

An aerial photograph of a port area. On the left, several yellow and blue cranes are visible on a concrete pier. In the center, a large cargo ship is docked, its deck covered with numerous blue shipping containers. To the right of the ship, the dark green water of the harbor is visible. The overall scene depicts a busy maritime logistics hub.

Litigating Rivalry

Great Powers and the
Politics of WTO
Dispute Settlement

LAIA COMERMA

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Executive Summary

The paralysis of the World Trade Organisation's (WTO) Appellate Body has transformed what was once considered the most successful interstate adjudication system in international law into a central site of contestation in the evolving international political economy. Existing scholarship has examined the causes of this crisis, but we know considerably less about how states continue to use the WTO dispute settlement mechanism (DSM) under conditions of great power rivalry, geopolitical competition and the weakening of multilateral trade governance. This CSDS In-Depth Paper addresses this gap through an original dataset comprising all WTO disputes initiated against four major powers – the European Union (the EU), the United States (US), China and Russia – between 1995 and 2025. The dataset includes information on complainants, third-party participation, coalition patterns, dispute timing, issue areas and case outcomes.

The In-Depth Paper combines insights from the literature on WTO dispute initiation, strategic autonomy and the geopoliticisation of trade to analyse how great powers and secondary powers use litigation in an increasingly fragmented trade regime. The findings show that WTO disputes are increasingly embedded in broader geopolitical dynamics. China is disproportionately targeted by the US and the EU, reflecting both systemic rivalry and the centrality of disputes concerning subsidies, industrial policy, market access and state intervention. Crucially, the In-Depth Paper argues that great powers use the WTO DSM strategically. Additionally, the analysis finds that their coalition patterns reveal changing geopolitical alignments, with the EU frequently partnering with countries that support legalised multilateralism, while the US forms coalitions centred on concerns about Chinese competition and trade distortions. Despite the crisis of the Appellate Body, dispute initiation and settlement continue, suggesting that WTO litigation remains a valuable instrument for managing economic interdependence and strategic competition.

The In-Depth Paper's main contribution is primarily empirical: it provides one of the first comprehensive datasets of WTO disputes directed against major powers over the entire lifespan of the WTO. Conceptually, it shows that the DSM should no longer be understood solely as a legal enforcement mechanism but increasingly as a strategic instrument through which states navigate great power rivalry, defend economic interests and pursue strategic autonomy in a progressively geopolitical trading system.

Acknowledgements

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Introduction

The World Trade Organisation (WTO)'s dispute settlement mechanism (DSM) was initially one of the most effective interstate adjudicatory systems in international law, but the paralysis of the Appellate Body turned that success story into a systemic crisis. Yet, current scholarship disagrees on the diagnosis of such a crisis. The crux of the disagreement is whether the system has failed mainly because of: 1) Appellate Body overreach; 2) deeper governance failures inside the WTO; or 3) the erosion of the underlying political bargain behind trade multilateralism.¹

Moreover, this crisis of the WTO Appellate Body takes place in a context of increased great power rivalry, and the (geo-)politicisation and securitisation of trade.² China, in particular, while having spent decades integrating into the WTO ecosystem of rules and practices, has become a major source of discontent, particularly because of issues around its domestic overcapacity, its use of economic statecraft to achieve political goals and its persistent selective openness under its state-capitalist model. Crucially, the United States (US) under the Trump administration has itself been the cause of a major disruption in the global economic regime, repeatedly initiating trade wars and challenging the legitimacy of the system itself. Meanwhile, the European Union (EU) finds itself in the crossfire, often referred to as the last defender of the rules-based liberal international economic order (LIEO), while dealing with Russia's war of aggression in Ukraine. Rather than asking whether secondary states align with one great power or another, this In-Depth Paper examines how the dispute environment created by great power rivalry structures WTO litigation. It enquires: how great powers are making use of the WTO's DSM? How are they being targeted by secondary powers to solve trade disputes in an increasingly politicised regime? Can the WTO DSM be an arena to solve trade disputes in this context of great power rivalry and the bifurcation of the trade regime?

¹ Davey, W.J. (2022) "The WTO Dispute Settlement System: The First Twenty-Five Years and Beyond", *Journal of International Economic Law*, 25(1), 1-17; Gao, H.S. (2021) "Finding a Rule-based Solution to the Appellate Body Crisis: Looking Beyond the Multiparty Interim Appeal Arbitration Arrangement", *Journal of International Economic Law*, 24(3): 534-550; Pauwelyn, J. (2019) "WTO Dispute Settlement post-2019: What to Expect?", *Journal of International Economic Law*, 22(3), 297-321; and Van den Bossche, P. (2024) "Can the WTO Dispute Settlement System be Revived? Options for Addressing a Major Governance Failure of the World Trade Organization", in E.-U. Petersmann and A. Steinbach (eds.) *Constitutionalism and Transnational Governance Failures* (Brill): 308-335.

² Comerma, L. (2025) "China as a Catalyst of the European Union's Trade Defence Instruments", *Journal of Common Market Studies*, 64(2): 693-719.

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**The crisis of the WTO
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To answer these questions, the In-Depth Paper presents an original database that includes all the disputes where the EU, the US, China or Russia figure as respondent (i.e. “against the great powers”, from the WTO’s inception until the present period (1995-2025)). The data gives crucial insights into how great powers are using the WTO DSM to resolve their trade disputes and tensions. Chapter One sets the scene by explaining the current state of the WTO DSM. Chapter Two analyses the data to infer how great powers are making use of the DSM. Chapter Three complements this data analysis by illustrating how secondary powers interact with great powers in the context of the WTO DSM. The In-Depth Paper concludes with a reflection of how the WTO can be used to solve trade disputes in an increasingly challenging context, showing that the DSM increasingly functions as a strategic instrument embedded in the broader transformation of the international political economy. The data presented in this In-Depth Paper will hopefully be used as a resource that can support future research on trade governance, strategic autonomy and great power competition.

Chapter One

The State of the WTO Dispute Settlement Mechanism

Existing scholarship tells us how WTO disputes occur, who initiates them and why. Current academic literature shows that disputes occur not as random legal reactions to rule violations but, instead, when governments expect enough political and economic return to justify the costs of litigation. This occurs when the business community whose interests are harmed is sufficiently concentrated to organise, and when governments possess enough legal, informational and retaliatory capacity to make a case worth filing. In that sense, WTO dispute initiation is best understood as a selective enforcement process rather than a full census of violations.³

Large, wealthy and experienced members are the most typical initiators⁴, but smaller or developing members can also use the system if they manage to overcome learning costs through continued participation and institutional support.⁵ In practical terms, the US, the EU and other large traders often initiate because they have more at stake, greater legal capacity and stronger retaliatory credibility than smaller members.⁶ Coalition behaviour also reflects strategic calculation. Third-party participation⁷ is much lower than underlying trade stakes would predict, even though third-party status can be beneficial.⁸ This is because, sometimes, WTO dispute participation is characterised by a “fear of crowds” dynamic, whereby countries often choose not to join disputes even when they have a clear economic stake in the outcome, as third-party participation generates a collective action

³ Johns, L. and Pelc, K.J. (2018) “Free Riding on Enforcement in the World Trade Organization”, *The Journal of Politics*, 80(3): 873-889; and Sattler, T. and Bernauer, T. (2011) “Gravitation or Discrimination? Determinants of Litigation in the World Trade Organisation”, *European Journal of Political Research*, 50(2): 143-167.

⁴ Rosendorff, B.P. and Smith, A. (2018) “Domestic Political Determinants of the Onset of WTO Disputes”, *The Review of International Organizations*, 13(2): 243-272.

