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ASPIRING EQUILIBRIUM IN DISPUTE SETTLEMENT MECHANISM OF WTO

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ABSTRACT

Trade, finance, credit and monetary policy transcend nation borders. In the World Economy, financial acts and decisions by one country will inevitably have repercussions on others. The post modern world economy is immeasurably more complex, multi-faceted and integrated than it was at the end of World War II. New financial structures, procedures and interests have multiplied. Multinational corporations are becoming increasingly diverse and powerful in the changed global atmosphere. The whole world including its problems and challenges has completely changed since 1940s when the original Britton Woods System was conceived. In such a competitive and challenging world, the interests of various countries, classes and institutions need to be placed in a balanced atmosphere so that trade wars amongst nations can be prevented. Such an ambitious goal could be achieved only when effective and co-ordinated co-operative actions are taken. Effective and co-ordinated action can help bring the necessary equilibrium. This paper attempts to highlight that everything is not working well with regard to developing countries in the Dispute Settlement System of WTO and there is an urgent need to bring required changes in the mechanism so as to eliminate vulnerabilities and make it more promising and effective in near future.

KEYWORDS: Appellate Body, Contracting Parties, Dispute Settlement Body, Least Developed Countries, Panels, Uruguay Round

INTRODUCTION

Rising international economic co-operation and liberal international trade regime is now an inescapable reality. Contracts and agreements in international trade and business are now to be conducted within the parameters laid down under various multilateral trade agreements (M. B. Rao & Manjula Guru, 2004). The rapid economic growth in emerging economies has been stupendous and has brought with it the rise of middle class in these countries along with a host of social, political and environmental challenges. The division of world into industrialized and developing countries is more recent than is generally believed (Deepak Nayyar, 2014). It is beautifully said that it is an unequal world. But the only way to equalize it is a multilateral agreement. There is no other way but a rule based international trading system. The multilateral forum does not really equalize everything but at least one can make the best use of it to one's best advantage (Anwarul Hooda, 2002).

If we look back in global financial history, we will find that several international measures were undertaken to liberalise trade and payments between nations in the aftermath of World War II. Initiated by the United States, these plans envisage a close economic co-operation of all nations in the field of international trade, payments and investment (M. B. Rao & Manjula Guru, 2002). Institutions like the International Monetary Fund (IMF) and International Bank for Reconstruction and Development (World Bank) were set up. A third institution, called International Trade Organisation (ITO), was also sought to be set up to handle the trade side of international economic co-operation. However, ultimately

the International Trade Organisation could not come into existence due to refusal of the U.S. Congress in 1950 to ratify the treaty establishing the I.T.O, while efforts were on to form the ITO, principal countries like U.S., U.K., Canada and some other developed countries met on the sidelines and dealt bilaterally on products where the negotiating countries were each other's principal supplier (E. U. Petersmann, 1997).

A world without a legalized dispute settlement system for trade conflicts is beset by greater power imbalances (Gregory Shaffer, 2009).The dispute settlement procedure basically aims at removing the friction in the actual working of multi-lateral trade agreements, which in turn aims at free flow of trade and commerce amongst countries, which in turn aims at raising standards of living, ensuring full employment, expanding production and trade in goods and services. It seeks the optimal use of the World resources with the objective of sustainable development consistent with the needs and concerns at different level of economic development of member states.

A first set of observations from this source concerns possible relations between countries level of engagement in the DSM, their shares and patterns of trade, and the retaliation opportunities that these provide. Popular Scholars like C.P. Bown and B. Hoekman, H. Horn, P.C Mavroidis and H. Nordstrom consider country's shares of World Trade, numbers of related products and numbers of trading partners as determinants of their participation. Their hypothesis is that 'the probability of encountering disputable trade measures is proportional to the diversity of a country's exports over products and partners which means that larger and more diversified exporters would be expected to bring more complaints than smaller and less diversified exporters.

Another observation is in relation to the negative consequences a case may have as reasons why small developing countries especially have not been active in the DSM. Examples of this are provided by C.P. Bown, who develops a model to analyse a subset of disputes, namely, those dealing with issues of market access. He finds that lost market access and economic losses determine countries decisions to initiate cases.

A final set of observations from this literature focuses on biases and inequalities within and between institutions managing trade, including the WTO in general and DSM in particular. Here, the main problem identified is that the DSM and the WTO has became too technically complex and demanding for most developing countries to use effectively in the absence of adequate assistance. Underlying this is the observation that there is too much law and too little politics in the system (Amin Alavi, 2002).

