

WORLD TRADE ORGANIZATION

RESTRICTED

WT/DSB/W/181
17 December 2001

(01-6351)

Dispute Settlement Body
18 December 2001

DSU NEGOTIATIONS

Statement by the Chairman

1. You will see that as Chair I have inscribed on the Agenda for today's DSB meeting the Dispute Settlement Understanding Review. At the outset, I would like to note that I used the term "DSU Review" only for convenience. Much work was done in 1998 and 1999 in the general review of the DSU. I think this was very useful work, but we should not repeat the exercise. Instead, we have a specific mandate to negotiate improvements and clarifications of the DSU. It seems to me that we should launch these negotiations on this occasion, consistent with the Doha Ministerial Declaration.

2. It is perhaps appropriate now for me to read the mandate in the Doha Declaration on the DSU negotiations. It is as follows:

“We agree to negotiations on improvements and clarifications of the Dispute Settlement Understanding. The negotiations should be based on the work done thus far as well as any additional proposals by Members, and aim to agree on improvements and clarifications not later than May 2003, at which time we will take steps to ensure that the results enter into force as soon as possible thereafter.”

3. So it is clear that the Declaration focuses on:

- improvements and clarifications of the DSU;
- the work done thus far;
- additional proposals to be submitted by Members;
- a deadline for completion of the negotiations no later than May 2003;
- the results entering into force as soon as possible.

4. As Chair, it is not for me to prescribe the process or the substance of the negotiations, but I would like to outline a few options for proceeding. In light of all the hard work already done, along with further ideas expressed by delegations, I am confident that we can achieve satisfactory results in these negotiations. However, this will only be possible if we find the best, most efficient process and ensure that the submission of proposals by delegations is well organized.

5. I also recall that in some of the informal consultations which were held before the Doha Ministerial there were suggestions that there should be a consensus reached, at some desirable point, on specifying which are the improvements and clarifications to be focussed on, so that further progress could be made.

6. What I would like to suggest are some elements which Members might like to contemplate in terms of process. I shall of course invite delegations to comment on both this and the substance if

. / .

they wish to do so today. But I appreciate that the discussion will naturally need to spill over to other sessions.

7. First there is the question of who should Chair the DSU negotiations. We have a range of options:

- The Chair of the DSB could convene both formal and informal sessions.
- Or a Vice-Chair could do the same.
- Or a permanent Chair for the duration of the negotiations could be appointed so as to provide continuity.
- Clearly however occasional reporting back to the DSB would be necessary. And the DSB would presumably take the eventual decisions.
- At the same time it may be proper and advisable to separate the negotiations from the ongoing work of the DSB.
- It may also be the case that informal consultations would provide the best way of proceeding initially, with proposals being submitted informally as job numbers by delegations. All Members would then have the opportunity to debate proposals on all submitted issues.
- The Chair could submit framework papers at various points which would provide summaries of the proposals put forward, and summaries of the discussions.
- At informal sessions, delegations would strive to achieve consensus on which specific items to pursue.
- At the final stage of the process the Chair could propose a Chairman's draft of actual amendments and, if appropriate, interpretative language.
- And this would be reported back to the DSB for decision.

8. So these are just some preliminary thoughts from the Chair for you to consider in relation to the process. I would also like to note that in the informal discussions prior to the Doha Ministerial, most delegations expressed an interest in defining the scope of the negotiations. Perhaps it would be useful for delegations to consider before the next regular meeting of the DSB how best the scope of the negotiations should be defined.

9. What I would like to do now is invite any thoughts from delegations at this point, in particular on the issues of: (i) the institutional set-up of the negotiations; and, (ii) the issue of the Chairmanship. Of course, any initial comments regarding the scope of the negotiations would be welcome, too. Subsequently, at the next regular meeting of the DSB, this agenda item can be returned to with a view to deciding on the process and procedure. If necessary, informal consultations could also be held on this question in order to facilitate reaching a consensus decision in the DSB on the way ahead.
