

While no new complaints concerning agriculture have been raised since the expiry of the "peace clause", the Cairns Group could at any time, it was noted, immobilize the dispute settlement system with claims against agricultural subsidies under the WTO's subsidies code.¹¹ What strains would that raise, it was asked, for the trading system? The panel decision on cotton attacked so many US laws that, in the perspective of one observer, it was problematic from a systemic perspective: what if the United States were to lose several more such cases on agriculture or on the Farm Bill under the DSU? What would happen if the Appellate Body were to rule on the European Union's Common Agricultural Policy?

The dispute settlement system, including the research capacity in the WTO Secretariat, is already strained, many argued, by the high case load, the volume of which has vastly exceeded the expectations of the framers of the system.

To be sure, the cases taken to the panel stage are but a small part of the picture. Most international commercial disputes are settled outside the DSU altogether (e.g., through the food safety system, etc.). Moreover, diplomatic settlement early in the WTO dispute resolution system is quite active.¹² Former WTO Director General Mike Moore also emphasized the availability of provisions to use the good offices of the DG in mediation and conciliation, but with few takers to date. The Sutherland Report¹³ sug-

¹¹ Editors' note: the two recent agriculture cases targeting sugar subsidies in the European Communities and US cotton subsidies were initiated before the expiry of the so called 'peace clause' under which WTO Members agreed not challenge domestic agricultural subsidies; the expiry of the peace clause was not a factor in either case, although it was referred to in the WTO hearings. No new agricultural cases have been brought to the WTO since the expiry of the 'peace clause'. See Bridges Weekly Trade News Digest, "DSB UPDATE: EC-SUGAR, US-COTTON" (Vol. 8 No. 10, 18 March 2004.)

¹² See, for example, Marc L. Busch and Eric Reinhardt, "The Evolution of GATT/WTO Dispute Settlement", in John M. Curtis and Dan Ciuriak (eds.) *Trade Policy Research 2003* (Ottawa: Department of Foreign Affairs and International Trade, 2003): 143-183.

¹³ Peter Sutherland, et al., "The Future of the WTO: Addressing institutional challenges in the new millennium", Report by the Consultative Board