

WTO DISPUTE SETTLEMENT UNDER STRESS: ANALYZING THE U.S.-CHINA TARIFF WARS (2018–2024)

SOLUÇÃO DE CONTROVÉRSIAS DA OMC SOB PRESSÃO: UMA ANÁLISE DA GUERRA TARIFÁRIA EUA-CHINA (2018-2024)

Article received on: 10/2/2025

Article accepted on: 1/2/2026

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The authors declare that there is no conflict of interest

Abstract

This research examines the influence of the tariff war between the U.S. and China (2018–2024) on the working of the World Trade Organisation's Dispute Settlement Mechanism (DSM). This study applied the Principles of Systematic Reviews, guided by the PRISMA framework, to examine seven peer-reviewed publications and discover the types of challenges that the WTO encounters. It examines important areas such as the increase in trade tensions, the impact of unilateral tariffs on the DSM and the halt in the system due to the Appellate Body crisis. It appears that the WTO suffered from a lack of trust because of the U.S. and China taking unilateral actions. These actions changed the way disputes are settled, as both nations now negotiate with each other and showed the weaknesses of a system based on agreement among all members. Several themes were identified, including issues with the system, needed reforms, unhappiness on the part of the United States, motives and impacts overseas. The study is significant as it would inform policymakers about the institutional weakness of the WTO Dispute Settlement Mechanism, and the urgent need to change it to make sure that the trading system is stable and rule-based. This study is theorised in terms of Realism and Institutions, which help understand the manner states act in multilateral trade arrangements. It has a weakness in its research because the small sample of peer-reviewed publications underlies it, and the diversity of the possible views of the problem may be underrepresented. Nevertheless, the findings can draw practical lessons on how to build more resilient and credible international trade organisations.

Resumo

Esta pesquisa examina a influência da guerra tarifária entre os EUA e a China (2018–2024) no funcionamento do Mecanismo de Solução de Controvérsias (MSC) da Organização Mundial do Comércio (OMC). Este estudo aplicou os Princípios de Revisões Sistemáticas, guiados pela estrutura PRISMA, para examinar sete publicações revisadas por pares e descobrir os tipos de desafios que a OMC enfrenta. Examina áreas importantes como o aumento das tensões comerciais, o impacto das tarifas unilaterais no MSC e a paralisação do sistema devido à crise do Órgão de Apelação. Constatou-se que a OMC sofreu com a falta de confiança devido às ações unilaterais tomadas pelos EUA e pela China. Essas ações mudaram a forma como as disputas são resolvidas, uma vez que ambas as nações agora negociam entre si, e mostraram as fragilidades de um sistema baseado no acordo entre todos os membros. Vários temas foram identificados, incluindo problemas com o sistema, reformas necessárias, insatisfação por parte dos Estados Unidos, motivações e impactos no exterior. Este estudo é significativo, pois informa os formuladores de políticas sobre a fragilidade institucional do Mecanismo de Solução de Controvérsias da OMC e a necessidade urgente de alterá-lo para garantir que o sistema comercial seja estável e baseado em regras. A pesquisa é fundamentada nas teorias do Realismo e das Instituições, que ajudam a compreender a forma como os Estados atuam em acordos comerciais multilaterais. Uma de suas limitações reside na pequena amostra de publicações revisadas por pares que a sustenta, o que pode resultar em uma sub-representação da diversidade de perspectivas possíveis sobre o problema. Ainda assim, as conclusões podem oferecer lições práticas sobre



Keywords: U.S.-China Trade War. WTO. Dispute Settlement Mechanism. Appellate Body. Multilateral Trade Governance.

como construir organizações de comércio internacional mais resilientes e confiáveis.

Palavras-chave: Guerra Comercial EUA-China. OMC. Mecanismo de Solução de Controvérsias. Órgão de Apelação. Governança do Comércio Multilateral.

1 INTRODUCTION

1.1 Background

One of the pillars of global trade was the World Trade Organization (WTO), which was established in 1995 and ensured stability through a robust legal mechanism, mostly in dispute settlement among member countries. Considering this, it is good to mention that it is stacked on the Dispute Settlement Mechanism (DSM) that is to offer binding solutions and enforceable solutions and is undergoes a multistage legal procedure (Witts, 2025). The DSM had previously been identified as an extraordinary example of international relations, in which even minor states had been allowed to challenge the authority of others even within a rules-based international order. Nevertheless, its authority has been challenged more and more over time; in particular, the period when the United States had a tariff war with China of 2018 to 2024. On numerous occasions, the World Trade Organisation (WTO) has stepped in to settle international trade disputes and supported the multilateral trading system's rules. Odilovna (2024) highlights that the WTO's Dispute Settlement Mechanism (DSM) helps resolve trade disputes with impartiality, helping to prevent any country from acting unilaterally. Nevertheless, disputes between the U.S. and China over tariffs have challenged the WTO's authority and effectiveness, showing defects in the system for resolving disagreements. Economic tensions have been a long-standing cause of U.S.-China trade disputes, as noted by Zhang (2021), referring to concerns over theft of intellectual property, required transfers of technology, financial aid for industries and access to markets by each side. According to Cunningham (2019), during President Trump's administration in 2018, the United States invoked Section 301 of the Trade Act to impose high tariffs on Chinese goods, arguing that China was engaging in unfair trade practices. Moreover, Hughes (2022) maintained

that China reacted with its own tariffs which quickly turned the situation into a trade war that likely impacted hundreds of billions of dollars of trade between the countries. These unilateral changes in tariffs violated WTO standards, as they are not supposed to be imposed on other members of the organisation in this manner. Instead of going through the WTO, both nations chose to use pressure tactics in talks, raising doubts about the effectiveness of the WTO's Dispute Settlement Body (DSB).

