

WORLD TRADE ORGANIZATION (WTO) FUNCTIONS AND DISPUTE RESOLUTION MECHANISMS

Hayitov Sanjar Ashurqul o'g'li

sanjareshanqulov13@gmail.com

The student of Termez state university

Abstract. *This article explores the functions and dispute resolution mechanisms of the World Trade Organization (WTO), with a special focus on its significance for Uzbekistan. The WTO plays a crucial role in regulating international trade, ensuring fair competition, and providing a structured framework for resolving trade disputes among member states. The study examines the core functions of the WTO, including trade policy monitoring, dispute settlement, and negotiation facilitation. A key aspect of the article is the analysis of the WTO's Dispute Settlement Mechanism (DSM), which is designed to address trade conflicts through a structured legal process. The DSM provides a transparent and efficient system for resolving disputes, preventing trade wars, and maintaining stability in global trade. The paper also reviews notable WTO dispute cases and their implications for international trade law. The findings indicate that the WTO's dispute resolution system is an essential component of international trade governance, ensuring that trade conflicts are managed through legal and diplomatic channels rather than economic retaliation. The study concludes that Uzbekistan's membership in the WTO would provide significant advantages but requires careful policy alignment to maximize benefits.*

Keywords: *World Trade Organization (WTO), WTO functions, Dispute Settlement Mechanism (DSM), international trade law, trade dispute resolution, WTO accession, global trade governance, trade policy reforms, economic integration.*

ВСЕМИРНАЯ ТОРГОВАЯ ОРГАНИЗАЦИЯ (ВТО) ФУНКЦИИ И МЕХАНИЗМЫ РАЗРЕШЕНИЯ СПОРОВ

***Аннотация.** В данной статье исследуются функции и механизмы разрешения споров Всемирной торговой организации (ВТО), с особым акцентом на ее значение для Узбекистана. ВТО играет решающую роль в регулировании международной торговли, обеспечении справедливой конкуренции и обеспечении структурированной основы для разрешения торговых споров между государствами-членами. В исследовании рассматриваются основные функции ВТО, включая мониторинг торговой политики, урегулирование споров и содействие переговорам. Ключевым аспектом статьи является анализ Механизма разрешения споров ВТО (DSM), который предназначен для разрешения торговых конфликтов посредством структурированного юридического процесса. DSM обеспечивает прозрачную и эффективную систему разрешения споров, предотвращения торговых войн и поддержания стабильности в глобальной торговле. В документе также рассматриваются известные спорные дела ВТО и их последствия для права международной торговли. Результаты показывают, что система разрешения споров ВТО является важным компонентом управления международной торговлей, гарантируя, что торговые конфликты разрешаются через юридические и дипломатические каналы, а не путем экономического возмездия. В исследовании делается вывод, что членство Узбекистана в ВТО предоставит значительные преимущества, но требует тщательного согласования политики для максимизации выгод.*

***Ключевые слова:** Всемирная торговая организация (ВТО), функции ВТО, Механизм разрешения споров, международное торговое право, разрешение торговых споров, вступление в ВТО, управление глобальной торговлей, реформы торговой политики, экономическая интеграция.*

