

(Fig. 1)

**A Theory of WTO Law**

Type of Justice	Distributive	Corrective	Transformative
<b>Descriptor</b>	The WTO Agreement as a law of expectations implemented by <i>obligations</i> .	The WTO Agreement as a law of realities implemented by <i>rights</i> .	The WTO Agreement as a law of interdependence implemented as a form of <i>lex specialis</i> .
<b>Purpose</b>	The WTO Agreement is about expectations and seeks to protect the distribution of expectations concerning the trade-related behaviour of governments.	The WTO Agreement is about trade and seeks to protect the trade between WTO member states.	The WTO Agreement is about interdependence and seeks to protect the integration of trade networks.
<b>Temporal perspective</b>	The future; concern is with protecting expectations about the future behaviour of governments.	The past; concern is with protecting trade as estimated.	The present; concern is with protecting interdependence.
<b>Kinetic perspective</b>	Dynamic, hence the law describes a relation.	Static, hence the law describes a transaction.	Diachronic, hence the law describes a condition.
<b>Substantive perspective</b>	WTO obligations are collective, hence expectations “belong” to the entirety of the WTO membership in the manner of public property.	WTO obligations are bilateral, hence trade “belongs” to specific countries in the manner of private property.	WTO obligations are <i>erga omnes partes</i> (plurilateral), hence interdependence “belongs” to and is promoted among WTO members, but not necessarily beyond.
<b>Legal perspective</b>	The WTO Agreement as a constitutive instrument.	The WTO Agreement as a contractual instrument.	The WTO Agreement as a hybrid Instrument.
<b>Dispute settlement</b>	The aim of dispute settlement is to restore the distribution of expectations, hence the emphasis on bringing measures “into conformity” with the WTO Agreement. Compensation is a strictly interim remedy pending conformity.	The aim of dispute settlement is to restore the trade “lost” as a result of any breach, hence the emphasis on countermeasures, compensation and calls for retroactive remedies.	The aim of dispute settlement is to achieve solutions that are acceptable to all of the parties, and that promote interdependence. No absolute requirement to restore the relationship by repairing the harm done. Relief is instead fashioned along flexible and broadly remedial lines.