According to Lincicome et al. (2021), the U.S.-China trade war started in 2018 when Washington initiated a Section 301 inquiry into Chinese trade practises and applied punitive tariffs. Beijing promptly countered with retaliation policies, leading to several waves of tariff increase. Both parties avoided the WTO DSM, choosing instead to act alone and to negotiate directly. It was a time when the multilateral trading system was seriously tested. Nwoke (2020) reports that China appealed the U.S. tariffs at the WTO and despite the ruling by the WTO that the tariffs violated the rules in 2020, the U.S. declined to avail the ruling, indicating that the WTO had not addressed the purported abuses by China. To compound this, the United States has blocked the appointment of new judges to the WTO Appellate Body, which adjudicates appeals to disputes affecting the trade. Ryan (2021) observed that the WTO dispute settlement process came to a stalemate by December 2019 with the Appellate Body unable to operate because of the number of members required. This move was mainly done because America was unhappy with the WTO and had trouble over what China was exporting. Therefore, Eixab (2022) indicated that trade wars between China and the United States showed that the present system of trade needs to be enhanced and that the WTO needs to consider its dispute settlement. The trade war contributed to the destruction of international trade cooperation causing some incessant issues in its governing.

1.2 Problem statement

The tariff war between China and the United States in the period 2018-2024 has significantly undermined the legitimacy and viability of the Dispute Settlement Mechanism (DSM) of the World Trade Organisation (WTO). Both countries had implemented their tariffs unilaterally without following the rules and procedures that had been developed within the WTO to resolve the trade conflict (Huang & Vaicondam,

2024). The U.S. had also compromised the system by refusing to accept adverse decisions and permitting new members to join the Appellate Body effectively paralysed the dispute resolution process. The developments are indicative of structural flaws within the WTO particularly in its effectiveness to address disputes between powerful member states (Yilmazcan, 2024). The mounting litany of disputes which remain unresolved, the stalling of the DSM suggest that the world trading system appears to be becoming less functional and it presents a serious threat to the authority of WTO in an increasingly polarised and competitive world.

1.3 Research objectives

Following are the objectives of this research;

- To examine the origins and evolution of the U.S.-China tariff wars (2018–2024), with a focus on the key economic and political drivers behind the escalation of trade tensions.
- To assess the influence of unilateral tariff measures by both the United States and China on the effectiveness and credibility of the WTO's Dispute Settlement Mechanism (DSM).
- To analyze the legal and institutional challenges faced by the WTO during the trade war period, including the paralysis of the Appellate Body and its implications for multilateral trade governance.

1.4 Research questions

Considering the objectives of this research; the following research questions have been formulated;

- How did the U.S.-China tariff conflict test the institutional strength of the WTO dispute settlement system?
- What are the legal and systemic consequences of the Appellate Body's paralysis?
- How has China strategically responded to the institutional crisis?

1.5 Significance of the study

This research is significant to the extent that it identifies the shortcomings of the dispute resolution system by WTO in solving disputes between economic super powers at the international level. It provides valuable insights into how the U.S.-China tariff wars have revealed the institutional ineffectiveness of the WTO, and why it needs an overhaul. The article contributes to theoretical debates on the future of multilateralism and international trading rules by offering policy-relevant recommendations that could be used to keep the world-trade system in an equitable and rule-based form. The study is contributing not only to academic literature on the subject of institutional failures in global trade governance, but also blowing whistles to policymakers. It documents the failure of the WTO DSM, in a great trade war, and makes both legal and procedural changes, with a sense of urgency. This is a significant matter to appreciate in a globalised economy where any unfinished trade dispute between the big powers can disrupt global supply chains, derail multilateral cooperation and influence economic stability among the countries.

2 LITERATURE REVIEW

2.1 Chapter overview

The chapter overviews literature on the U.S.-China tariff wars, and outlines the ways in which WTO has failed to rule on the disputes. It discusses the start of the war, the one-sided policies employed, errors and misunderstanding within institutions and the basic ideas related to it, and unknowledge related to power politics as the cause of the failure of institutions.

2.2 The WTO dispute settlement mechanism: legal foundations and institutional design

The WTO dispute settlement understanding (DSU) is the critical axis in the resolution of international trade disputes. Amandossuly et al. (2025) describe it as a multi-

step process beginning with consultations and the establishment of a DSB after optional review in the Appellate Body and followed by compliance supervision. This model is based on certainty of law, fairness, and a rule-driven grapple that is distinct with practices of the former GATT times of operation within the WTO member countries. The standing body, the Appellate Body, was created to maintain consistency and control in interpretation and legal discipline. Its presence avoided a purely power-oriented process of settling differences, allowing even smaller economies to oppose larger states with legal confidence. Nevertheless, Sundaram and Owolabi (2022), have pointed out that recent tensions portrayed fatal defects in the design. A consensus rule in selecting members of the Appellate Body allowed individual members namely the U.S. to block new appointments and freeze the appeals process. This led to a constitutional emergency and theological perplexity, particularly when appeals were still pending. The DS543 dispute between U.S. and China turned into a flashpoint, with the U.S. refusing to comply with the panel decision and forestalling adjudication, effectively rendering the legal avenue of enforcement inapplicable. This institutional stalemate has tainted the WTO system significantly. Although the DSU was structured in such a way as to ensure that law triumphs over politics, recent events make clear that political will is key to any institutional operation.

2.3 Origins and evolution of the U.S.-China tariff wars (2018–2024)

In 2018, tariff wars between the U.S. and China began and this turned out to be a critical event for global trade resulting from significant disagreements between the nations. Chukwuma et al. (2024) highlight in their study that there have been reports of stolen US intellectual property, China using foreign support to advance its own technology, large tax cuts for selected fast-developing areas in China and obstacles preventing US companies from entering some segments of the Chinese market. Chow and Sheldon (2020) further noted that in 2020, under President Trump, the United States imposed tariffs on Chinese products, valued at more than \$360 billion, according to Section 301 of the Trade Act of 1974. By imposing these tariffs, the U.S. sought to pressure China into altering its trade practices. In retaliation, China levied tariffs on U.S. exports, escalating the dispute into a full-scale trade war that spanned multiple sectors,

including agriculture, manufacturing, and technology. In addition, Mammadov (2019), highlighted that the trade conflict unfolded in phases. Initial rounds of tariffs were followed by negotiations, leading to the "Phase One" agreement in January 2020, in which China pledged to increase imports of U.S. goods and implement some intellectual property reforms.

