

## **A Study on Role of International Alternative Dispute Resolution Method for Growth of Export Import**

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### **ABSTRACT**

The main purpose behind creating this paper is to study the need for ADR to resolve foreign trade disputes expeditiously and to facilitate foreign trade. The researcher will examine the use of international arbitration methods by international traders in this research. Here the researcher has tried to find out how to stop the deterioration of international relations with the help of international ADR method. International ADR is currently facing some problems. This research will be based on the secondary research methodology. And this research will help people involved in international trade.

**Keywords:** *Dispute Settlement, Export, Imports, Business, International ADR, Online ADR, Export Import*

**D**isputes arise when a country adopts trade policy measures or imposes certain trade sanctions that members of a fellow World Trade Organization consider to be in violation of the World Trade Organization Agreement or fail to fulfill obligations.

A third country can also execute as a party to the dispute. It is the responsibility of the dispute resolution body to resolve the dispute. It begins with the advice of the disputing parties, fails, and the complainant files a request for the formation of a "panel" to rule on his complaint. If it is not satisfied with the judgment of the panel, the Dispute Settlement Organization concludes with the adoption of the Appeal B Body D Report, the right to file an appeal before the "Appeal B Body D" with a demand for settlement of the dispute in question.

The losing country is directed to bring its trade policy in line with the judgments or recommendations of the Dispute Resolution Organization, in which case it faces sanctions such as failure, compensation, fines or even trade sanctions. In principle, approval should apply in the same area in which the dispute arose. If the dispute resolution body thinks that if this is not practical or it will not be effective, sanctions will be imposed in different areas in the same agreement.

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*Figure 1 General Dispute Face by Exporter & Importer*

### Objective of the study

1. To study ADR settlement strategy in International Trade.
2. To study role of WTO regarding implementation of dispute settlement policy.
3. To study international ADR method.
4. To study settlement issue face by exporter & importer

### Hypothesis of the study

1. If international ADR is work well then it help to grow up export import industries.
2. If exporter got fastest way to short out dispute then strong trade relationship possible between two countries.

### Research methodology

This Research based on secondary database only.

### Current situation regarding dispute resolution in international Trade

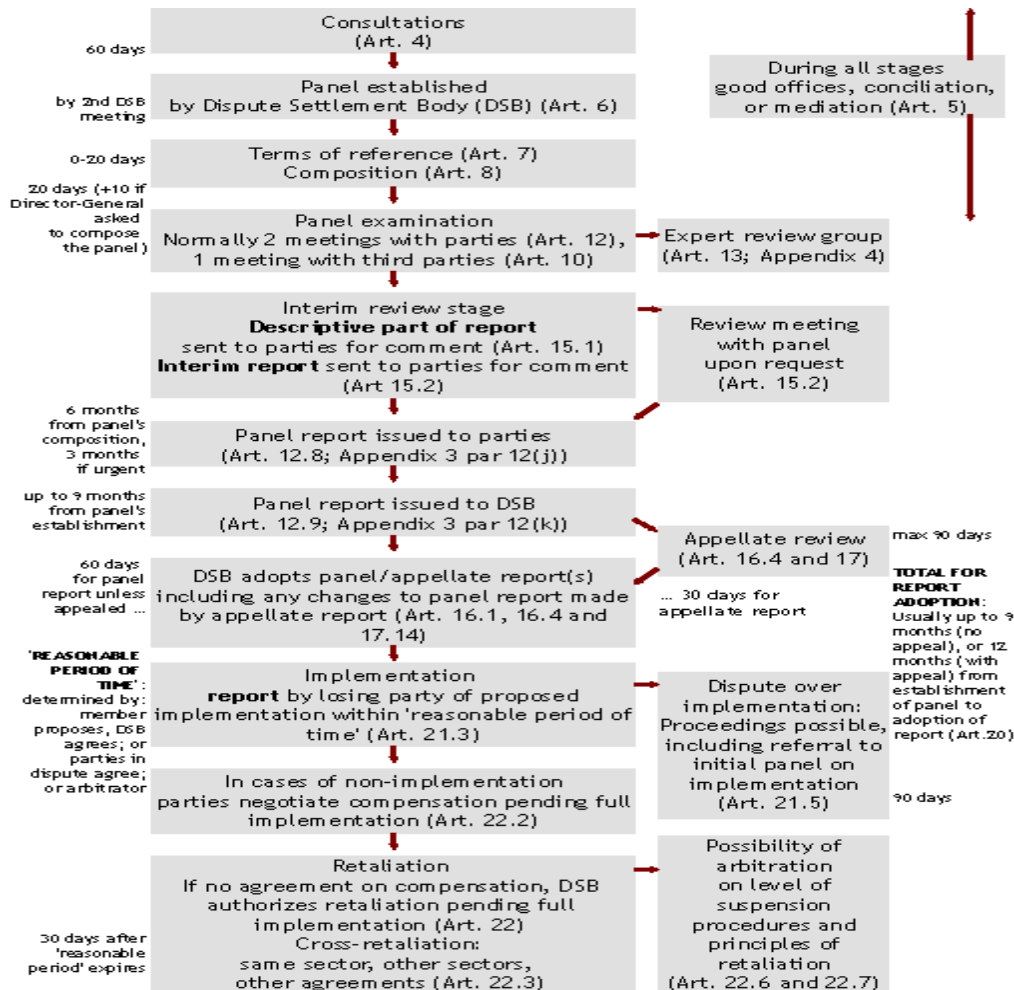
Resolving trade disputes is one of the main activities of the WTO. Controversy arises when a member government believes that another member government is violating an agreement or commitment that it made in the WTO. The WTO has the world's most active international dispute resolution methods. Since 1995, 597 disputes have been brought to the WTO and more than 350 judgments have been issued.

