

WTO 基本原則之落實— 以互惠相關規則及其作用為中心

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摘要

本文以 WTO 互惠原則為考察重點。基本原則如無歧視、透明、互惠等，是多邊貿易體系根基，也是 WTO 因應未來挑戰所必須慮及。具有里程碑意義的峇里部長宣言中，也以顯著的地位重申 WTO 設立協定所建立的原則及目標。鑒於明確而妥適的下位規則—包括法律規定以及具有法規範意涵之官方文件，可能對基本原則的落實產生支撐作用，本文遂嘗試盤點 WTO 下與互惠貿易談判有關之規則，探討其內涵以及對互惠實踐之作用。本文以 1955 年新增的 GATT 第 28.1 條之規定為核心，再延伸探討其他相關規則及實踐。除了 GATT 時代規則與實踐互動的歷史考察外，本文亦觸及 WTO 時代議題如服務貿易、貿易便捷化等之互惠談判依據及相關問題。

Abstract

This paper is focused on the WTO principle of reciprocity. Fundamental principles of the multilateral trading system, such as non-discrimination, transparency, and reciprocity are the foundation of the system and are to be taken account of in dealing with WTO's future. In the landmark Bali Declaration, the principles and objectives of the WTO agreements are affirmed again. As clear and appropriate rules would contribute to strengthening a principle, the article attempts to stocktake GATT/WTO provisions as well as official documents with legal implications. Article 28 bis of the GATT, which was inserted in 1955, will be at core of the discussion.

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