

Table 2. The Pattern of Dispute Outcomes, 1948-1994

Final Disposition of Case	Level of Concessions			Total
	None	Partial	Full	
Panel not established	67	53	54	174
Panel established, no ruling	7	5	23	35
Ruling for complainant	23	29	49	101
Mixed ruling	6	8	6	20
Ruling for defendant	24	0	1	25
Total	127	95	133	355

Note: As in Table 1, since adjudication in the first years of the GATT relied less on formal panels than on other bodies (e.g., working parties or the entire Council) to issue judgments, the term "panel" above includes those alternative authorities as well. "Ruling" above refers to the issuance of reports and not their formal adoption by the Contracting Parties.

The data reveals that defendants offered full or partial concessions in two-thirds of all disputes brought to the GATT. Interestingly, the likelihood of a plaintiff obtaining concessions was actually greater before (65 percent) than after (63 percent) a ruling. Overall, the system was very efficacious, despite its legendary shortcomings. That said, in those cases that went the legal distance, 83 percent of the rulings handed down favoured the plaintiff, and yet concessions were offered in only 63 percent, pointing to the system's weakness at the compliance stage. More telling still, of all the concessions made, 59 percent were the product of early settlement, emphasizing the relative importance of this stage in the GATT process. Indeed, defendants were especially likely to offer concessions *after* a panel had been established, but *before* it had ruled, regardless of which way the verdict went.

WTO Dispute Settlement

Against the backdrop of the GATT, the DSU is viewed as a significant step forward in institutional design.²⁴ Indeed, the DSU has been heralded as "perhaps the most significant achievement

²⁴ See Petersmann 1997; Steger and Hainsworth 1998; Horn and Mavroidis 2001.