⁵ Davis, C.L. and Bermeo, S.B. (2009) “Who files? Developing Country Participation in GATT/WTO Adjudication”, *The Journal of Politics*, 71(3): 1033-1049.

⁶ Op. Cit., Rosendorff and Smith, see fn 4; Op. Cit., Sattler and Bernauer, see fn 4.

⁷ In the WTO dispute settlement process, a third party is a WTO member that is not directly involved in the dispute but has a “substantial interest” in the matter. Third-party rights allow these members to monitor proceedings and voice their views to ensure their broader systemic trade interests are protected. See: Pelc, K. (2017) “Third Party Participation at the WTO: What Have We Learned?”. In M. Elsig, and J. Pauwelyn (eds.) *Assessing the World Trade Organization: Fit for Purpose?* (Cambridge University Press).

⁸ Johns, L. and Pelc, K.J. (2016) “Fear of Crowds in WTO Disputes: Why Don’t More Countries Participate?”, *The Journal of Politics*, 78(1): 88-104.

problem: while the benefits of successful litigation are largely shared, participation costs remain largely individual. As a result, countries have incentives to free-ride.⁹ Complainants strategically manage the third-party environment: weaker complainants are more likely to favour procedural choices that permit broader participation and promote settlement, while stronger complainants have incentives to limit third parties, preserve control and pursue rulings.¹⁰ This matters for small states because it means coalition-building is valuable, but not automatic; even participation as a third party is shaped by strategic exclusion and crowding dynamics.¹¹

Moreover, timing is strategic: disputes are more likely when domestic political conditions make enforcement electorally useful, especially around elections and in politically salient industries.¹² Moreover, previous rulings convey information about how WTO law is applied and significantly increase the likelihood of early settlement in subsequent disputes. In other words, jurisprudence lowers uncertainty and alters the expected payoff of filing or settling.¹³

Located in a great power context, these mechanisms become more visibly geopolitical. Older initiation models already implied that major markets would dominate dispute enforcement because they are richer, more experienced and more likely to benefit from litigation. The newer US-China rivalry adds a systemic layer: Hopewell argues that the clash between US demands for reciprocity and universal disciplines, on the one hand, and China's insistence on preserved development flexibilities, on the other hand, increasingly plays out in WTO litigation and reform struggles¹⁴. The transatlantic setting showed a different version of great power politics: because successful litigation creates public-good gains for multiple exporters, large players can also free-ride on one another's enforcement efforts, making even US-EU legalism partly competitive and partly strategic.¹⁵

Additionally, the Appellate Body crisis changes this landscape by weakening the finality of rulings. Gao argues that the crisis stems from the US blockage

⁹ Ibid.

¹⁰ Johns, L. and Pelc, K.J. (2014) "Who Gets to be in the Room? Manipulating Participation in WTO Disputes", *International Organization*, 68(3): 663-699.

¹¹ Ibid. and Op. Cit., Johns and Pelc, see fn 8.

¹² Chaudoin, S. (2014) "Audience Features and the Strategic Timing of Trade Disputes", *International Organization*, 68(4): 877-911; and Conconi, P., DeRemer, D.R., Kirchsteiger, G., Trimarchi, L. and Zanardi, M. (2017) "Suspiciously Timed Trade Disputes", *Journal of International Economics*, 105: 57-76.

¹³ Kucik, J. (2019) "How do Prior Rulings Affect Future Disputes?", *International Studies Quarterly*, 63(4): 1122-1132.

¹⁴ Hopewell, K. (2025) "Challenging the Status quo-Revisionist Power Dichotomy: China and the United States in the Trade Regime", *Review of International Political Economy*, 32(4): 922-944.

¹⁵ Ibid. and Op. Cit., Johns and Pelc, see fn 3.

of Appellate Body appointments and that the Multi-Party Interim Appeal Arbitration Arrangement (MPIA), although politically important and backed by actors such as the EU and China, is not a full substitute for a restored appellate mechanism¹⁶. All of the above have important implications for members' dispute initiation strategy: if prior rulings and final appellate review increase legal certainty and settlement value, then the loss of a functioning appellate tier should make governments more selective, more willing to bargain *ex ante* over appeal rights, and more dependent on bilateral power or alternative procedures.

This weakening of the WTO adjudicatory system affects particularly an actor like the EU, a traditionally rule-abiding power that is in the midst of enacting its strategic autonomy agenda. As Simón and Fiott argue, this agenda is shaped by the interaction between external wedging – particularly by the US and China – and the EU's internal binding efforts (i.e. it is simultaneously 'a player and a playground').¹⁷ The WTO crisis, resulting from China's challenge to the system through its state-capitalist practices, and the US' challenges through unilateralism and the disabling of the Appellate Body, illustrates this phenomenon well. According to Hopewell, both powers ended up pushing Europe away rather than attracting it, ultimately reinforcing internal cohesion and encouraging greater European coordination and commitment to strategic autonomy. As a result, the EU doubled down on its defence of the WTO¹⁸ and multilateralism while simultaneously creating new autonomous instruments to protect itself.¹⁹ This trade policy turn towards resilience, economic security, strategic autonomy and autonomous enforcement tools, was particularly legitimised by China as the principal "other", the only one that could enable the 'rally around the flag' effect by member states, at least before the second Trump administration.²⁰

¹⁶ Op. Cit., Gao, see fn 1.

¹⁷ Simón, L. and Fiott, D. (2025) "Player and Playground: Europe in US-China Competition", *Journal of European Integration*, 47(6): 785-803.

¹⁸ Schuette, L. and Dijkstra, H. (2023) "The Show Must Go On: The EU's Quest to Sustain Multilateral Institutions since 2016", *Journal of Common Market Studies*, 61(5): 1318-1336.

¹⁹ Hopewell, K. (2025) "Between Scylla and Charybdis: Navigating EU Strategic Autonomy amid US-China Trade Competition", *Journal of European Integration*, 47(6): 925-942.

²⁰ Op. Cit., Comerma, see fn 2.

Chapter Two

Data Analysis on the US, China, the EU and Russia

The following quantitative analysis is based on a database²¹ which gathers disputes initiated against China, the EU, the US and Russia at the Appellate Body of the WTO DSM between 1995 and 2025. Specifically, it compiles: 1) which state – or coalition of them – initiated a dispute against the above-mentioned respondents; 2) which countries joined as third parties; 3) the year the dispute was initiated and (if so) concluded; 4) what good or services does the dispute regard to; and 5) what is the current status of the dispute (i.e. whether it has been resolved or not and, if not, at which state does the panel find itself).

