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Fatally Flawed WTO Dispute System

Since its establishment in 1995, the World Trade Organization (WTO) has ruled on nearly 200 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. Over fifteen years later, the verdict is in: the United States has lost nine out of every 10 cases brought against it, with an even higher loss ratio on cases brought against our unfair trading practice rules. The U.S. has lost 100 percent of the cases brought against U.S. public interest laws. Developing nations have also fared poorly.

U.S. WTO disputes:

	United States as Complainant	United States as Respondent	All Disputes (including U.S. and non-U.S. cases)
Complainant Win	32	61	164
Respondent Win	6	6	15
% Cases Won By Complainant	84.2%	91.0%	91.6%

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	2	44	70
Respondent Win	0	2	4
% Cases Won By Complainant	100.0%	95.7%	94.6%

Developing country disputes:

	Developing Country as Respondent
Complainant Win	81
Respondent Win	7
% Cases Won By Complainant	92.0%

Public interest disputes:

	All Public Interest Disputes	Disputes where panel examined GATT XX or GATS XIV Defense	Public Interest Disputes – U.S. as Complainant	Public Interest Disputes – U.S. as Respondent
Complainant Win	51	34	16	13
Respondent Win	1	1	0	0
% Cases Won By Complainant	98.1%	97.1%	100.0%	100.0%

updated April 27, 2012; Sources: World Trade Organization, World Bank