva 日内瓦

Resolving differences between the United States and European Communities (EU)^① became central to hope for a final, successful conclusion.

In November 1992, the US and the EU settled most of their differences on agriculture in a deal known informally as the "Blair House accord". By July 1993 the "Quad". (US, EU, Japan and Canada) announced significant progress in negotiations on tariffs and related subjects ("market access"). It took until 15 December, 1993 for every issue to be finally resolved and for negotiations on market access for goods and services to be concluded (although some final touches were completed in talks on market access a few weeks later). On 15 April 1994, the deal was signed by ministers from most of the 123 participating governments at a meeting in Marrakesh. Morocco.

The delay had some merits. It allowed some negotiations to progress further than would have been possible in 1990, such as some aspects of services and intellectual property, and the creation of the WTO itself. But the task had been immense, and negotiation-fatigue was felt in trade bureaucracies around the world. The difficulty of reaching agreement on a complete package containing almost the entire range of current trade issues led some to conclude that a negotiation on this scale would never again be possible. Yet, the Uruguay Round agreements contain timetables for new negotiations on a number of topics. And by 1996, some countries were openly calling for a new round early in the next century. The response was mixed; but the Marrakesh agreement does already include commitments to reopen negotiations on a range of subjects at the turn of the century.

Additional information about The Uruguay Round:

The Uruguay Round-Key dates

- -Sep. 1986 Punta del Este: launch
- -Dec. 1988 Montreal: ministerial mid-term review
- -Apr. 1989 Geneva: mid-term review completed
- -Dec. 1990 Brussels: "closing" ministerial meeting ends in deadlock
- -Dec. 1991 Geneva: first draft of Final Act completed
- -Nov. 1992 Washington: US and EC achieve "Blair House" breakthrough on agriculture
- -Jul. 1993 Tokyo: Quad achieve market access breakthrough at G7 summit
- -Dec. 1993 Geneva: most negotiations end (some market access talks remain)
- -Apr. 1994 Marrakesh: agreements signed
- -Jan. 1995 Geneva: WTO created, agreements take effect

The Uruguay Round-The agenda

The 15 original Uruguay Round subjects

① European Communities 欧盟

② Blair House accord 布莱尔大厦协定

③ Quad 四国小组

④ Marrakesh 马拉喀什