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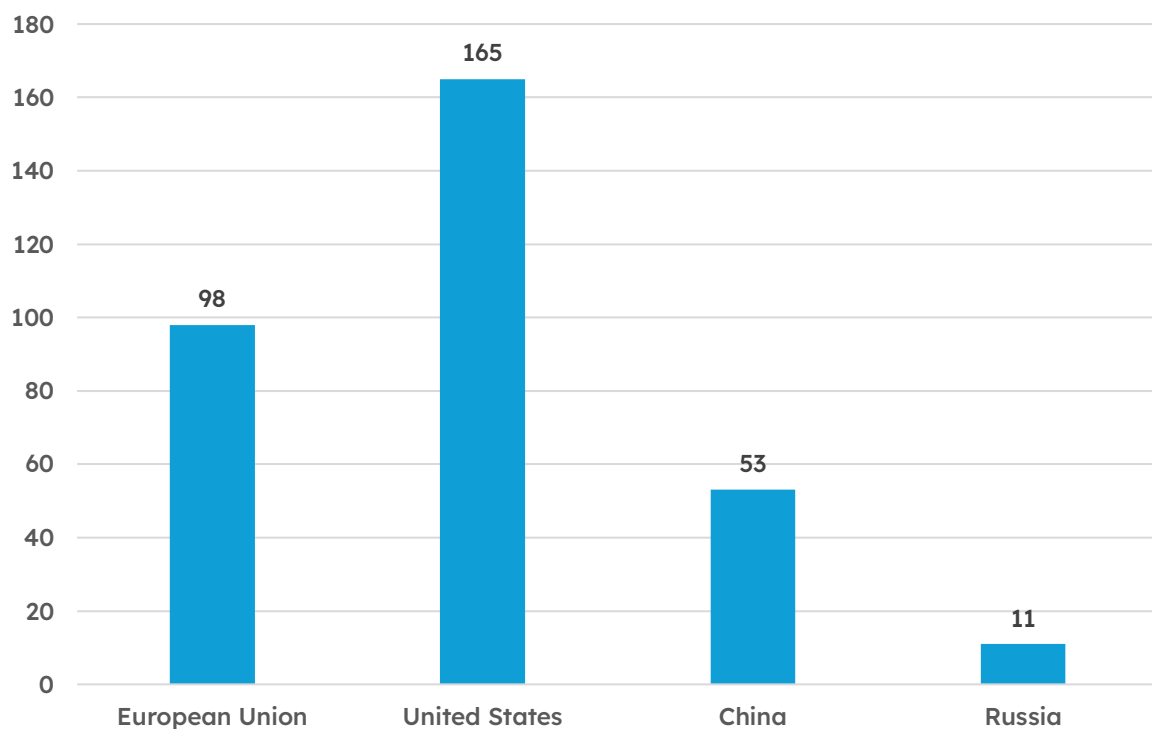
Disputes among the US, the EU and China are now embedded in great power rivalry

Until 12 September 2025, this represented a total of 327 disputes, from which 53 target China as a respondent, 98 target the EU, 165 target the US and 11 target Russia (see Figure 1). From this data, various interesting insights can be derived in relation to how great powers are using the WTO DSM to resolve their trade disputes and tensions. Firstly, the following graphs show the extent to which the complaints targeting each of the four case studies analysed – China, the EU, the US and Russia – came from the other great powers, as compared to the rest of the countries in the WTO. In the case of China (Figure 2), nearly half of them come from the US, with over a quarter coming from the EU. For the EU (Figure 3), the US and China combined represent just over a quarter of complaints, while the US was sued nearly one-third of the time by the EU and China (Figure 4).

²¹ To access the database, see: <https://csds.vub.be/publication/litigating-rivalry-great-powers-and-the-politics-of-wto-dispute-settlement/>.

This shows that China is overly targeted by the US and the EU at the WTO. This could be potentially due to the context of systemic rivalry previously mentioned and power politics after the Appellate Body crisis – particularly with regard to more recent, and often geopolitically motivated, disputes – but also higher trade exposure in some products and higher legal capacity than many WTO members. Essentially, disputes among the US, the EU and China are now embedded in great power rivalry, where litigation is partly legal enforcement, partly bargaining leverage. Additionally, China’s state-capitalist model creates recurring disputes over subsidies, SOEs, export restrictions, technology and market access that matter most to the EU and the US as China’s largest systemic competitors.

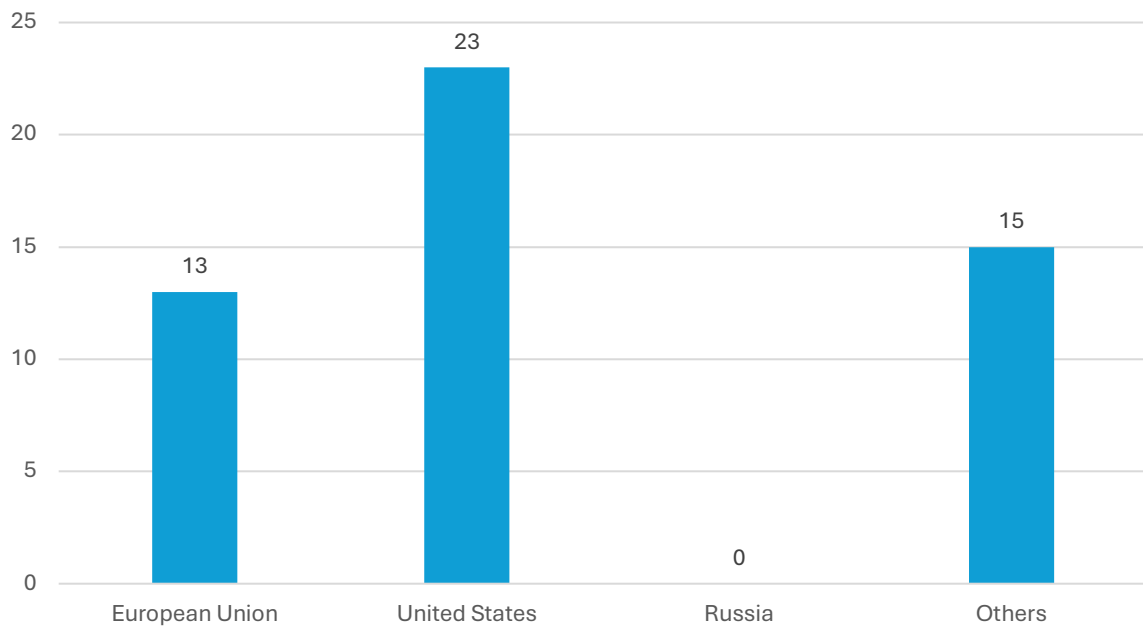
Figure 1 - Structure of the data according to respondent country



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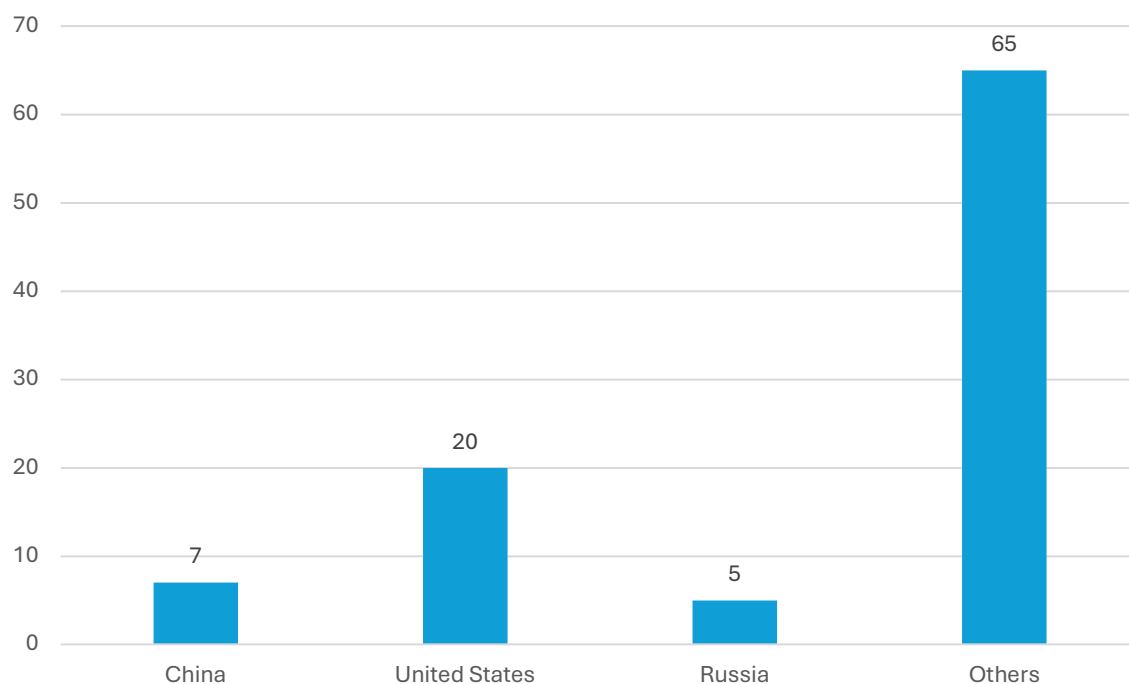
Figure 2 - Complaints against China by the EU, the US and Russia, as compared to other WTO members



Finally, Russia was sued over half of the time by the EU, being sued also quite frequently by Ukraine as well (Figure 5). Those are, after all, economies that are highly intertwined and, looking at the context around those disputes, most disputes are in fact geopolitical (i.e. they were put forward around political tensions due to Russia's occupation of Crimea, against Russia's imposition of anti-dumping duties, to address Russia's import substitution programme or because of the retaliation to US Section 232 duties).²²

²² Comerma, L., Simón, L. and Becker, J. (forthcoming) "Strategic Alignment in the World Trade Organization: a Mixed-Method Analysis".

