DISPUTE SETTLEMENT ON TELECOMMUNICATION SECTOR UNDER THE WTO

By: Prof. Dr. Huala Adolf*

*) Professor of International Law at the Faculty of Law, University of Padjadjaran, Bandung.

A. Introduction

One of the strength of the WTO as an international trade organization is the binding nature of its dispute settlement. The regulation of this sector is unique. In that, the disputes on trade matters including but not limited to the trade policies of the members of the WTO affecting other members is to be settled through the provisions available under the WTO settlement of disputes mechanism as embodied in the DSU.[1]

Article 23 of the DSU requires all members to settle their differences and disputes in accordance with the rules and procedures on dispute settlement under the DSU.[2] On the face of it, this article is arguably intended to bar member countries to resort to power or unilateral act to settle their disputes.[3]

The DSU is intended to provide an exclusive dispute settlement procedure for almost all the WTO Agreements.[4] According to Article 1 Paragraph 2 of the DSU, the dispute settlement rules and procedures of the DSU apply to all the covered agreements of the WTO. But, its application is subject to any special or additional provisions on dispute settlement contained in the covered agreements. The covered agreements are, practically, all agreements, existed under the WTO Agreement, including the agreement on telecommunication.[5]

Based on Article II of the WTO Agreement, Annex 2 along with Annex 1 and Annex 3 are the integral part of the WTO Agreement. Based on this relationship, the binding

1 Understanding on Rules and Procedures Governing the Settlement of Disputes, 15 April 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 2, *The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts*, 404 (1994), 32 *ILM* 1144 (1994).

2 Article 23 DSU. *Cf.*, see also M.J. Trebilcock and R. Howse, *The Regulation of International Trade* (New York: Routledge, 2nd .ed., 1999) p. 79 (stating that a party may bring the dispute under both WTO dispute settlement mechanism and the procedures of other trading regimes notably NAFTA in respect of the same measures).

3 Despite its judicial nature, the dispute settlement under the WTO also aims at balancing the pragmatic and legalistic dispute settlement. (See: D.P Steger and S. Hainsworth, 'New Directions in International Trade Law: WTO Dispute Settlement,' in: James Cameron and Karen Campbell (*eds*)., *Dispute Resolution in the WTO*, (Cameron May, 1998), p. 29; Lei Wang, 'Some Observations on the Dispute Settlement System in the World Trade Organization,' 29 *J.W.T* 174 (1995) (noted that 'like the dispute settlement in the GATT, the DSU still considers the maintenance between rights and obligations of Members as the objective of its dispute settlement system').

4 John H. Jackson, *The World Trade Organization: Constitution and Jurisprudence* (London: The Royal Institute of International Affairs, 1998), p. 73; Patrick Specht, 'The Dispute Settlement System of the WTO and NAFTA - Analysis and Comparison,' 27 *Ga.J.Int'l. & Comp.L.* 77-78 (1998).

5 Huala Adolf, "The GATS/WTO Telecommunication Law: What is in it for Developing Countries," 31 *Asia Business Law Review* 3-10 (2001).

force of the covered agreements is similar with the WTO Agreement.[6]

The main function of the settlement of dispute under the WTO is to solve the disputes in a peaceful way where the parties are free to use every means of settlement. According to Article 3 para.7 of the DSU: '...A solution mutually acceptable to the parties to a dispute and consistent with the covered agreements clearly to be preferred.'