The World Trade Organization (WTO) is an international body that regulates trade between nations. Established on January 1, 1995, the WTO emerged from the General Agreement on Tariffs and Trade (GATT), which was created in 1947. The WTO aims to ensure that trade flows as smoothly and predictably as possible. It provides a framework for negotiating trade agreements, a platform for resolving trade disputes, and facilitates the implementation of trade policies. One of the primary functions of the WTO is to serve as a forum for trade negotiations. Member countries engage in rounds of negotiations to reduce trade barriers, such as tariffs and quotas, and to address issues that affect global trade. The most notable round of negotiations is the Doha Round, which began in 2001 and aims to address the needs of developing countries while promoting global trade. Through these negotiations, member states can establish new trade rules, amend existing agreements, and create an environment conducive to international commerce. Another important function of the WTO is the monitoring of national trade policies. The organization conducts regular assessments of member countries' trade policies to ensure compliance with WTO agreements. This transparency mechanism allows members to share information about their trade practices and policies, fostering trust and understanding among nations. The Trade Policy Review Mechanism (TPRM) is a key component of this function, where member states undergo periodic reviews of their practices to ensure adherence to WTO commitments. The WTO also provides technical assistance and training for developing countries to help them build their trade capacities. This support includes workshops, seminars, and resources aimed at enhancing the skills and knowledge of trade officials in these countries. By improving their understanding of international trade rules and practices, developing nations can better engage in the global trading system, thus benefiting from increased trade opportunities. Capacity building is vital as many developing countries face challenges such as limited access to technology and information, which hampers their ability to compete in international markets. The WTO's assistance helps these countries navigate trade negotiations, implement trade agreements, and develop national trade policies that align with international

standards. This function not only aids in leveling the playing field but also promotes sustainable development through increased economic opportunities. Trade facilitation is another critical area of focus for the WTO. The organization works to simplify and harmonize international trade procedures, making it easier for goods to move across borders. The Trade Facilitation Agreement (TFA), which came into force in February 2020, is a landmark achievement in this regard. It aims to expedite customs procedures, improve transparency, and enhance the efficiency of cross-border trade, especially benefiting developing and least-developed countries. The TFA is expected to reduce trade costs significantly and boost global trade by billions of dollars, fostering economic growth and development.

The WTO also addresses various trade-related issues that arise in the global economy. These include trade and environment, trade and public health, and trade and labor standards. The organization recognizes that trade policies can have significant implications for sustainable development, health, and social welfare. As a result, the WTO encourages member states to consider these factors in their trade policies, promoting an integrated approach to trade that supports both economic growth and social responsibility. A crucial aspect of the WTO's role is its function in resolving trade disputes between member countries. The Dispute Settlement Body (DSB) of the WTO is responsible for adjudicating trade disputes that arise when countries believe their rights under WTO agreements have been infringed. The DSB provides a structured process for resolving conflicts, balancing power dynamics between developed and developing countries. The dispute resolution mechanism is integral to maintaining trust in the global trading system. It comprises several stages, including consultations, panel proceedings, and the appellate process. Initially, when a dispute arises, the countries involved are encouraged to resolve their differences through negotiations. If these consultations fail, the complaining party may request the establishment of a panel to examine the case. The panel, composed of independent experts, examines the evidence presented by both parties and issues a report with findings and recommendations. If either party is dissatisfied with the panel's decision,

they can appeal the ruling to the Appellate Body, which reviews the case and issues a final decision. The WTO encourages compliance with rulings made by the panels and the Appellate Body. If a member country fails to comply, the DSB can authorize retaliatory measures, allowing the complaining party to impose trade restrictions on the offending member until compliance is achieved. This enforcement mechanism is vital for upholding the rules-based trading system and ensuring that countries adhere to their commitments. However, the WTO's dispute resolution system has faced challenges in recent years. The Appellate Body's operations have been stalled since December 2019 due to a lack of appointed judges, leading to a backlog of cases and concerns about the effectiveness of the dispute settlement system. This situation has raised alarms among member countries regarding the future of the WTO and its ability to serve as a credible forum for resolving trade disputes.