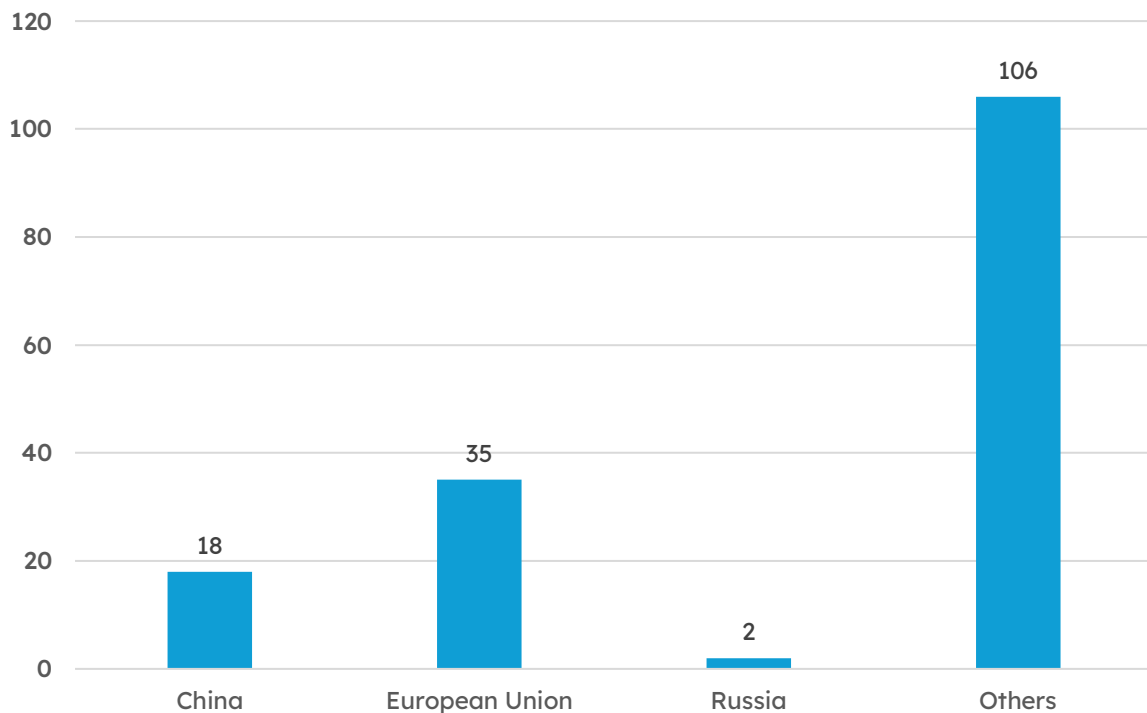
Figure 3 - Complaints against the EU by China, the US and Russia, as compared to other WTO members



Secondly, it is interesting to analyse the time trend and the evolution of disputes targeting the EU, the US, China and Russia between 1995 and 2025. Figure 6 includes disputes brought about by all WTO members, while Figure 7 includes those brought about only among themselves. The graphs show a similar picture until 2021. They show that, in the case of the US, there was a strong peak at the beginning of the WTO DSM, with the EU also being sued significantly more in this earlier period, yet, around half as much as the US. This could find its roots in the fact that, according to comparative trade politics scholars, the US' domestic political economy is more susceptible to sectoral lobbying and unilateral trade enforcement, leading to a greater propensity for WTO disputes, whereas the EU's supranational trade governance structure has historically encouraged stronger adherence to multilateral trade rules and legalism.²³

²³ Allee, T. and Elsig, M. (2015) "Enforcement of the World Trade Organization", *International Organization*, 69(3): 629-656; and Meunier, S. and Nicolaidis, K. (2006) "The European Union as a Conflicted Trade Power", *Journal of European Public Policy*, 13(6): 906-925.

Figure 4 - Complaints against the US by the EU, China and Russia, as compared to other WTO members



Still, while the EU saw a decrease after the 2010s that became the new normal, complaints against the US bounced back between 2016 and 2020, to be addressed through this forum, following the economic policy of the first Trump administration. Specifically, disputes aimed to address US Section 232 duties²⁴, its Huawei ban²⁵ or the tariff war against China.²⁶ In the case of China, it was targeted quite considerably when it joined the WTO – and particularly by the US and the EU –, but the number of disputes it has faced has followed a decreasing trend until 2025. This is because, after it acceded to the WTO in 2001, Chinese policymakers were incentivised to avoid overt violations of WTO rules in order to preserve access to global markets and reassure trading partners. At the same time, scholars argue that China increasingly adapted its industrial policies to operate through more legally sophisticated and less easily challengeable mechanisms, reducing the number of formal WTO disputes brought against it relative to the scale of

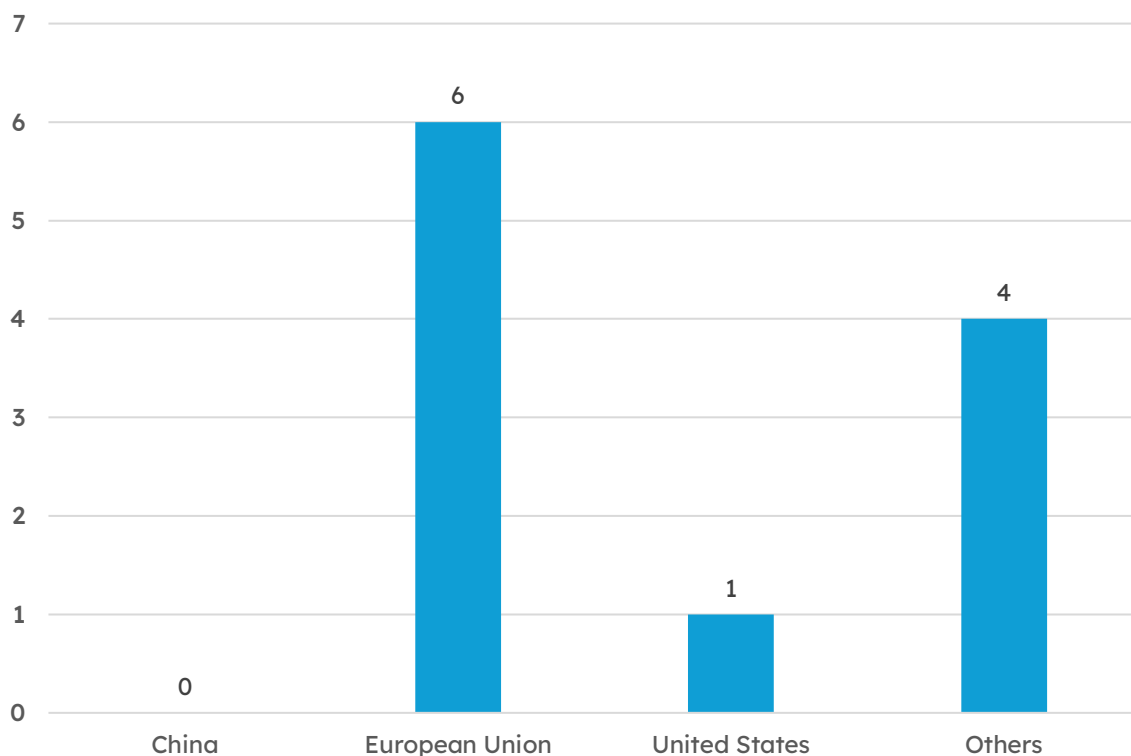
²⁴ US Customs and Border Protection (online) Section 232 Tariffs on Steel and Aluminium Frequently Asked Questions. See: <https://www.cbp.gov/trade/programs-administration/entry-summary/232-tariffs-aluminum-and-steel-faqs>.

