

NEGOTIATING THE REVIEW OF THE WTO DISPUTE SETTLEMENT UNDERSTANDING

THOMAS A. ZIMMERMANN

ABOUT THE BOOK

Since the establishment of the WTO on 1 January 1995, the dispute settlement mechanism has arguably been the most active part of the Organization. In the first ten years up to 31 December 2004, a total of 324 consultation requests have been notified to the WTO. Dispute settlement practice has thus contributed to the evolution of the multilateral trading system even at times when political negotiations made little head way.

Since late 1997, Members have engaged, under different mandates, in negotiations on improvements and clarifications to the dispute settlement mechanism. So far, none of these efforts have borne fruit and all the negotiating deadlines have lapsed without success. Currently, negotiations are continuing, however without any specific time limit.

This book reviews the DSU reform negotiating process since 1998. It discusses the proposals that Members have submitted under the Doha mandated review in 2002 and 2003, which has so far been the most comprehensive attempt to move the DSU review forward.

In the first part of the book, the foundations for the discussion are laid with a brief account of the economic, legal and political aspects of the dispute settlement mechanism, its evolution and its working in practice. The second part of the study offers an overview and analysis of the negotiating process in its broader context. Additionally, negotiating proposals on stage-specific and horizontal issues of the dispute settlement mechanism are presented and analysed with regard to their background, their contents, and their potential implications. Topics discussed include *inter alia* consultations, the panel stage, appellate review, implementation, transparency

and amicus curiae briefs, third party rights, and special and differential treatment of developing countries.

In the third part of the book, the difficulties faced by negotiators in completing the DSU review are explored. Policy recommendations for further negotiations are discussed and the chances of a future agreement are evaluated. Finally, the study is also intended to offer a one-stop point of departure for other researchers who wish to further explore specific aspects of the DSU review. To this end, the fourth and fifth parts of the monograph contain more than 80 pages of references on the DSU review exercise.

WHO SHOULD BUY

The book will appeal to all those with a strong interest in WTO dispute settlement and its evolution, particularly diplomats, administrators, lawyers, representatives from governmental and non-governmental organisations as well as scholars in disciplines as diverse as international economics, international law and international relations.

ABOUT THE AUTHOR

Dr. Thomas A. Zimmermann is a research associate at the Swiss Institute for International Economics and Applied Economic Research (SIAW-HSG) at the University of St. Gallen. He is co-editor of "WTO News" and he teaches international economic relations at the Postgraduate School of Economics and International Relations (ASERI) at the Catholic University of the Sacred Heart in Milan (Italy) as well as in management seminars. Since 2003, Thomas A. Zimmermann holds the position of country relations officer for North America and the Caribbean at the Swiss State Secretariat for Economic Affairs in Berne (SECO). Further information is available at <http://www.zimmermann-thomas.ch>

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