Nevertheless, several underlying structural problems were not addressed. However, after this agreement, the tariffs were mostly left in place and trade tensions persisted during the COVID-19 pandemic and into the Biden administration. By 2024, the two nations changed gears, emphasising domestic supply chain resilience and technological decoupling (Lan, 2020). Its impact was felt on the relationship between the U.S. and China and global trade, even after the trade war had been resolved. The tariff war was a shift in the history of cooperation among nations in trade to competition in the economic sphere. It showed that the actions of powerful nations could affect global trade and that it was not easy to achieve equitable solutions (Ting, 2018). The interaction of nations with one another is also crucial in knowing how the WTO can be influenced by geopolitical conflicts.

2.4 Unilateral tariffs and the functioning of the WTO dispute settlement mechanism (DSM)

A challenging case to the Dispute Settlement Mechanism in WTO, which was established specifically to solve trade disputes in an accurate and strong manner, was posed by the tariff war between U.S. and China. The method of imposing unilateral tariffs was in contravention of the WTO rules and they ought to have undergone formal dispute processes (Adekola, 2019). According to Section 301 of the Trade Act of 1974, the United States could have addressed discriminatory trade practises of foreign states. China responded by increasing its tariffs in parallel, which only made the conflict bigger and disregarded WTO-defined rules (Qin, 2020). This rejection weakened confidence in the DSM and sent a message to the global community that even influential members could disregard WTO decisions and go unpunished (Li and Zhang, 2022). Based on this rejection, the influence of the WTO was diluted and it enabled powerful member states not necessarily to abide by WTO decisions. Li and Zhang (2022) suggest that this event

sent a message to the global community that the US and its supporters do not necessarily adhere to the principles of general dispute resolution between countries. This. In their research, Sundaram and Owolabi (2022) observed that the pandemic not only affected the U.S. and China but other regions as well. These nations might decide against lodging complaints because they fear the WTO no longer enjoys the strength to interpret its rulings. Furthermore, Shu Shang and Shen (2021) observed that the raising of tariffs on several countries could help to boost protectionism and global trade polarisation.

2.5 Legal and institutional challenges to the WTO during the trade war

The recent China-United States trade encounter brought to fore ground-breaking issues in the World Trade Organisation (WTO), more so, in the Dispute Settlement Mechanism (DSM). The crisis was largely caused by failure of the WTO to perform due to lack of members and the inability of the Appellate Body to do so. In 2019, the United States refused to authorise the appointment of new judges to the Appellate Body, referring to its doubts about the perception and comprehension of the rules by the body (Aronofsky, 2024). This situation led to the body losing quorum and unstable by December 2019. In the U.S., it was widely believed that the Appellate Body was deviating by adding new rules to the WTO agreements, and that it was not always meeting deadlines in its rulings (Petersmann, 2018). The WTO operates through consensus when making decisions and that is why, this organisation was convinced by many members that changes were necessary, but there was no unity. With the cessation of the operation of the Appellate Body, the question of law was left unanswered. Sacerdoti and Borlini (2023) say it failed to address issues to an appellate level, and individuals were left to make dubious choices. The U.S. was still able to use its tariffs after WTO ruled against them because the WTO had not started its appellate review process. According to Khan and Wu (2021), this failure undermined the position of the WTO as the enforcer of equitable international trade policies. It left little doubts that the system can be manipulated by politics, raising questions about the justice it guarantees. Furthermore, its role was perceived to be less significant because of problems in adapting the WTO to new trade concerns such as e-commerce and the influence of state capitalism. The U.S. blockage of the appointment of Appellate Body members was based on numerous complaints.

American officials claimed that the Body practised judicial overreach, establishing legal meanings not negotiated in the text of the treaty, especially in matters of trade remedies and subsidies. There were also fears of missed deadlines and procedural obscurity. With an orchestrated blockage of new judges, the U.S. brought the Body to a standstill by December 2019 (Bahri, 2019). This stasis gave rise to a larger legitimacy crisis: since there was no appellate procedure, the rulings of WTO became virtually impossible to enforce; thus, great powers could manoeuvre around them without formal repercussions.

2.6 Chronology and legal disputes: DS543 and the WTO crisis

Chronology of Key Events (2018–2024):

- March 2018: U.S. opens Section 301 inquiry into Chinese trade practises.
- July 2018: U.S. originally impose tariffs on the first round of \$34 billion of Chinese goods. August-December 2018: China retaliates, more rounds of tariffs are issued on both sides.
- January 2020: Phase One agreement is signed; import taxes are mostly unchanged. September 2020: China triggers WTO dispute settlement (DS543).
- September 2020: WTO panel concludes that U.S. tariffs were in violation of GATT Articles I and II.
- October 2020: The U.S. overturns ruling; there is no way to appeal because of the paralysis among the appellate bodies (Miranda and Sanchez Miranda, 2023).

Legal Claims in DS543:

China raised an issue concerning the legality of U.S. Section 301 tariffs, accusing it of infringing: Article I (Most-Favourite Nation Treatment):

- Chinese goods are targeted discriminately.
- GATT II (Schedule of Concessions): tariffs above WTO-bound rates. DSU Obligations: acting without giving the DSU before moving unilaterally.
- The Panel ruled in favour of China.

Nevertheless, the ruling was denied by the U.S. and could not be appealed because the Appellate Body was non-functional; an institutional failure with significant legal implications (Emiliozzi, 2022).

2.7 Theoretical framework

2.7.1 Research puzzle

This paper explores a key conundrum of global trade governance: Why has the Dispute Settlement Mechanism (DSM) within the WTO not effectively dealt with the U.S.-China tariff dispute between 2018 and 2024 and what does this tell us about the changing nature of multilateralism? To mitigate this, the analysis is informed by three theoretical lenses that are interconnected; hegemonic institutionalism, exit strategies, and multilateral erosion. These views present a clearer picture on how institutional authority is influenced and frequently weakened in the desires and efforts of powerful states.

