



LEGAL AND ECONOMIC CONSEQUENCES OF UZBEKISTAN'S ACCESSION TO THE WTO: DOCTRINAL ANALYSIS AND APPLICATION TO THE REFORM OF FOREIGN TRADE REGULATION

<https://doi.org/10.5281/zenodo.19410916>

Melieva, Shahrizada N.

Student, Tashkent International University

Academic Supervisor: R.M. Turimbetov

Аннотация: Настоящая статья посвящена исследованию правовых и экономических последствий вступления Республики Узбекистан во Всемирную торговую организацию (ВТО). На основе доктринального и сравнительно-правового анализа рассматриваются ключевые международно-правовые обязательства, возникающие при присоединении, а также необходимые преобразования национального законодательства в сфере внешнеторгового регулирования. Автор обосновывает тезис о том, что вступление в ВТО является не только экономическим, но прежде всего правовым процессом, требующим глубокой гармонизации внутреннего права с нормами международной торговой системы. На основе сравнения трёх доктринальных концепций — торговой либерализации, институциональной гармонизации и правовой интеграции — обосновывается приоритет доктрины институциональной гармонизации как наиболее релевантной для условий переходной экономики Узбекистана. В статье анализируются реформы торговой политики Узбекистана, конкретные правовые коллизии между нормами национального законодательства и требованиями ВТО, а также прогнозируются долгосрочные последствия присоединения с учётом актуальных данных 2023–2025 годов.

Ключевые слова: ВТО, Узбекистан, присоединение к ВТО, торговая либерализация, гармонизация законодательства, внешнеторговое регулирование, международное торговое право, ГАТТ, правовые коллизии, институциональная гармонизация.

Abstract: This article examines the legal and economic implications of Uzbekistan's accession to the World Trade Organization (WTO). Using doctrinal and comparative legal analysis, the study identifies key international legal obligations arising from accession and the necessary reforms in national foreign trade legislation. The author argues that WTO accession is primarily a legal process requiring systemic harmonization of domestic law with international trade norms. Through a comparison of three doctrinal concepts — trade liberalization, institutional harmonization, and legal integration — the study substantiates



the priority of the institutional harmonization doctrine as the most relevant framework for Uzbekistan's transition economy. The article analyzes specific legal conflicts between Uzbekistan's current legislation and WTO requirements, proposes mechanisms for their resolution, and provides a staged forecast of legal adaptation based on data from 2023–2025.

Keywords: *WTO, Uzbekistan, WTO accession, trade liberalization, legislative harmonization, foreign trade regulation, international trade law, GATT, legal conflicts, institutional harmonization.*

Annotatsiya: *Ushbu maqola O'zbekiston Respublikasining Jahon savdo tashkilotiga (JST) a'zo bo'lishining huquqiy va iqtisodiy oqibatlarini o'rganishga bag'ishlangan. Doktrinalli va qiyosiy-huquqiy tahlil asosida a'zolikda vujudga keladigan asosiy xalqaro-huquqiy majburiyatlar, shuningdek tashqi savdo tartibga solish sohasidagi milliy qonunchilikni isloh qilish zarurati ko'rib chiqiladi. Muallif JST'ga a'zo bo'lish nafaqat iqtisodiy, balki birinchi navbatda huquqiy jarayon ekanligini asoslab beradi: bu jarayon ichki huquqni xalqaro savdo tizimi normalari bilan chuqur muvofiqlashtirishni talab etadi. Uch doktrinalli kontsepsiya — savdo liberallashuvi, institutsional harmonizatsiya va huquqiy integratsiya — taqqoslash asosida institutsional harmonizatsiya doktrinasining O'zbekiston o'tish iqtisodiyoti sharoitida eng dolzarb yondashuv ekanligi asoslab beriladi. Maqolada O'zbekistonning savdo siyosatidagi islohotlar, milliy qonunchilik normalari va JST talablari o'rtasidagi aniq huquqiy ziddiyatlar tahlil qilinadi hamda 2023–2025 yillar ma'lumotlari asosida a'zolikning uzoq muddatli oqibatlari bashorat qilinadi.*

Kalit so'zlar: *JST, O'zbekiston, JSTga a'zolik, savdo liberallashuvi, qonunchilikni muvofiqlash-tirish, tashqi savdoni tartibga solish, xalqaro savdo huquqi, GATT, huquqiy ziddiyatlar, institutsional harmonizatsiya.*

The World Trade Organization (WTO) is a key element of the global trading system, bringing together 164 member states. Membership provides countries with stable and non-discriminatory trading conditions, mechanisms for resolving trade disputes, and unified legal standards. Uzbekistan's accession to the WTO is one of the main objectives of the country's foreign economic policy.

