

# An Assessment of the Mechanisms for the Protection of Traders in International Trade Disputes

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## Abstract

International trade functions as a crucial engine of economic development, propelling growth, innovation, and the transnational exchange of goods and services. By enabling nations to leverage their comparative advantages through specialized production, it bolsters efficiency and fuels economic expansion. This study analyzes the safeguards available to protect traders embroiled in international trade disputes. Tracing the evolution of international trade from rudimentary bartering systems to the sophisticated architecture of the World Trade Organization (WTO), the analysis illuminates the enduring quest for a stable and efficient trading regime. Notwithstanding the WTO's endeavors, trade disputes remain prevalent, exposing the precarious position of traders in cross-border transactions. This study posits that sound protective mechanisms are indispensable, given traders' function as both risk mitigators and facilitators of market efficiency. The research also recommends for proactive preventative measures, targeted capacity-building initiatives, and amplified collaboration among stakeholders.

## 1. Background

International trade has been a driving force behind economic, cultural, and geopolitical interactions, considered a catalyst for economic development.<sup>1</sup> It promotes growth, innovation, and opportunities for nations to specialize in the production of goods and services. Trade enables nations to exploit comparative advantages, focusing on industries where they excel.<sup>2</sup> This specialization increases efficiency, leading to higher productivity and economic growth<sup>3</sup>.

More specifically, engaging in international trade allows developing countries to integrate into the global economy, gaining access to resources and expertise that might be scarce domestically. The creation of jobs in export-oriented industries is a crucial means by which trade contributes to poverty reduction. As industries extend their reach to international markets, there is often a need for a larger workforce, offering employment opportunities for local populations. This success is evident in countries like China, where export-led growth has lifted millions out of poverty.<sup>4</sup>

The roots of international trade can be traced to the earliest civilizations, where the interchange of goods and ideas laid the foundation for the system of global commerce we witness today. Mesopotamia, recognized as the

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<sup>1</sup> KreshnikAliaj and Genc Mekaj. (2018). Legal Aspects of International Trade. *ILIRIA International Review*, 8(2), pp. 171-191: 171.

<sup>2</sup> *Ibid.*

<sup>3</sup> Ricardo, D. (1817). *On the Principles of Political Economy and Taxation*. John Murray.

<sup>4</sup> Krugman, P. R. (1980). Scale Economies, Product Differentiation, and the Pattern of Trade. *American Economic Review*, 70(5), pp. 950–959: 954.

cradle of civilization, participated in trade as early as 3000 BC. The exchange of commodities such as metals, textiles, and agricultural products served as the cornerstone of economic interactions between various city-states.<sup>1</sup>

In 1947, after lengthy negotiations (1944-1947) aimed at establishing a stable multilateral economic order, 23 countries signed the General Agreement on Tariffs and Trade (GATT). While it was not possible to reach a broad agreement with respect to the extent of liberalization in most sectors of international trade, it was recognized that unilateral and discriminatory practices of the period between the two world wars had negative consequences for all parties. The principles of mutuality and waiver of discrimination on traders proclaimed in GATT were reflected in the concepts of “Most favored nation treatment” and “national treatment”.<sup>2</sup> During the last (Uruguay) round (1986-1994), GATT established WTO which significantly expanded the scope of GATT with covering by its rules the trade in services and trade-related aspects of intellectual property. Thus, the GATT system was adapted to the new conditions of modern international trade.<sup>3</sup>

Despite the establishment of the World Trade Organization (WTO), trade disputes between countries continue to emerge. The importance of protecting traders is intrinsically tied to their role in international trade. Traders generally act as risk managers, absorbing and mitigating uncertainties inherent in cross-border transactions. Whether dealing with currency fluctuations, geopolitical tensions, or logistical challenges, traders act as skilled navigators steering businesses through the uncertainties of international trade.<sup>4</sup> Moreover, they contribute to market efficiency by optimizing the distribution of goods. They identify opportunities, assess demand, and match it with the right supply. In doing so, traders enhance resource allocation, reduce market inefficiencies, and contribute to the overall resilience of the global supply chain.<sup>5</sup>

Traders are not mere facilitators of transactions; they are catalysts for economic growth on a global scale. Their ability to connect producers with consumers, even across borders, stimulates trade volumes and economic activity.<sup>6</sup> They are at the forefront of driving innovation in international trade. Their continuous adaptation to evolving market dynamics and regulatory landscapes stimulates a culture of innovation within the industry. The need to overcome trade barriers, navigate complex regulatory frameworks, and exploit emerging market opportunities are some of the many challenges faced by traders in international trade.<sup>7</sup>

