

WTO DISPUTE SETTLEMENT IN THE WAKE OF CORONAVIRUS DISEASE 2019 (COVID-19): EXPLORING THE POSSIBLE BENEFITS AND LIMITS OF CONTEMPORARY MECHANISMS

*Hsien Wu**

ABSTRACT

Coronavirus Disease 2019 (COVID-19) is a newly discovered disease that has now become a global emergency, not just threatening the life and health of many, but also having significant adverse impact on the World Trade Organization (hereinafter “WTO”) legal order due to the response measures enacted by WTO members. However, many governments do not seem to consider the WTO dispute settlement system to be a viable forum for resolving disputes due to the new challenges posed by this epidemic. Based on the design of the dispute settlement system as seen today, this Article identifies a series of factors, including two benefits that the system can provide and four adverse issues that may undermine the system’s effectiveness. This Article hopes that these factors will provide guidance to WTO members on whether to present a dispute to the WTO.

KEYWORDS: *Appellate Body, COVID-19, dispute settlement, DSU, panel, public health, WTO*

* PhD of International Law, The Graduate Institute of International and Development Studies (IHEID), Geneva, Switzerland. The author can be reached at: chuck.wu@graduateinstitute.ch.