The DSU for the first time formalizes and lays down an established rule and procedures on the dispute settlement. This development also formally confirms the 'judicial nature' of the dispute settlement system under the WTO.[7] According to T.J. Schoenbaum, the dispute settlement under the WTO operates just like an international trade tribunal. These include the existence of compulsory jurisdiction, the application of the rules of law to the dispute, the parties are bound by the decisions, and the imposition of sanction when the decisions are not complied with.[8]

a. The Procedure of the Settlement of Disputes

1). *Consultation*

Consultation is the first stage of the dispute settlement and usually takes place in the form of informal or formal negotiation, such as through the diplomatic channels.[9] The main objective of this process is to settle the dispute out of the formal process of adjudication.[10]

Since consultation is laid down in the DSU, it goes without saying that consultation may be regarded as a binding process of settlement of disputes under the WTO.[11] It is the process that binds on the parties to take this stage before invoking the panel to settle the dispute.[12] In a famous case on this matter, the *Brazil - Desiccated Coconut*, the Panel noted:

'... Compliance with the fundamental obligation of the WTO Members to enter into consultations where a request is made under the DSU is vital to the operation of the dispute settlement system... *Member's duty to consult is absolute*, and is not susceptible to the prior imposition of any terms and conditions by a Member.'[13]

Consultations are confidential.[14] The request for consultation must be made in writing. It must also contain the reasons for the dispute and the legal basis for the submission of the request. Article 4 para. 4 of the DSU. WTO encourages the parties to use all available means to reach the satisfactory settlement during the consultation stages.[15]

The above regulations on consultation may have two possibilities. *First*, the consultation fails. In this regard, subject to the agreement of the parties, the dispute may be submitted to the Director General of the WTO. In this stage, the Director General will recommend the settlement of dispute through the good offices or mediation.

Second, the respondent does not give any positive reaction to the request of consultation within 10 days. Alternatively, the respondent accepts the request for the consultation but they can not reach any solution within 60 days, then the respondent may ask the DSB to set up a panel.[16]

The third party that has interest in the settlement of a dispute may request to intervene in the consultation. Article 4 para. 11 of the DSU.[17] This request should be accepted if the respondent agrees that the respective countries have a 'substantial trade interest' for joining in consultation.[18] telecommunication sector is concerned, the involvement of the third parties is quite relevant. As shown below, the involvement of third parties in the US-Mexico Telecom Services case (2000) (DS204) is significant: 10 countries have reserved their rights to participate in the case.

---

6 Article II para. 2: 'The agreements and associated legal instruments included in Annexes 1, 2 and 3 (hereinafter to as 'Multilateral Trade Agreements) are integral parts of this Agreement, binding on all Members.'

7 Robert E. Hudec, *The Enforcing International Trade Law: The Evolution of the Modern GATT Legal System* (Salem, N.H.: Butterworth Legal Publishers, 1993), pp. 138-150; William J. Davey, 'Dispute Settlement in GATT,' 11 *Fordham Int'l.L.J* 67-78 (1987). *Cf.*,E-U. Petersmann, 'The Dispute Settlement System of the World Trade Organization and the Evolution of the GATT Dispute Settlement System Since 1948,' 31 *CML. Rev.* 1157 (1994), p. 1207, argued that Article 3 (especially paragraphs 2, 5, and 6) DSU emphasized the rule oriented function and the legal primacy of the WTO dispute settlement system; D.P. Steger and M. Hainsworth, *Op.cit.*, p. 32.

8 Thomas J. Schoenbaum, 'WTO Dispute Settlement: Praise and Suggestions for Reform,' 47 *Int'l. & Comp.L.Q.* 648 (1998).

9 Article 4 of the DSU. For recent status of the consultation process under the WTO dispute settlement system, see WTO Website at: <http://www.wto.org/wto/dispute/bulletin.htm>; Mike Moore, 'Dispute Settlement at the WTO,' *The Hindu*, 7 June 2000, at website: <http://www.indiaserver.com/thehindu/2000/06/06/stories/05071348.htm>.

10 John H. Jackson, William J. Davey and Alan O. Sykes, *Legal Problems of International Economic Relations*, 3rd. ed., (St. Paul Minn.,: West Publishing Co., 1995), p. 341.

11 See also: J.G. Merrills, *International Dispute Settlement* (Cambridge: Cambridge U.P., 1998), p. 203 (arguing that the consultation process is mandatory).

12 *Cf.*, William J. Davey and A. Porges, "Comments (Symposium on the First Three Years of the WTO Dispute Resolution System)", 32:3 *Int'l. Law* 695 (1998) ('stating that it is the duty of the parties to consult').