Trade agreements have been enacted to address the impediments to international trade. However, these agreements are not immune to disputes, which often arise from disagreements over interpretation, compliance, or changing economic circumstances. Disputes can arise when one party perceives that another is not adhering to the terms of an agreement. This non-compliance can lead to formal dispute resolution processes outlined in trade agreements or escalate tensions between the involved parties.<sup>8</sup>

## 2. The Concept of International Trade Disputes

Disputes, in a general context, refer to disagreements or conflicts arising between parties due to differing interests, interpretations, or expectations. In legal terms, disputes often pertain to disagreements that require resolution through negotiation, arbitration, or litigation. Disputes can arise in various fields, including business, labour relations, property rights, and international relations. The resolution of disputes is essential for maintaining order and fostering cooperation among parties involved. In the context of international trade, disputes can emerge from a variety of issues, including trade policies, tariffs, quotas, and regulations imposed by governments.<sup>9</sup>

International trade disputes specifically are conflicts that arise between countries regarding the interpretation and

<sup>1</sup> Bulliet, R. W. (2005). *The Earth and Its Peoples: A Global History*. Houghton Mifflin, p. 4.

<sup>2</sup> “General Agreement on Tariffs and Trade (GATT).” Available at; <https://www.britannica.com/topic/General-Agreement-on-Tariffs-and-Trade> (Visited on 23/12/2023)

<sup>3</sup> *Ibid.*

<sup>4</sup> Meléndez-Ortiz, R., Bellmann, C., & Hepburn. (2012). *The future of trade: The challenges of convergence*. Cambridge: Cambridge University Press.

<sup>5</sup> Bagwell, K., & Staiger, R. W. (2002). *The Economics of the World Trading System*. MIT Press.

<sup>6</sup> Pomeranz, K. (2000). *The Great Divergence: China, Europe, and the Making of the Modern World Economy*. Princeton University Press.

<sup>7</sup> Bhagwati, J. (2004). *In Defense of Globalization*. Oxford University Press.

<sup>8</sup> Pauwelyn, J. (2011). *Conflict of Norms in Public International Law: How WTO Law Relates to Other Rules of International Law*. Cambridge University Press.

<sup>9</sup> Jackson, J.H. (2006). *The World Trading System: Law and Policy of International Economic Relations*. MIT Press.

application of trade agreements or rules governing international commerce.<sup>1</sup> These disputes may involve issues such as unfair trade practices, violations of trade agreements, or the imposition of tariffs and non-tariff barriers that hinder free trade. The complexity of international trade disputes is often heightened by the differing legal frameworks, economic interests, and political considerations that characterize each country involved. As globalization continues to expand, the number of international trade disputes have also increased, necessitating effective mechanisms for resolution.

At the heart of international trade disputes lie disagreements over the interpretation and application of trade rules. These rules can be found in various sources, including bilateral and regional trade agreements, multilateral agreements like the WTO agreements, and customary international law. Disputes can arise when one country believes another is violating these rules, either through the implementation of protectionist policies, the imposition of unfair trade barriers, or the failure to uphold intellectual property rights.

The WTO, as the primary forum for regulating international trade, plays a crucial role in mediating and resolving these disputes.<sup>2</sup> Its Dispute Settlement Body (DSB) provides a structured process for countries to bring claims against each other, with a focus on achieving a mutually acceptable solution. The DSB operates on a rules-based system, adhering to established procedures and timelines to ensure a fair and transparent process. This system is designed to prevent unilateral action and promote cooperation among trading partners.

### 3. Causes of International Trade Disputes

One of the primary causes of international trade disputes is the imposition of tariffs and non-tariff barriers. Tariffs are taxes levied on imported goods, which can distort competition and lead to retaliatory measures by affected countries.<sup>3</sup> Non-tariff barriers include quotas, import licensing requirements, and standards that can hinder market access. For instance, the ongoing trade tensions between the United States and China have highlighted how tariffs can lead to significant economic repercussions, not just for the two countries but for global supply chains as well. Such disputes often require careful negotiation and mediation to avoid escalation into broader economic conflicts.

