

WTO dispute settlement

Klíčová slova: WTO, NAFTA, řešení sporů

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ABSTRACT

The World Trade Organization was established fourteen years ago as a successor of the General Agreement on Tariffs and Trade to facilitate and develop international trade by removing obstacles and gradually lead the world to global trade liberalization. The purpose of the WTO, however, could not be achieved without its ability to solve the disputes that would arise among its members. Therefore, dispute settlement mechanisms are one of the cardinal elements of the multilateral trading system. In addition to the WTO, there are many different regional clusters of economic integration which have their own mechanisms for resolving disputes. In many of said organizations the parties are usually also a WTO Member States. An example of this is the North America Free Trade Agreement (NAFTA) - which might be the largest FTA in the world. This thesis has three main aims: to undertake (i) nearly comprehensive description of the WTO dispute settlement system, (ii) comparison of the WTO and NAFTA dispute settlements and (iii) confirmation of the hypothesis that the WTO dispute settlement system, in comparison with NAFTA's, is a more appropriate forum for Trade related dispute's resolution. It basically answers the question: "If there are overlapping jurisdictions of both systems, which of them is generally preferable to resolve disputes?" In order to attain this answer, this thesis has been divided in five chapters, which deal with the following topics: The first chapter deals with the historical development of dispute resolution from WTO's predecessor, GATT 1947 to the emergence of the WTO. The second chapter focuses in greater detail on the various stages of the proceedings, while the third chapter deals with selected aspects of the WTO dispute settlement mechanism. Chapter four focuses on the comparison of WTO and NAFTA dispute settlement mechanisms. Herein a comparison is made, in the institutional and procedural level, of the similarities and differences, as well as the specific advantages and disadvantages for the parties in both systems. The final chapter provides the actual evaluation and confirmation of hypotheses. It summarizes the findings and implications of the

ŘEŠENÍ SPORŮ VE WTO

conclusion of this work. The conclusion resulting from the confirmation of the hypothesis cannot result in a flat-rate for other free trade areas, customs unions, single or internal markets, but rather is limited to this unique combination of national and contractual arrangements.