

Brazil and Japan in Trade Conflicts at WTO: Learn to the Future

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Abstract

Brazil and Japan had just one trade conflict between them at the WTO Dispute Settlement, but they have had an intensive role as third party. The main interests to be a third party could be watching others countries' conduct to learn how to act if have direct conflicts in the future.

When the dispute has products at issue, we analyze their bilateral trade to partners as well their market share to the total exports or imports at the year the nation required consultation to the WTO Dispute Settlement Body. These exports and imports' markets shares on products show the economies' degree of dependency on the partners.

Key words: trade conflicts, disputes settlements, Japan, Brazil, WTO

1. Introduction

National governments use the World Trade Organization (WTO) institutional framework to arbitrate trade conflicts between them. A country requests to the WTO Dispute Settlement Body (DSB) to open consultations if believes the trade partner has broken an international trade agreement.

Countries have used the Dispute Settlement Body to inquiry the policies of their trading partners since 1995, the year WTO was established. By September 2013, 467 disputes were initiated as consultations requested.

A WTO member country will have one of the three roles in a dispute: complaint, respondent or third party. The complaint country requests the beginning of the case by consultations to the respondent country, which is considered as one has broken agreements. If a country declares to have an interest in the dispute the role is as third country (WTO, 2011: 55).

Brazil and Japan are among the more active economies in disputes at WTO however they had just one trade conflict between them. This figure could claim they do not have

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struggle between them, but analyzing the role as third party they could be acting to learn to the future conflicts.

The Dispute Settlement Body corresponding as a tribunal or a court therefore most of literature is concerning law subjects. However, works delimited on the third party role we found in Albashar and Maniruzzaman (2010) that analyze the role of the developing countries as a third party at the WTO dispute settlement mechanism and in Yenkong (2004) that also writes on third party stressing the countries rights at the WTO dispute settlement.

Analyses also come from political science as a dispute at the WTO reflects the power among nations. Pekkanen (2001) and Araki (2004) claim the Japan uses international trade rules as a trade strategy. Mitchell (2013) explains the developing countries success in the panel stage of the WTO dispute settlement by a multivariate model.

Bown (2004) analyses empirically economic and institutional causes that affect economic outcome of GATT/WTO trade disputes. Other empirical study by Bown (2005) is on the determinants to countries participate in WTO dispute settlements and he also investigates the reasons the countries participate as third party. Perrelli and Grinols (2001) explore the WTO disputes settlement by the game theory. Keck and Schropp (2008) base on the literature of trade cooperation and institutions to prove the WTO disputes settlement institutions have many roles. The dispute settlement process reduces the information asymmetry on extend of political pressures the home country faces and foreign countries observe and improve the self-enforceability of trade agreements according the model by Beshkar (2010). Maggi and Staiger (2011) build a formal model to analyses the DSB from the hypotheses that the WTO's agreements, have roles to help to complete contracts, These works focus on economics approach from dispute settlements.

By the statistic evidence of the disputes settlement mechanisms (DSM), Torres (2012: 19) concludes that "the rate of participation in the DSM by Latin American countries has been higher than other developing countries". Froese (2011) compares the speed to use the WTO dispute settlement between developing countries and developed countries. Qureshi (2003) studies the importance of the DSB for development countries and their participation in trade conflicts. Horn, Johannesson and Mavroidis (2011) do a comprehensive study to describe the statistics on the countries participation, subject of disputes, and period of extent of the WTO disputes settlement.

This paper analyzes Brazil and Japan as complainant, respondent and third party at the same disputes settlements. When the dispute has products at issue, we analyze their bilateral trade to partners as well their market share to the total exports or imports at the year the nation required consultation to the WTO Dispute Settlement Body. These exports and imports' markets shares on products show the economies' degree of dependency on the partners. Brazil and Japan could have interest as the role of third party to learn how to act in future disputes settlements. The trade data are from the World Bank *World Integrated Trade Solution* (WITS) by the Standard International Trade Classification (SITC) Revision 3.

