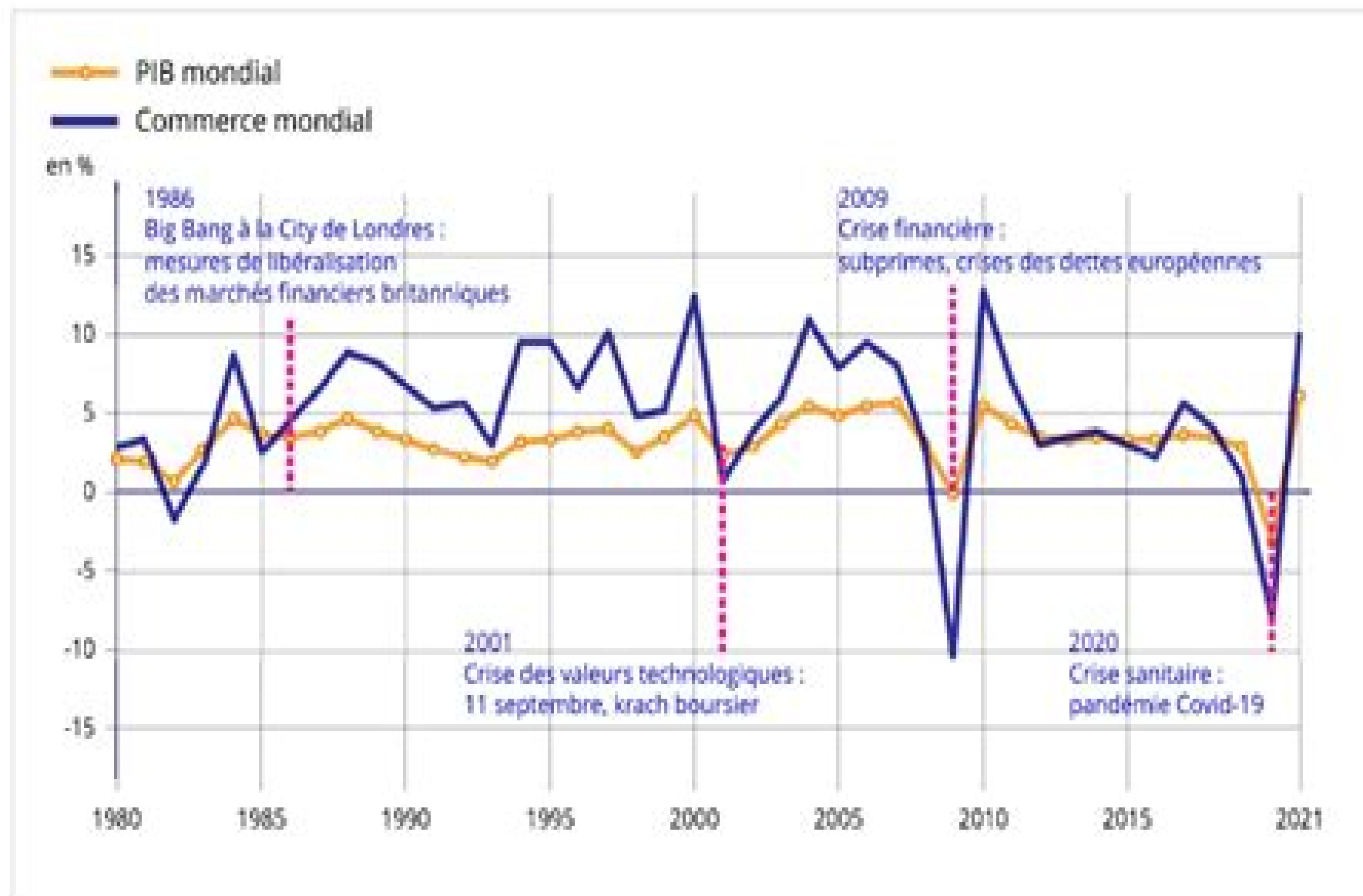


Taux d'évolution du commerce et du PIB mondial



Lecture : en 2021, le commerce mondial augmente de 10,1 %.

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Leacutetat Social Face Au Commerce International

Daniel Damásio Borges



Leacutetat Social Face Au Commerce International:

L'Etat Social Face Au Commerce International Damasio Borges Daniel Damasio Borges, 2016 *L'Etat social face au commerce international* Daniel Damásio Borges, 2011

La notion d'Etat social est utilisée dans le cadre de cette étude pour synthétiser les normes sociales internationales vocation universelle qui obligent les Etats intervenir dans l'économie dans le but de mettre en œuvre les droits économiques sociaux et culturels. Contrairement aux règles sociales internationales, les règles de l'OMC restreignent cet interventionnisme étatique. Dans la mesure où le droit de l'OMC impose cette limitation, il diminue la marge de manœuvre des Etats sur le terrain social. Les règles de l'OMC contiennent certes des règles assouplissant cette contrainte. Mais ces règles sont caractérisées par leur ambiguïté et leur imprécision. L'adoption d'une approche interprétative favorable à l'autonomie étatique prend ainsi tout son relief. Cependant, cette méthode d'interprétation peut s'avérer insuffisante pour éviter un conflit de normes. Dans ce cas de figure, la primauté des règles sociales internationales sur les règles de l'OMC doit être reconnue. Un autre aspect de l'articulation entre ces deux types de normes est l'imposition de barrières commerciales afin d'inciter au respect des règles sociales internationales dans la communauté internationale. Tels qu'ils sont définis par le droit de l'OMC, le dumping et les subventions sont difficilement assimilables à la connaissance des normes sociales. En revanche, les règles de l'OMC n'empêchent pas la subordination de l'octroi des préférences commerciales au respect des droits économiques sociaux et culturels. En outre, l'exception commerciale portant sur la moralité publique permet l'application de barrières commerciales en réponse aux violations des normes sociales internationales.

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