2.8 Hegemonic institutionalism

According to Hegemonic institutionalism, great states create and endorse international institutions solely when such entities are beneficial to their interests. In the long run, these institutions are maintained through continuous hegemonic backing. The moment that support is removed, the effectiveness of the institution is reduced. In the case of the WTO, the United States, which has been a key architect and player throughout its history-started to withdraw its support as the rulings started to not favour its national interests. The U.S. blockade of Appellate Body appointments, its refusal to accept counter-Meanwhile decisions (e.g., in DS543), and its turn to bilateral negotiations with China exemplify that a hegemon can undermine the institutions it has previously promoted. This confirms the hegemonistic institutionalist thesis that only as long as multilateral governance does not conflict with hegemonic interests can it be sustained. As demonstrated by scholars like Bahri (2019) and Sacerdoti et al. (2021), U.S. frustration with perceived judicial overreach and rigidity in WTO regulations contributed to systemic

disengagement. Consequently, the DSM lost credibility precisely due to the withdrawal of support by the hegemon.

2.9 Exit strategies

Exit strategies include the deliberate withdrawal of states into informal multilateral policies toward alternative strategies like bilateralism, retaliation, or institution shopping. They are implemented to complement institutional constraints with national ambitions. The manner in which the U.S. imposed unilateral tariffs in Section 301 without first depleting the WTO mechanisms may be regarded as a calculated withdrawal out of the DSM. Similarly Chinese counter-retaliation in the form of a tariff and the subsequent Phase One bilateral arrangement (2020) is both states foregoing institutional dispute resolution in favour of informal, state-to-state bargaining. It is not only legal but strategic: leaving the formal DSM, states regain control over policy and escape binding consequences. According to Zhou (2020), this exit behaviour indicates the loss of trust in institutional neutrality and intensifies the threat of rule fragmentation.

2.10 Multilateral erosion

Multilateral erosion refers to the progressive erosion of international institutions through nonobservance, domestic paralysis and evolving state preferences. In contrast to acute breakdown, erosion is a gradual process where norms no longer have the power, and institutions are functional but symbolic. In the case of the U.S.-China trade war, the Appellate Body paralysis exemplified the multilateral erosion. A lack of an effective appeals system rendered WTO decisions unenforceable, undermining the deterrent effect of the institution. Other nations like the U.S. started ignoring legal results (as in DS543), and even smaller states were hesitant to initiate disputes, as they found the enforcement climate weakened (Sundaram & Owolabi, 2022). This degradation was compounded by consensus deficit around consensus on reform, particularly regarding the appointment of new Appellate Body judges, and macro-geopolitical changes towards economic nationalism and decoupling.

2.11 Synthesis

Collectively, these three lenses clarify the institutional crisis of the WTO DSM as a factor of hegemonic disengagement, strategic bypassing, and normative weakening. A weaker but still dominant power, the U.S. could no longer consider the DSM to be consistent with its strategic interests. Its withdrawal conduct, procedurally (Appellate Body blockage) and substantively (unilateral tariffs) hastened the decline of multilateral norms. The dual strategy by which China challenges tariffs at the WTO whilst seeking regional agreements (e.g., RCEP) is indicative of pragmatic response to the decline in institutions. This theoretical framework will enable us to examine the WTO as more than a legal mechanism, but a political institution that relies on hegemonic legitimacy, collective compliance, and exit resilience. These dynamics are important in understanding how reforms can be crafted to heal credibility and prevent institutional erosion in the future.

2.12 Literature gap

While numerous studies explore the legal and economic aspects of the U.S.-China trade war, few explicitly link it to the broader decline of multilateralism or analyze its consequences for weaker WTO members. Moreover, there is limited theoretical integration between state-centric power politics and institutional breakdown. This research addresses that gap by combining realist and institutionalist perspectives to evaluate the WTO's capacity to manage major power disputes.

3 RESEARCH METHODOLOGY

3.1 Overview

The chapter outlines the approach and tools adopted to study the strain on the WTO's DSM during the tariff wars between America and China from 2018 to 2024. It explains how the study was conducted, the methods used, and the instruments and materials involved in the collection and analysis of data. In this research, SLR-driven

qualitative method is employed in the gathering of information to explore some significant world trading conflicts and challenges they pose to organisations.

3.2 Research method

Systematic literature review is chosen as the method because it adds transparency and a structured step-by-step procedure in the assessment of research articles. In a study conducted by Mohamed Shaffril et al. (2021), it was determined that SLR is the most appropriate when addressing a complex problem, including cross-border trade conflicts and the governance of organisations. This methodology would allow a close examination of the consequences of the tariff war between the U.S. and China on the WTO dispute settlement mechanism and the rule tier regulating trade.

3.3 Research design

The research procedure includes generating study queries, conducting and retrieving receptions, sifting during which relevant publications are identified and associating the findings with significant themes. The approach enables to determine the gaps in the previous research and consequently to uncover the key causes of the WTO problems throughout the conflict.

3.4 Thematic analysis

A thematic analysis has been conducted to detect common trends in the literature. After selecting relevant studies, content was coded manually using an open-coding process to identify key concepts, such as "unilateral actions," "Appellate Body paralysis," and "loss of trust." These were grouped into broader themes, including systemic weaknesses, political influence, and the need for reform. This inductive approach ensured that the themes emerged directly from the literature, providing a transparent and consistent link between the data and findings.