Intellectual property rights (IPR) represent another significant source of international trade disputes.<sup>4</sup> The TRIPS Agreement establishes minimum standards for IPR protection among WTO members, and disputes often arise when countries perceive that others are not enforcing these standards adequately. For example, cases involving patent infringements or counterfeit goods can lead to formal complaints lodged with the WTO.<sup>5</sup> The resolution of such disputes is critical for maintaining fair competition and encouraging innovation in global markets.

The process of resolving international trade disputes is governed by specific procedures established by the WTO. When a dispute arises, the affected country must first seek consultations with the other party to resolve the issue amicably. If consultations fail, the complainant can request the establishment of a panel to adjudicate the dispute. The panel's findings can be appealed, and the DSB oversees the implementation of recommendations. This structured approach aims to ensure that disputes are resolved based on established legal principles rather than through unilateral actions or retaliation.<sup>6</sup>

In recent years, the rise of e-commerce and digital trade have introduced new dimensions to international trade disputes. Issues related to data privacy, cross-border data flows, and digital taxation are increasingly becoming points of contention among countries. The WTO has recognized these challenges and is working to establish frameworks that address digital trade issues while ensuring compliance with existing trade agreements. As technology continues to evolve, so too will the nature of trade disputes, necessitating adaptive legal frameworks and dispute resolution mechanisms.

### 4. The Mechanisms for the Settlement of International Trade Disputes

There exists a plethora of mechanisms for the protection of traders in international trade disputes in Cameroon. These measures are both legal and institutional.

<sup>1</sup> Krugman, P., & Obstfeld, M. (2018). *International Economics: Theory and Policy*. Pearson.

<sup>2</sup> World Trade Organization (WTO). "Understanding the WTO." Available at; [https://www.wto.org/english/res\\_e/doload\\_e/understanding\\_e.pdf](https://www.wto.org/english/res_e/doload_e/understanding_e.pdf) (visited on the 05/08/2024)

<sup>3</sup> *Ibid.*

<sup>4</sup> World Trade Organization. (WTO). "Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)." WTO - TRIPS Agreement. ([https://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm), Available at 05/08/2024)

<sup>5</sup> Cottier, Thomas et al. (n.d.). *The WTO and Global Trade Governance*. Cambridge University Press.

<sup>6</sup> *Ibid.*

The United Nations Charter, in Section 2(3), states that “All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” The charter goes further in its Article 33 to state that there are peaceful methods of settling international trade disputes which are negotiation, mediation, conciliation, arbitration, judicial settlement, and other peaceful means of their choice.

Cases often linger in the courts for extended periods, and the eventual victor in a lawsuit may discover that they incur expenses surpassing the judgment in their favour. Courts, at times, exhibit a bias toward their own nationals, fostering animosity between people of different countries who become wary of the fairness of deals involving foreign nationals. One primary alternative for resolving international commercial disputes is commercial arbitration, a method with historical roots. Centuries ago, traders recognized that commercial arbitration allowed for the swift resolution of their differences.<sup>1</sup>

Article 33(1) of the Charter emphasizes the importance of seeking alternative dispute resolution methods, stating, “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

Several treaties address the resolution of international trade disputes, in application of the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980). This underscores a broader acknowledgment of the necessity for effective and efficient mechanisms to settle disputes in international commerce. The Vienna Convention, particularly in sections 45-52, spells out remedies for breach of contract by the seller, and in sections 61-65, it outlines remedies for breach of contract by the buyer.<sup>2</sup> The Dispute Settlement Body holds exclusive authority to establish panels of experts to deliberate on cases and to either accept or reject the findings or appeals arising from these panels. Today, Alternative Dispute Resolution (ADR) has gained international recognition and is widely used to complement the conventional methods of resolving disputes through courts of law. ADR simply entails all modes of dispute settlement resolution other than the traditional approaches through the courts of law. Mainly, these modes are: negotiation<sup>3</sup>, mediation<sup>4</sup>, conciliation<sup>5</sup>, and arbitration.<sup>6</sup> These measures are provided for under international treaties like the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (the “New York Convention”), The Permanent Court of Arbitration (PCA) Arbitration Rules 2012 and the United Nations Commission on International Trade Law (UNCITRAL).

