

BENJAMIN VON ENGELHARDT

Die Welthandelsorganisation (WTO) und demokratische Legitimität

Jus Internationale et Europaeum

108

Mohr Siebeck

Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen

M Walker



Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen:

Die Welthandelsorganisation (WTO) und demokratische Legitimität Benjamin von Engelhardt, 2016-01-22 English summary The WTO has often been criticised for its lack of democratic legitimacy Benjamin von Engelhardt offers a new perspective which starts with the general assumption that democratic legitimacy means states have to justify their actions not only to their own citizens but to everybody else affected by them The question then is how can states justify national actions affecting foreigners Federally minded cosmopolitans would suggest the need for a global state encompassing everyone possibly affected The WTO can be understood as an alternative solution banning external effects while allowing regulation to remain at a national level This approach is evident in WTO arbitration and may serve as rule of interpretation German description Der WTO wird vielfach ein Mangel an demokratischer Legitimität vorgeworfen Benjamin von Engelhardt schlägt vor dem Hintergrund dieser Problematik einen Perspektivenwechsel vor Müssen Staaten ihre Handlungen nur gegenüber dem eigenen Volk rechtfertigen oder gegenüber allen Betroffenen Wenn allen Menschen die gleiche Würde zugeschrieben wird kann nur Letzteres gelten Wie lassen sich dann aber grenzüberschreitende externe Wirkungen die gerade im Wirtschaftsbereich zunehmend unvermeidbar sind demokratisch legitimieren Federal orientierte Kosmopolitiker leiten daraus die Notwendigkeit eines Weltstaates ab der alle Betroffenen umfasst Das WTO Recht bietet eine alternative Lösung indem es zwar die demokratisch nicht legitimierten externen Wirkungen nationaler Handlungen untersagt Regulierungszuständigkeiten aber auf nationaler Ebene belässt Dieser Ansatz durchzieht eine Reihe eingehend analysierter WTO Schiedssprüche und kann als Auslegungsmaxime zur Anwendung kommen Extraterritorialität Claudia Kurkin, 2021-06-28 Ist das interdisziplinäre Phänomen der extraterritorialen Praxis eine legitime Rechtsbildung Wie lässt sich dieses Phänomen unter Beachtung der hoheitlichen extraterritorialen Anordnung und der Entstehung durch richterliche Rechtsfortbildung im transnationalen Raum und in aktuellen Globalisierungsprozessen verorten Claudia Kurkin analysiert die weltweit signifikante unilaterale Praxis unter Auswertung des angloamerikanischen Schrifttums Sie entwickelt auf der Grundlage der im Forum der Generalversammlung der Vereinten Nationen beschlossenen Sustainable Development Goals einen methodischen Lösungsvorschlag Seine konsequente Anwendung kann ermöglichen die bisweilen feindselige extraterritoriale Praxis gegenüber anderen Staaten der Staatengemeinschaft und Privatrechtssubjekten an weltweit anschlussfähige und praktikable Parameter anzubinden um faire und transparente Ergebnisse sowie nachhaltiges Recht zu schaffen **Export des europäischen Beihilfenrechts** Felix Neumann, 2019-03-28 Im Jahr 2006 hat die Europäische Kommission ihre vertragliche Handelspolitik neu ausgerichtet Seitdem setzt sie auf den Abschluss reformierter bilateraler Handelsverträge mit strategischen Partnerstaaten in welche Vorschriften und Konzepte des europäischen Beihilfenrechts exportiert werden sollen um im globalisierten Umfeld verbesserte Wettbewerbsbedingungen zu schaffen Felix Neumann analysiert erstmalig die subventionsrechtlichen Vorschriften dieser bilateralen bereinkünfte der neuen Generation zeigt die