Table 1: Most Frequent Complainants and Respondents

Country	Number of cases initiated	Country	Number of cases defended
United States	105	United States	119
European Communities/ European Union	87	European Communities/ European Union	88
Canada	33	China	30
Brazil	26	India	22
Mexico	23	Argentina	22
India	21	Canada	17
Argentina	18	Japan	15
Japan	17	Brazil	14
Korea	15	Mexico	14
Thailand	13	Korea	14

Source: Bashir, Shahid. WTO Dispute Settlement Body developments in 2012. http://www.wto.org/english/tratop_e/dispu_e/bashir_13_e.htm. Access: October 13, 2013.

Table 1 presents Brazil and Japan as the top ten more active economies in disputes at WTO as complainants and as respondents as well.

2. Brazil and Japan at the same disputes settlements

The number of disputes when Japan and Brazil have roles as complainant, respondent or third party is summarized in Table 2.

Looking at Table 2, Brazil and Japan had just one trade conflict between them and they acted together as complainant in one case. However, analyzing the role as third party country they have been further relationship, most when both are neither complainant nor respondent. Brazil and Japan also emerge as WTO members whose participation as third parties have large proportion compare to the others.

2.1. Japan as complainant, Brazil as respondent

The only case when Japan and Brazil had direct trade conflicts at WTO was the DS51 in 1996. Japan requested consultations because Brazilian government has taken measures “to establish domestic content requirements and requirements for observance of certain proportions between export value and import value for manufactures of motor vehicles, vehicles parts and materials” (WTO, 1996: 1). Among others, one of the agreements cited by Japan was the Trade-Related Investment Measures (TRIMs), however it is interesting point that the Japanese foreign direct investment to the total foreign direct investment in Brazilian automobile industry was less than 1%.¹⁾ The trade figures are also quite small since Brazil exported to Japan US\$ 122 thousand and Japan exported to Brazil US\$ 282.12

Table 2: Brazil and Japan at the same disputes settlements

Type of roles	Number of disputes
Japan as complainant, Brazil as respondent	1
Japan as complainant, Brazil as third party	5
Japan as respondent, Brazil as third party	2
Brazil and Japan as complainant at the same dispute settlement	2
Brazil as complainant, Japan as third party	4
Brazil as respondent, Japan as third party	3
Brazil and Japan as third party, neither complainant nor respondent	38

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

Table 3: Japan as complainant, Brazil as respondent

Dispute settlement	Title	Complainant	Respondent
DS51	Brazil — Certain Automotive Investment Measures	Japan	Brazil

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

million of vehicles in 1995 and Brazilian total exports of automobiles was US\$ 455.54 million and Japan total exports of automobiles was US\$ 42,207.98 million in 1995.²⁾

2.2. Japan as complainant, Brazil as third party

Japan was complainant and Brazil was third party in 5 cases: DS184, DS244, DS376, DS412 and DS433. We analyze Japan and Brazil exports to the respondents, except DS433 when we analyze those countries imports to the respondents.

The good at issue was hot-rolled steel products at DS184 (WTO, 2012: 74). Japan's total exports of hot-rolled steel was US\$ 315.34 million and to the United States were US\$ 15.60 million (4.95% to the total) in 1999 while Brazil's total exports of hot-rolled steel was US\$ 12.66 million and to the United States was US\$ 2.65 million (20.93%) in 1999.³⁾

At dispute DS244 the good at issue was corrosion-resistant carbon steel flat products (WTO, 2012: 96). Japan's total exports of these products was US\$ 569.82 million and to the United States were US\$ 24.84 million (4.36%) in 2002 while Brazil's total exports of these steel products was US\$ 3.02 million and to the United States were US\$ 870 thousand (28.83%) in 2002.⁴⁾