Uzbekistan has held observer status in the WTO since 1994, and in recent

years the intensity of accession negotiations has significantly increased. As of 2025, the Working Party on Uzbekistan's accession has already held eight rounds of meetings; however, a number of key issues—such as subsidies to state-owned enterprises, protection of intellectual property rights, and sanitary standards—remain the subject of intense discussions with member states, including the European Union, the United States, and China. At the same time, the level of legal analysis of the conflicts arising



during the accession process remains insufficiently developed in domestic academic doctrine.

The novelty of this article lies in the following. First, for the first time in Uzbek legal doctrine, it provides a systematic comparison of three doctrinal approaches—trade liberalization, institutional harmonization, and legal integration—applied to the specifics of Uzbekistan's transition economy, with a substantiated priority given to the doctrine of institutional harmonization. Second, it identifies and structures specific legal conflicts between existing national legislation and the provisions of WTO agreements, with references to particular articles. Third, it proposes a phased model of legal adaptation with defined timeframes (2025–2030). The theoretical significance of the study is determined by its contribution to the development of international trade law in the context of post-Soviet states with transition economies.

The methodological framework of the study is based on four approaches. The comparative legal method was used to analyze the WTO accession experience of four countries—China (2001), Russia (2012), Georgia (2000), and Kyrgyzstan (1998)—according to the following criteria: the scope of legislative commitments undertaken, the timeframes of harmonization, sectoral effects of liberalization, and enforcement mechanisms. The formal legal method was applied to assess the compliance of specific provisions of Uzbekistan's

national legislation with the norms of WTO agreements. Systemic interpretation made it possible to examine legal norms in their interrelation. The method of legal modeling was used to construct scenarios of legislative changes following accession.

Due to the limited accessibility of certain negotiation documents of the Working Party on Uzbekistan's accession, the analysis of some aspects of the negotiation process is based on published reports and materials of international organizations. A quantitative assessment of macroeconomic effects falls outside the scope of this study and represents a promising direction for future research.

In academic literature, the issue of WTO accession is traditionally examined primarily from an economic perspective. However, this approach is limited, as it overlooks the fundamentally legal nature of the process.

The author substantiates the following thesis: Uzbekistan's accession to the WTO is above all a legal process, involving the assumption of a significant number of international legal obligations that require systematic adjustments to national legislation in the fields of foreign trade, customs regulation, intellectual property protection, subsidization, and sanitary and phytosanitary regulation.

A comparative analysis clearly supports this position. During China's accession to the WTO in 2001, more than 700 specific commitments to legislative reform were undertaken, requiring the



adoption of over 2,300 regulatory acts. Russia, upon its accession in 2012, assumed obligations covering 285 groups of goods and more than 100 service sectors. Georgia and Kyrgyzstan demonstrated that accelerated accession—under conditions of underdeveloped institutions—can lead to significant enforcement challenges, an experience that is directly relevant for Uzbekistan.

Thus, the economic effectiveness of WTO membership becomes achievable only with the existence of a comprehensive and consistently applied legal framework.

The legal framework of the WTO is formed by the multilateral agreements of the Uruguay Round, which entered into force on January 1, 1995. The key document is the Marrakesh Agreement of 1994, which performs a constitutional role in the architecture of the international trading system. As noted by John H. Jackson, this agreement for the first time established a unified institutional mechanism binding on all participants in global trade, transforming the GATT from an informal system into a full-fledged international organization with legally binding rules.

The agreements binding on all WTO members include: GATT 1994 (trade in goods); GATS (trade in services); TRIPS (intellectual property); the Agreement on Agriculture; the Agreement on Subsidies and Countervailing Measures (SCM); the Agreement on Technical Barriers to Trade (TBT); and the Agreement on

Sanitary and Phytosanitary Measures (SPS).

The core principles of the WTO system are: the most-favoured-nation principle (Article I of GATT); the national treatment principle (Article III of GATT); the transparency principle (Article X of GATT); and the tariff binding principle (Article II of GATT).