Objectives of the Study

The objective of the paper is to know the adjudicatory process of Dispute Settlement System of WTO. It also analyses the reasons for disadvantageous position of developing and least-developed countries in the WTO's DSM. It attempts to make a call for equilibrium in the actual operation of the dispute settlement for making it more effective, equitable and efficient.

METHODOLOGY

This paper is based on secondary data collected from various published sources like books, periodicals, research articles prepared by both government and private agencies and also the official websites of international institutes.

DISCUSSIONS

From 'Power-Orientation' to 'Rule-Orientation

The emergence of liberal international trade order and its subsequent culmination into General Agreement on Tariffs and Trade (GATT) was a landmark event in the post-World War-II era.[1] The underlying aim of General Agreement on Tariffs and Trade was confined not only to facilitating international trade relations but also to prevent trade wars amongst the Contracting Parties. For that purpose, a mechanism was evolved within the broad legal framework of GATT so as to resolve trade conflicts amicably.[2] Legalised dispute settlement system of the World Trade Organisation has been hailed as a new development in International Economic relations in which law, more than power, might reign.[3] Nowhere has the international 'rule of law' advanced more than in Trade Law.

In fact, the shift from 'power-oriented' policies to 'rule oriented' techniques of progressive trade, monetary and other international policies constitutes one of the most important achievements of international law and policy since World War II.[4] A 'power-oriented' technique suggests discussions, negotiations or dispute settlement in which one party asserts or uses the relative power at its disposal in order to influence the conduct of the other party. But the 'rule-oriented policies' suggests negotiations amongst governments or individuals on the elaboration and observance of general rules of conduct, which all participants voluntarily accept because the rules reconcile their short term conflicting interests with their common long term interests in a mutually beneficial manner.

The original 23 founding members of the General Agreement on Tariff and Trade (GATT) had swelled to 91 by September 1986, when the Uruguay Round negotiations began. Notwithstanding the GATT's early reputation as a "rich man's club", by 1986 the majority of the members were poor countries, including many newly independent African nations.[5] Still more poor nations joined the GATT during the protracted negotiations that produced the World Trade Organization (WTO). The WTO opened its doors on January 1, 1995 with 128 members. By April 2013, an overwhelming majority of 159 WTO members were developing countries, with 32 of the poorest classified as Least Developed Countries (LDCs), [6] but there are many observers, and especially those representing the interest of poor countries, judge that participation in the Uruguay Round and in the WTO have so far yielded few benefits for these countries.[7]

The mechanism evolved to resolve trade conflicts amongst the member countries came to be popularly known as 'Dispute Settlement Mechanism' of GATT. The rules comprise eighteen multilateral agreements, numerous 'understandings' and 'protocols', and around 26,000 pages of text, including schedules of concessions. At least nominally, all WTO members are equal before the system, developed and developing countries alike, from United States to Mozambique.[8] In fact, a dispute arises when a member state believes that another member state is violating an agreement or a commitment that it has made in the GATT/WTO.[9] The disputants first try to solve their dispute through consultation, which is said to be one of the oldest and most effective methods of resolving disputes.[10]

Often described as the 'crown jewel' and a 'near miracle' of Uruguay Round, the WTO dispute settlement system is the improvement on the GATT dispute settlement rules and procedures.[11] In the early stages of multilateral trading regime that formally came into existence after the adoption of General Agreement on Tariffs and Trade in 1948, the system of dispute settlement was weak and non-detailed. The GATT text only had a semblance of dispute settlement by allowing a country to complain if a benefit accruing to it was nullified or impaired. At first, the diplomatic negotiations were the sole means of dealing with controversies. Then 'working parties' began to be established to investigate and formulate

recommendations. Working parties were typically composed of representatives of various countries who received instructions from their governments.[12]

In 1995, the GATT Contracting parties began referring disputes to 'Panels', ad hoc groups of experts who acted as neutrals, not government representatives. Panel decisions had no official or binding effects but were referred to GATT Council, which could make the 'appropriate recommendations'. A major lacuna was related to the power of a single country to bloc a particular ruling, wherein any ruling given by the Panel will be binding only if all the countries unanimously accepted it. This situation coupled with inordinate delays eroded the faith of member countries in the dispute settlement system under GATT, 1948.[13]

However, this rule was dramatically changed during the Uruguay Round of Negotiations wherein the 'positive consensus' rule was converted into a 'negative consensus' rule, in which it was agreed that the reports of the Panel would be adopted unless and until all the member countries unanimously decide not to adopt the report.[14] In other words, one country or two countries or a group of countries are now not in a position to block the adoption of a report unlike the practice in pre-WTO jurisprudence. This was a salutary change and the victory of small countries over bigger powers which has played a significant role in developing the faith of these small or developing countries not just in the Dispute Settlement Body (DSB) but also in the multilateral trading regime.