Flat panel display devices (FDP), set-top boxes (STBC), multifunctional digital machines (MFM) corrosion-resistant carbon were the goods at issue at dispute DS376 (WTO, 2012: 151). Japan's total exports of these products was US\$ 1,958,143 million and to the European Union were US\$ 3,303 million (0.17%) in 2008 while Brazil's total exports of these information technology products was US\$ 24,199 million and to the European Union were US\$ 624 million (2.58%) in 2008.⁵⁾

Table 4: Japan as complainant, Brazil as third party

Dispute settlement	Title	Respondent
DS184	United States — Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan	United States
DS244	United States — Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan	United States
DS376	European Communities and its Member States — Tariff Treatment of Certain Information Technology Products	European Communities
DS412	Canada — Certain Measures Affecting the Renewable Energy Generation Sector	Canada
DS433	China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum	China

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

Table 5: Japan as respondent, Brazil as third party

Dispute settlement	Title	Complainant
DS76	Japan — Measures Affecting Agricultural Products	United States
DS245	Japan — Measures Affecting the Importation of Apples	United States

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

Rare Earths, Tungsten and Molybdenum were the products at issue at dispute DS433 (WTO, 2013). Japan's total imports of these products was US\$ 711 million and from China were US\$ 488 million (63.24%) in 2012 while Brazil's total imports of these products was US\$ 70 million and from China were US\$ 27 million (38.34%) in 2012.⁶⁾

2.3. Japan as respondent, Brazil as third party

Japan was respondent and Brazil was third party at disputes DS76 and DS245 whose complainant was the United States.

Apricots, cherries, plums, pears, quince, peaches, apples, walnuts were the products at issue at dispute DS76 (WTO, 2012: 35). United States' total exports of these products was US\$ 716.09 million and to Japan were US\$ 37.11 million (5.18%) in 1997 while Brazil's total exports of these products from agriculture was US\$ 13.96 million and to Japan were US\$ 72 thousand (0.52%) in 1997.⁷⁾

Another dispute between Japan and the United States with agriculture product was the DS245 (WTO, 2012: 98). United States' total exports of apple was US\$ 383.73 million and to Japan were US\$ 3 thousand (0.001%) in 2004 while Brazil's total exports of these products from agriculture was US\$ 72.55 million in 2004.⁸⁾

2.4. Brazil and Japan as complainant at the same dispute settlement

Brazil and Japan were complainants to the United States at the same disputes settlements in two cases, the disputes DS217/234 and the disputes DS248/249/251/252/253/254/2

Table 6: Brazil and Japan as complainant at the same dispute settlement

Dispute settlement	Title	Complainant	Respondent
DS217/234	United States — Continued Dumping and Subsidy Offset Act of 2000	Australia; Brazil; Chile; European Communities; India; Indonesia; Japan; South Korea; Thailand	United States
DS248/249/251/252/253/254/258/259*	United States — Definitive Safeguard Measures on Imports of Certain Steel Products	Brazil, China, European Communities, South Korea, Japan, New Zealand, Norway, Switzerland	United States

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

58/259.

Australia, Chile, European Communities, India, Indonesia, South Korea and Thailand were complaints together Brazil and Japan in the case when the United States has amended the Tariff Act of 1930 by the Byrd Amendment. Those countries complained because the amendment infringed many GATT articles, anti-dumping agreement, Subsidies and Countervailing agreement and also the agreement establishing the World Trade Organization. As a result, the Dispute Settlement Body has given to the complainant countries authorization to retaliate the United States.

At the disputes settlements DS248/249/251/252/253/254/258/259, Brazil and Japan together China, European Communities, South Korea, New Zealand, Norway, Switzerland were complainants against the United States. The products at issue were from steel industry: “CCFRS (certain carbon flat-rolled steel), tin mill products, hot-rolled bar, cold-finished bar, rebar, welded pipe, FFTJ, stainless steel bar, stainless steel wire, stainless steel rod” (WTO, 2012: 100)⁹⁾.