13 Emphasis added. *Brazil - Measures Affecting Desiccated Coconut*, WT/DS22/R, (17 October 1996), para. 287.

14 Article 4 para. 6 of the DSU.

15 Article 4 para. 5 of the DSU.

16 Article 4 para. 7 of the DSU.

17 See also: (Gary Horlick, 'The Consultation Phase of WTO Dispute Resolution: a Private Practitioner's View', 32:3 *Int'l Law* 690 (1998).

18 Article 4 para. 11 of the DSU. In practice, as far as the

2). *Good Offices, Conciliation and Mediation*

The Good Offices, Conciliation, and Mediation are the peaceful settlement of disputes through the involvement of third parties.[19] The procedures for the settlement through this process are voluntary. In that, the parties may only take this procedure when they agree.[20] As with consultations, the procedure of Good Offices, Conciliation and Mediation are informal and confidential. Nevertheless, it does not bar any party to take a further stage of the settlement of the dispute.[21]

Given its voluntary characteristic, the parties may take the settlement through this process at any time, provided that the sixty-day consultation period has elapsed.[22] Similarly, they can terminate it whenever they consider that the prospect of its settlement is bleak. When the process is terminated, the claimant may request for the establishment of a Panel.[23]

3). *Panel*

The formation of a panel is considered as the last resort when the bilateral settlement through consultations fail. The main function of the panel is to assess objectively the dispute and decide whether a subject matter of the dispute breaches the relevant covered agreements. Panel formulates and submits the results of its findings which will assist the DSB in formulating the recommendations or the rulings.[24]

Panel consists of three 'well-qualified' persons who have the experience in the field of the settlement of disputes under the GATT or those who have taught or published on international trade law or policy. They must be neutral. They must not be the citizens of the countries in dispute unless the parties to the dispute agree otherwise.[25] They may be government officials, or the civilian. The panel members should be selected with a view to ensuring 'a sufficiently diverse background and a wide spectrum of experience.'[26] This requirement suggests that the members of the panel should not necessarily be lawyers.

The whole process, namely since the determination of the terms of reference of the panel, the composition of the panel and the result of the investigation, should be no more than 6 months.[27] In the case of emergency matters, for example the subject matter concerns with the perishable goods, the time limit may be shortened to 3 months.[28] However, if the time limit is not fulfilled, the panel may extend it to become 9 months.[29] The extension of time should be reported to the DSB in writing which stipulate the reasons for such extension and when the report will be submitted.

Article 16 para. 4 of the DSU states that the result of the rulings or the panel's report must be adopted by the DSB. The report shall be binding upon the parties within 60 days since the date of circulation to the WTO Members, except a party to the dispute notifies the DSB of its decision to appeal, or unless the DSB decides by consensus not to adopt the report.[30]

4). *Appellate Body*

The Appellate Body ('AB') Article 17 of the DSU. is a new innovation under the WTO dispute settlement procedure. The AB comprises of seven persons, three of which may hear any given case.[31] Unlike the members of Panel, citizenship is not at issue here. Section 6.2 of the Working Procedure for Appellate Review rejects the citizenship or nationality requirement in the selection of the composition of AB members to hear a case.[32] These members must be 'persons of recognized authority, with demonstrated expertise in law, international trade and the subject matter of the covered

---

19 Article II para. 2: 'The agreements and associated legal instruments included in Annexes 1, 2 and 3 (hereinafter to as 'Multilateral TradeFor the definition on these terms, see: J.G. Merrills, *op.cit.*, p. 27 *et.seq*.

20 Article 5 para. 1 of the DSU.

21 UNCTAD, *The Outcome of the Uruguay Round: An Initial Assessment* (New York: UN, 1994), p. 208.

22 Article 5 paras. 3 and 4 of the DSU; J.G. Merrills, *Op.cit.*, p. 203.

23 Article 5 paras. 1 - 3.

24 Article 11 para. 1 of the DSU.

25 Article 8 para. 3 of the DSU. See also Asif H. Qureshi, *The World Trade Organization: Implementing International Trade Norms* (Manchester: Manchester U.P., 1996), p. 102 (argued that the word 'well-qualified' is 'not clear').

