

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5731

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Limited Distribution

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DISPUTE SETTLEMENT PROCEDURES

Implementation of Panel Reports

Communication from Nicaragua

The following communication, dated 15 November 1984, has been received from the delegation of Nicaragua.

I have the honour to request that the following communication be distributed to the contracting parties.

In the light of the discussion which took place at the recent Council meeting concerning point 2(b) of the agenda, with regard to the Canadian communication contained in document L/5720, the Delegation of Nicaragua considers it necessary that the Council when examining the implementation of panel reports pay particular attention to cases involving developing contracting parties. In such examinations, special attention should be paid to paragraphs 22 and 23 of the Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance and to paragraph (viii) of the section on dispute settlement procedures in the Ministerial Declaration.

Implementation of Panel Reports

In order to fully comply with the thrust of paragraphs 22 and 23 of the Understanding, in cases where a recommendation or ruling made by the CONTRACTING PARTIES on a matter affecting the interests of a less-developed contracting party has not been implemented within a reasonable specified period of time, and taking into account that less-developed contracting parties cannot be expected to apply reasonably proportionate retaliatory measures, the CONTRACTING PARTIES shall undertake every effort to make effective this contracting party's rights under Art.XXIII:2 of the General Agreement.