²⁵ Congress.gov (online) US Restrictions on Huawei Technologies: National Security, Foreign Policy, and Economic Interests. See: <https://www.congress.gov/crs-product/R47012>.

²⁶ Teekah, E. (online) U.S.-China trade war. Britannica Money. See: <https://www.britannica.com/money/US-China-trade-war>

Western concerns about Chinese trade practices.²⁷ In turn, the EU and the US themselves adapted to this changed Chinese posture outside of the formal structures of the WTO, addressing their trade-related concerns through *ad hoc* institutions like summits. Yet, since 2025, China has faced more disputes once again as a result of its use of economic statecraft and export controls, particularly on critical raw materials. As a result, its trade partners, for instance, the US and the EU, have responded with unilateral tariffs and other legal measures, non-tariff barriers and the enactment of trade instruments like an investment screening mechanism or the EU’s Anti-Coercion Instrument.

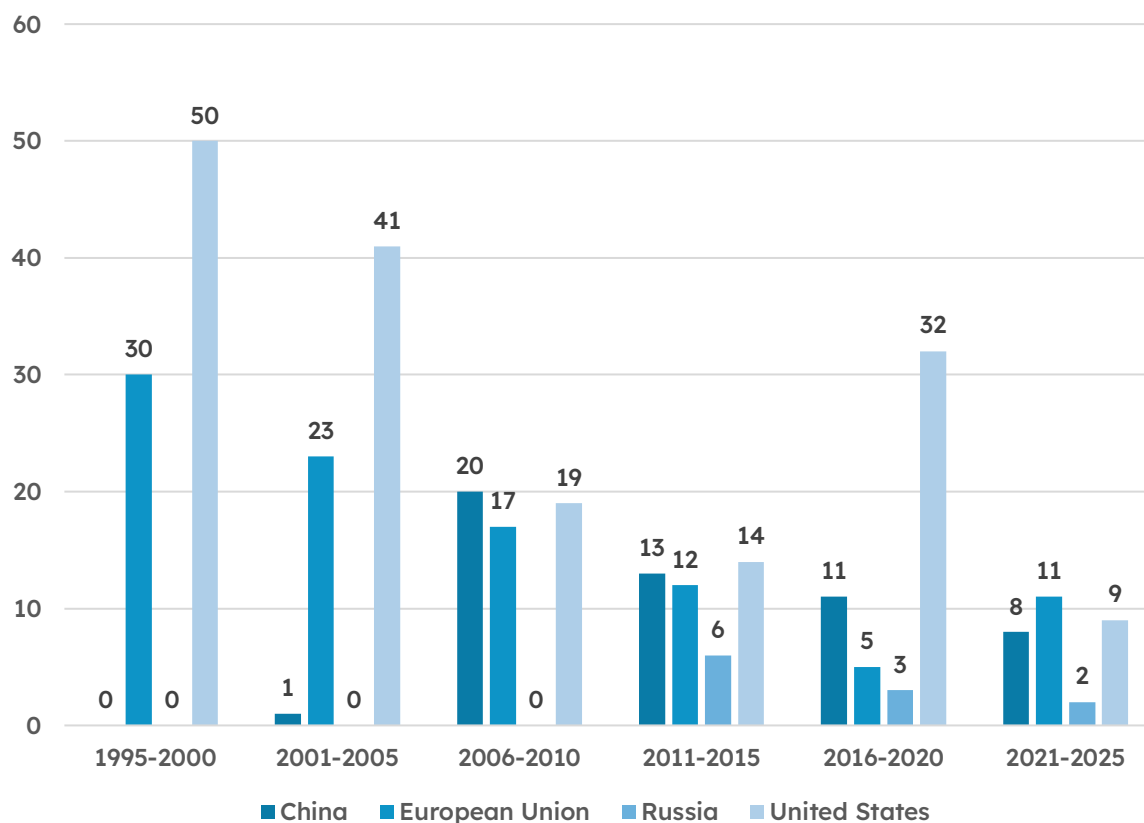
Figure 5 - Complaints against Russia by the EU, the US and China, as compared to other WTO members



Similarly, Russia received most complaints in the 2011-2015 period, immediately after it joined the WTO in 2012, with fewer complaints in the subsequent five-year period, but a relative increase since 2021. Interestingly, at a greater granularity, the data shows a decrease in complaints from the EU to the US and *vice versa* after 2005, and an increase in complaints from China to the EU and the US around 2010.

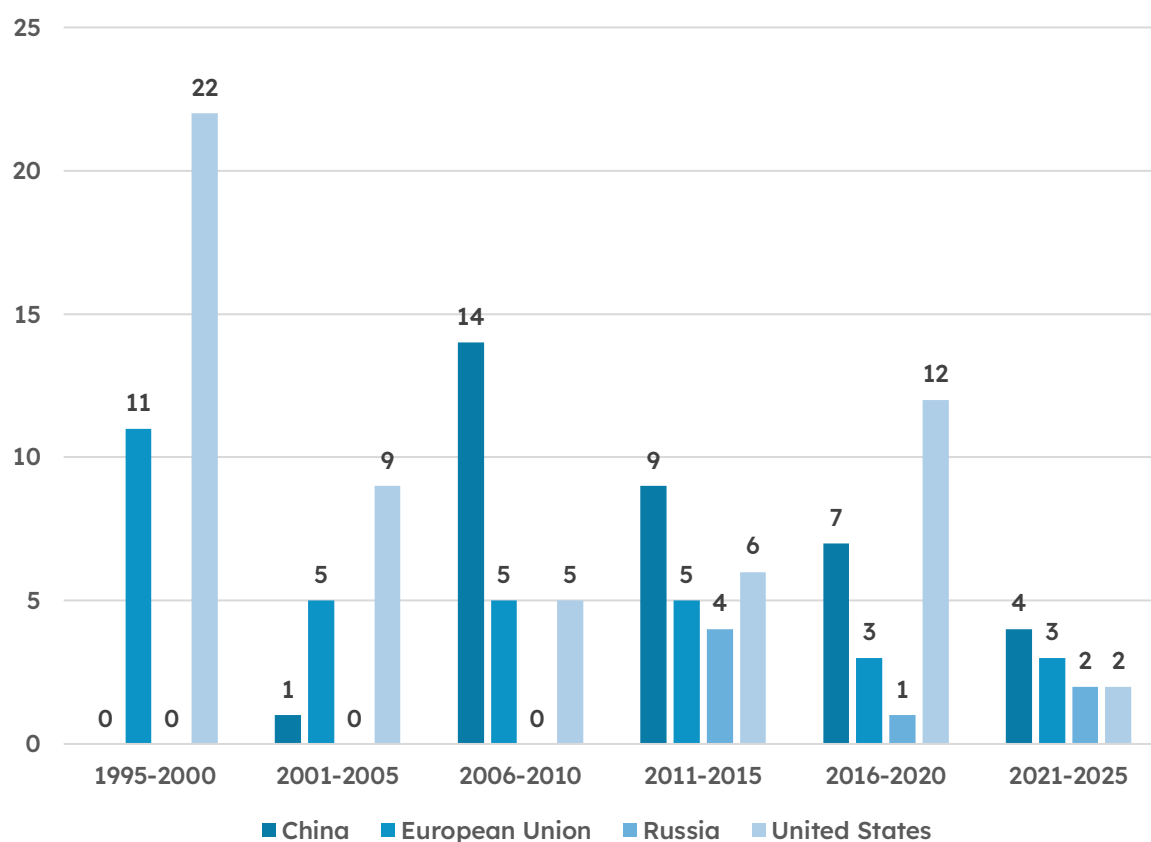
²⁷ Op. Cit., Gao, see fn 1 and Hopewell, K. (2021) “US-China Conflict and the Future of the WTO”, *International Affairs*, 97(6): 1619-1639.