26 Article 8 para. 2 of the DSU. *Cf.*, See the critic made by Robert E. Hudec, 'The New WTO Dispute Settlement Procedure: An Overview of the First Three Years,' 8:1 *Minn.J. Global Trade* 34 (1999). (criticized that today's panel members 'lack the legal training or experience to render professionally competent judgment on complex legal issues since the early 1980's, the majority of panel members have tended to rely on the advice of the Secretariat's legal staff on such legal issues'). E. Vermulst, P.C. Mavroidis and P. Waer, 'The Functioning of the Appellate Body After Four Years,' 33 : 2 *J.W.T.* 6 (1999), observed that the 'Appellate Body had found out that the legal reasonings contained in 13 out of 15 cases they handled, were fault.'

27 Article 12 para. 8 of the DSU.

28 Article 12 para. 8 of the DSU.

29 Article 12 para. 9 of the DSU. Despite this tight time schedule, the DSU does not mention any sanction when this deadline is breached. (See E. Vermulst and B. Driessen, Edmunt Vermulst and B. Driessen, 'An Overview of the WTO Dispute Settlement System and Its Relationship with the Uruguay Round Agreements,' 29 *J. W. T.* 131-161 (1995), p. 142 (observed that 'a sanction on this deadline is lacking').

30 Article 16 para. 4 of the DSU.

31 Article 17 para. 1 of the DSU; Article 6 para. (1) of the Working Procedures for Appellate Review (WT/AB/WP/3, 28 February 1997).

32 Article 6 para. (2) of the Working Procedure of the Appellate Review (WT/AB/WP/3, 28 February 1997).

agreements generally.' Article 17 para. 3 of the DSU. The members of the AB are appointed for a four-year, and may be renewed once.[33]

B. Disputes on Telecommunication Sector

As indicated above, telecommunication sector is a part of the WTO agreement, most notably the Agreement on Telecommunication. This Agreement is one of the covered agreements under the WTO. This agreement is also subject to the dispute settlement provisions of the DSU when the differences or disputes arise between the member countries.

The dispute on telecommunication is quite new. Since its establishment in 1995, WTO has so far received 5 request of the dispute resolution on this sector. They include:

1. *EC- Japan — Measures Affecting the Purchase of Telecommunications Equipment (1995) (DS15)*

This is the first case on telecommunication under the WTO. The EC, the applicant, argued that the Agreement concluded between Japan and the US concerning the telecommunication equipment was a violation of GATT Article I:1, III:4 (the Non-Discrimination Treatment) and XVII : 1 (c) (the State Trading Enterprise). The EC also argued that the Agreement has nullified and impaired the benefit of the EC.

The case has never reached the Panel. No official report concerning the status of the case has ever been published. The WTO however indicated that the dispute has been settled bilaterally. In this respect, the solution by way of consultation has been reached between the parties.[34]

2. *EC - Korea — Laws, Regulations and Practices in the Telecommunications Procurement Sector (1996) (DS40)*

The EC brought this case to the DSB. The request for consultation related to the Korean Law, Regulations and Practice in the telecommunications sector.

The EC in its request argued that the Korean's procurement requirement in the telecommunications sector violated the non-discrimination obligation especially towards the foreign suppliers.

The EC also argued that the Korean practice has given a better and favourable treatment to the US supplier under the bilateral agreement between Korea and the US. The articles that have been allegedly violated were similar with the alleged violation of provisions of the GATT Articles under *the EC-Japan case (1996) (DS 15)* (above), namely Articles I and III and Article XVII.

The dispute has been settled amicably between the parties under Article 3.6 of the DSU. The EU and Korea notified the WTO Secretariat about the settlement on 22 October 1997.[35]

3. *US - Belgium — Measures Affecting Commercial Telephone Directory Services (1997) (DS80)*

The US brought this case against the Kingdom of Belgium. The request for consultation with Belgium was made on 2 May 1997 concerning Belgium's certain measures of the provision of commercial telephone directory services.

