

**Justice B.P. Jeevan Reddy Centre for International Trade and Business Laws, NALSAR
University of Law, Hyderabad**

In Collaboration With

Centre for WTO Studies, Indian Institute of Foreign Trade, New Delhi

Presents

INTERNATIONAL CONFERENCE ON CRISES AND SOLUTIONS TO DISPUTE SETTLEMENT SYSTEM UNDER WTO

13th - 14th April 2024





BACKGROUND

The Understanding on Rules and Procedures Governing the Settlement of Disputes, also known as Dispute Settlement Understanding (DSU), of the World Trade Organization (WTO) is considered to be very significant for providing foundational framework for resolving trade disputes. It is also considered as the “Crown-Jewel of the WTO”. The DSU established a standing Appellate Body (AB), introduced an appellate review mechanism, introduced the requirement of negative consensus at few stages of the dispute settlement system (DSS), stricter timelines at different stages of the DSS, etc. However, the DSS of the WTO is currently in the midst of a serious crisis. Despite its achievements, with the US blocking the appointment and reappointment of Appellate Body Members, the AB became a defunct institution.

The DSS established by the DSU was not immaculate. Many proposals for reforming the DSS were received earlier as well in order to strengthen the DSS. At the time of adopting the DSU, it was agreed to conduct a full review of the dispute settlement rules and procedures within four years after the entry into force of the Marrakesh Agreement. As early as 1999 itself, in the Seattle Ministerial Meeting, negotiations to review and reform the DSU took place. The review did not yield any result until Ministers agreed in Doha to improve and clarify the DSU.



These negotiations are known as Doha Round Negotiations. Extensions were taken to conclude the negotiations and it included a broad range of proposals like mutually agreed solutions, third party rights, confidential information, sequencing issue, post-retaliation, transparency and amicus curiae briefs, timeframes, remand, panel composition, flexibility and member control, effective compliance, special and differential treatment for developing and least developed countries. Nothing much was achieved through these negotiations. When the AB became defunct in 2019, many WTO Members aggressively tried to push for reforms to overcome the AB crisis. The US had concerns regarding the AB. Majority of the US concerns were acknowledged by other WTO Members and various proposals to address these concerns were discussed in the General Council meetings. The US rejected these proposals without substantively engaging with them. In January 2019, the Chair of the General Council launched an informal process and appointed New Zealand's WTO Ambassador David Walker as facilitator. A draft decision which was a carefully constructed compromise came as a result of these exercises. But the resistance of the US persisted. Many WTO Members actively sought an alternative to Appellate Body to keep the wheels moving. One such initiative is Multi-Party Interim Appeal Arbitration Arrangement.



However, in 2022, the US initiated and led an informal discussion on DSU reforms. This process has already crossed two stages and some Members like India wanted the third stage to be under the Chair of DSB. But for the sake of expediency and practicality, Members have resorted to the third stage as an informal process only. This stage is focused on substance-based discussions to find practical solutions to the concerns identified by the Members with a view to having a fully and well-functioning DSS accessible to all Members by 2024. This third stage is convened by the representative of Guatemala, Mr. Marco Tulio Molina. The negotiations in this stage have resulted in a consolidated draft text and currently, the sixth revision of the text is being discussed.

There is a possibility of reforming the DSU in the upcoming 13th Ministerial Conference to be held at Abu Dhabi from 26-29 February 2024. Many WTO Members are expediting the negotiations with these dates in mind. However, the US is skeptical of having concrete reforms of DSU in the 13th Ministerial Meeting.

At this crucial juncture in the DSU reforms, it is imperative to hold academic discussions on reforming the DSU so this discourse could contribute to DSU 2.0. This Conference is aimed at bringing a broader discussion on the DSU ranging from the negotiating history of the DSU, problems encountered in the functioning of the DSS till the current reform process.