Figure 6 - Period of the complaint (including complaints from all WTO members) (according to start year)



Thirdly, let us turn to the proclivity to follow the suggestions or “mandates” of the dispute settlement mechanism by analysing the proportion of complaints that the EU, the US, Russia and China have faced which have been resolved. In this case, for a dispute to be resolved, we understand that a mutually agreed solution was reached, that the respondent has been notified of the implementation of the suggestions by the Panel, that the Panel was concluded – adopting the Panel’s report – with no further action required by the respondent, or that the complaint (the dispute) was terminated or withdrawn. It does not include findings of non-compliance or authorisation to retaliate.

Figure 7 - Period of the complaint (including only complaints from the EU, US, China and Russia) (according to start year)



In that case, we see a similar proportion of around half of the complaints being resolved, with a slightly higher percentage in the case of the EU, although marginally (Figure 8). The trend is similar when looking at the proportion of complaints coming from themselves – the EU, the US, China and Russia as a complainant – which have been resolved by the respondent (Figure 9).

Figure 8 - Resolved complaints

China	Total	EU	Total	US	Total	Russia	Total
24	51	50	97	73	159	4	11
%	47,06	%	51,55	%	45,91	%	36,36

Figure 9 - Resolved complaints from US, EU, China and Russia:

China	Total	EU	Total	US	Total	Russia	Total
16	36	14	32	22	55	2	7
%	44,44	%	43,75	%	40,00	%	28,57

Chapter Three

Data Analysis on Coalitions and Partners

At a moment that has been labelled as one of crisis of multilateralism, de-globalisation and bifurcation of the trade regime²⁸, it is interesting to look at the disputes from the perspective of coalition analysis and partnerships. Specifically, we look at the cases of China, Russia, the US and the EU, and who are their most popular third parties and co-complainants (Figure 10). The results show that, for the case of the EU, the most popular partners are Brazil, Japan, Canada, India and South Korea, followed by Australia, Mexico, Taiwan, Thailand, Norway and China. These partners can fall into various coalitions, but they mostly share their support for multilateralism and legalised dispute settlement, and a strong dependence on export-led growth and open trade. They could be considered as a coalition seeking to preserve the liberal trading order represented by the WTO.

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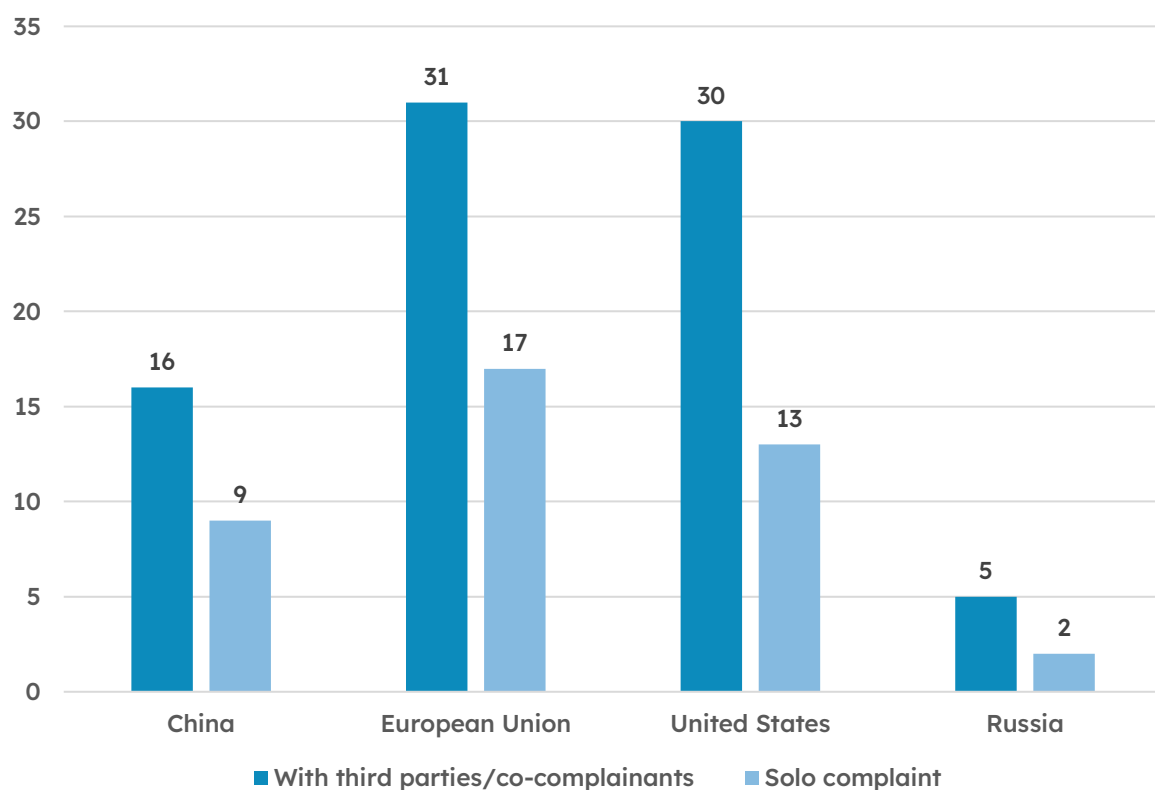
²⁸ Drezner, D.W., Farrell, H. and Newman, A. L. (2021) “The Uses and Abuses of Weaponized Interdependence”, Brookings Institution; Farrell, H. and Newman, A. L. (2019) “Weaponized Interdependence: How Global Economic Networks Shape State Coercion”, *International Security*, 44(1): 42-79; Op. Cit., Hopewell, see fn 23; James, H. (2018) “Deglobalization: The Rise of Disembedded Unilateralism”, *Annual Review of Financial Economics*, 10: 219-237; Stephen, M.D. and Parížek, M. (2019) “New Powers and the Distribution of Preferences in Global Trade Governance: From Deadlock and Drift to Fragmentation”, *New Political Economy*, 24(6): 735-758.

Figure 10 - Most popular third parties/co-complainants.