The modern ADR movement began in the United States as a result of two main concerns for reforming the American justice system: the need for better-quality processes and outcomes in the judicial system; and the need for efficiency of justice. ADR was transplanted into the African legal systems in the 1980s and 1990s as a result of the liberalization of African economies, which was accompanied by such conditionality’s as reform of the

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<sup>1</sup> United Nations. Chapter VI: Pacific Settlement of Disputes (Articles 33-38). Available at <https://www.un.org/en/about-us/un-charter/> (Accessed on the 23/12/2023)

<sup>2</sup> The United Nations convention on contracts for the sale of goods (CISG; the Vienna convention) is a treaty that is a uniform international sales law. It has been ratified by 91 States that account for a significant proportion of world trade, making it one of the most successful international uniform laws. The Convention for the International Sale of Goods (CISG) was developed by the United Nations commission on international trade law (UNCITRAL) and was signed in Vienna in 1980. It came into force as a multilateral treaty on 1<sup>st</sup> January 1988, after being ratified by 11 countries.

<sup>3</sup> Negotiation is the preeminent mode of dispute resolution. While the two most known forms of ADR are arbitration and mediation, negotiation is almost always attempted first to resolve a dispute. Negotiation allows the parties to meet in order to settle a dispute. The main advantage of this form of dispute settlement is that it allows the parties themselves to control the process and the solution. Negotiation is much less formal than other types of ADRs and allows for a lot of flexibility.

<sup>4</sup> Mediation is also an informal alternative to litigation. Mediators are individuals trained in negotiations, who bring opposing parties together and attempt to work out a settlement or agreement that both parties accept or reject. Mediation is not binding. Mediation is used for a wide gamut of case-types ranging from juvenile felonies to federal government negotiations with Native American Indian tribes. Mediation has also become a significant method for resolving disputes between investors and their stock brokers.

<sup>5</sup> Conciliation is an ADR process where an independent third party, the conciliator, helps people in a dispute to identify the disputed issues, develop options, consider alternatives and try to reach an agreement. A conciliator may have professional expertise in the subject matter in dispute and will generally provide advice about the issues and options for resolution. However, a conciliator will not make a judgment or decision about the dispute. Conciliation may be voluntary, court ordered or required as part of a contract. It is often part of a court or government agency process.

<sup>6</sup> *Ibid.*

justice and legal sectors, under the Structural Adjustment Programmes. However, most of the methods of ADR that are promoted for inclusion in African justice systems are similar to pre-colonial African dispute settlement mechanisms that encouraged restoration of harmony and social bonds in the justice system.<sup>1</sup>

Institutionally, the International Chambers of Commerce stands as one of the entities involved in settling international trade disputes.<sup>2</sup> Another significant body is the OHADA Common Court of Justice and Arbitration (CCJA), serving as a supranational institution and the highest court within the organization. The CCJA also plays a dual role, actively promoting arbitration within OHADA, both in litigation and arbitration processes.

The prevailing national and international legal doctrine highlights arbitration as the primary method for resolving international trade disputes. Due to its inherent advantages<sup>3</sup>, arbitration is often preferred over court litigation and other amicable settlement methods. Many international trade agreements include a compromise clause wherein parties agree to settle any future litigation through arbitration.<sup>4</sup>

OHADA has enacted a harmonized arbitration law, the Uniform Act relating to Arbitration of 11th March 1999, amended in 2017. This legal framework streamlines arbitration procedures within the OHADA region. Conversely, mediation serves as a crucial method for resolving international commercial disputes, offering a means to avoid contentious, protracted, and costly conflicts. OHADA has facilitated this process by enacting a Uniform Act on Mediation.

## 5. The Effectiveness of Measures for the Protection of Traders in International Trade Disputes

International trade disputes present a myriad of challenges for traders, significantly impacting their operations and profitability. Here we explore the successes achieved and challenges encountered in the protection of traders in international trade disputes.

### 5.1 Successes Achieved in the Protection of Traders in International Trade Disputes

The protection of traders in international trade disputes has seen notable successes through various mechanisms and frameworks established over the years. These successes are evident in the effective resolution of disputes, the establishment of supportive legal frameworks, and the enhancement of cooperation between nations. Below are detailed points highlighting these achievements. One of the primary successes in protecting traders is the establishment of effective dispute resolution mechanisms, particularly through arbitration and mediation. Arbitration has become a preferred method for resolving international trade disputes due to its efficiency and confidentiality. Institutions like the International Chamber of Commerce and the London Court of International Arbitration have developed sound rules that facilitate quick resolutions, often resulting in outcomes that are mutually satisfactory to both parties. Studies have proven that arbitration can resolve disputes in a fraction of the time it would take in traditional court systems, thereby minimizing costs and uncertainties for traders. Mediation has also gained traction as a less adversarial approach to dispute resolution. Successful mediation efforts have been documented in various sectors, including trade finance and supply disputes, where parties have managed to reach amicable settlements without resorting to litigation. These mechanisms provide a neutral and efficient forum for resolving disputes, often faster and less expensive than litigation in national courts. The enforceability of arbitral awards is strengthened by the New York Convention, which has been ratified by over 160 countries.