2.5. Brazil as complainant, Japan as third party

Brazil was complainant and Japan was third party at disputes DS219, DS267, DS365 and DS382.¹⁰⁾

Upland cotton was the product at issue at dispute DS276 where Brazil was complainant to the United States (WTO, 2012: 35). Brazil’s total exports of cotton was US\$ 194.82 million, to Japan were US\$ 23.74 million (12.19%) and to the United States were US\$ 1.56 (0.80%) in 2003.¹¹⁾

Dispute DS365 was on the United States domestic support and export credit guarantees for agricultural products where Brazil was complainant against the United States (WTO, 2013). Brazil’s total exports of agricultural products was US\$ 15,669.68 million, to Japan were US\$ 430.63 million (2.75%) and to the United States were US\$ 964.04 (6.15%) in 2007.¹²⁾

Orange juice was the product at issue at dispute DS382 (WTO, 2012: 153). Brazil’s total exports of orange juice was US\$ 1,619.17 million, to Japan were US\$ 87.45 million (5.40%) and to the United States were US\$ 252.53 (15.60%) in 2009.¹³⁾

Table 7: Brazil as complainant, Japan as third party

Dispute settlement	Title	Respondent
DS219	European Communities — Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil	European Communities
DS267	United States — Subsidies on Upland Cotton	United States
DS365	United States — Domestic Support and Export Credit Guarantees for Agricultural Products	United States
DS382	United States — Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil	United States

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

Table 8: Brazil as respondent, Japan as third party

Dispute settlement	Title	Complainant
DS199	Brazil — Measures Affecting Patent Protection	United States
DS332	Brazil — Measures Affecting Imports of Retreaded Tyres	European Communities
DS355	Brazil — Anti-dumping Measures on Imports of Certain Resins from Argentina	Argentina

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

2.6. Brazil as respondent, Japan as third party

Retreaded tyres were the products at issue at dispute DS332 (WTO, 2012: 135). European Union's total exports of these products was US\$ 64.82 million and to Brazil were US\$ 4.13 million (6.38%) in 2005 while Japan's total exports of these products was US\$ 6.37 million and to Brazil were US\$ 250 thousand (3.92%) in 2005.¹⁴⁾

Polyethylene terephthalate (PET) resin was the product at issue at dispute DS355 (WTO, 2013). Argentina's total exports of this product was US\$ 65.99 million and to Brazil were US\$ 1.46 million (2.21%) in 2006 while Japan's total exports of this product was US\$ 101.30 million and to Brazil were US\$ 4 thousand (0.004%) in 2005.¹⁵⁾

2.7. Brazil and Japan as third party, neither complainant nor respondent

Dispute settlements when Brazil and Japan were third party, but neither complainant nor respondent are the most cases.

Bananas were the products at issue at dispute DS27 (WTO, 2012: 16). Brazil's total exports of bananas was US\$ 44.30 million and to the United States were US\$ 4.2 thousand (0.01%) in 2007. Japan's total imports of bananas was US\$ 584.47 million, and imports from Ecuador were US\$ 31.73 million (5.43%) while from United States were US\$ 16.80 thousand (less than 0.003%) in 2007.¹⁶⁾

Wheat, wheat flour, sugar and edible vegetable oils were the products at issue at dispute DS207 (WTO, 2012: 81). Brazil imported wheat and wheat flour from Argentina US\$ 30.29 million while Japan did not import these products from Argentina in 2001. Brazil exported¹⁷⁾

sugar to Argentina US\$ 25.20 million and to Chile US\$ 2.60 million, while Brazil imported sugar from Argentina US\$ 2.35 million and imported from Chile US\$ 388 thousand in 2001. Brazil imported vegetable oils from Chile US\$ 84.72 thousand and from Argentina US\$ 122.97 thousand. Japan imported vegetable oils from Chile US\$ 1.12 million and from Argentina US\$ 545.94 thousand.

