Summary

This thesis the Reform of the WTO Dispute Settlement System, deals with urgent questions about the most important system resolution in international economic law. The WTO Dispute Settlement was established in 1995 and since then it has become a prime example of evolution in the field of international dispute resolution. The system itself has indeed its flaws and therefore its critics. Even its "founding fathers" indented to conduct a reform of the mechanism after few years in action. However, the reform has not yet materialised. The aim of the thesis is to discuss the state of negotiations over the reform of the system, in particular in context of power and rule orientation, and to analyze possible causes of the current state. The thesis is composed of six chapters.

Chapter One offers brief characterization of the WTO Dispute Settlement and its main document Understanding on rules and procedures governing the settlement of disputes (DSU), which is found in Annex 2 of the WTO Agreement. Chapter Two chronologically follows the so far unsuccessful development of DSU Revision in WTO. In international trade disputes, two ways of their settlement are recognised: power-oriented and rule-oriented. Both methods are described in Chapter Three. The Chapter Four focuses on the institutional dimension of the reform. The fourth Chapter is subdivided into two parts. The first part examines the proposal to establish the Permanent Panel and the second one looks at the Appellate Body. The procedural dimension is addressed in Chapter Five where the length and speed of dispute resolution are main concerns. Chapter Six deals with various systematic issues such as developing countries, dissent, role of scientific evidence, or third parties.

In the final part, the thesis draws conclusions of the previous chapters. Particular Members' proposals which shift the WTO Dispute Settlement System on power and rule orientation axis are considered as important. It can be at least said that they mirror experience of Members with the system. As a result, approaches of individual Members are various apart from omnipresent general sense that "the system works quite well".

For these reasons, a political consensus among the Member States, which is the only possible way to change the DSU, was not found since 1995 until the present days. Moreover, the question of reform of the WTO Dispute Settlement System is closely linked to the overall reform of the WTO. This is not likely in foreseeable future because of the lack of political leadership and clear direction of the WTO as the stalemate of the Doha Round demonstrates. Therefore, the "DSU revision in practice" is identified as the only feasible approach to adapt the system to changing conditions under which it works.