

THE STALEMATE IN CHINA'S GPA ACCESSION NEGOTIATIONS—IS THERE A WAY OUT?

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ABSTRACT

Why have China's negotiations to accede to the Government Procurement Agreement (hereinafter "GPA") dragged on for almost two decades since China's commitment to join as part of its World Trade Organization (WTO) accession? This is puzzling given the GPA's estimated market coverage of \$1.7 trillion annually, and China's government procurement market estimated at over \$280 billion annually. On the domestic front, China has improved its government procurement regime significantly in recent years. On the international front, China tabled a seventh offer in October 2019, after a period of inaction since its last revised offer at the end of 2014. In this article, we analyze the factors that led to the stalemate in the negotiations, and the consequent five-year gap between China's sixth and the seventh offers. We discuss a number of problematic issues for various parties, some relevant to any state in the process of acceding to the GPA, others, specific to China. We argue that rationalist calculations on the part of China and its

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trading partners have led to the prolonged negotiations. In a wider context, we suggest that inconclusive negotiations would have troublesome implications for the international economic legal order.

KEYWORDS: *international economic law and policy, market access, government/public procurement, WTO Agreement on Government Procurement (GPA), China's public procurement*