

**EAST ASIAN INTERNATIONAL ECONOMIC LAW
& POLICY PROGRAMME
ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW
UNIVERSITY OF HONG KONG**

Seminar

**China's Ascent in Global Trade Governance:
From Rule Taker to Rule Shaker, and
Maybe Rule Maker?**

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Singapore Management University

Wednesday, 13 July 2011, 1:00 - 2:00 pm

Room LG102, LG1 Floor, KK Leung Building, University of Hong Kong

Generally speaking, there are three main channels for a country to participate in global trade governance: multilateral trade negotiation, multilateral dispute settlement, and bilateral and regional agreements. The major trading nations usually participate actively in all three activities. However, this has not been the case for China, the emerging trade power. Since its accession to the WTO in 2001, China has not been very active in the multilateral scene. While it has been actively pursuing free trade agreements at the bilateral and regional level since 2003, it has not really started to use the multilateral dispute settlement system until 2007. In terms of multilateral trade negotiations, China's participation is even less visible: except for a few statements carefully toeing the G-20 party-line, China has not made major contributions to the progress of the Doha Round and has so far successfully resisted calls for it to take major responsibility in the long-stalled trade talks. What are the reasons for China's low profile in the WTO compared to its aggressive position on the bilateral and regional front? Would this continue to be the case for the foreseeable future? What are the implications for the multilateral trading system? Upon a careful examination of China's participation in WTO dispute settlement activities and FTA negotiations, the author argues that, contrary to popular belief, China is no longer a passive "taker" of existing rules in the WTO. Instead, over the last few years, China has quietly used the WTO dispute settlement system and the FTA negotiations to "shake" the existing rules to tilt in its favor or even "make" new rules. After exploring the reasons for the different behavioral patterns in different areas, the paper concludes with discussions on China's future role in global trade governance, as well as the potential ramifications of China's ascent.

Henry Gao is Associate Professor of Law at Singapore Management University. With law degrees from three continents, he started his career as the first Chinese lawyer at the WTO Secretariat. Before moving to Singapore in late 2007, he taught law at University of Hong Kong, where he was also the Deputy Director of the East Asian International Economic Law and Policy Program. He has taught at the IELPO program in Barcelona and the Academy of International Trade Law in Macau, and was the Academic Coordinator to the first Asia-Pacific Regional Trade Policy Course officially sponsored by the WTO. Widely published on issues relating to China and WTO, Henry has advised many national governments and the WTO, World Bank, Asian Development Bank, APEC and ASEAN on trade issues. Henry sits on the Advisory Board of the WTO Chairs Program, which was established by the WTO Secretariat in 2009 to promote research and teaching on WTO issues in leading universities around the world.

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