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gLAWcal
Comment #267

**GLOBALIZATION VS. NON-TRADE
CONCERNS**

Based on

**Paolo Davide Farah “Trade and Progress:
The Case of China” Columbia Journal
of Asian Law**



gLAWcal
Global Law Initiatives for Sustainable Development

A gLAWcal comment on Paolo Davide Farah "Trade and Progress: The Case of China" Columbia Journal of Asian Law, Vol. 30, No. 1, 2016, pp. 51 - 112.

After the second world war onward we observed a widespread consensus on economic globalization and the consequent elimination of tariffs between countries. Unfortunately, a lot of risks come alongside economic globalization. With the liberalization of trade in goods and services the society faced challenges, such as environmental crises, energy security, terrorism and endangering consumer safety. The author examined the role of the WTO and how the WTO is coping with the non-trade concerns (NTCs) affecting our society. This article analyzes in-depth some of the most important NTCs, including protection of the environment, human rights, food security. The WTO is often criticized and portrayed as the least transparent and democratic of all the international organizations. According to Ernst-Ulrich Petersmann, in order to remain democratically acceptable, global international law must pursue not only "economic efficiency" but also "democratic legitimacy" and "social justice". Professor Paolo Davide Farah emphasized the need to establish an innovative legal framework, new forms of global

governance and pointed out that the challenge for the WTO involves more than a single revision of internal management and democratization. The reform of global governance implies an integration of ethical principal and non-trade concerns to the legal framework of international organizations, especially the WTO.

This article also explores legal reasoning and clarification of the WTO through specific cases. Furthermore, it analyzed the road of China as a developing country seeking economic and industrial growth and simultaneously developing sustainably while avoiding increasing environmental risks and damages, tackling climate change, and balancing the attractions of foreign investments with labour rights, human rights, and public health. It is believed the accession of China to the WTO was prosperous for both sides, the developed world and China. Further, the accession of China to the WTO accelerated and contributed to a number of legal reforms in China, in and outside the field of international trade law. The purpose of these reforms is to better protect the rights of Chinese workers and citizens as a whole and adjust Chinese internal legal system to free trade.

The excess of globalization can be managed by finding a balance between globalization, sustainable development, and local concerns.



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gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal's publication results.



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