

Dispute Settlement Understanding Negotiations

Negotiating the dispute settlement understanding passed by four stages to submit proposals aimed at improving the understanding and development of the provisions of the DSU, where these stages were as follows:

The First Phase, from the Doha Declaration to Cancun:

In accordance with the Doha Ministerial Declaration in 2001, members agreed to start a round of negotiations aimed at improving understanding and clarifying the provisions of the DSU provisions, which will conclude the negotiations end in May 2003, but this stage of the negotiations did not result in any members to reach a common agreement on aspects of improvement and clarification referred to.

States submitted proposals during the first phase:

These included stage 43 paper proposals represent the Member States pursuant to paragraph 30 of Doha Ministerial Declaration on all texts of the dispute settlement understanding, as follows:

A - developed countries, and includes both the United States, European Union, Japan, Canada, Australia:

These countries made suggestions included multiple topics assignment, increased third parties rights, amicus curiae briefs , compensation, open meetings, access to the memos, sequencing, transparency, protecting confidential data.

United States submitted a joint paper with Chile on the deletion of some paragraphs of the reports of the arbitration panel, to suspend the arbitration proceedings team.

B- African Group including Egypt:

Compensation for actions that are withdrawn after reporting that they aren't compatible with the agreements, implementation of the recommendations, sequencing, technical assistance to developing countries, the

interpretation of texts of WTO agreements, the rights of third parties, human requested data, compensation for damages, execution Collective recommendations, increasing the responsibilities of the WTO secretariat

C- The like minded group including Egypt:

This group submitted three working papers, Egypt participated in one of them (TN/DS/W/47) on proposals to establish a fund to finance the settlement of disputes, the texts of special and differential treatment for developing countries, litigation expenses, the selection of members of the Appellate Body, the rights of third parties to stage Appeal

D- Jordan:

Good offices, mediation, conciliation, withdrawal the request of consultations, withdraw the request to establish the panel, disputes of the developing and least developed countries, the working procedures of the arbitration panel, referral, volunteer memos, requests for interpretation, Special and differential treatment for developing and least developed countries.

E- Least Developed Countries:

One paper presented on subjects taking the difficulties faced by least developed countries in mind, the composition of the panel, dissent opinion in the panel report, collective retaliation, responsibilities of the secretariat.

F- Developing Countries like Mexico, Chile, China, Costa Rica, Jamaica India Thailand Korea Ecuador Paraguay Haiti Taiwan Brazil:

Submitted proposals on the subjects of application, transparency, amicus curie briefs, fast track for the dispute settlement, suspension of the privileges and obligations, compensation, issuing recommendations, good offices, conciliation, mediation, consultations, the composition of the panel, special and differential treatment, the collective

application of the recommendations, secretarial responsibility, rights of third parties, compensation, legal representation, the fundamental interest and commercial interest of substance, legal costs, technical assistance, reducing the time frame for settling disputes, the reasonable period of implementation.

The Second Phase, Cancun until July package:

A - Thailand:

A number of questions about the appeal system.

B Indonesia with Thailand:

A paper submitted one of the points on which questions concerning the selection of arbitrators, panel composition.

The Third Phase, July package until HONG KONG:

USA:

Five papers on the topics of : the legal economy, the use of public international law, under revision procedures, protecting data confidentiality, some practical considerations, issuance of interim reports, immediate explanation for the use of rules of general international law in resolving disputes.

The Fourth Phase, after Hong Kong:

India, Cuba and Malaysia:

Suggestions were made informally on the texts of special and differential treatment as principle texts.

United States:

Using public international law in resolving disputes, the definition meaning "action" in the agreements in question, determine the action taken to the duty to comply with the

recommendations, Open meetings, access to notes and final reports and amicus curia briefs.

The Seven countries Group (Argentina, Brazil, Canada, India, Mexico, New Zealand and Norway) :

A proposal aims to increase the rights of third parties in the dispute through introducing a text provides for direct accession of the third party to the dispute in the party if the party that he submit a request to join to the dispute didn't notify the DSB his refusing to join, in the same framework, the proposal deleted "fundamental interest" clause as an element of the third party in accordance with Article 10 / 2 to justify his intervention in the dispute and confined only to requests that have "interest" only, as well as to ensure that the proposed that any other member may participate in the procedures before the appellate body and submit his defense.

HONG KONG, China

Another proposal goes in the same direction earlier proposal and increase it to prevent a third party to engage in consultations by requiring that all consultations' parties to give notice in writing to the DSB and the third party who seeks to enter into consultations not the disagreement to join the third party to the consultations.

Japan:

Unless the notified party informed the applicant that his alleged interest doesn't exist, the party who wishes to consult and believes that he has substantial interest in the consultations must be joined to the consultations after submitting a written application to the parties after 10 days of circulating this application to the members.

Switzerland:

Consulting parties shall provide a report of the consultations positions every 60 days.