Prior to Uruguay Round, the underlying discussion about how disputes should be settled was between United States and the European Union. The United States because of its interests in ensuring that all countries applied GATT rules supported a rule based system, while the European Union supported a diplomacy-based model. During the Uruguay Round, the idea of a formal system, which could also deal with disputes in new areas such as trade in services and intellectual property rights, was tabled by the United States.[15] In part because of some positive experience with cases it had initiated under the GATT and also because of its aim of limiting U.S. Unilateralism, the European Union at that point abandoned its opposition to a legalised system. Subsequently- as in many other areas of the negotiations where the major trading countries were in agreement- a formalised dispute settlement system became a realistic outcome. At the conclusion of the Uruguay Round, the dispute settlement mechanism was officially established in 1995 with the declared objective of ensuring that WTO rules would be observed and applied.[16]

When drafting the Dispute Settlement Understanding (DSU), the countries active in the negotiations (the U.S., the E.U., Canada, Mexico, Brazil, Jamaica and Japan) had two objectives in mind.[17] The new system was to correct the GATT system's shortcomings and be 'stronger', which meant that it should have the ability to issue mandatory rulings and have its own organisational structure. All member countries supported this; the main players wanted a stronger and more binding system that could deal with the increased range and complexity of WTO issues, while developing countries supported the system because it was rule-based and not power-based as during the GATT. This they understood to be in their interest, since fuller legalisation was supposed to entail a levelling of difference among WTO members and give them equal opportunities to use the system to defend their rights.[18]

Furthermore, the DSU included some provisions that referred to developing countries special needs. However, Special and Differential Treatment (SDT) measures have turned out to be of very limited value to developing countries. After eighteen years experience with the system, many developing countries, and most comprehensively those in Sub-Saharan Africa, are still bystanders.

The Understanding on the Rules and Procedures Governing Settlement of Disputes (DSU) forms the backbone of the WTO jurisprudence. Since the WTO agreements are based on the idea of reciprocal and mutually advantageous economic benefits through trade liberalisation[19], it is principal objective of the WTO dispute settlement to reinstall, as quickly as possible, a situation in which every Member can fully enjoy the benefits it is entitled to under the various agreements. It has indeed worked reasonably well in the past 18 years. Small countries have taken and won disputes against big WTO members.[20]We should now discuss the manner in which the adjudication process actually works in the Dispute Settlement System.

The Adjudication Process

The formal process takes its beginning when a country requests consultation at the WTO. The request includes a brief description of the measures concerned and the legal grounds for the complaint. The respondent is obliged to reply to the request within ten days, and to grant opportunity to consult, in order to resolve the dispute amicably, within thirty days. Should the respondent refuse to consult on the matter, the complainant can request the establishment of a Panel after thirty days. Otherwise, the consultation period is set to sixty days to allow the parties sufficient time to sort out their differences bilaterally.[21] Should a settlement be reached, it must be notified to the Dispute Settlement Body (DSB) and the relevant Councils and Committees[22] in order to ensure that it does not violate any provisions of the WTO Agreement to the disadvantage of other members. If within sixty days no solution can be reached, and unless parties to the dispute agree to an extension of the consultation period, the complainant can proceed to the adjudication stage.[23]

The adjudication starts with a formal request for a panel inquiry into the matter. Panels will be automatically established the second time such a request appears on the agenda of the Dispute Settlement Body.[24] The composition of the Panels will be agreed by the parties or, in case parties cannot agree within 20 days, will be decided by the WTO Director-General.[25] The Panel proceedings consist of written submissions and oral hearings where the parties are provided two or more opportunities to present their case before the Panellists, and to rebut the legal and factual arguments of the other side. The Panellists, with the assistance of the staff of the Legal Division of the WTO will then issue a report, including the ruling.

This report should be circulated within six months after the initiation of the Panel,[26] or exceptionally within nine months[27] unless the parties to the dispute request a suspension of proceedings.[28] Once issued; Panel reports must be adopted within sixty days,[29] unless one or both sides decide to appeal against the rulings to the Appellate Body. The mandate of the Appellate Body is limited to reviewing the legal arguments of the panel report. The Appellate Body must issue its report within sixty, and in exceptional circumstances, within ninety days.[30] The report must be presented before the Dispute Settlement Body for adoption within thirty days from its circulation[31] and will be adopted unless it is unanimously rejected.