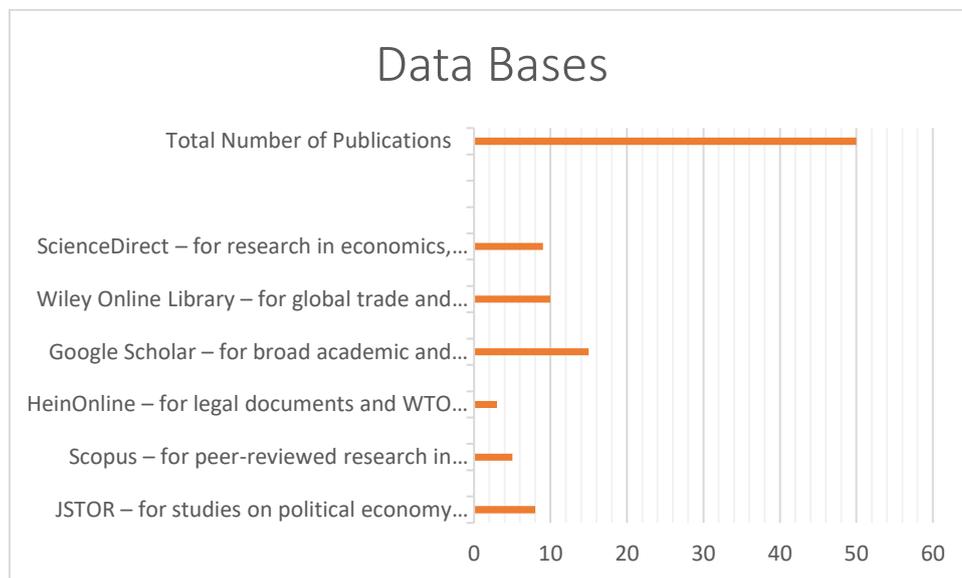
3.5 Data collection

3.5.1 Databases

The databases chosen for this study are relevant and include information on international trade, legal topics and world economic management:

Table 1

Databases



3.6 Search strategy

Boolean operators were applied to refine the literature search:

Table 2

Boolean Operators

Boolean Operator	Functionality	Example Usage
AND	Narrows search by requiring all terms	WTO AND "dispute settlement" AND "U.S.-China tariffs"
OR	Broadens search to include alternative terms	"Appellate Body" OR "DSM reform"
NOT	Excludes irrelevant terms	WTO NOT "environmental regulation"

Quotation Marks	Searches for exact phrases	"multilateral trade governance"
Parentheses	Groups terms and defines logic	WTO AND ("tariff war" OR "trade conflict") AND ("Appellate Body" OR "DSM")

3.7 Inclusion and exclusion criteria

Inclusion and exclusion criteria are predefined rules used in research to determine which studies or participants are eligible (inclusion) or not eligible (exclusion) for the review or study, ensuring relevance, consistency, and reliability of the findings (Patino & Ferreira, 2018). The inclusion and exclusion criteria for this research is presented in the table below;

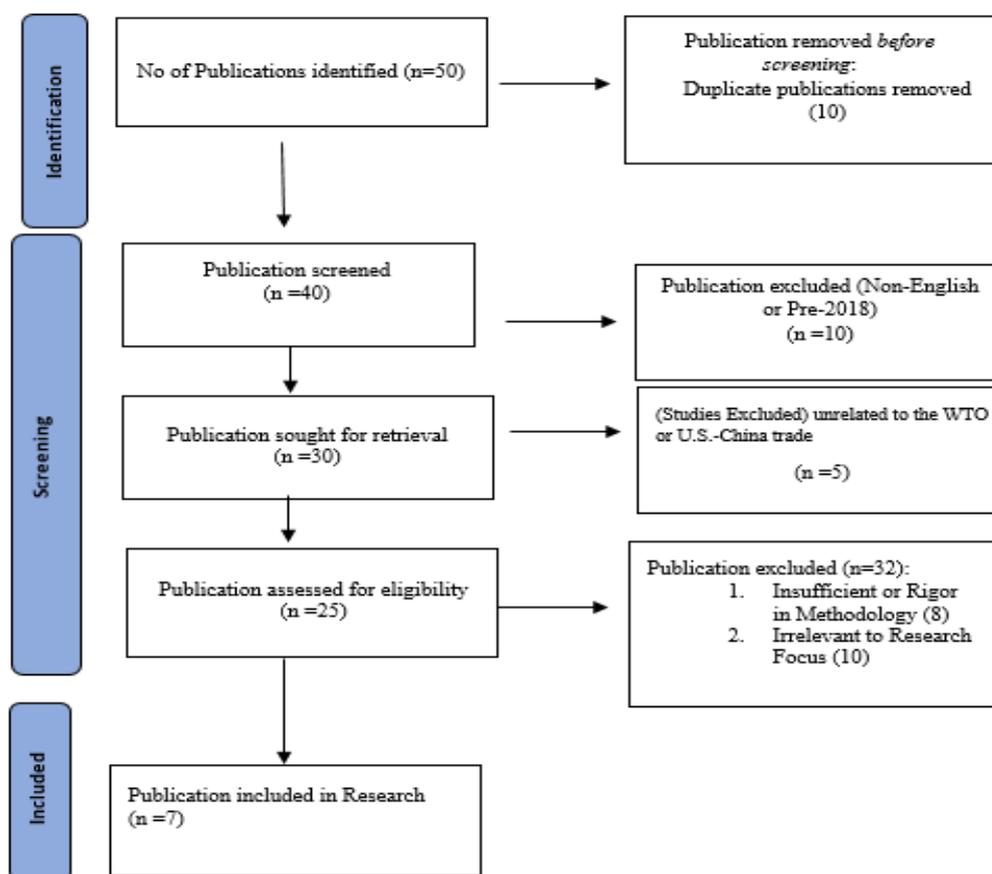
Table 1

Inclusion and Exclusion Criteria

Criteria	Inclusion	Exclusion
Publication Date	Studies published from 2018 onward	Studies published before 2018
Language	English-language publications	Publications in other languages
Geographic Focus	WTO, U.S., China, or global trade relations	Studies unrelated to the WTO or U.S.-China trade
Relevance	Literature discussing tariff wars, DSM, WTO legal structure	Irrelevant or off-topic content
Source Type	Peer-reviewed journals, WTO reports, legal reviews	Blogs, opinion pieces, news articles
Methodological Rigor	Clear methods and evidence-based analysis	Unsubstantiated or anecdotal sources

4 PRISMA FRAMEWORK

The PRISMA Framework (Preferred Reporting Items to systematic Reviews and Meta-Analyses) is a guideline that is employed to strengthen transparency and completeness in systematic reviews and maps the flow of study identification, screening, eligibility assessment, and final inclusion (Malhotra, 2024). The PRISMA framework of this study is as follows;

Figure 1*PRISMA of this study*

4.1 Ethical considerations

This study complies with ethical norms considering the integrity, transparency, and credibility of sources used in the Systematic Literature Review. Peer-reviewed evidence-based publications were filtered to ensure the exclusion of misinformation. No personal data or individuals were involved, and the ethical risks were low. All authors are properly cited to acknowledge them, plagiarism is avoided, and intellectual property rights are considered according to the ethics of academic and professional research.

