WTO Dispute Settlement System = Rule of Law

- Unique system of resolving trade disputes (coverage – trade in goods, services, IPR)
- Not a court, but allows for internationally recognized interpretations of the provisions of Agreements and commitments of WTO Members
- Enforcement: DSB “shall keep under surveillance the implementation of the adopted recommendations and rulings” with the authority to mandate retaliation in case of non-compliance
WTO Dispute Settlement System = Rule of Law
WTO Dispute Settlement System = Rule of Law

### Dispute cases involving Ukraine

Place your mouse over a dispute number in the table below to see the title of the dispute. Click on the dispute number to go to a page giving detailed information for that dispute.

<table>
<thead>
<tr>
<th></th>
<th>as complainant</th>
<th>as respondent</th>
<th>as third party</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ukraine</strong></td>
<td>3 case(s): DS411, DS421, DS434</td>
<td>3 case(s): DS423, DS468, DS493</td>
<td>9 case(s): DS435, DS441, DS458, DS462, DS467, DS471, DS474, DS479, DS485</td>
</tr>
</tbody>
</table>

> See this on a map
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- IMPORTANT: Proper dialogue business to government should be established

- **Trade concern** → **trade issue** → **trade dispute**
- **Special trade concerns (STC s)** are being regarded at the WTO Committees and Councils
- **Strong case is made by a mutual support and coordination between business and government**
WTO Dispute Settlement System = Rule of Law

WTO is government to government forum, before a government decides to initiate a trade dispute the algorithm is as follows (as a rule):

- examine the details of the trade issues and its “environment”
- Identification of the nature of the barrier or breach under the WTO rules (commercial, economic, systemic)
- develop possible options for action (bilateral, litigation or negotiations)
- is there commitment from business to support and cooperate with the government
Some essential conclusions:

- Cases may be brought before the WTO for economic and systemic reasons (ensuring rights and market access)
- Engagement and support from business to government is highly important
- Members must not use the system for political reasons but should seek to resolve differences in interpretation of WTO law