European Union		United States		China		Russia	
<i>Third party</i>	<i>N°</i>	<i>Third party</i>	<i>N°</i>	<i>Third party</i>	<i>N°</i>	<i>Third party</i>	<i>N°</i>
Japan	27	Japan	23	Japan	13	China	5
Brazil	21	South Korea	19	Brazil	13	Ukraine	5
Canada	20	Australia	18	Türkiye	13	United States	4
India	19	Chinese Taipei	18	EU	12	Saudi Arabia	4
South Korea	16	India	17	Canada	12	Brazil	4
Mexico	14	Brazil	17	India	10	India	4
Norway	13	Canada	16	Chinese Taipei	10	Japan	4
Australia	13	EU	15	Norway	9	Indonesia	3
China	11	Mexico	12	Russia	9	Norway	3
Chinese Taipei	11	Norway	12	South Korea	9	Canada	3
Thailand	11	Türkiye	11	Australia	7	Mexico	3
Türkiye	8	Argentina	10	Vietnam	7	South Korea	3
Russia	8	Guatemala	10	Thailand	6	Argentina	2
Colombia	7	Russia	9	Colombia	5	Australia	2
United States	7	Singapore	9	Saudi Arabia	5	Vietnam	2
Argentina	6	China	8	Mexico	5	Türkiye	2
Indonesia	6	Thailand	8	United States	4	Egypt	2
Switzerland	6	Colombia	8	Indonesia	4	Colombia	2
Saudi Arabia	5	New Zealand	7	Argentina	3	Venezuela	1
New Zealand	5	Saudi Arabia	7	Bahrain	3	UAE	1
Hong Kong PRC	4	Indonesia	6	Kazakhstan	3	Bahrain	1
Vietnam	4	Egypt	6	UAE	3	EU	1
Chile	4	Viet Nam	6	New Zealand	3	Guatemala	1
Ecuador	3	Kazakhstan	6	Switzerland	3	Hong Kong PRC	1
Singapore	3	Chile	5	Venezuela	3	Iceland	1
Jamaica	3	Ecuador	5	Ukraine	3	Kazakhstan	1
Oman	2	Honduras	5	Singapore	3	New Zealand	1
Peru	2	Ukraine	5	Malaysia	3	Malaysia	1
UK	2	Switzerland	3	Guatemala	2	Qatar	1
Ukraine	2	Oman	3	Hong Kong PRC	2	Singapore	1
Malaysia	2	El Salvador	2	Ecuador	2	South Africa	1
Kazakhstan	2	Peru	2	Kuwait	1	Switzerland	1
Costa Rica	2	Paraguay	2	Chile	1	Chinese Taipei	1
Cuba	2	Philippines	2	Honduras	1	Thailand	1
Dominica	2	Venezuela	2	Egypt	1		
Israel	2	Hong Kong PRC	2	Cuba	1		
Santa Lucia	2	South Africa	2	Iceland	1		
Venezuela	2	Israel	1	Tajikistan	1		
Egypt	2	Pakistan	1	Qatar	1		
Nicaragua	1	Panama	1	South Africa	1		
Barbados	1	Uruguay	1	Israel	1		
Dominican Rep.	1	Costa Rica	1	UK	1		
Bahrain	1	Dominican Rep.	1	Philippines	1		
Guatemala	1						
Iceland	1						
Qatar	1						
South Africa	1						
UAE	1						

In the case of the US, its most common partners are Australia, Brazil, Japan, Mexico, Taiwan, Canada, the EU, India and South Korea, followed by Argentina, Türkiye, Norway and Guatemala. The US created informal coalitions with these partners around systemic trade concerns, because of their shared exposure to Chinese competition, their concern about unfair competition and industrial policy, their reliance on trade-remedy instruments (anti-dumping, safeguards and countervailing duties) and their use of litigation as leverage in broader trade bargaining.

Figure 11 - Number of complaints introduced as a solo complainant or in a coalition

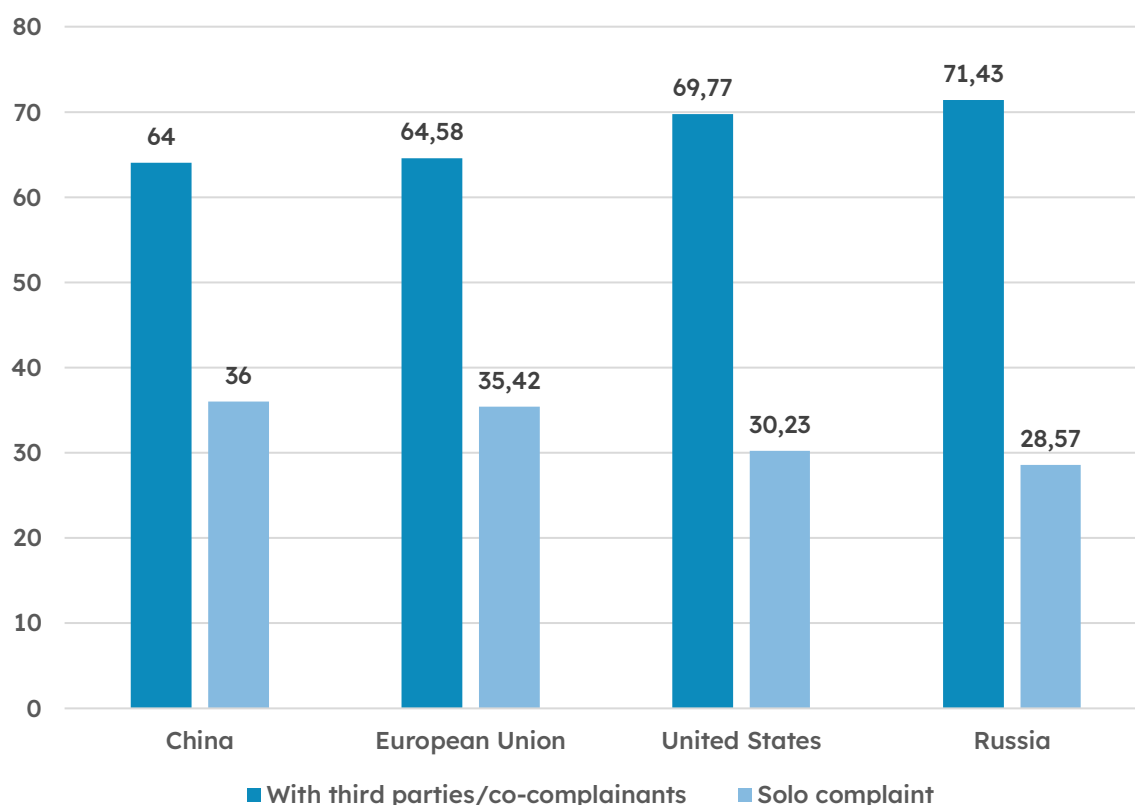


China shows a smaller proclivity to initiate disputes with third parties and co-complainants, having traditionally preferred to treat the WTO DSM's disputes as bilateral issues and only recently acting as part of a coalition, which can be understood as being part of a learning process. Considering this, its most common partners have been Brazil, Canada, India, Japan, Taiwan and Türkiye. Together with these partners, China made strategic use of WTO litigation to resolve tensions with advanced-economy trade rules, especially around export-oriented manufacturing sectors, sharing an interest in preserving predictable trade governance. Finally, Russia's case is even more

pronounced than that of China, even though it needs to be considered that Russia has introduced a smaller number of complaints, and therefore, the potential partners are also fewer. Among those, its most common partners are China and Ukraine, who is also its most common complainant together with the EU.

The final two graphs illustrate the previously mentioned proclivity to act as part of a coalition or partnership rather than as a solo complainant. In the first case, it can also be appreciated that the activity of each case to initiate disputes at the WTO DSM, as we see the absolute number of complaints introduced by adding up the numbers in the two columns presented, which show the number of complaints introduced as a solo complainant or in a partnership (Figure 11). In the second graph, the numbers are presented in relative terms, so that the tendency can be more readily observed (Figure 12). In fact, while in absolute numbers we would consider both China and Russia to have a greater tendency to act alone, when looking at the percentages, it can be appreciated that China is the country that has acted more frequently in a coalition, followed by the European Union, with Russia indeed acting most often alone.