Large civil aircraft was the product at issue at dispute settlement DS316 (WTO, 2012: 130). Brazil's total exports of aircrafts was US\$ 3,303.32 million, to Germany were US\$ 3.81 million (0.12%), to Spain was US\$ 3.18 million (0.10%), to France was US\$ 60.48 (1.83%), to United Kingdom were US\$ 65.42 million (1.98%), to the United States were 1,966.26 million (59.52%). Brazil's total imports of aircrafts was US\$ 967.40 million and from Germany were US\$ 34.98 million (3.61%), from Spain were US\$ 139.82 million (14.45%), from France were US\$ 214.47 million (22.17%), from United Kingdom were US\$ 21.20 million (2.19%), from the United States were US\$ 396.16 million (40.95%) in 2005.

Japan total exports of aircrafts was US\$ 1,411.39 million, to Germany were US\$ 21.13 million (1.5%), to Spain were US\$ 694 thousand (0.05%), to France were US\$ 18.43 million (1.31%), to United Kingdom were US\$ 10.98 million (0.78%), to the United States were US\$ 975.54 million (69.12%) in 2005. Japan's total imports of aircrafts was US\$ 4,822.43 million and from Germany were US\$ 49.12 million (1.02%), from Spain were US\$ 203 thousand (0.004%), from France were US\$ 152.09 million (3.15%), from United Kingdom were US\$ 92.78 million (1.92%), from the United States were US\$ 4,224.93 million (87.61%) in 2005.

Frozen shrimp was the product at issue at dispute DS335, DS343 and DS345 (WTO, 2012: 137, 142). Brazil's total exports of this product was US\$ 154.41 million and to the United States were US\$ 3.40 million (2.20%) in 2006. There were not exports of frozen shrimps to Ecuador, India or Thailand in 2006. Japan's total exports of this product was US\$ 6.29 million and to the United States were US\$ 166 thousand (2.65%), to India were US\$ 29 thousand (0.47%), to Thailand were US\$ 231.09 (3.67%), in 2006. Japan's total imports of frozen shrimps were US\$ 1,954.72 million, from Ecuador were US\$ 6.12 million (0.31%), from the United States were 3.87 million (0.20%), from India were US\$ 224.15 million (11.47%), from Thailand were US\$ 156.52 million (8.01%) in 2006.

Auto-parts were the product at issue at the disputes DS339, DS340 and DS342 (WTO, 2012: 140). Brazil's total auto parts exports was US\$ 3.993.07 million and to Canada were US\$ 22.88 million (0.57%), to China were US\$ 46.86 million (1.17%), to the United States were US\$ 791.70 million (19.83%) in 2006. Brazil's total auto parts imports was US\$ 2,519.41 million and from Canada were US\$ 8.56 million (0.34%), from China were US\$ 33.87 million (1.34%), from the United States were US\$ 227.58 million (9.03%) in 2006.

Japan's total auto parts exports was US\$ 26,446.88 million and to Canada were US\$ 1,098.89 million (4.16%), to China were US\$ 2,306.95 million (12.50%), to the United States were US\$ 8,658.30 million (32.74%) in 2006. Japan's total auto parts imports were US\$ 4,513.84 million and from Canada were US\$ 29.71 million (0.66%), from China were US\$ 972.41 million (21.54%), from the United States were US\$ 652.41 million (14.45%) in

2006.

Stainless steel was the product at issue at dispute DS344 (WTO, 2102: 143). Brazil's total exports of this product was US\$ 663 thousand and to the United States were US\$ 30 thousand (4.57%) in 2006. Brazil's total imports of this product was US\$ 5.65 million and to the United States were US\$ 61 thousand (1.08%) in 2006. Japan's total exports of this product was US\$ 84.78 million and to the United States were US\$ 162 thousand (0.19%). Japan's total imports of this product was US\$ 1.50 million and from the United States were US\$ 118.69 (7.89%) in 2006.

