

**China Trade Relations --- WTO /Dispute Resolution System,
Trans-Pacific Partnership, Bilateral Investment Treaty
& East China Sea Case.**

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Update

- [Video](#) –“[Trump, China and WTO Enforcement](#).” (August 2016).
- “[Trump’s Victory & Trade – Less Liberalization, Aggressive Trade Enforcement \(WTO & US\), and China.](#)” [Law 360](#) (November 9th, 2016).
- “[Trump, Trade & the Rust Belt.](#)” [Law360](#) (November 10th, 2016).

I. WTO – OVERVIEW OF WTO & DSU – Today’s Most Effective Trade Dispute Resolution System – How Has This Developed in 20 years (1995 – 2016)? What is its significance for Global Governance?

- Malawer, [US AND GLOBAL TRADE](#) [Ppt.] (Slides: US --- 47, 48, 52, WTO Basic -- 60 – 64).
- Malawer, "[WTO & DISPUTE RESOLUTION.](#)" [Ppt.] (Slides: #27 - #31 (Basic DSU Provisions (Procedures), # 41 - # 52 (Actual Practice 1995-2005).



II. WTO – ROLE OF CHINA IN THE DSU (Trade Disputes – 15 Year Review) (2001-2016) --- New Cyber Litigation -- What Lessons for the Global Trade & Political Systems Concerning Rules-Based Systems? What newer challenges & newer issues?

- [Video](#) –“[New Agriculture Case Filed by US against China in WTO](#) (Sept. 2016).
- [Video](#): "[Obama and WTO Litigation Against China.](#)" (2012).
- Malawer, "[U.S.-China Litigation in the WTO \(2001-2014\).](#)" INTERNATIONAL LAW PRACTICUM. (2014).

- Malawer, "[U.S.-China Litigation in the World Trade Organization.](#)" NEW YORK LAW JOURNAL (2013);
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New Pending US - China WTO Cases (2016):

- [U.S. v. China \(China Tax Measures on Aircraft\)](#) (consul req. 2015).
 - [U.S. v. China \(Export Restrictions on 9 Minerals\)](#) (2016).
 - [U.S. v. China \(China's Agricultural Subsidies\)](#) (2016).
 - "[China Wins in Anti-Dumping Cases Concerning Methodologies Used by US.](#)" WTO NEWS (Oct. 19, 2016).
- NOTE of Cyber Litigation in the WTO: Malawer, "[Chinese Economic Cyber Espionage -- U.S. Litigation in the WTO & Other Diplomatic Remedies.](#)" GEORGETOWN JOURNAL OF INTERNATIONAL AFFAIRS (Summer 2015); Malawer, "[Confronting Chinese Economic Cyber Espionage.](#)" NEW YORK LAW JOURNAL (2014); [US-China Cyber Agreement](#) (2015); "[New China Cyber Rules & US Business](#)" (2016).
 - Newer Issue -- Global Taxation: Malawer, "[Global Taxation and U.S. Politics.](#)" RICHMOND TIMES-DISPATCH (Sunday Commentary) (April 17, 2016).



III. Transpacific Partnership (TPP) – General Review of Provisions and of ‘Investor-State Dispute Resolution (ISDS). What are basic provisions? What’s the basic opposition to ISDS – Special Courts, Sovereignty? What’s the national security and foreign policy context of TPP?

- Malawer, "[Looking at the Transpacific Partnership.](#)" NEW YORK LAW JOURNAL (December 3, 2015).



IV. Pending Bilateral Investment Treaty (BIT) -- Including ISDS & compensation? What are the basic provisions? Compensation for nationalization? Role of arbitral tribunals? What does it evidence about larger regional and global trade systems?

- [“Model Treasury Bilateral Investment Treaty.”](#) Articles 3-8, 21 and Section B. (U.S. Treasury, 2012).
- [“US – China Investment Treaty? THE DIPLOMAT \(2016\).”](#)



V. South China Sea --- Hague Court of International Arbitration --- What are China’s Economic and Political Claims? What Did the Tribunal Decide?

- [“Decision Day Nears Over South China Sea \(Permanent Court of Arbitration -- Philippines v. China\).”](#) NEW YORK TIMES (July 6, 2016).
- [“South China Sea Arbitration.”](#) (Permanent Court of Arbitration 7.16.16) (Press Release Summary).

NOTE

- My website #1: ‘Global Trade Relations’-- <http://globaltraderelations.net/>;
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