The US argued that Belgium's law and policies that imposed conditions for obtaining a license to publish commercial directories was a violation of the GATS (General Agreement on Trade in Services).

In addition, the US also maintained that the Belgium's policies with respect to telephone directory services was a violation of the GATS. The alleged violations of the GATS agreement included Articles II (Most-Favoured-Nation Treatment), VI Domestic Regulation, VIII (Monopolies and Exclusive Service Suppliers) and XVII (National Treatment).

The US also claimed that the Belgium laws and policies had nullified and impaired the benefit accruing to the US under the specific GATS commitment made by the EC on behalf of the Belgium.

There was however no news concerning the status of the case. The two parties did not notify the WTO Secretariat concerning the progress of the consultation.[36]

4. *Korea - United States — Anti-Dumping Duties on Imports of Colour Television Receivers from Korea (1997) (DS89)*

Korea brought this case to the WTO on 10 July 1997. Korea's main complain was that the US's measure in telecommunication sector was a violation of the GATT. In this respect, the US imposed anti-dumping duties on imports of colour television receivers (CTVs) from Korea, despite the non-existence of dumping and the cessation of exports (from Korea). In addition, Korea argued that there was no effort on the part of the US to examine the continuance of imposing the duties.

The GATT Articles that Korea argued had been breached by the US's measures were Articles VI.1 and VI.6(a) of GATT 1994, and Articles 1, 2, 3.1, 3.2, 3.6, 4.1, 5.4, 5.8, 5.10, 11.1 and 11.2 of the Anti-Dumping Agreement.

When the bilateral consultations of the two countries resulted failed, on 6 November 1997, Korea requested the establishment of a Panel. However, on 5 January 1998, Korea notified the DSB that it pulled out its request for a Panel and later on at the DSB meeting on 22 September 1998, Korea informed the DSB that it was definitively withdrawing the request for a Panel because the imposition of anti-dumping duties had been revoked.[37]

---

33 M.J. Trebilcock and R. Howse, *The Regulation of International Trade* (New York: Routledge, 2nd.ed., 1999) p. 78.

34 Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds15_e.htm [12 August 2009].

35 Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds40_e.htm [12 August 2009].

36 Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds80_e.htm [12 August 2009].

37 Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds89_e.htm [12 August 2009].

5. US- Mexico — Telecoms Services (2000)(DS204)

This case concerned with the United State's complaint on the Mexico's policy, in particular its domestic law and regulation on telecommunication sector, especially which govern the supply of telecommunication services. The Mexico's policy on this sector has been disputed by the US.

Prior to 1997, *Teléfonos de México, S.A. de C.V.* ("Telmex") controlled the long-distance and international telecommunications services in Mexico. Since that date, Mexico has authorized multiple Mexican carriers to provide international services over their networks.

Under Mexican laws, the largest carrier of outgoing calls to a particular international market, has the exclusive right to determine on the basis of negotiation, the terms and conditions for the termination of international calls in Mexico. The terms and conditions apply to any carrier between Mexico and that international market.[38]

Currently, there are 27 carriers allowed to provide long distance services, including two US -affiliated carriers – Alestra (AT/T) and Avantel (WorldCom). Telmex remains the largest supplier of basic telecommunications services in Mexico, including international outbound traffic.[39]

On 17 August 2000, the US requested consultations with Mexico concerning Mexico's commitments and obligations on basic and value added telecommunication services under the GATS. The US especially argued that Mexico has practiced anti-competitive and discriminatory regulatory measures and tolerated certain privately-established market access barriers. The US also maintained that Mexico has failed to take needed regulatory action in Mexico's basic and value-added telecommunications sector.[40]

The Measures that Mexico implemented did not accord with Mexico's GATS commitments and obligations, in particular Articles VI, XVI, and XVII; Mexico's additional commitments under Article XVIII as incorporated in the Reference Paper inscribed in Mexico's Schedule of Specific Commitments and the GATS Annex on Telecommunications, including Sections 4 and 5.