Tuna was the product at issue at dispute DS381 (WTO, 2013). Brazil's total exports of tuna was US\$ 25.32 million and to the United States were US\$ 2.9 million (11.60%) in 2008. Japan's total exports of tuna was US\$ 168.06 million, to the United States were US\$ 1.92 million (1.14%) in 2008. Japan's total imports of tuna was US\$ 1,705.92 million, from Mexico were US\$ 40.21 million (2.36%) and from the United States were US\$ 16.79 million (0.98%) in 2008.

Bovine meat and meat products were the products at issue at DS391 (WTO, 2013). Brazil's total exports of these products was US\$ 3,671.63 million, to Canada were US\$ 9.08 million (0.25%) and to South Korea were US\$ 1.23 million (0.03%) in 2009. Brazil did not import these products neither from Canada nor from South Korea in 2009. Japan's total exports of these products was US\$ 40.55 million, to Canada were US\$ 196 thousand (0.48%) and did not export to South Korea in 2009. Japan's total import of these products was US\$ 2,068.66, from Canada were US\$ 40.93 million (1.98%) and did not import from South Korea in 2009.

Iron or steel fasteners was the product at issue at DS397 (WTO, 2013). Brazil's total exports of this product was US\$ 1.52 million. Brazil's total imports of this product was US\$ 24.37 million and from China were US\$ 22.03 million (90.41%). Japan's total exports of this product was US\$ 92.99 and to China were US\$ 64.05 million (68.88%) in 2009. Japan's total imports was US\$ 7.68 million and from China were US\$ 2.12 million (27.62%) in 2009.

Footwear was the product at issue at DS405 (WTO, 2013). Brazil's total exports of this product was US\$ 1,631.51 million, to China were US\$ 4.13 million (0.25%). Brazil's total imports of this product was US\$ 368.88 million and from China were US\$ 90.50 million (24.53%). Japan's total exports of this product was US\$ 67.04 million and to China were US\$ 21.42 million (31.96%) in 2010. Japan's total imports was US\$ 4,792.84 million and from China were US\$ 3,500.72 (73.04%) in 2010.

Agricultural products were the products at issue at dispute DS430. Brazil's total exports of these products was US\$ 3,446.46 million and to India were US\$ 19.43 million (0.56%) in 2012. Brazil's total imports of these products was US\$ 1,950.37 million and from India were US\$ 5.58 million (0.29%) in 2012. Japan's total exports of these products was US\$ 167 million and to India were US\$ 204 thousand (0.12%) in 2012. Japan's total imports of these products was US\$ 10,000.16 million and from India were US\$ 68.79 million (0.69%) in 2012.

Tobacco was the product at issue at dispute DS434 (WTO, 2013). Brazil's total exports

Table 9: Brazil and Japan as third party, neither complainant nor respondent

Dispute settlement	Title	Complainant	Respondent
DS27	European Communities — Regime for the Importation, Sale and Distribution of Bananas	Ecuador; United States	European Communities
DS108	United States — Tax Treatment for Foreign Sales Corporations	European Communities	United States
DS114	Canada — Patent Protection of Pharmaceutical Products	European Communities	Canada
DS152	United States — Sections 301-310 of the Trade Act 1974	European Communities	United States
DS160	United States — Section 110(5) of US Copyright Act	European Communities	United States
DS204	Mexico — Measures Affecting Telecommunications Services	United States	Mexico
DS207	Chile — Price Band System and Safeguard Measures Relating to Certain Agricultural Products	Argentina	Chile
DS294	United States — Laws, Regulations and Methodology for Calculating Dumping Margins (Zeroing)	European Communities	United States
DS315	European Communities — Selected Customs Matters	United States	European Communities
DS316	European Communities — Measures Affecting Trade in Large Civil Aircraft	United States	European Communities; France; Germany; Spain; United Kingdom
DS317	United States — Measures Affecting Trade in Large Civil Aircraft	European Communities	United States
DS335	United States — Anti-Dumping Measure on Shrimp from Ecuador	Ecuador	United States
DS339	China — Measures Affecting Imports of Automobile Parts	European Communities	China
DS340	China — Measures Affecting Imports of Automobile Parts	United States	China
DS342	China — Measures Affecting Imports of Automobile Parts	Canada	China
DS343	United States — Measures Relating to Shrimp from Thailand	Thailand	United States
DS344	United States — Final Anti-Dumping Measures on Stainless Steel from Mexico	Mexico	United States
DS345	United States — Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties	India	United States
DS347	European Communities and Certain Member States — Measures Affecting Trade in Large Civil Aircraft (Second Complaint)	United States	European Communities; France; Germany; Spain; United Kingdom
DS350	United States — Continued Existence and Application of Zeroing	European Communities	United States

