

# CHINA'S FIRST DECADE EXPERIENCE IN THE WTO DISPUTE SETTLEMENT SYSTEM: PRACTICE AND PROSPECT

*Tong Qi* \*

## ABSTRACT

*This article provides an overview of China's engagement in trade disputes in the WTO over the past decade. In depth understanding of China's policies and practices on the WTO dispute settlement since its accession to WTO as well as conducting objective and reasonable assessment on its performance and achievements in WTO dispute settlement is currently an issue of great importance. This paper holds that China has successfully made the transition from a member that was reluctant or even afraid to use the dispute settlement system to one that is increasingly confident and skillful in using the dispute settlement system to advance its legitimate interests. China's increasing utilization of the dispute settlement mechanism and its role change was neither derived from adopting "aggressive legalism strategy", nor a "more confrontational approach" to fulfill its WTO obligations. China's "WTO litigation-accommodating" attitude and the role change in WTO litigation are mainly influenced by its own rapid development*

---

\* Associate Professor, Faculty of Law, Wuhan University, China. This article is based on his presentation in the Asian center for WTO & International Health Law and Policy, held on Oct. 2011. The author is grateful for the enlightening comments from the conference participants, particularly from Professors Chang-fa Lo, Tsai-yu Lin and the reviewers of AJWH for their most helpful comments. The article also builds on a research project "Adjustment of Chinese Foreign Trade Law: in the Prospective of Ten Years' Practices in WTO Litigation" which funded by the Wuhan University Institute of International Law and the Ministry of Education, China. The author would like to thank for their financial support. The author can be reached at tongqi@msn.com.

*of economy and trade, and partly derived from the outside pressure of the 2008 international financial and economic Crisis.*

*A few salient impacts of China's decade-long experience of WTO litigation should be highlighted. On the one hand, by permitting the WTO to determine its fate in trade disputes, China gained an external driving force to promote its internal trade governance regime reforms and gradually changes its attitude towards international dispute settlement mechanism. On the other hand, China's exemplary representation and responsible attitude towards the enforcement of its WTO obligations, and China's good records on the implementation of WTO rulings, has contributed greatly to the promotion and maintenance of the multilateral trade system. Nevertheless, it is unsurprising that China engaged in frequent trade disputes in its second decade of WTO membership due to its volume and rapid increase of trade. As a highly experienced and sophisticated litigant, China is not only able to challenge the domestic policies of its main trading partners and to defend its own policies, but also playing equally a more constructive role and shares leadership in the reform of WTO and the Doha Round negotiation.*

**KEYWORDS:** *WTO dispute settlement mechanism, China's practices, WTO laws*