

GATT disputes: 1948-1995

Volume 2: Dispute settlement procedures



What is the purpose of this publication?

To mark the 70th anniversary of the General Agreement on Tariffs and Trade (GATT), this publication provides verified and factual information on 316 disputes brought by contracting parties to the GATT from 1948 to 1995, when the GATT was superseded by the World Trade Organization.

What procedures governed GATT disputes?

The procedures to settle GATT disputes originally had as their basis two provisions of the GATT 1947: Articles XXII and XXIII. In their continued attempt to resolve emerging trade disputes, GATT contracting parties adapted these procedures to evolving needs and circumstances. Accordingly, an evolving set of rules and practices emerged over the almost 50 years of the provisional application of the GATT 1947, including the dedicated dispute settlement provisions of the Tokyo Round plurilateral codes. The present volume brings together, for the first time, all relevant publicly available texts containing procedures governing GATT dispute settlement, as well as a selection of other key documents of historical relevance and interest.

Find out more and contact the authors

GATT disputes webpage on the WTO website: www.wto.org/GATTdisputes
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Despite the attempt to be complete and comprehensive, nothing in this publication should be interpreted as a definitive or authoritative account of the disputes that took place under the GATT 1947. Suggestions to improve the accuracy and completeness of this publication should be addressed to GATTdisputes@wto.org.

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Volume 2: Dispute settlement procedures

Introduction

Provisional application of the General Agreement on Tariffs and Trade (GATT 1947) began 70 years ago, in 1948, and the same year the first GATT dispute was initiated. In total, 316 disputes were brought under the GATT 1947 and related agreements in its almost 50 years of provisional application.

The procedures to resolve these disputes had as their basis two provisions of the GATT 1947: Articles XXII and XXIII, which were gradually complemented by an evolving set of rules and practices. In their continued attempt to resolve emerging trade disputes, GATT contracting parties adapted these procedures to evolving needs and circumstances. The experience gained in GATT dispute settlement directly informed the negotiations leading to the Dispute Settlement Understanding (DSU) of the WTO.

This second volume of the *GATT Disputes: 1948-1995* publication seeks to facilitate access to the primary sources of GATT dispute settlement procedures. It brings together, for the first time, all the relevant publicly available texts containing procedures governing GATT dispute settlement, as well as a selection of other key documents.

The volume is divided into five sections:

1. the text of Articles XXII and XXIII of the GATT 1947, as provisionally applied from 1 January 1948, and as amended on 7 October 1957;

2. the procedures related to disputes under the GATT 1947, contained in documents reflecting GATT decisions, actions and practices;
3. the dispute settlement provisions of the plurilateral agreements resulting from the Tokyo Round of Multilateral Trade Negotiations (1973-1979);
4. documents of interest concerning GATT dispute settlement procedures, such as analytical notes and descriptions prepared by the GATT Secretariat; and
5. a selection of historical documents on the composition of working parties and panels in GATT disputes.

One-stop information on these procedures may provide a better understanding of the background and outcomes of GATT disputes, some of which have continued relevance in the WTO context. The evolution of GATT procedures, including the different approaches tested over the years, may provide useful background to understanding the DSU, which is the cornerstone of the WTO dispute settlement system.

This volume complements the Overview and one-page case summaries contained in Volume 1 of the *GATT Disputes: 1948-1995* publication.