Moreover, the development and implementation of international treaties and agreements have significantly bolstered the protection of traders. These frameworks, embodied in international treaties and agreements, creates a level playing field, ensuring predictable and enforceable rules govern cross-border transactions. The World Trade Organization, with its comprehensive set of agreements and dispute resolution mechanisms, stands as a cornerstone of this progress. The WTO's Dispute Settlement Understanding (DSU) has been particularly instrumental in resolving trade disputes and enhancing greater compliance with international trade rules. Beyond the DSU, other aspects of the WTO framework contribute to trader protection. The WTO agreements themselves establish a set of rules governing various aspects of international trade, from tariffs and quotas to intellectual

<sup>1</sup> Jethro K. Liebermant & James F. Henry. (1986). Lessons from Alternative Dispute Resolution Movement. *The University of Chicago Law review*.

<sup>2</sup> The International Chamber of Commerce (ICC) is the world's single largest corporate lobby group. The Paris-based ICC was founded in 1919 and has thousands of member companies in over 130 countries. Although the organization calls itself the 'World Business Organization', it is clearly dominated by large transnational corporations who use the influence of the ICC to promote an international political and economic climate that is favourable to their interests.

<sup>3</sup> Arbitration is less costly, privacy, convenient and faster than litigation.

<sup>4</sup> Stefan Razvan Tataru. (2018). Settlement Methods of International Trade Disputes in the Pharmaceutical Industry: A Short Legal Empirical Research. *Universitatea Alexandru Ioan Cuza, Logos Universality Mentality Education Novelty: Law*, 6(1), pp, 41-55. Available at <https://doi.org/10.18662/lumenlaw/06>.

property and sanitary and phytosanitary measures. These rules provide a degree of certainty and predictability, allowing businesses to plan their international trade activities with greater confidence. The WTO's Trade Policy Review Mechanism (TPRM) further enhances transparency by requiring member countries to undergo periodic reviews of their trade policies, making it easier for traders to understand the regulatory landscape in different markets.

Beyond formal legal frameworks, institutional support play an important role in protecting traders involved in international disputes. These institutions, ranging from international organizations like the International Chamber of Commerce (ICC) to national-level trade promotion agencies such as the Ministry of trade in Cameroon, provide invaluable resources. They act as intermediaries, bridging the gap between legal frameworks and the practical needs of traders.<sup>1</sup>

The ICC, a prominent international business organization, has been particularly influential in shaping international trade practices.<sup>2</sup> Its "Incoterms" rules, a globally recognized set of standardized trade terms, provide clarity and predictability in defining the responsibilities of buyers and sellers in international transactions. By establishing a common set of definitions for delivery terms, costs, and risks, incoterms significantly reduce the potential for misunderstandings and disputes.<sup>3</sup> For instance, a term like "Free on Board" (FOB) clearly delineates the point at which responsibility for goods shifts from the seller to the buyer, minimizing ambiguity and facilitating smoother transactions. These institutional support systems have demonstrably increased trader confidence and facilitated greater participation in international trade. By reducing information asymmetry, providing access to expertise, and offering practical support, these organizations empower businesses to sail through the complexities of international trade and engage in cross-border transactions with greater confidence.

### 5.2 Challenges Encountered in the Protection of Traders in International Trade Disputes

Notwithstanding the successes mentioned supra, there exist a plethora of challenges affecting the mechanisms for the protection of traders in international trade disputes. The researcher is of the view that one of the greatest legal enforcement impediments against efforts towards stemming the disputes in international trade remains the anonymous nature of the identity of traders. There is no easy means of identifying who is doing what and where is a user of the Internet is situated at any point in time; the global information system is free and there is no perquisite that needs to be fulfilled, before a user can login to connect with anywhere and anyone across the globe. Thus, the unfettered freedom of information and communication enables traders and even criminals the anonymity that information and communication technology affords users or enables them to engage in activities without revealing themselves and/or their actions to others.<sup>4</sup>

Aside from the germane issue of anonymity discussed above, one other potent challenge to protection of traders in international trade disputes is jurisdiction. Taking into cognizance the time tested principles of state independence sovereignty and territorial integrity, each nation-state of the world, have the authority to make laws binding on things and all persons within its geographical entity, called a country. For the above stated reason of nation-states making laws on the same matter from different jurisdictions, conflict of laws is unavoidable.