The US alleged that Mexico's measures had:[41]

(1) failed to ensure that Telmex provides interconnection to US cross-border basic telecom suppliers on reasonable rates, terms and conditions;

(2) failed to ensure US basic telecom suppliers reasonable and non-discriminatory access to and use of public telecom networks and services;

(3) did not provide national treatment to US-owned commercial agencies; and

(4) did not prevent Telmex from engaging in anti-competitive practices.

The consultation took place on 10 October 2000 but both parties did not reach a satisfactory resolution. The consultation was later continued on 16 January 2001. this negotiation, again, both parties failed a solution acceptable to both parties. With this deadlock the US requested the establishment of a Panel.

The DSB established a panel at its meeting on 17 April 2002. The third parties that reserved their rights to participate in the case included Canada, Cuba, the EC, Guatemala, Japan and Nicaragua and followed with India (18 April 2002), Honduras (19 April 2002), Australia (23 April 2002), Brazil (24 April 2002).

After hearing both parties and the interested third parties, the Panel ruled that Mexico violated its GATS commitments. The Panel found that:[42]

(1) Mexico failed to ensure *interconnection at cost-oriented rates* for the cross-border supply of facilities-based basic telecom services, in breach of Article 2.2(b) of its Reference Paper;

(2) Mexico failed to maintain appropriate measures to prevent *anti-competitive practices* by firms that are a major telecom supplier, contrary to Article 1.1 of its Reference Paper; and

(3) Mexico failed to ensure reasonable and non-discriminatory *access to and use of* telecommunications networks, contrary to Article 5(a) and (b) of the GATS Annex on Telecommunications.

However, with regard to the cross-border telecom services supplied on a *non-facilities* basis in Mexico, the Panel ruled that Mexico did not violate its obligations because it had not taken commitments for these services. Para. 8.2. Mexico – Measures Affecting Telecommunications Services, Report of the Panel, WT/DS204/R, 2 April 2004. The DSB adopted the Panel Report on 1 June 2004.

C. Concluding Remarks

The settlement of dispute on telecommunication sector, as shown above, is still but a few, especially since the establishment of the WTO. Of the five disputes submitted to the DSB/WTO, four of which are settled amicably without the formation of Panel. Only a dispute, *the US-Mexico* (2000) (DS204) is eventually settled by Panel.

This picture shows that the settlement of dispute on telecommunication sector through negotiation or consultation is noteworthy. This remark is actually a premature to note, though. Nevertheless, given its historical significance, negotiation emphasizes the best solution as demonstrated in the telecommunication sector dispute before the DSB/WTO.

---

38 *See* ILD Rules 2 and 13.

39 Para. 2.2. Mexico – Measures Affecting Telecommunications Services, Report of the Panel, WT/DS204/R, 2 April 2004.

40 Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds204_e.htm [12 August 2009].

41 Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds204_e.htm [12 August 2009]; Para. 3.1. *Mexico – Measures Affecting Telecommunications Services, Report of the Panel*, WT/DS204/R, 2 April 2004.

42 Para. 8.1. Mexico – Measures Affecting Telecommunications Services, Report of the Panel, WT/DS204/R, 2 April 2004.

In the light of the provisions used as the legal basis for the claim, it is interesting to note the provisions of the GATT are mostly referred to. They include *the EC-Japan (1995) (DS15), EC-Korea (1996) (DS40)*; and *Korea-US (1997) (DS89)*. This, at best, indicates the significant role of the GATT as the most important regime of international trade law.

Reference

Books/Articles:

Davey, William J. and A. Porges, "Comments (Symposium on the First Three Years of the WTO Dispute Resolution System)", 32:3 *Int'l. Law* 695 (1998).

Davey, William J., 'Dispute Settlement in GATT,' 11 *Fordham Int'l.L.J* 67-78 (1987).

