

REMEDIES FOR VIOLATIONS OF WTO LAW: THE MISPLACED NOTION OF EFFECTIVENESS

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ABSTRACT

The paper attempts to critically review the WTO remedies for violation of WTO agreements. The paper argues that while the WTO's Dispute Settlement Understanding (DSU) has achieved significant procedural advancements, particularly in the area of compulsory jurisdiction and predictability, the DSU has also taken a step backward, narrowing the scope of remedies available for injured complaining Members. Primarily, a Member's responsibility for a breach of a WTO obligation appears to be more restricted than a state's responsibility for a breach of an international obligation under general international law and even the 1947 GATT era. In other words, what an injured member could expect as a remedy for violation of a WTO obligation is limited by the special rules under the DSU. Similar is the case with DSU countermeasures which is authorized automatically, however, is essentially bilateral in operational terms and therefore, inflicted with the political and economic imbalances that inform the remedy of countermeasures.

KEYWORDS: *WTO, DSU, WTO remedies, 1947 GATT*

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