CONFERENCE THEMES

This Conference is aimed at covering the following themes:

- Negotiating history of the DSU
- Transition of the DSS from GATT era to WTO era
- Problems encountered in the functioning of the DSS in the WTO era
- Past attempts at reforming the DSU
- Appellate Body crisis
- Ongoing informal review process of the DSU started in 2022
 - Informal v formal and multilateral setting for reform process
 - Interest-based negotiation v rights-based negotiation
 - Two tier v Single tier DSS
 - Compulsory v voluntary jurisdiction
 - Strengthening ADR methods for resolving trade disputes
 - Accessibility issues
 - Guidance for adjudicators
 - Accountability
 - Transparency
 - Simplified procedures
 - Panel composition
 - Compliance with DSB recommendations
 - National security exception within the DSU

The topics listed above are suggestive only and not exhaustive.



ABOUT JUSTICE B.P. JEEVAN REDDY CENTRE FOR INTERNATIONAL TRADE AND BUSINESS LAWS

The Centre was established in September 2022 with the aim of becoming a leader in the field of trade law research which is vast and is of immense importance for a fast-growing economy like India. In the modern world, trade law is not just about trade or export-import controls or international payment mechanisms etc. it deals with a multitude of domains like transport, banking, insurance, environment, IPRs, and cyberspace to name a few. Furthermore, in recent times WTO has passed important decisions on what States can do to protect their national security interests. WTO will soon have to confront unilateral measures by members like the EU to address climate change. Consistent with India's active positions on these matters in other areas of international law, India must continue to engage in these important conversations at the WTO. The Centre is intended to be a leading international trade and investment laws and policy training institution in India which shall prepare young professionals and build the capacity of key stakeholders to effectively interact and negotiate with global, regional, and national institutions and agencies.



STRUCTURE OF THE CONFERENCE

Panel discussion: A panel discussion on the present crises in the DSU where the experts will express their point of view on the proposition and how do they think this situation can be addressed.

Paper Presentation: The author/s will present their paper through a PowerPoint presentation. Each author will be given 10 minutes to present their paper and the remaining 5 minutes will be used for question-and-answer and guiding session by the judges. The extension can be granted at the judging panels' discretion.

Plenary sessions: There will be two plenary sessions devoted to the themes of DSU reforms. Where in the experts will deliver a detailed lecture session which would be followed by questions from the audience.



ABSTRACT AND PAPERS

Submission of abstract

Abstract must be submitted via e-mail to with the subject: “Abstract Title: [title], and Presenter’s Name”.

All abstracts must be submitted by 10th March, 2024.

Presenters will receive a notification of the decision as to whether their abstract have been accepted by 15th March, 2024.

Co-authorship up to two persons allowed.

Guidelines for abstract

Length: Maximum 500 words excluding title/cover

Abstract to have a cover page with title and details of the authors.

Margins: 1inch

Font: Times New Roman, 12 points

Spacing: 1.5

Guidelines for paper submission

Length: 8000 to 10000 words excluding title/cover, references and footnotes

Margins: 1inch

Font: Times New Roman, 12 points

Spacing: 1.5

Citation: Bluebook 21st edition.

Footnoting: Times New Roman, 10 points

Abstract and papers to be send to icdss@nalsar.ac.in

Selected papers will be published in form of an edited book.



TIMELINE

Call for Abstract	10th February, 2024.
Last Day for Abstract Submission	10th March, 2024.
Announcement of Selected Abstracts	Within 7 days from the submission of the abstract.
Full Conference Paper Submission	10th April, 2024.
Date of Conference	13th - 14th April, 2024.
Last Date for Registration Fee Submission	20th March, 2024.



REGISTRATION FEE

CATEGORY	INDIAN (INR)	FOREIGN (USD)
Academicians/ Practitioners/ Others(For Paper Presentation to be submitted by each co- author)	3000	200
Students (For Paper Presentation to be submitted by each co-author)	2500	150
Participation Only	2000	150