Horlick Gary, 'The Consultation Phase of WTO Dispute Resolution: a Private Practitioner's View', 32:3 *Int'l Law* 690 (1998).

Huala Adolf, "The GATS/WTO Telecommunication Law: What is in it for Developing Countries," 31 *Asia Business Law Review* 3-10 (2001).

Hudec, Robert E., *The Enforcing International Trade Law: The Evolution of the Modern GATT Legal System* (Salem, N.H.: Butterworth Legal Publishers, 1993).

Jackson, John H., *The World Trade Organization: Constitution and Jurisprudence* (London: The Royal Institute of International Affairs, 1998).

Jackson, John H., William J. Davey and Alan O. Sykes, *Legal Problems of International Economic Relations*, 3rd. ed., (St. Paul Minn.,: West Publishing Co., 1995).

Lei Wang, 'Some Observations on the Dispute Settlement System in the World Trade Organization,' 29 *J.W.T* 174 (1995).

Merrills, J.G., *International Dispute Settlement* (Cambridge: Cambridge U.P., 1998).

Petersmann, E.U., 'The Dispute Settlement System of the World Trade Organization and the Evolution of the GATT Dispute Settlement System Since 1948,' 31 *CML. Rev.* 1157 (1994).

Qureschi, Asif H., *The World Trade Organization: Implementing International Trade Norms* (Manchester: Manchester U.P., 1996).

Robert E. Hudec, 'The New WTO Dispute Settlement Procedure: An Overview of the First Three Years,' 8:1 *Minn.J. Global Trade* 34 (1999).

Schoenbaum, Thomas J., 'WTO Dispute Settlement: Praise and Suggestions for Reform,' 47 *Int'l. & Comp.L.Q.* 648 (1998).

Specht, Patrick, 'The Dispute Settlement System of the WTO and NAFTA - Analysis and Comparison,' 27 *Ga.J.Int'l. & Comp.L.* 77-78 (1998).

Steger, D.P. and S. Hainsworth, 'New Directions in International Trade Law: WTO Dispute Settlement,' in: James Cameron and Karen Campbell (*eds*)., *Dispute Resolution in the WTO*, (Cameron May, 1998).

Trebilcock M.J., and R. Howse, *The Regulation of International Trade* (New York: Routledge, 2nd .ed., 1999).

UNCTAD, *The Outcome of the Uruguay Round: An Initial Assessment* (New York: UN, 1994).

Vermulst E., and B. Driessen, Edmunt Vermulst and B. Driessen, 'An Overview of the WTO Dispute Settlement System and Its Relationship with the Uruguay Round Agreements,' 29 *J. W. T.* 131-161 (1995).

Vermulst, E., P.C. Mavroidis and P. Waer, 'The Functioning of the Appellate Body After Four Years,' 33 : 2 *J.W.T.* 6 (1999).

International Agreements:

Understanding on Rules and Procedures Governing the Settlement of Disputes, 15 April 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 2, *The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts*, 404 (1994), 32 *ILM* 1144 (1994).

Settled Cases:

Brazil - Measures Affecting Desiccated Coconut, WT/DS22/R, (17 October 1996)

Mexico – Measures Affecting Telecommunications Services, Report of the Panel, WT/DS204/R, 2 April 2004.

Internet:

Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds15_e.htm [12 August 2009].

Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds204_e.htm [12 August 2009].

Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds204_e.htm [12 August 2009]; Para. 3.1. *Mexico – Measures Affecting Telecommunications Services, Report of the Panel*, WT/DS204/R, 2 April 2004.

Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds40_e.htm [12 August 2009].

Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds80_e.htm [12 August 2009].
Http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds89_e.htm [12 August 2009].
Http://www.wto.org/wto/dispute/bulletin.htm>.
Mike Moore, 'Dispute Settlement at the WTO,' *The Hindu*, 7 June 2000, at website: <http://www.indiaserver.com/thehindu/2000/06/06/stories/05071348.htm>.