DS353	United States — Measures Affecting Trade in Large Civil Aircraft — Second Complaint	European Communities	United States
DS362	China — Measures Affecting the Protection and Enforcement of Intellectual Property Rights	United States	China
DS379	United States — Definitive Anti-Dumping and Countervailing Duties on Certain Products from China	China	United States
DS381	United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products	Mexico	United States
DS384	United States — Certain Country of Origin Labelling (COOL)	Canada	United States
DS386	United States — Certain Country of Origin Labelling Requirements	Mexico	United States
DS391	Korea — Measures Affecting the Importation of Bovine Meat and Meat Products from Canada	Canada	South Korea
DS394	China — Measures Related to the Exportation of Various Raw Materials	United States	China
DS395	China — Measures Related to the Exportation of Various Raw Materials	European Communities	China
DS397	European Communities — Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China	China	European Communities
DS398	China — Measures Related to the Exportation of Various Raw Materials	Mexico	China
DS405	European Union — Anti-Dumping Measures on Certain Footwear from China	China	European Union
DS426	Canada — Measures Relating to the Feed-in Tariff Program	European Union	Canada
DS430	India — Measures Concerning the Importation of Certain Agricultural Products from the United States	United States	India
DS431	China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum	United States	China
DS432	China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum	European Union	China
DS434	Australia — Certain Measures Concerning Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging	Ukraine	Australia
DS437	United States — Countervailing Duty Measures on Certain Products from China	China	United States

Source: World Trade Organization. Disputes Settlement gateway. http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm. Access: October 13, 2013.

²⁹⁾ of this product was US\$ 59,682.67 million and to Australia were US\$ 12 thousand (0.02%) in 2012. Brazil's total imports of this product was US\$ 9.01 million and did not import from Ukraine in 2012. Japan's total exports of this product was US\$ 308.24 million. Japan's total imports of this product was US\$ 5,404.99 million and from Ukraine were US\$ 16.75 million (0.31%) in 2012.

Conclusion

Brazil and Japan had just one trade conflict between them, but they have had an intensive role as third party.

In cases when Japan was complainant and Brazil was third party, Brazil exports shares to the respondents are bigger than Japan's in 4 cases. These figures may indicate Brazil had interest to learn how to act when complainant in these products.

Both cases, when Japan was respondent and Brazil was third party and when Brazil was the complainant and Japan was the third party, most of the products was from agriculture. Brazil as a larger producer and exporter in this sector may have learned how the Japanese conduct to protect the agriculture in the first case and Japan as an importer of this sector may have learned how Brazilian act to defend the agricultural interests in the second case. Two out three cases when Brazil was the respondent and Japan the third party, the products were from industry and the other one dispute is related to final manufacturing goods.

Disputes settlements when Brazil and Japan were third party at the same dispute, but neither complainant nor respondent, show that is low the most of the exports and imports' markets shares on products to partners, except auto-parts, stainless steel and iron or steel fasteners. The main interests to be a third party can be watching others countries' conduct to learn how to act if have direct conflicts in the future.