Grenzen für eine Europäisierung des internationalen Subventionsrechts mittels bilateraler Handelsabkommen auf und betrachtet die Interdependenzen zwischen den verschiedenen Subventionsordnungen *Recht und demokratische Reversibilität* Jakob Hohnerlein, 2020-06-05 Ein zentraler Aspekt demokratischer Politik ist die Möglichkeit geltendes Recht zu ändern Gleichwohl haben demokratische Mehrheiten zahlreiche Vorgaben etwa aus Verfassungen und völkerrechtlichen Verträgen zu beachten die nur in besonders schwerfalligen Verfahren zu ändern sind Der Kritik dass rigides Recht in unfairer Weise den Status quo verfestigt lässt sich nicht durch einen Verweis auf dessen demokratische Entstehung entgehen Stattdessen untersucht Jakob Hohnerlein welche Festschreibungen prinzipiell zu rechtfertigen sind um Defiziten der Tagespolitik entgegenzuwirken Die theoretische Frage wirkt sich auch auf die Verfassungsinterpretation aus Für das Grundgesetz zeigt sich dass ihm jenseits eines blossen Voluntarismus eine Verfassungskonzeption zugrunde liegt Hieraus ergeben sich Grenzen neuer Konstitutionalisierungen und Orientierungspunkte inwieweit eine legislative Selbstbindung aufgrund des Vertrauensschutzes und der Zustimmung zu Verträgen anzuerkennen ist **Die Zukunft globalen**

Regierens Valentin Zahrnt, 2016-09-12 Keine ausführliche Beschreibung für Die Zukunft globalen Regierens verfügbar

Eine Zusammenfassung von Dingwerth, Blauburger und Schneiders "Postnationale Demokratie. Eine Einführung am Beispiel von EU, WTO und UNO" Lukas Grangl, 2016-01-13 Zusammenfassung aus dem Jahr 2015 im Fachbereich Politik Allgemeines und Theorien zur Internationalen Politik Note 1,3 FernUniversität Hagen

Politikwissenschaften Sprache Deutsch Abstract Ausgehend von der Frage nach Demokratie und Regieren auf internationaler Ebene wird die Frage nach der demokratischen Qualität und einem etwaigen Demokratiedefizit internationaler Institutionen gestellt Hierzu werden internationale Organisationen EU WTO und UNO und ihre jeweiligen Unterinstitutionen auf demokratische Partizipation Kontrolle sowie diskursive Qualität hin untersucht und ausgewertet Diese Ausarbeitung und Zusammenfassung entspricht weiters dem Kurs 34665 des Moduls P1 Analyse und Theorien internationaler Beziehungen des Studiengangs B A Politikwissenschaften Verwaltungswissenschaften und Soziologie an der FernUniversität Hagen **Was wäre, wenn Rudolf Steiner recht hätte?** Jürgen Bartels, 2025-10-16 Wenn Rudolf Steiner recht hätte müssten wir auf jeden Fall unser Verständnis des Christentums und der Menschheitsgeschichte ändern Von Gott als zehnte Hierarchie geschaffen hat der Mensch die Aufgabe die Materie so zu bearbeiten dass er am Ende dieser Entwicklung sich selbst einen unsterblichen Leib geben kann Das Erdenziel ist die Ausbildung von Freiheit und Liebe Je mehr Freiheit er erlangt umso mehr ist er selbst verantwortlich für seine Entwicklung die sich durch den ständigen Wechsel von Leben sterben und wieder geboren werden vollzieht Er kann sich entscheiden ob er mit Christus seinem Ziel zustreben mit Luzifer vorzeitig in die geistige Welt zurückkehren oder mit Ahriman mit der Materie verbunden bleiben will Das Buch soll dem Leser den Einstieg in diese geisteswissenschaftlichen Zusammenhänge ermöglichen ber die erst urteilen kann wenn er sich intensiv mit ihnen beschäftigt hat Auch die Dreigliederung des sozialen Organismus ist das Ergebnis dieser Geisteswissenschaft kann aber unabhängig

davon eingesehen werden Ihre Antwort auf die Krise unseres entweder auf das Primat der Politik oder auf ungezügelter Kapitalismus setzenden Systems ist die jeweilige Unabhängigkeit eines für Gleichheit zuständigen politischen Systems eines brüderlichen Wirtschaftssystems und eines freien Geisteslebens Nur so kann man Freiheit Gleichheit und Brüderlichkeit zugleich verwirklichen

Governance - Regieren in komplexen Regelsystemen Arthur Benz, 2004-05-27 Governance Ein Modebegriff oder ein sinnvolles wissenschaftliches Konzept Das Buch erläutert das Konzept in unterschiedlichen Diskussionszusammenhängen und begründet seine Relevanz W & F., 2006

