

GATT circles as the Members were trying to launch the Uruguay Round reminded one observer of the last issue debated in the League of Nations just before World War II: level railway crossings. Is the WTO similarly at risk of losing itself in its own minutiae and missing the big picture?

Some argued, yes. Success is needed in the Doha Round negotiations for the good of the system—and a small round will not do. The Doha Round, it was suggested, better be on people's geopolitical agenda for several reasons:

- The pressures within the trade system are growing, not diminishing, and require the palliative offered by new negotiations. Not least of the sources of pressure are: (a) the expiry at the end of 2003 of the "peace clause" on agricultural disputes; (b) the use of the WTO dispute settlement understanding (DSU) for strategic purposes in order to set up subsequent negotiations; and (c) the negative sentiment in the US Congress to international courts.
- Regional/bilateral agreements are proliferating discriminatory measures.
- Trade was to provide the resources to help achieve the United Nations' Millennium Development goals. If the Doha Development Agenda fails, it might be many years before a new round could be put together. In the interim, it would not be possible to move forward on agriculture and services liberalization, both of which depend on the cross-sectoral trade-offs afforded by a comprehensive round. The broader development agenda was thus at risk.

Balancing the judicial and legislative roles of the WTO

Since the DSU is mandated to clarify the WTO Agreements, dispute settlement and negotiations are intended to work symbiotically within the WTO. The linkage between the WTO's judicial and legislative processes is emphasized by the occasional use of the DSU for strategic purposes in order to set up subsequent negotiations. Thus, in the absence of movement on the negotiating front, dispute settlement is subject to added pressure.