5 FINDINGS AND ANALYSIS

5.1 Overview

The current chapter provides a thematic analysis of seven articles selected using the PRISMA framework. These articles were thoroughly selected to be relevant to the U.S.-China tariff war and its effects on the WTO Dispute Settlement Mechanism. The discussion is structured into five primary themes highlighting institutional, legal, and geopolitical issues.

Table 4

Publications Considered for Analysis

Author(s)	Year	Title	Objective	Keywords	Methodology	Findings
Zhou, W.	2020	WTO Dispute Settlement Mechanism Without the Appellate Body: Some Observations on the US-China Trade Deal	To assess the implications of the Appellate Body's paralysis on the US-China trade dispute	WTO, Appellate Body, trade deal, US-China	Doctrinal legal analysis	Found that the Appellate Body's breakdown weakened WTO authority; parties resorted to bilateral deals over multilateral dispute settlement
Sacerdoti et al.	2021	The WTO Dispute Settlement System in 2020: Facing the Appellate Body Paralysis	To evaluate how the WTO dispute system coped with the Appellate Body crisis	WTO, Appellate Body, paralysis, dispute system	Legal and institutional analysis	Revealed deep systemic weaknesses and emphasized urgent need for reform to restore functionality and credibility
Yuejiao, Z.	2022	The WTO Dispute Settlement Mechanism and Its Reform	To explore reform options for improving the WTO DSM	WTO, reform, DSM, multilateralism	Normative and policy analysis	Suggested procedural and structural reforms to rebuild trust in WTO mechanisms and adapt to power imbalances

Mahedi et al.	2024	A Comparative Analysis of the Trade Policies of China and the United States of America	To compare U.S. and Chinese trade policy during the tariff wars	US-China trade, tariffs, policy, comparison	Comparative analysis of trade data	Highlighted divergence in trade approaches and their respective global impacts; found protectionism central to both sides' policies
Li & Zhang	2022	Is the WTO Dispute Settlement System a Disaster for the US?	To evaluate U.S. performance and satisfaction with WTO rulings in disputes with China	WTO disputes, US, China, dispute resolution	Case study and legal analysis	Concluded that U.S. dissatisfaction stemmed from unfavorable rulings and limited flexibility under current WTO rules
Jiang & Zulkifli	2024	Trade War Between the US-China: Impact Towards Asean	To examine the regional effects of the US-China trade conflict on ASEAN economies	US-China, ASEAN, trade war, economic impact	Regional impact assessment	Found ASEAN economies were negatively affected through supply chain disruptions, but some benefited from trade diversion
Garner-Knapp, Western & Lovat	2022	The US, the WTO, and the Appellate Body: From Great Expectations to Hard Times	To trace the evolution of U.S. policy toward the WTO Appellate Body	WTO, Appellate Body, US policy, dispute settlement	Historical-institutional analysis	

Theme 1: Appellate Body Paralysis and Its Impact on WTO Authority

The failure of the global trade dispute resolution system was shown when the WTO Appellate Body was paralysed. Zhou (2020) hypothesises that the Appellate Body was not conducting itself in a proper way and as such the United States and China opted to become players outside of the WTO framework. When multilateral processes were overwhelmed by bilateral negotiations, WTO authority was weakened and the principle of institutional bypassing by influential states was created. Zhou holds the view that this

pattern signalled the shift between commercial diplomacy and international cooperation in trade. The article by Sacerdoti et al. (2021) affirms this trend and is more explicit in its focus on the breakdown of institutional processes internally. They discuss the unwillingness of the U.S. to include new judges to the Appellate Body, and that the body will not be able to do its full work.

They argued that the incident unveiled a weakness in constitution of WTO, particularly the necessity of accord among members and the lack of common enforcement requirements. This led to unresolved appeals and members began to lose trust in the dispute resolution system. They both concur that the power of the WTO was harmed, but the latter pays more attention to geopolitical outcomes, observing the shift toward bilateral transactions between nations. Conversely, Sacerdoti et al. (2021) discuss the underlying causes of governance flaws that facilitated the scandal. In conclusion, this series of studies show that one of the areas where international law institutions fail is when law is violated or political authorities are driven by selfish interests, this is likely to happen when some big economies are involved.

Table 5

Study Comparison

Publication	Focus
Zhou (2020)	Bilateralism and WTO marginalization due to Appellate Body failure
Sacerdoti et al. (2021)	Structural and legal collapse within WTO dispute mechanisms

Theme 2: Reform Needs of the WTO Dispute Settlement Mechanism

The challenges encountered by the WTO in the U.S.-China trade war have prompted scholars to suggest the reform, particularly the Dispute Settlement Mechanism (DSM). Yuejiao (2022) indicates that it should be changed into a process of selecting Appellate Body judges, shifting towards more open processes and making sure that disputes are resolved within a specific time span. She points out that such changes would gain the community confidence and provide underrepresented nations with a greater voice in trading issues. Nevertheless, Garner-Knapp et al. (2022) suggest that it is not sufficient

to pay attention only to technology, as environmental and political concerns also need to be addressed.

They explain how the displeasure of the United States with the WTO due to its concerns that the jury makes decisions that it cannot and cannot make, is a practise that has resulted in an active and premeditated blocking of the appointment of new judges to the Appellate Body. Both recognise that DSM reform is now necessary, but emphasise other parts of the problem. Yuejiao focuses on the reinforcement of the government institutions, as new processes may correct problems and regain legitimacy. Garner-Knapp et al. (2022), however indicate that without consensus among key political actors, reforms may not be successful. This demonstrates that the architecture of international trade regulations, as well as national eagerness to collaborate matter.

