

# The WTO dispute settlement system as a legal impediment to Iran's accession on the WTO

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## Valorisation Addendum

**What is the social (and/or economic) relevance of your research results (i.e. in addition to the scientific relevance)?**

In joining a multilateral organization, developing countries are usually expected to take steps, such as amending/changing their legal domestic system, similar to those that have been taken by developed countries. Sometimes the requirements for joining multilateral organizations can be very costly for applicants. In acceding to the World Trade Organization a country is expected to bring its laws and regulations into compliance with the WTO agreements. If there is any inconsistency between the domestic law and the WTO agreements, the inconsistency should be removed as a precondition to join the WTO. Although countries, and especially developing countries, acceding the WTO may benefit from transitional periods and capacity building support, they may in order to secure their accession also have to accept obligations that go beyond (WTO-plus obligations) and rights that do not extend as far as (WTO-minus rights) those set out in the WTO agreements. This is not very different from some other multilateral agreements whether on economic, cultural or other important matters. For example, to join the WIPO agreements, a low-income country, which does not have any economic interest in the protection of intellectual property rights, is nevertheless required to amend its legal system to protect these rights. Some WTO countries which removed inconsistencies in their domestic legal system to be able to accede to WTO agreements, such as the TRIPS Agreement, have faced complicated compliance issues after accession. Efforts to remove WTO inconsistencies in domestic law when joining the WTO do not always result in full compliance with the WTO agreements. In some instances removing trade barriers cannot be achieved but through long-term economic and cultural action plans and should be achieved through recognised mechanisms and solutions available in the domestic legal system.

Regarding Iran's accession to the WTO, my research has identified and discusses a fundamental legal impediment to Iran's WTO accession, namely the conflict between Iran's constitutional requirement on state and public property dispute resolutions and the compulsory jurisdiction of the WTO dispute settlement system. My research examines the origin of this impediment, including the legal interpretations of the rule containing the

impediment and the reason why this rule was formulated. It informs that the rule containing the impediment was intended to avoid corruption regarding public and state properties. Therefore, if this impediment were to be removed, the national interest of Iran would be at risk. The suggested solutions are based on Iran's constitutional system and will enable it to join the WTO while preserving its national interest. Therefore, these solutions can resolve Iran's WTO accession problem, without sacrificing the rule which can play a key role in corruption prevention regarding public and state property dispute settlements.

**To who, in addition to the academic community, are your research results of interest and why?**

My research can be relevant to those countries that seek to join multilateral agreements/organizations, such as the WTO. My research suggests that solutions based on, and respecting, the legal system of the acceding country may be available and should always be given sufficient consideration.

It bears mentioning that the results of my research can also be useful to those organizations/countries which are negotiating with Iran to resolve important problems in international or regional fields, such as nuclear proliferation and human rights issues.

**Into which concrete products, services, processes, activities or commercial activities will your results be translated and shaped?**

My research will be published as a book. An electronic version will also be published. It is my hope that this book will be translated into Farsi.

It bears mentioning that some parts of my research may also be disseminated to a wider public as stand-alone publications. This could be the case for the chapters on Iran's accession to the WTO, Iran and the WTO dispute settlement system, Iran's constitutional institutions and division of power, Iran's multilateral agreements adoption process rules, legal interpretations of Iran's constitutional requirements on state and public property dispute settlement and the Iran-United States Claims Tribunal.

**To what degree can your results be called innovative in respect to the existing range of products, services, processes, activities and commercial activities?**

The approach used in my research is innovative because it is based on the examination of mechanisms taken from both multilateral and domestic systems. These mechanisms identify solutions to remove the inconsistencies between multilateral agreements and domestic law considering also the national interest and domestic benefits on which the laws containing inconsistencies have formed. In addition to an international perspective, my research is presenting a domestic approach to resolving issues of Iran in international law, including Iran's WTO accession issues.

**How will this/these plan(s) for valorisation be shaped? What is the schedule, are there risks involved, what market opportunities are there and what are the costs involved?**

The results of my research can be used by international negotiators regarding international law issues including Iran's accession to the WTO. They can also be taken into consideration for resolving issues regarding Iran and international law generally.