



Fatally Flawed WTO Dispute System

Since its establishment in 1995, the World Trade Organization (WTO) has ruled on more than 240 cases. At the time, WTO proponents assured Congress and the public that the new organization would not be detrimental to public interest laws, rules that protect against unfair trading practices (known as anti-dumping, countervailing duty or safeguard laws), or the needs of developing countries. Twenty years later, the verdict is in: the United States has lost 90 percent of the 79 cases brought against it, with an even higher loss ratio of 93 percent on cases brought against our unfair trading practice rules. The United States has lost 93 percent of the cases brought against U.S. public interest laws. Only two of the 48 instances when a country tried to use the WTO exception ostensibly designed to protect environmental and health policies was successful. WTO tribunals rejected countries' attempts to defend such policies using the Article XX exceptions in 48 of 50 cases.

U.S. WTO disputes:

| | United States as Complainant | United States as Respondent | All Disputes (including U.S. and non-U.S. cases) |
|----------------------------|------------------------------|-----------------------------|--|
| Complainant Win | 43 | 71 | 222 |
| Respondent Win | 6 | 8 | 22 |
| % Cases Won By Complainant | 87.8% | 89.9% | 91.0% |

Unfair trade practice disputes (Anti-Dumping/Countervailing Duty/Safeguards):

| | United States as Complainant | United States as Respondent | All AD/CVD/SG cases (any country as Respondent) |
|----------------------------|------------------------------|-----------------------------|---|
| Complainant Win | 8 | 53 | 107 |
| Respondent Win | 0 | 4 | 6 |
| % Cases Won By Complainant | 100.0% | 93.0% | 94.7% |

Developing country disputes:

| | Developing Country as Respondent |
|----------------------------|----------------------------------|
| Complainant Win | 83 |
| Respondent Win | 4 |
| % Cases Won By Complainant | 95.4% |

Public interest disputes:

| | All Public Interest Disputes | Disputes where GATT XX or GATS XIV Defense Was Invoked | Public Interest Disputes – U.S. as Complainant | Public Interest Disputes – U.S. as Respondent |
|----------------------------|------------------------------|--|--|---|
| Complainant Win | 73 | 48 | 22 | 14 |
| Respondent Win | 7 | 2 | 0 | 1 |
| % Cases Won By Complainant | 91.3% | 96.0% | 100.0% | 93.3% |