"The law-in-action of international trade litigation in the United States and Europe: The melding of the public and the private"


Abstract

Part I of this article provides a framework for analyzing the increasing role of public-private networks in the determination of national policy and the provision of traditional "governmental" services. It addresses two central reasons why actors increasingly participate in public-private partnerships: (i) the demand of understaffed public agencies for informational resources; and (ii) the per capita stakes of the actors in outcomes. Part II turns to the role of public-private networks in the U.S. trade policy, examining the mechanisms that private firms employ in the United States to work with the Office of the United States Trade Representative (USTR) to challenge foreign trade barriers ... Part III examines the relevant mechanisms used in the European Union, in particular exchanges between public and private actors under a formally intergovernmental procedure (known as the article 133 process, in reference to the Treaty provision which govern EU foreign commercial relations) and a private petition procedure (known as the Trade Barrier Regulation). Part IV evaluates the contrasts between U.S. and EC public-private partnerships, the reasons for their greater development and effectiveness in the United States, and the trends in the EC toward U.S.-style practice. Part V addresses the extent to which U.S. and EC private firms and trade representatives coordinate transatlantic efforts to challenge more effectively third country trade barriers, as well as domestic regulations within the United States and EC themselves. Part VI examines the reciprocal relationship between the international trading system and these public-private partnerships, constituting the WTO’s law-in-action.
International Law: An Overview

International law consists of rules and principles governing the relations and dealings of nations with each other, including relations between states and individuals, and relations between international organizations. Generally, international law is characterized as either public international law or private international law. In recent years, the distinctions between public and private international law have become increasingly uncertain. Issues of private international law may also implicate issues of public international law, and many matters of private international law have substantial significance for the international community of nations. A number of international agreements create law for the parties of the agreement. Public international law deals with relationships between nations or between a nation and organizations or people from other countries. Private international law deals with disputes between citizens of different countries or businesses from different countries, especially when there is a question of which country’s laws apply or where the dispute should be resolved. There are certain courts and bodies, such as the United Nations Security Council, that have the power to decide cases of international law.

Sources of International Laws

One of the growing areas that these laws cover is that of intellectual property rights, because technology advances have made copyright infringement and digital piracy easier. International Courts

"The law-in-action of international trade litigation in the United States and Europe: The melding of Gregory Shaffer. Part I of this article provides a framework for analyzing the increasing role of public-private networks in the determination of national policy and the provision of traditional "governmental" services. The manuscript evaluates the use of various mechanisms in the United States and the European Union through which private firms and governmental authorities collaborate to challenge foreign trade barriers. The manuscript assesses the historical, political, economic and cultural reasons for a more proactive role of US business in international trade disputes, as well as some trends in the EU toward US-style practice."