Jurisdiction may be defined as the power of a court or judge to entertain an action, petition or proceedings. See *Alade v Alemuloke*<sup>5</sup>. The issue of jurisdiction is so radical that it forms the basis of any adjudication, stated otherwise; it goes into the roots of any matter before the courts. If a court lacks jurisdiction, it also lacks necessary competence to try the case. A defect in competence is fatal, for the proceedings are null and void *ab initio*, however well conducted and well decided the case maybe. A defect in competence is extrinsic to adjudication. Determining the appropriate jurisdiction to resolve a dispute can be a significant hurdle. Questions arise regarding which country's courts have the authority to hear the case, and which legal system will apply. Enforcing judgments across borders can also be challenging, even with international agreements in place. This uncertainty creates additional risks and costs for traders, making it difficult to predict the outcome of a dispute.

<sup>1</sup> International Chamber of Commerce: ICC, Available at [https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/06/chambers-of-commerce-and-the-business-of-skills\\_de0684f4/712a9ddc-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/06/chambers-of-commerce-and-the-business-of-skills_de0684f4/712a9ddc-en.pdf) (visited on the 12/04/2025)

<sup>2</sup> *Ibid.*

<sup>3</sup> Aceris Law, *Incoterms in International Trade* (2020), Available at, [www.acerislaw.com/incoterms-in-international-trade/](http://www.acerislaw.com/incoterms-in-international-trade/) (visited on the 12/04/2025)

<sup>4</sup> Maras, Marie-Helen. (2016). *Criminology*. Oxford University Press.

<sup>5</sup> (1988) 1 N. W. L. R. (pt. 69) 207.

Given the peculiar nature of international trade disputes, it is in a class of its own, it is unique and distinct in character unlike traditional terrestrial crimes, which are committed in a particular locus and whereof, the effect(s) are felt by the victim(s); stated in another way, international trade disputes transcends states and jurisdictions; they are cross border or transitional crimes. Thus, a criminal may sit in the comfort of his home, office, café or wherever he chooses, with a desktop, laptop, tablet or phone connected to the Internet and carry out his illegal activities that would be felt thousands of kilometers away, from where the act(s) took place.

One other impediment to the protection of traders in international trade disputes wherever attempts are made anywhere across the globe, is the nature of evidence available in the custody of prosecution and the admissibility of same, during the course trial of criminals. Evidence is that which tends to prove the existence of some facts. It may consist of testimony, documentary evidence, real evidence and when admissible.<sup>1</sup> Unlike in terrestrial crimes where physical evidence could be presented to the court with the view of securing conviction of the accused, physical evidence is rare in the prosecution of traders in international trade disputes. All what the investigators and prosecution can have and rely on are mere footprints on the computers used by the criminals and traces left on the Internet; the nature of these proofs have little evidential value and same is hardly convincing to courts seized of criminal trials.

## 6. Conclusion and Recommendation

In conclusion, while international trade offers substantial benefits, the persistence of trade disputes underscores the vulnerability of traders operating within a challenging arena. Despite the WTO framework, traders face numerous challenges, necessitating mechanisms for their protection. The evolution of international trade, from ancient bartering systems to the sophisticated WTO structure, demonstrates a continuous effort to streamline cross-border transactions and mitigate risks. However, the dynamic nature of global commerce necessitates continuous adaptation and reinforcement of trader protection mechanisms. Addressing these challenges requires a multi-pronged approach that balances trade liberalization with effective dispute resolution and safeguards for traders.

Therefore, it is recommended that existing dispute resolution mechanisms within the WTO framework be strengthened to ensure greater efficiency and accessibility for traders. This may involve streamlining procedures, reducing costs, and enhancing the enforceability of rulings. Furthermore, greater emphasis should be placed on preventative measures, such as fostering clearer international trade rules and promoting greater transparency in trade practices. Capacity building initiatives, particularly for traders in developing countries, are crucial. These initiatives should focus on educating traders about their rights and responsibilities, providing training on dispute resolution processes, and equipping them with the skills to navigate the complexities of international trade.

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<sup>1</sup> E.F Ajayi (2016), *Ibid*.

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