INTERPRETING WTO AGREEMENTS

PROBLEMS AND PERSPECTIVES

ASIF H. QURESHI



CONTENTS

	Preface page vii	
	List of Abbreviations ix	
	Introduction 1	
1	Interpreting principles of treaty interpretation in the WTO 3	
	 1.1 Introduction 3 1.2 Interpretation of the VC in the WTO generally 7 1.3 Interpretations of the VC 9 1.4 Conclusion 28 	
2	Interpreting institutional aspects of the WTO Agreements 30	
	 2.1 Introduction 30 2.2 The formal mandate to interpret the WTO Agreements 2.3 Approaches to interpreting the institutional aspects of the WTO under the Marrakesh Agreement 43 2.4 Interpretation and the institutional aspects of the dispute settlement system 47 2.5 Interpretation and the Trade Policy Review Mechanism 	33 67
	2.6 Conclusion 69	
3	The national dimension to interpretation in the framework of the WTO 70	
	 3.1 Introduction 70 3.2 Theory 72 3.3 Issues arising from domestic interpretations 77 3.4 Issues arising from translations of the WTO Agreements 3.5 Conclusion 85 	81

4	Interpreting exceptions in the WTO Agreements 87
	4.1 Introduction 87 4.2 What are exceptions in the WTO Agreements? 89 4.3 Principles for interpreting exceptions in treaty law 104 4.4 Conclusion 112
5	Interpreting the WTO Agreements for the development objective 114
	 5.1 Introduction 114 5.2 The development dimension to the interpretation of the WTO Agreements 119 5.3 Textual and teleological approaches and the development dimension 138 5.4 Proposals for reform in the Doha Round 156
6	'Interpreting' in external concerns 160
	6.1 Introduction 1606.2 Apparatus for interpreting in external concerns 1606.3 Conclusion 169
7	Interpreting the agreements on trade remedies 170
	 7.1 Introduction 170 7.2 Discerning the objects and purposes of the trade remedies agreements 172 7.3 Aids in the interpretative processes: lessons from the WTO trade remedies jurisprudence 190 7.4 Inter-relationships of the ADA, the ASCM and the SA 203 7.5 Relationship of trade remedies agreements within the WTO Single Undertaking 207 7.6 Standard of review 213 7.7 Conclusion 225
	Conclusion 228
	Annexes 230 1 Relevant WTO provisions 230 2 Relevant provisions of the Vienna Convention on the Law of Treaties 1969 231
	Index 233