Figure 12 - Proportion of complaints introduced as a solo complainant or in a coalition



Conclusion

In conclusion, this In-Depth Paper has shown that the WTO dispute settlement mechanism continues to function not merely as a legal arena for the neutral adjudication of trade disputes, but increasingly as a strategic instrument embedded in the broader transformation of the international political economy. Rather than focusing on the drivers of WTO behaviour and secondary states' alignment with one great power or another, this In-Depth Paper has examined how the dispute environment created by great power rivalry structures WTO litigation. While the WTO DSM was originally designed to depoliticise trade conflicts through rule-based adjudication, the evidence presented here suggests that disputes are deeply shaped by power asymmetries, domestic political incentives, coalition dynamics and, increasingly, geopolitical rivalry. In that sense, litigation patterns reveal not only where trade conflicts emerge, but also how states position themselves within a changing global order marked by fragmentation, de-risking and the erosion of multilateral consensus.

The analysis confirms several findings from the existing literature. First, WTO disputes are highly concentrated among large economies with the legal, economic and bureaucratic capacity to sustain litigation. The US and the EU remain the most active and most targeted actors in the system, reflecting both their centrality in global trade and their extensive use of trade remedies and market regulation. China's trajectory, however, illustrates how WTO litigation has become increasingly intertwined with systemic rivalry. Although China was heavily targeted immediately after it acceded to the WTO, especially by the US and the EU, the number of complaints against it has gradually declined. This does not necessarily imply a reduction in tensions, but rather supports the argument that China has adapted its industrial and trade policies in ways that are more legally sophisticated and therefore more difficult to challenge through WTO law. At the same time, the disputes that continue to emerge increasingly concern strategic sectors linked to technology, subsidies, economic security and industrial policy, placing them at the core of contemporary geoeconomic competition.

Second, the data demonstrates that WTO litigation increasingly reflects coalition-building and selective partnerships rather than purely bilateral legal enforcement. The EU tends to cooperate with actors that share an interest in preserving multilateral legalism and open trade, while the US more frequently aligns with countries concerned about Chinese competition and market distortions. China, by contrast, has historically shown a preference for bilateral management of disputes, although more recent coalition patterns suggest an ongoing learning process and a gradual integration into strategic

litigation practices. These coalition dynamics are important because they show that WTO disputes are not only reactions to legal violations, but also mechanisms through which states signal alignment, defend systemic interests and manage economic interdependence under conditions of geopolitical uncertainty.

Third, the Appellate Body crisis fundamentally alters the incentives surrounding WTO litigation. Existing scholarship has argued that appellate review and jurisprudential continuity increased predictability, facilitated settlement and reinforced the credibility of WTO law. The paralysis of the Appellate Body weakens these functions and risks shifting the system back toward a more power-oriented model of dispute settlement. Although the data presented here shows that disputes continue to be initiated and resolved despite the crisis, the long-term implications remain uncertain. Governments may become more selective in the cases they bring, increasingly rely on interim arrangements such as the MPIA, or prefer bilateral bargaining and economic coercion over multilateral adjudication. In this context, the WTO DSM risks evolving from a universal legal mechanism into a fragmented and partially bifurcated system shaped by geopolitical blocs and strategic alignments.

For the EU, these developments have implications that extend beyond dispute settlement itself: as a traditionally rule-abiding actor deeply invested in legalised multilateralism, the weakening of the WTO's enforcement capacity has reinforced the EU's pursuit of strategic autonomy, encouraging the implementation of its strategic autonomy agenda while doubling down on its defence to counter the challenge coming from the US and China to the multilateral trading system.

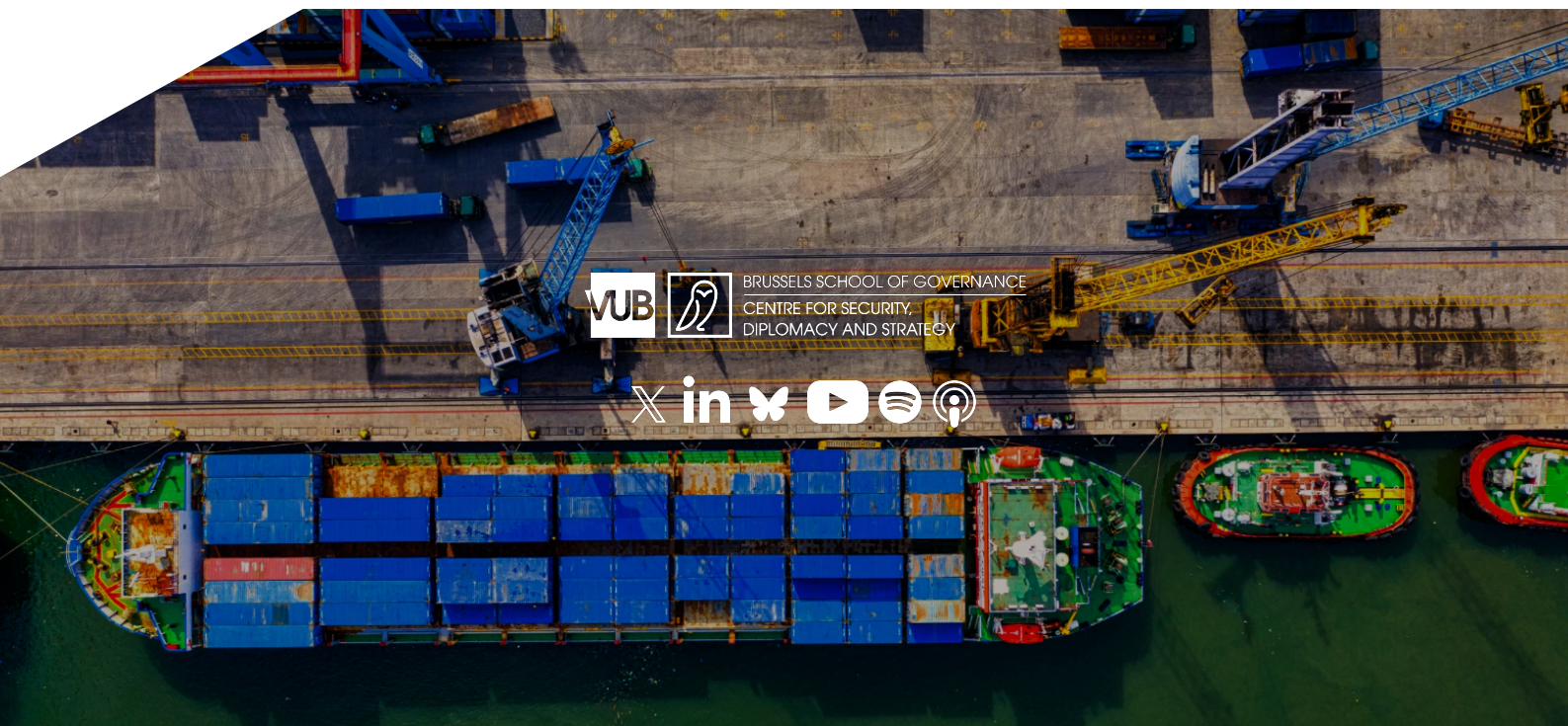
Ultimately, the WTO dispute settlement mechanism remains highly relevant precisely because trade has become more political, not less. Rather than disappearing, legalised trade conflict is being reconfigured within a broader struggle over the future of global economic governance. The WTO DSM, therefore, continues to provide valuable insights into how great powers and secondary powers alike attempt to manage interdependence, constrain rivals and preserve influence in an increasingly contested international order.

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