BANK DETAILS

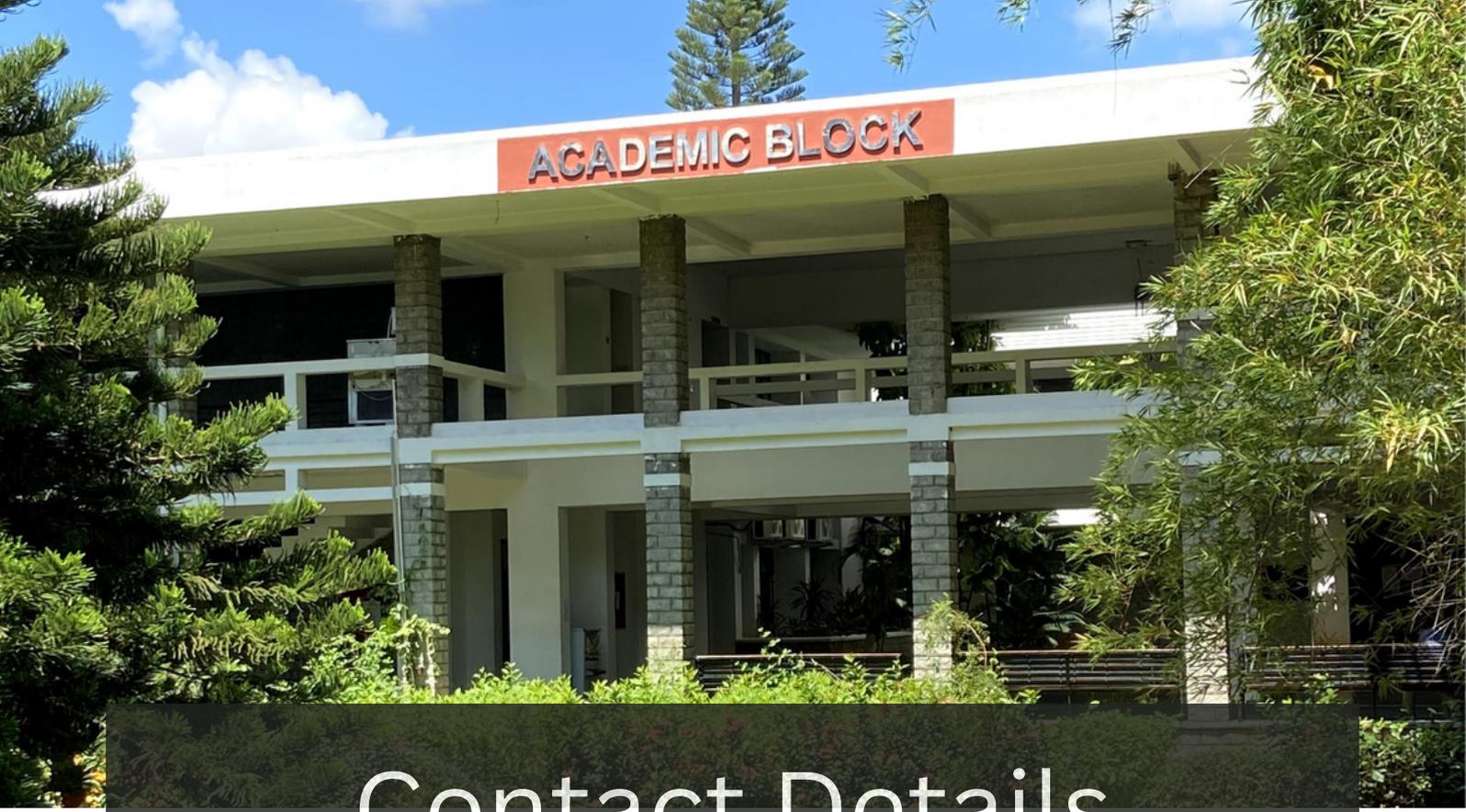
Registration fees are to be paid only to the following bank account:

Name: Registrar NALSAR University of Law (JRCITBL)

A/c No.7181339488

Bank: Indian Bank, Shameerpet Branch

IFSC Code: IDIB000S166

A photograph of a two-story academic building with a red sign that reads "ACADEMIC BLOCK". The building has a modern design with large windows and stone pillars. It is surrounded by lush green trees and a clear blue sky with some clouds.

ACADEMIC BLOCK

Contact Details

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