Table 6

Study Comparison

Publication	Focus
Yuejiao (2022)	Legal and procedural reforms to strengthen DSM
Garner-Knapp et al. (2022)	Political resistance and U.S. obstruction to reform efforts

Theme 3: U.S. Discontent with WTO Rulings

The United States has not been content with WTO decision making, which has also played in its more assertive stance towards the Dispute Settlement Mechanism (DSM). Based on the theory of beliefs, Li and Zhang (2022) state that U.S. assumptions that the WTO was biased towards China and was failing did not favour the nation in these conflicts because U.S. perceptions of WTO active usage were merely made more visible. They respond with the idea that the U.S. had lost confidence in the DSM due to decades of inadequate work by the courts and tribunals, thus leading to the deliberate disregard of WTO resolutions on tariffs. Equally, Garner-Knapp et al. (2022) examine the disillusionment factor within the U.S. and document the condemnation of U.S. institutions by policymakers.

The United States, based on their analysis, felt that the Appellate Body had overstepped its boundaries by creating new responsibilities in its interpretation. This pressure forced the U.S to intervene and prevent judgeship, making the appeals system useless. The study also reveals that it is opposed to stringent multilateral statutes, especially those established in administrations that value sovereignty. Although both articles deal with U.S. resistance, Li and Zhang focus on dissatisfaction with the results of disputes, whereas Garner-Knapp et al. concentrate on procedural dissatisfaction and a sense of judicial activism. Collectively, they address the reasons why the U.S., as a founding member of WTO, turned out to be a huge impediment to its operations. This theme illustrates how national discontent either with the process or the result can profoundly undermine institutional performance.

Table 7

Study Comparison

Publication	Focus
Li & Zhang (2022)	U.S. dissatisfaction with WTO dispute outcomes
Garner-Knapp et al. (2022)	Perceived overreach of WTO Appellate Body and political response

Theme 4: Economic and Strategic Motivations Behind the Trade War

Understanding the underlying motivations of the U.S.-China trade war requires examining not only legal dynamics but also strategic and economic policies. Mahedi et al. (2024) provide a comparative analysis of U.S. and Chinese trade policies during the tariff war. They believe that both countries chose to protect certain strategic industries by closing their markets to competition. The U.S. worked to slow down China's technological rise, while China put more effort into supporting local industries and making itself self-reliant. Zhou (2020) points out that instead of using WTO methods, the U.S. resorted to unilateral tariffs to target China. Based on Zhou's study, the trade war stemmed from reasons beyond trade imbalances and aimed to alter the structure of global economics. By not following WTO rules, the U.S. tried to put forward its values and confront China's state-capitalist approach.

The difference lies in the scope of the analysis. The study by Mahedi et al. includes a thorough examination of trade policies, using real trade data and protectionist trends as their basis. Instead, Zhou views actions in the context of competition for global power. Both studies explain the economic and political explanations for the trade war which is in accordance with the first research objective which is to describe how U.S.-China tensions began and intensified.

Table 8

Study Comparison

Publication	Focus
Mahedi et al. (2024)	Comparative analysis of protectionist policies by U.S. and China
Zhou (2020)	Strategic motivations and departure from WTO multilateralism

Theme 5: Regional and Global Spillover Effects of the Trade War

Beyond the U.S. and China, the trade war affected economic situations in various regions and nations. They discovered that while disruptions in supply chains affected the economy of some countries in the ASEAN region, others experienced advantages because businesses found alternative ways to trade without the US or China. It demonstrates that region-specific strategies could help some countries survive and even thrive as the world was experiencing uncertainty. Meanwhile, Mahedi et al. (2024) examine the impact of the trade war on the governing system for international trade. It is claimed by some that the conflict led to a decline in faith in multilateral organisations and increased economic protectionism. It is evident from the findings that the consequences reached beyond certain areas and resulted in challenges for global cooperation, influencing long-term work at the WTO.

Both studies outline indirect effects of the trade war, but they focus on different aspects. While Jiang and Zulkifli examine the local impacts of ASEAN, Mahedi et al. relate the conflict to changes in the world system. With this, they explain how the moves by these strong economies can affect the entire world, in line with the first and second research objectives on trade war development and its effect on the WTO.

Table 9*Study Comparison*

Publication	Focus
Jiang & Zulkifli (2024)	ASEAN's economic responses to U.S.-China trade war
Mahedi et al. (2024)	Global spillovers and erosion of multilateral trade norms

Theme 6: China's Strategic Response and Multilateral Advocacy

In the aftermath of the Appellate Body paralysis, China adjusted its strategy to project itself as a supporter of multilateralism. While contesting U.S. tariffs in DS543, China also joined the Multi-Party Interim Appeal Arbitration Arrangement (MPIA), a temporary appeals mechanism established by the EU and other WTO members to preserve the appellate function. Yuejiao (2022) explains that the initiative was seen as an effort by China to ensure a rules-based order is followed, and show a commitment to institutional resilience when it comes to the multilateral trading system. Additionally, Zhou (2020) opined that China used normative discourses to frame its WTO diplomacy as a stabilizer of trade amid rising unilateralism. Simultaneously, China still maintained involvement with regional negotiations, such as the Regional Comprehensive Economic Partnership (RCEP) representing a two-pronged policy; on the one hand, China enhances its input to multilateral legal regimes; on the other hand, it excels its regional economic impacts.

6 DISCUSSION

This manuscript presents a case claiming that the tariff case between U.S and China made no efforts through the Appellate Body led to a massive devastation in the WTO perception. Improper dispute resolution led to the countries involved stopping using WTO mechanisms and turning to their pressure mechanisms. This aligns with the perspective of Zhou (2020), who believes that the U.S. and China have been engaging in bilateral negotiations to the detriment of the WTO since the Appellate Body ceased to operate. According to Sacerdoti et al. (2021), the absence of U.S. court appointments caused legal problems and lowered the number of disputes appealed to the WTO. This lost faith in the WTO because its decisions were not binding when appeals were pending

and resulted in the persistence of long-time disputes that never settled. It demonstrated that the success of the WTO requires compliance among member nations, which are primarily powerful economic units. As demonstrated by this case, states can be expected to act on national interests and sideline WTO obligations when they contradict state interests, such as the U.S. refusing to abide by WTO rulings that interfered with its internal policies (Flint & Zhang, 2021). To sum up, the conflict between the U.S. and China in trade revealed the problems in trade organisations and how vulnerable global trade governance becomes if key members renounce collective rules.