Respondents found guilty of violating the rules will be accorded a ‘reasonable period of time’ to bring inconsistent measures into compliance with their WTO obligations, not exceeding fifteen months.[32] At the end of this period there are two possibilities, if the respondent takes no action towards the compliance, the complainant can request authorisation to take counter measures,[33] which will be granted within ten days.[34] These measures have to be equivalent to the level of nullification or impairment,[35] and thus do not allow for any form of punitive damages. On the other hand, if the respondent did take some action towards compliance, but the actions are deemed unsatisfactory by the complainant, recourse must be made within ninety days to the original panel, if possible, to rule on the adequacy of implementation.[36]

However, there are certain functional and structural aspects of the Dispute Settlement Body (DSB), which have been in centre- stage and matter of significant debate during last 18 years of its inception. Issues of transparency, poor country's accessibility to the DSB system, the cost of litigation for many countries especially developing and least developed countries, poor compliance record of developed countries with regard to DSB decisions and finally, the Ultimate remedy against non-compliance, that is, retaliation through withdrawal of concessions, which in practice is an impractical option for two-thirds of the member countries, has triggered the debate for its reform.[37]

One question that is now raised is whether or not the dispute settlement mechanism has in fact been a success, and especially whether it represents a gain for developing countries. But this latter discussion is only now emerging and only a few observers have taken part in it. Furthermore, it does not yet constitute a distinct field of debate. The prime focus of academic commentary on the dispute settlement mechanism remains on how it has been used, rather than why it has not been used.

A majority of experts working on Dispute Settlement Mechanism (DSM) do so from within the legal tradition and have studied it as a litigation process by analyzing case law and the rulings. They implicitly regard the system as a success in allowing countries to settle their disagreements. However, the DSM is also a political process, and cases have important economic impacts. Recently, lawyers have been joined by economists and political scientists in analysing the DSM. Unlike the lawyers, these last two groups are interested in determining the conditions under which countries participate in the DSM, and the costs and benefit of this participation.[38]

However several other political economy factors affect the decision not to litigate. Other things being equal, adversely affected exports are less likely to participate when they are involved in a preferential trade agreement with the respondent, when they lack the capacity to retaliate against the respondent by withdrawing trade concessions, when they are poor or small, and when they are particularly reliant on the respondent for bilateral assistance. In the past, the GATT/WTO system has shown its capacity to evolve with the time for instance, the gradual evolution of the dispute settlement system; the innovative, although ill-fated, Tokyo Round agreements; the initially controversial, and now fully accepted, incorporation of trade in services into the system; the massive Uruguay Round outcome. The Sutherland Report on the future of WTO in 2004 and the Warwick Report in 2007 have contributed perceptive insights into the functioning, objectives and special characteristics of the multilateral trading system.[39]

And yet, such declarations beg the questions of who predominantly uses the legal system, who prevails, and how does it affect bargaining in the system's shadow? Can the legal system work for smaller countries and, in particular, for small developing countries? What extent has legal capacity –the ability to mobilise the legal resources to prepare and litigate a WTO case – replaced the premium provided by market power?

Constraining Rights of Developing Countries and Enhancing Obligations

There is no doubt that the new dispute settlement process has brought a certain degree of improvement over the past but some trends have been developing recently which are adverse to the interests of developing countries.[40] The Panels and Appellate Body have often adopted interpretations which constrain the rights of developing countries and enhance their obligations. Four particular cases may be cited in this regard.

First in the ***Venezuela Gasoline Case***[41]**,** the Appellate Body has expanded the discretion of a country in taking trade restrictive measures for the conservation of non-renewable natural resources. The Appellate Body has said that the

discretion of a country in this matter is not limited by the test of necessity; rather it is adequate if there is a nexus between the particular trade restrictive measure and the protection of non-renewable natural resource.

Second, the Appellate Body said in ***India Woollen shirts case***[42] that the onus of justifying the trade restraint in the textiles does not lay on the country applying the restrictive measures; rather it is the complaining country which has to demonstrate the conditions prescribed for the restraint have not been fulfilled.

Third, the Panel in the ***Indonesia car case***[43] has denied developing countries the flexibility, allowed by the Agreement on Subsidies, to give subsidies for the use of domestic products in preference to an imported product. The Panel has taken the stand that such a measure would violate the Agreement on Trade- Related Investment Measures (TRIMS).