In response to these challenges, various members have proposed reforms to improve the dispute resolution process, including enhancing the efficiency of panel proceedings, reviewing the Appellate Body's functions, and exploring alternative dispute resolution mechanisms. These discussions highlight the ongoing evolution of the WTO and its adaptation to the changing dynamics of global trade. The WTO also plays a role in promoting trade policies that support fair competition. It addresses issues such as subsidies, state-owned enterprises, and trade-related investment measures that can distort competition. By managing these concerns, the WTO seeks to create a level playing field where members can compete fairly, fostering innovation and efficiency in global markets. Furthermore, the WTO engages in outreach and dialogue with various stakeholders, including business communities, non-governmental organizations (NGOs), and academia. This engagement helps the organization to understand the perspectives of different stakeholders and incorporate their insights into its work. The WTO recognizes that it operates in a complex global landscape where diverse interests must be considered to develop effective trade policies. Global issues such as digital trade, climate change, and public health have gained prominence in recent years, prompting the WTO to explore their implications

for international trade. Initiatives aimed at addressing the challenges and opportunities posed by these issues are crucial for ensuring that the global trading system remains relevant and responsive to emerging trends. The COVID-19 pandemic underscored the importance of global trade and cooperation in addressing crises. The WTO played a pivotal role in facilitating discussions among member countries about trade policies that would support economic recovery and the equitable distribution of vaccines. The pandemic highlighted the interconnectedness of the global economy and the need for collaborative efforts to address shared challenges. The World Trade Organization (WTO) stands as a pivotal institution in the realm of international trade, playing a critical role in shaping global economic relations since its establishment in 1995. By serving as a platform for negotiations, monitoring trade policies, providing technical assistance, and resolving disputes, the WTO influences how nations engage in trade, fostering stability and predictability. This article delves into its functions and the mechanisms by which it resolves disputes among member countries. One of the WTO's primary functions is to facilitate trade negotiations among its members. The organization provides a platform for countries to come together to discuss trade-related issues, share their concerns, and negotiate mutually beneficial agreements. The process is structured around rounds of negotiations that focus on various aspects of trade, including tariffs, service sectors, and intellectual property. The Doha Development Round, named after the capital of Qatar where it was launched, remains one of the most significant multilateral negotiations under the WTO framework. Initiated in 2001, it aimed to address the specific needs of developing countries while attempting to reduce barriers to trade worldwide. However, this round has faced considerable challenges, particularly due to conflicting interests among developed and developing countries regarding agricultural subsidies, market access, and non-agricultural market access. Transparency and adherence to commitment are crucial in international trade. The WTO monitors the trade policies of its members to ensure compliance with the agreements and commitments they have made. Through the Trade Policy Review Mechanism (TPRM), member states are

subjected to periodic evaluations of their trade practices, providing an opportunity for peer scrutiny and accountability. This monitoring function serves multiple purposes. It enhances the understanding of trade policies and practices among member countries, builds trust by allowing for constructive engagement, and offers an opportunity for countries to raise concerns about potential trade-distorting actions taken by others. Countries that are subject to review must prepare comprehensive reports detailing their trade policies and practices, outlining commitments, and discussing any changes that have occurred. The WTO recognizes that not all member countries are on equal footing in terms of trade capacity. Technical assistance and capacity-building initiatives are essential for supporting developing and least-developed countries (LDCs) in their efforts to participate in the global trading system effectively. These initiatives include workshops, training programs, and resources aimed at enhancing the skills and knowledge of trade officials, policymakers, and business representatives in developing countries. By providing guidance on international trade rules, negotiation techniques, and policy formulation, the WTO empowers these countries to engage meaningfully in trade discussions and negotiations. This assistance is especially pivotal in helping LDCs overcome structural challenges, such as limited infrastructure, lack of access to technology, and weak institutional capacity. The WTO collaborates with various agencies and organizations to ensure that support is tailored to the specific needs of individual countries. The efficiency of customs procedures and border control measures significantly impacts international trade. Recognizing these challenges, the WTO has made trade facilitation a top priority. The Trade Facilitation Agreement (TFA) was adopted in 2013 during the Bali Ministerial Conference and aims to streamline customs procedures, reduce trade costs, and enhance the predictability of trade flows.