The WTO Analytical Index is a comprehensive guide to the interpretation and application of WTO agreements by the Appellate Body, Dispute Resolution Panels and other WTO bodies. It includes thousands of pages of key declarations and findings from WTO jurisprudence, including

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panel reports, appeals body reports, arbitration decisions and awards and decisions from WTO committees, councils and other WTO bodies.

The WTO el palette of reports and awards covers Body D judgments appealing in WTO disputes since its inception in 1995.



*Flow chart of the Dispute Settlement Process*

### CATEGORY OF ADRS IN EXIM

Globally, Alternate Dispute Resolution (ADR)

Court-annexed or Independent and Discrete (Freestanding) ADR

- **ADR attached to Law Suite, i.e. Court Adex ADR**  
Independent and Independent (Freest and Nnding) ADR  
Local or community based ADR
- **Binding or non-binding ADR**  
Negotiation, mediation and conciliation programs are non-binding and subject to the parties' readiness to reach a voluntary agreement.

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- Arbitration programs can be either binding or non-binding. Binding arbitration produces a third-party decision that must be followed even if the disputant disagrees with the outcome, just like a judicial decision. Non-binding arbitration produces a third-party decision that the parties may reject.
- Negotiations are a largely informal process
- **formal and informal ADR**
- When a particular ADR mode is attached to the court, it is more formal
- When the specific mode of ADR is independent and freestanding, it is informal.

The Dispute Resolution Agreement (DSU) is often seen as one of the most important achievements of the World Trade Organization (WTO) agreement. While the GATT also includes provisions for conflict resolution, the DSU includes a number of innovations. In particular, the clarification of the provisions on procedural matters, and its provisions establishing a monitoring plan for the observation of implementation, are generally considered to be superior to those of its predecessors. Recently, however, there has been criticism of the possibility for poor countries to take full advantage of the system. The purpose of this paper is to discuss the potentially important aspect of the role of DSU for poor countries, the question of whether the measures against illegality provided in DSU allow poorer countries as well as richer countries to protect their rights.

To this end, we will consider both the legal and economic aspects of DSU and their interaction. Naturally, these issues cannot be fully assessed in a single paper. First, very little economic research is done on DSU in general, and its impact on poor countries in particular. Therefore, we are more or less in this context from the beginning. Second, the issues involved are very complex. Relevant agreements are many, and often complex from a legal point of view, and it is not conceivable that they sometimes accept conflicting interpretations of some of their clauses. Then there is the question of the complexity of the implementation of these agreements on the economies of different countries. But, the problems do not stop here: as will be argued below, there are important links between the Dispute Resolution (DS) system and international politics. Thus there is a significant need for rigorous research in these matters, and before we can bear fruit, we must limit ourselves (hopefully to the uninitiated) to intuition.

We will use the term «developing country term in two senses. First, we use it in the traditional sense to indicate a relatively weak country. In addition to low GNP / per capita, these countries share features such as:

1. Smaller GNPs compared to major players in the business sector.
2. Limited local legal resources;
3. Exports are concentrated in terms of products and trade partners;
4. High average trade barriers;
5. Economic and political dependence on industrialized countries.
6. As will be discussed below, there are reasons to believe that the countries classified by these features are more prosperous than the D.S.

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Second, we will also use the term "developing country" in the legal sense used in WTO agreements, where many provisions specifically refer to "developing countries". However, in the WTO, as in public international law, there is no specific definition of the term «developing country. As a reflection of the principle of sovereignty, one generally accepts the principle of self-determination, by which a country is a developing country by simply declaring itself one. [1] All WTO members, using the principle of self-election, can declare the status of a developing country. All countries have chosen to do this at least once, except the European Community (EC), the United States, Canada, Japan, Switzerland, ND, Norway, Australia, Australia and New Zealand.

### **CONCLUSION**

Main conclusive remark is that while the DSU contains many provisions that seek to improve the prospects for developing countries to take advantage of the system, its basic design makes this difficult. Due to the lack of effective sanctions against violators of the WTO agreement, at the end of the day, the approvals provided by membership are largely left alone in their struggle against country violators, and consequently countries that are economically and politically weak. There are disadvantages to the WTO system.

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### **Conflict of Interest**

The author declared no conflict of interest.

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