

THE DUTY TO SETTLE IN WTO DISPUTE SETTLEMENT

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ABSTRACT

WTO disputes form an important part of the way we think about WTO law today. Nevertheless, given the fact that virtually all of the disputes must, at some point or other, settle, this article argues that an important—and perhaps even pre-eminent—aspect of WTO law is the law of settlement. There is an actual duty on parties in WTO law to resolve the cases they are involved in. This is not a “hard” obligation in the sense of having to achieve a specific result, but rather one of a softer, process-oriented variety. This article examines the law of negotiation and settlement in domestic labour law and Aboriginal law as a prelude to examining the extent of this duty as developed in U.S. – Shrimp and U.S. – Continued Suspension.

KEYWORDS: *WTO, international law, disputes, settlement, cooperation*

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