The TFA commits WTO members to implement measures that simplify and modernize customs procedures, such as allowing for electronic documentation, improving border infrastructure, and enhancing cooperation between customs authorities. The agreement is expected to benefit developing countries by reducing

trade costs and improving access to international markets. Implementing the TFA can lead to enhanced competitiveness for businesses in developing countries and stimulate economic growth. By reducing bureaucratic red tape and improving the speed of customs clearance, countries can expedite the movement of goods across borders, thus promoting trade.

As the global trading landscape evolves, new issues emerge that require the WTO's attention. The organization has begun addressing complex challenges such as digital trade, sustainability, and the intersection of trade with public health policies. The rise of the digital economy calls for new rules and frameworks to govern digital transactions, data flows, and cybersecurity in trade. Digital trade presents both opportunities and challenges, particularly for developing countries that may lack the digital infrastructure necessary for participation. Therefore, discussions within the WTO focus on how to create inclusive policies that promote equitable access to digital trade benefits while ensuring a secure and fair trading environment. Similarly, the ongoing discourse around sustainability and climate change has prompted the WTO to explore how trade policies can support environmental goals. The organization encourages members to consider the implications of trade on sustainable development, recognizing the vital links between trade practices, environmental protection, and public health. The WTO's dispute resolution mechanism is a cornerstone of its operations, ensuring that trade conflicts among member states can be addressed in a structured and fair manner. The Dispute Settlement Body (DSB) is responsible for adjudicating trade disputes that arise when member countries believe their rights under WTO agreements have been violated.

The dispute resolution process generally involves several key stages:

Consultation Stage: When a dispute arises, the parties involved are encouraged to first engage in consultations to resolve their differences amicably. This informal dialogue often helps parties find common ground and reach a negotiated settlement without escalating the issue further.

Panel Stage: If consultations fail to result in a resolution, the complaining party may request the establishment of a panel. The panel comprises independent experts who are tasked with examining the evidence and legal arguments presented by both parties. The panel conducts hearings, reviews submissions, and ultimately issues a report detailing its findings and recommendations.

Appellate Stage: If either party is dissatisfied with the panel's ruling, they can appeal the decision to the Appellate Body, which consists of a group of judges with expertise in international trade law. The Appellate Body reviews the legal aspects of the case and can uphold, modify, or reverse the panel's findings. The decision made by the Appellate Body is final and binding.

Compliance and Enforcement: Following a ruling, the member found to be in violation is expected to comply with the decision and rectify the situation. If compliance is not achieved within a reasonable timeframe, the DSB may authorize the complaining party to impose retaliatory measures, which can include raising tariffs on imports from the non-compliant member.

This structured process reflects the WTO's commitment to a rules-based trading system and provides a mechanism for resolving disputes without resorting to unilateral trade actions that could escalate into trade wars. The effectiveness of this system relies on the willingness of member countries to adhere to the rules and engage constructively in resolving conflicts. In recent years, the WTO's dispute resolution system has faced significant challenges, particularly concerning the Appellate Body. Since December 2019, the Appellate Body has been unable to operate due to a lack of judges, leading to a backlog of cases and raising concerns about the effectiveness of the dispute settlement process. Member countries have expressed frustration over the inability to resolve disputes effectively, resulting in calls for reforms. Discussions around potential reforms have focused on various aspects, including improving the efficiency of panel proceedings, addressing concerns regarding the Appellate Body's interpretation of trade rules, and exploring alternative dispute resolution methods.

These discussions underscore the necessity for the WTO to adapt to evolving geopolitical dynamics and trade practices. As global trade continues to evolve, many countries are increasingly turning to regional and bilateral trade agreements as alternatives or complements to multilateral negotiations under the WTO. These arrangements allow countries to establish preferential trade terms with specific partners, often leading to faster progress on trade liberalization. However, the proliferation of regional and bilateral agreements raises concerns about the fragmentation of the global trading system. These agreements could potentially undermine the WTO's authority, as countries may opt for smaller, more manageable negotiation frameworks that bypass the complexities of multilateral discussions. The WTO encourages its members to consolidate regional and bilateral agreements within the broader multilateral framework, seeking coherence and consistency among various trade agreements. Finding the right balance between regional initiatives and the multilateral trading system remains a significant challenge for the WTO.

