

**Dispute Settlement Body
Special Session**

SPECIAL SESSION OF THE DISPUTE SETTLEMENT BODY

Report by the Chairman, Ambassador Ronald Saborío Soto,
to the Trade Negotiations Committee

At the Hong Kong Ministerial Conference, Ministers agreed on the following in respect of the DSU negotiations:

"We take note of the progress made in the Dispute Settlement Understanding negotiations as reflected in the report by the Chairman of the Special Session of the Dispute Settlement Body to the Trade Negotiations Committee (TNC) and direct the Special Session to continue to work towards a rapid conclusion of the negotiations."¹

Since then, the Special Session of the DSB has held two meetings, on 22 February and 21 March 2006, and Members have also continued to be actively engaged in informal consultations in various formats, to advance the work on clarifications and improvements to the DSU.

At the meeting of 22 February, the Special Session first confirmed my appointment as Chairman, following the consensus in the General Council at its meeting on 8 February on the slate of names for the appointment of Chairpersons to the bodies established by the Trade Negotiations Committee.

At that meeting, I proposed that we continue to build on the progress accomplished recently through the "bottom-up" approach, including the informal processes initiated among Members. In light of the direction given by Ministers to work towards "a rapid conclusion of the negotiations", I also encouraged those delegations that are currently engaged in informal work towards revised contributions to come forward with these, preferably by March or by our April meeting, so that we could be fully engaged in text-based discussion by the summer, with a view to finalizing on that basis an agreed text as rapidly as possible. A number of Members expressed their continued support for a bottom-up approach that would in particular allow participants to meet informally to discuss draft text submitted, or intended for submission, to the Special Session.

The work of the Special Session of the DSB thus continues to be based on a bottom-up approach, and the onus remains on participants to continue to build up the outcome of this negotiation.

At the meeting of 21 March, the Special Session considered three new contributions received since the previous meeting. These were an informal contribution by Canada on the protection of strictly confidential information during dispute settlement procedures (JOB(06)/56), an informal contribution by Argentina, Brazil, Canada, India, Mexico, New Zealand and Norway on third-party rights (JOB/(05)/19/Rev.1), and a contribution by the United States in relation to "measures under review", as part of the item on "additional guidance to WTO adjudicative bodies" of its proposal on

¹ WT/MIN(05)/DEC, para. 34.

flexibility and Member-control (TN/DS/W/82/Add.2). The Special Session had a useful first informal discussion of these contributions. Some delegations have also indicated that they are still working towards the presentation of revised contributions on other issues.

Further meetings of the DSB in Special Session have been scheduled for the following dates until the summer:

- 24-25 April;
 - 23 May;
 - 30 June;
 - 3-4 July.
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