Fourth, the Appellate Body in the recent ***Shrimp- Turtle case***[44] has given interpretations, at least four of which have adverse implications for developing countries. These are enumerated below:

- It has tried to establish the primacy of the conservation of the environments over the free flow of goods under the normal GATT rules, and thereby it has diluted the descriptions on the general exceptions as provided in Article XX of GATT, 1994.
- It has, considered the turtle to be an 'exhaustible natural resource' on the ground that it is covered by some multilateral environment agreements for the protection of endangered species.
- It has directly implied that a country can take trade restrictive measures for actions and affects outside its jurisdiction, on the ground that the extra-territorial nature of the action gets blurred as the turtles are migratory.
- It has approved the filing of briefs and opinions before the Panels by persons and organisations outside the governments which are involved in the particular case.

Mr. Bhagirath Lal Das, former Indian Ambassador and Permanent Representative to GATT, says that serious implications of these interpretations are likely to unfold over the coming years.[45]Then there is the problem of significant loopholes that have been left in some important agreements which act to the detriment of developing countries. The following three examples will illustrate this feature.[46]

- In the Agreement on Textiles, the developed countries undertook the commitment to bring products accounting for 33 percent of their imports into the normal WTO discipline and thus exclude them from the restrictive regime of the textile sector by 1 January 1998. The totality of the products out of which this percentage is to be calculated is listed in an annex to the agreement. The loophole is that the list in this annex includes a very large number of items which have not been under restraint. The developed countries have taken advantage of this loophole and chosen for the liberalisation process upto 1 January 1998, only such products which are not under restraint. In this manner, the obligation is fulfilled and yet there is no liberalisation by them in practice.[47]
- Then the Agreement on Textiles also contains a faintly visible trap. Its Article 7.3 contains a requirement of sect-oral balance of rights and obligations, a concept which is alien to the GATT/WTO system which works on the principle of overall balance. There is apprehension that it may be a trap for justifying the possible reluctance of developed countries on 1 January 2005 to abolish the special restrictive regime in this sector on the plea that developing countries have not adequately liberalised their textile sector.

- The special provision for dispute settlement in the Agreement on Anti-dumping is also an example of a major loophole. While this agreement has brought in some measure of objectivity in the investigation of dumping, the whole subject of anti-dumping has been practically excluded from the normal dispute settlement process of the W.T.O. In these cases, the role of the dispute settlement panels has been severely curtailed in as much as they cannot pronounce whether an action or omission of a country violates its obligation, a role which almost a routine feature is in disputes in all other areas.

CONCLUDING REMARKS

Any legal mechanism based on law and aspiring to deliver justice should be fair and free from any undue influence. But historical background of GAAT/WTO shows that it had not been free from 'power-politics' of strong developed countries. It was the main reason because of which GAAT was termed 'a rich man's club'. However protests from developing and Least Developed Countries (LDCs) over the years and a certain level of unity amongst them led to reforms in Dispute Settlement System and finally complete overhauling of the system during Uruguay Round of Negotiations. The history of WTO Dispute Settlement shows that 'rule-oriented' policies have gradually replaced 'power-oriented' techniques in the mechanism. All the WTO members have a right to seek adjudication for their trade grievances. However, there may be some impediments that hold back certain members from exercising this right. First, the legal proceedings are often lengthy, and many involve considerable costs. Second, small countries may be discouraged from bringing complaints if their prospects of enforcing rulings in their favour are bleak because of limited retaliatory power, especially since there is no mechanism for collective punishment of recalcitrant respondents. Small developing countries may also exercise self-constraint in picking their fights in order not to jeopardise privileges they depend on, including development aid and unilateral trade preferences. Let us not forget the fact that WTO agreements are 'hard law'. Modern governments are well aware of the direct and indirect consequences of rules and commitments undertaken in the WTO and they are understandably cautious and prudent. In several rounds of talks, changes were adopted in the dispute settlement system which were provisional initially but when proved to work in practice, adopted permanently by the membership. It appears evident that any change in the institutional structure and procedures of WTO will follow the pattern of the past. The story of change in the mechanism gets topsy-turvy as it is dependent on 'rules of consensus' which takes a lot of time to develop due to the deep-rooted and far reaching repercussions of any substantial change. But the endeavours for reform process in the dispute settlement system must move ahead with optimistic eyes.