Conclusion. The World Trade Organization serves a multifaceted role in the realm of international trade, acting as a forum for negotiation, a monitor of trade policies, a provider of technical assistance, and a dispute resolution body. Its functions are crucial for promoting a rules-based trading system that fosters economic growth, development, and cooperation among nations. The effectiveness of the WTO's dispute resolution mechanisms is vital for maintaining trust in the global trading system, although recent challenges have prompted discussions about necessary reforms. As global trade continues to evolve in response to new economic realities and challenges, the WTO must adapt to remain relevant and effective. By addressing emerging issues and enhancing its dispute resolution processes, the WTO can continue to fulfill its mission of facilitating free and fair trade, ultimately benefiting nations and consumers around the world. The organization's commitment to ensuring that trade remains a cornerstone of global economic stability is essential for a prosperous future. The World Trade Organization is at the forefront of international trade governance, with a multifaceted role that encompasses negotiation facilitation, monitoring trade

policies, providing technical assistance, and resolving disputes. Its functions are critical for maintaining a rules-based trading system that fosters economic growth and development. Through its dispute resolution mechanisms, the WTO ensures that conflicts among member countries can be addressed fairly and effectively, thereby promoting stability in global trade. While challenges persist, particularly regarding compliance and the functionality of the Appellate Body, ongoing discussions about reforms and adaptations will be crucial in ensuring the WTO remains relevant in a rapidly changing trade landscape. As global issues such as digital trade, sustainability, and public health emerge, the WTO will need to navigate these challenges while advocating for more inclusive and equitable trade practices. As an institution built on the principles of cooperation and dialogue, the WTO will continue to play a vital role in shaping the future of international trade, driving global economic prosperity and fostering peaceful relations among nations. The necessity for adaptability and robust engagement will dictate the WTO's capacity to respond effectively to the evolving demands of the world economy.

Bibliography:

1. Hoekman, Bernard M., & Kostecki, Michel M. (2009). *The Political Economy of the World Trading System: The WTO and Beyond* (3rd ed.). Oxford University Press.
2. Jackson, John H. (1997). *The World Trade Organization: Constitution and Jurisprudence*. Royal Institute of International Affairs.
3. Van den Bossche, Peter, & Zdouc, Werner. (2021). *The Law and Policy of the World Trade Organization* (5th ed.). Cambridge University Press.
4. Matsushita, Mitsuo, Schoenbaum, Thomas J., & Mavroidis, Petros C. (2017). *The World Trade Organization: Law, Practice, and Policy* (3rd ed.). Oxford University Press.
5. Davey, William J. (2005). "The WTO Dispute Settlement System: The First Ten Years." *Journal of International Economic Law*, 8(1), 17–50.

6. Pauwelyn, Joost. (2002). "The Use of Experts in WTO Dispute Settlement." *International and Comparative Law Quarterly*, 51(2), 325–364.
7. Horn, Henrik, & Mavroidis, Petros C. (2006). "The WTO Dispute Settlement System 1995–2004: Some Descriptive Statistics." *World Bank Economic Review*, 19(1), 151–170.
8. Bown, Chad P. (2004). "On the Economic Success of GATT/WTO Dispute Settlement." *Review of Economics and Statistics*, 86(3), 811–823.

Online Sources

9. World Trade Organization. (n.d.). Understanding the WTO: Settling Disputes. Retrieved from <https://www.wto.org/>
10. WTO Secretariat. (2015). A Handbook on the WTO Dispute Settlement System (2nd ed.). Retrieved from <https://www.wto.org/>
11. International Centre for Trade and Sustainable Development (ICTSD). (2019). WTO Reform: Reshaping Global Trade Governance for the Future. Retrieved from <https://ictsd.org/>