Das Demokratiedefizit der WTO Patrick Weber, 2008-03-13 Wissenschaftlicher Aufsatz aus dem Jahr 2007 im Fachbereich Politik Thema Internationale Organisationen Note 6,0 Universität Zürich Institut für Politikwissenschaft Veranstaltung Kolloquium Demokratie jenseits des Staates Sprache Deutsch Abstract Seit sich der Ostblock vor bald zwei Jahrzehnten aufgelöst hat konnte sich das liberal demokratische Gesellschaftsmodell als weltweit führende Ideologie des ausgehenden 20. Jahrhunderts etablieren Parallel dazu setzte auch der globale Kapitalismus die Herstellung der freien Markt als sich selbst regulierendes System kennzeichnet der Welt ein Höchstmaß an Freiheit und Wohlstand bringen zu seinem Siegeszug an Im Zentrum der Globalisierungsdebatte steht die Entgrenzung der Märkte und die aktuelle Globalisierungspolitik unterwirft die Politik dem Effizienztest des Marktes Ulrich 2002 159 Mit der Welthandelsorganisation WTO hat der globale Kapitalismus eine institutionalisierte Form gefunden Gegenüber eben dieser Organisation wird von unzähligen Parteien der Vorwurf erhoben sie sei undemokratisch und in ihr herrsche ein Demokratiedefizit Ob dieser Vorwurf berechtigt ist lässt sich auf verschiedene Arten prüfen Demokratie kann als ein Modus der kollektiven Entscheidungsfindung betrachtet werden bei der das Volk die oberste Instanz ist Zu untersuchen sind in dieser Betrachtungsweise die Formen und die Ausprägung der Partizipationsrechte und Partizipationsmöglichkeiten An dieser Stelle wird ein anderer für die Politikwissenschaft ungewöhnlicher Weg eingeschlagen Demokratie wird nicht isoliert als Prozess der Entscheidungsfindung betrachtet sondern als normatives Ideal An diesem politisch ethischen Leitbild einer wohlgeordneten Gesellschaft freier und gleicher Bürger Ulrich 2002 29 verdichtet in sechs exemplarischen Forderungen wird die kapitalistische Ideologie globalen Wirtschaftens vertreten durch die WTO gemessen Auf diese Weise soll die Frage ob die WTO ein Demokratiedefizit hat beantwortet werden Die moderne Form der Demokratie der liberal demokratische Verfassungsstaat muss vielfältigen Kriterien genügen Sie verlangt nach Volkssouveränität und politischer Gleichheit aller sie ist an bürgerliche Grundrechte und an politische Partizipationsrechte gebunden sie soll den Einzelnen vor der Willkür der Anderen schützen verlangt nach Chancengleichheit bei der Durchsetzung der Interessen nach einer Responsivität der Regierenden und impliziert sowohl soziale Teilhabe als auch ein bestimmtes als legitim anerkanntes Mass an sozialer Gerechtigkeit Schultze 2003

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1. Understanding the eBook Welthandelsorganisation Demokratische Legitimitat Wirtschaftlicher Interdependenzen
 - The Rise of Digital Reading Welthandelsorganisation Demokratische Legitimitat Wirtschaftlicher Interdependenzen
 - Advantages of eBooks Over Traditional Books
2. Identifying Welthandelsorganisation Demokratische Legitimitat Wirtschaftlicher Interdependenzen
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Welthandelsorganisation Demokratische Legitimitat Wirtschaftlicher Interdependenzen
 - User-Friendly Interface
4. Exploring eBook Recommendations from Welthandelsorganisation Demokratische Legitimitat Wirtschaftlicher

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- Personalized Recommendations
 - Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen User Reviews and Ratings
 - Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen and Bestseller Lists
5. Accessing Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen Free and Paid eBooks
- Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen Public Domain eBooks
 - Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen eBook Subscription Services
 - Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen Budget-Friendly Options
6. Navigating Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen eBook Formats
- ePub, PDF, MOBI, and More
 - Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen Compatibility with Devices
 - Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
 - Highlighting and Note-Taking Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
 - Interactive Elements Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
8. Staying Engaged with Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
- Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
9. Balancing eBooks and Physical Books Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen

- Benefits of a Digital Library
- Creating a Diverse Reading Collection Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
 - Setting Reading Goals Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
 - Fact-Checking eBook Content of Welthandelsorganisation Demokratische Legitimität Wirtschaftlicher Interdependenzen
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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