Notes

- 1) Total of foreign direct investment in manufacture and assembly of motor vehicles, trailers, vehicle bodies in Brazil was US\$ 4837 million and the Japanese foreign direct investment in the same sector in Brazil was US\$ 46 million concerning the Banco Central do Brasil [Central Bank of Brazil]. *Census of Foreign Capitals in Brazil*-1995 base-year.
- 2) Data from WITS. SITC Revision 3 — product code 781 — Motor cars and other motor vehicles principally designed for the transport of persons (other than motor vehicles for the transport of ten or more persons, including the driver), including station-wagons and racing cars
- 3) Data from WITS. SITC Revision 3 — product code 6753-Flat-rolled products of stainless steel, not further worked than hot-rolled.
- 4) Data from WITS. SITC Revision 3 — product code 6757-flat-rolled products of alloy steel, n. e. s.
- 5) Data from WITS. SITC Revision 3 — product code 7522 — Digital automatic data-processing machines, containing in the same housing at least a central processing unit and an input and output unit, whether or not combined.
- 6) Data from WITS. SITC Revision 3 — product code 52595-compounds, inorganic or organic, of rare earth metals, of yttrium or of scandium or of mixtures of these metals and 6891-tungsten (wolfram), molybdenum, tantalum and magnesium, unwrought (including waste and scrap).
- 7) Data from WITS. SITC Revision 3 — product code 05776 — Walnuts, fresh or dried, whether or not shelled or peeled; 05895 — Apricots, cherries and peaches, prepared or preserved;

- 0574 — fresh apples and 05792 — Pears and quinces, fresh.
- 8) Data from WITS. SITC Revision 3 — product code 0574 — fresh apples. WITS did not have data on Brazil exports of apple to Japan.
 - 9) Data from WITS. SITC Revision 1 — code 673-Iron and steel bars, rods, angles, shapes, sections and code 677-Iron and steel wire, excluding wire rod.
 - 10) WITS does not have data on Brazil or Japan exports of cast iron tube or pipe fittings (SITC Revision 3-codes 6795 and 67911) to European Communities.
 - 11) Data from WITS. SITC Revision 3 — product code 263-cotton.
 - 12) Data from WITS. SIC — product code 01 — agricultural products.
 - 13) Data from WITS. SITC Revision 3 — product code 0591-orange juice.
 - 14) Data from WITS. SITC Revision 3 — product code 62592-retreated tyres.
 - 15) Data from WITS. SITC Revision 3 — product code 57433-polyethylene terephthalate.
 - 16) Data from WITS. SITC Revision 3 — product code 0573-Banana/plantain,fresh/dry.
 - 17) Data from WITS. SITC Revision 3 — product code 046-Meal and flour of wheat and flour of meslin.
 - 18) Data from WITS. SITC Revision 3 — product code 062-Sugar confectionery.
 - 19) Data from WITS. SITC Revision 3 — product code 42299-Fixed vegetable oils nes
 - 20) Data from WITS. SITC Revision 3 — product code 792-Aircraft/spacecraft/etc
 - 21) Data from WITS. SITC Revision 3 — product code 03611-Shrimps & prawns, frozen
 - 22) Data from WITS. SITC Revision 3 — product code 784-Parts and accessories of the motor vehicles
 - 23) Data from WITS. SITC Revision 3 — product code 67686-sheet piling of iron/steel, whether/not drilled, punched/made from assembled elements; welded angles, shapes & sections, of iron/steel
 - 24) Data from WITS. SITC Revision 3 — product codes 03414 (Tuna/skipjack/bonito,f/c), 03423 (Tuna/skipjack/bonito,frz) and 03713 (Tuna etcprepd/preserved).
 - 25) Data from WITS. SITC Revision 3 — product codes 0111 (Beef, fresh/chilled), 0112 (Beef, frozen) and 0176 (Beef prepared/preserved)
 - 26) Data from WITS. SITC Revision 3 — product code 89985-slide fasteners
 - 27) Data from WITS. SITC Revision 3 — product code 85-footwear.
 - 28) Data from WITS. SITC Revision 3 — product code 05-vegetables and fruit.
 - 29) Data from WITS. SITC Revision 3 — product code 122-Tobacco, manufactured

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