REFERENCES

1. Kiyoung kim, 'A Reform Agenda of WTO Revisited: The Elements of Public Administration and International Organization,' International Journal of Advanced Research (2013), Volume I, Issue 10,639.
2. Ibid.
3. Gregory Shaffer, 'Developing Countries Use of WTO Dispute Settlement System: Why It Matters, the Barriers Posed',University of Minnesota Law School, Legal Studies Research Paper Series, Research Paper No.-08-50, p.167.
4. M.B.Rao & Manjula Guru, WTO Dispute Settlement and Developing Countries, LexisNexis, Butterworths, New Delhi, 2004, p.9.

5. Chad P.Bown & Rachel McCulloch, Developing Countries, Dispute Settlement, and the Advisory Centre on WTO Law, The World Bank- Development Research Group Trade & Integration Team, January 2010, p.2.
6. Ibid.
7. These experts include Raghavan Chakarvarti, Anwar-ul-Hooda, Avinash Sharma & B.L.Das.
8. See Raghvan Chakarvarti,. 'The Dispute Settlement System of WTO: Tilting the Balance Against South (Third-world Network), William J. Daney, 'The WTO Dispute Settlement System: How Have Developing Countries Fared?, Illinois Public Law and Legal Theory Research Paper Series- Research Paper No.05-17, November 30, 2005, pp,1-40., David Evans & Gregory Shaffer, 'The Developing, Country Experience in WTO Dispute Settlement.', University of Minnesota Law School Legal Studies Research Paper Series, Research Paper No.11-03, pp.1-15.
9. Supra note.3, p168.
10. Supra note.4, p.40.
11. See Article XXIII of the GATT Agreement.
12. Avinash Sharma, 'Improving Dispute Settlement in WTO: Flattering or Faltering,' Journal of world Investment & Trade, Vol.8, No. 6, Kluwer Law International.
13. Supra note. 4, p.57.
14. Ibid, p. 4.
15. Supra note.4, p.9.
16. Shell G.R, Trade Legalism and International Relations Theory: An Analysis of world Trade Organization, (1995), p. 339.
17. Amin Alavi, 'African Countries and the WTO's Dispute Settlement Mechanism,' Development Policy Review 2007, 25(1), p. 26.
18. Stoler A.L., 'The WTO Dispute Settlement Process: Did the Negotiations Get What They Wanted?' World Trade review, 2004 3(I), p. 99.
19. Supra Note, 17, p. 27.
20. Para (3) of the Preamble of the Marrakesh Agreement as well as Article. 3.3 Of the DSU.
21. Supra Note, 12, p. 757.
22. Henrik Horn, Peter C. Mavroidis & Hakan Nordstram, 'Is the Use of the WTO Dispute Settlement System Biased?' centre for Economic Policy Research, No. 2340, p. 3.
23. Article. 3.5 of the DSU.
24. Article. 4.3 of the DSU.
25. Article. 6 of the DSU.

26. Article. 8.7 of the DSU.
27. Article. 12.8 of the DSU.
28. Article. 12.9 of the DSU.
29. Article. 12.12 of the DSU.
30. Article. 16.1 of the DSU.
31. Article. 17.5 of the DSU.
32. Article. 17.14 of the DSU.
33. Article. 23.3 of the DSU.
34. Article. 22.2 of the DSU.
35. Article. 22.6 of the DSU.
36. Article. 22.4 of the DSU.
37. Article. 21.5 of the DSU.
38. Chad P. Bown & Bernard M. Hoekman,' WTO Dispute Settlement and the Missing Develpoing Country Cases: Engaging the Private Sector, May, 2005', Retrieved from Westlaw. UK, 23-37.
39. Debra P. Steger (editor), Redesigning the World Trade Organization for the Twenty-first Century, Bookwell Publications, New Delhi, 2011, pp.3-9.
40. William J. Davey, 'Reforming WTO Dispute Settlement', University of Illinois, College of Law, Research Paper No.04-01, January 29, 2004, p.3.
41. DS2 United States- Standards for Reformulated and Conventional Gasoline (Compliant: Venezuela, Bolivarian Republic, 24 January, 1995.
42. U.S Measures Affecting Imports of Woven Wool Shirts and Blouses from India, WT/ DS33/ R. (Retrieved from www.wto.org).
43. Indonesia- Certain Measures affecting Automobile Industry (Retrieved from www.wto.org).
44. U.S Import Prohibition of Shrimp and Shrimp Products WT/SS58/AB/R.
45. Das. B. L, 'Strengthening Developing Countries in the WTO,' Trade & Development Series No. 8, p. 7.
46. Ibid.
47. Supra note. 22, p.4.