The study discovered that the WTO failed to address conflicts between major countries due to its weak enforcement authority and structural restrictions. According to Garner-Knapp et al. (2022), the US decided to block the Appellate Body not only to resolve specific cases but also to oppose the WTO's increasing authority and preserve its own policy flexibility. They prove that the United States was dissatisfied because it felt the Appellate Body imposed duties that were not explicitly included in the WTO documents. According to Li and Zhang (2022), the fact that the U.S. frequently lost in the dispute settlement process led it to disillusionment with the whole process. Elevating further transparency and time-guidelines, Yuejiao (2022) indicates that these changes cannot work without a robust political stepping in action. Garner-Knapp et al. (2022) argue that resolving the question of legitimacy within the DSM is achieved by breaking the political blocks of strategic nations, particularly the U.S. It illustrates the shortcomings of Institutionalism because when major members states, such as the U.S., have the means to exercise political influence in blocking reforms or decisions that do not suit their interests, international organisations such as the WTO might find it challenging to enforce their rules. The decision-making process at the WTO, which is supposed to promote fairness, has instead implied that large countries are able to block the reforms which are not favourable to them.

Finally, it is evident that the causes of the U. S.-China trade war are not merely economic ones, but also rooted in major powers striving to gain a geopolitical benefit. The U.S. and China both implemented protectionist steps to aid key sectors in their countries including technology and production. According to Mahedi et al. (2024), the tariff war was caused by the efforts to decrease reliance on trade partners, enhance national competitiveness, and establish economic superiority. Zhou (2020) concurs,

noting that the U.S. did not adopt WTO tactics and instead, it instigated counteraction towards China in the economic contexts, indicating a more confrontational stance. This does not only show that realism is correct, but it suggests that strong states will take on their own doing when international rules interfere with whatever they desire to achieve. Mahedi et al. (2024) also emphasise that the trade war resulted in distrust of the WTO and more protectionist policies by nations. According to Jiang and Zulkifli (2024), ASEAN members faced both distribution issues and modifications in trading approaches. This proves that when the mighty behave differently, it impacts the entire system and puts smaller nations at greater risk. Because the DSM fails to resolve these differences in a just manner, there is a great necessity to have WTO reform in order to keep it relevant in the modern world.

7 CONCLUSION

This paper examined the time frame between 2018-2024 when China and the U.S. engaged in a trade tariff war and its implications to the DSM of the World Trade Organisation. These revelations suggest that the US tariffs and such undertakings on both sides diluted the standing of the WTO and questioned its capacity to resolve such disagreements. The trade war brought about an era where both nations began to depend on bilateral agreements, disregarding the WTO processes. This action highlighted the increasing ineffectiveness of the WTO in setting rules and in resolving disputes when giant powers are willing to bypass its processes. One of the main reasons that made the DSM useless was the inability of the WTO Appellate Body to run properly. Thanks to this paralysis, not every important dispute was solved and a notice was given that mighty nations are justified in flouting the rules when they are unsuitable to the nation. The other finding of the study was that the rules were loose because they only demanded a concurrence between the people and had no real ways of enforcing them, the key players could easily distort the set up. The Chinese-American trade war caused a disruption of world trade, endangered supply chains, and weakened the multilateral concept, making a foreign trade divide more likely in the future. In order to sum up it is very obvious that the WTO Dispute Settlement Mechanism does have to have serious reforms to ensure that it is kept as a relevant and useful system in the regulation of trade across the international

border. The U.S.-China trade war demonstrated that it is difficult to adhere to the rules of international trade when the key culprits do not collaborate. UN also needs to revise laws to restore confidence and to make sure to collaborate with other nations as well. An inability to settle such problems may lead to the disintegration of international business relationships.

8 RECOMMENDATIONS

Reform the Appointment Process: To stop the blanketing of appointment of judges individually, the WTO must reform the way Appellate Body is selected by introducing majority voting and time constraints.

Establish Binding Enforcement Mechanisms: The DSM must have binding enforcement protocols. Apply penalties or punitive rights allowances will discourage countries to defy judgments.

Improve Timeliness and Transparency: The decision must be taken within a well-informed duration and proceedings and judgments should be more transparent to rebuild confidence among occupying states.

Integrate Political Dialogue with the Legal Process: To cope with politically-strained disputes, the WTO is required to complement the legal process with the formality of a diplomatic dialogue, upon which the de-escalation of disputes should be accomplished before law breakdowns follow.

Make Small Economies More Inclusive: To make the DSM more balanced, smaller economies need to be better represented in panels and negotiations, and its decisions should be supported globally.

9 LIMITATIONS

The study was based on a very strong literature review and second-hand information, constraining the study in depth by not including personal information of policymakers, WTO officials, and trade negotiators. Expert interviews would have offered valuable insights into the problems that the WTO is currently grappling with as well as create a more nuanced perspective on the issues at hand. The study only addressed

the relations between U.S.-China between the years 2018 and 2024; between 2018 and 2024, which may not capture trends and examples in other WTO members. The analysis failed to address changes that have occurred since 2024 that may affect WTO reforms.

10 FUTURE RESEARCH DIRECTIONS

Subsequent research may involve interviewing people who are familiar with or participate directly in the WTO. In designing WTO reform, it can be helpful to see how other nations manage trade quarrelling. We should investigate whether new challenges related to digital trade, state-owned enterprises, and ongoing interstate struggles are having an impact on international trade regulations. A possible update to this research could be to recognise how the WTO develops after 2024, particularly in addressing new issues, including digital trade and geopolitical restructuring. It may also be prudent to read about trade conflicts between other significant actors such as India and the EU so as to have a broader view of the issues faced by the WTO and give more comprehensive recommendations regarding its modernization.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

How to cite this article (APA)

Yuan, H. zhe. (2026). WTO DISPUTE SETTLEMENT UNDER STRESS: ANALYZING THE U.S.-CHINA TARIFF WARS (2018–2024). *Veredas Do Direito*, 23(4), e234797. <https://doi.org/10.18623/rvd.v23.n4.4797>