Uzbekistan's system of trade legislation includes the Law "On Foreign Economic Activity" (as amended in 2024), the Customs Code (2016, with amendments in 2023), the Tax Code (2020), the Law "On Competition Development" (2012), as well as a number of secondary regulations in the field of technical regulation and intellectual property protection.

The analysis has identified several remaining inconsistencies. Restrictions on the export of cotton fiber and certain mineral resources do not align with WTO disciplines, particularly in light of obligations related to export measures. In the automotive and chemical sectors, certain subsidies remain in place that may be classified as prohibited (Article 3 of the SCM Agreement). Mechanisms for the protection of intellectual property require further improvement, especially with regard to enforcement measures (Part III of the TRIPS Agreement). In addition, a number of technical regulations are not based on international ISO/IEC standards, which creates a risk of their classification as technical barriers to trade (Article 2.4 of the TBT Agreement).



Uzbekistan obtained observer status in 1994. After the resumption of active negotiations in 2016, the Working Party has already held eight rounds of meetings (the most recent in 2024). As of 2025, the key unresolved issues include: (1) the regime of state trading enterprises—subject to disagreements with the European Union and the United States; (2) tariff rates in the automotive and agro-industrial sectors—subject to bilateral negotiations with China, Korea, and Japan; (3) guarantees of intellectual property protection, particularly in terms of enforcement—raised by the European Union, the United States, and Switzerland. The “New Uzbekistan Development Strategy for 2022–2026,” adopted in 2022, as well as the “Uzbekistan – 2030” strategy, explicitly define the completion of the negotiation process and WTO accession as a strategic priority of the country’s foreign policy.

The doctrine of trade liberalization, rooted in the theory of absolute advantage developed by Adam Smith and the theory of comparative advantage developed by David Ricardo, forms the fundamental basis of the WTO system. In legal terms, it is implemented through the principles of non-discrimination, gradual tariff reduction, and the limitation of non-tariff protective measures. Critics of this doctrine—primarily representatives of the Keynesian school and the theory of the “second best”—argue that early liberalization, in the absence of a strong institutional framework, may cause significant harm to domestic producers.

In the case of Uzbekistan, however, this doctrine has limited explanatory power, as it does not fully account for the structural features of an economy that has developed under conditions of strong state protectionism.

The doctrine of institutional harmonization views the WTO as a mechanism for aligning national legal systems with international standards. WTO membership serves as an “external anchor” for reforms, making it possible to implement complex and sometimes unpopular changes by relying on international obligations. B. Hoekman and M. Kostecki convincingly demonstrate that for transition economies with a significant share of state participation, tariff liberalization alone is not sufficient; the decisive factor for successful integration is the quality of domestic institutions and the consistency of reforms. The experience of Georgia (2000) and Kyrgyzstan (1998) illustrates the effectiveness of this approach.

This doctrine is the most relevant for Uzbekistan. Its priority is determined by three key factors: (1) the substantial role of the state in the economy, which necessitates comprehensive legal reform rather than mere tariff adjustments; (2) the need to enhance legal predictability in order to attract foreign investment; (3) the opportunity to use WTO requirements as a political justification for unpopular antitrust and deregulation measures.

The doctrine of legal integration views the WTO as a legal system that creates a unified regulatory space for



international trade. Its key element is the Dispute Settlement Mechanism (DSM). Access to this mechanism is one of the main advantages of membership: Uzbekistan will be able to defend its trade interests through legal rather than diplomatic instruments. At the same time, G. Shaffer and H. Nordström note that the effective use of the DSM requires significant institutional capacity in developing countries—including qualified international lawyers, technical staff, and administrative resources—which makes the early establishment of specialized trade dispute bodies particularly important for Uzbekistan.

Comparative analysis of countries with small domestic markets and high dependence on natural resource exports shows that WTO participation creates an important institutional foundation but does not, by itself, guarantee structural economic transformation. M. Toshpulatova, based on econometric modeling, concludes that WTO membership has a positive impact on key macroeconomic indicators of Uzbekistan, including export growth driven by expanded market access.

A high level of state participation in Uzbekistan's economy creates legal risks in terms of compliance with WTO rules. Enterprises that receive preferential access to state resources may be classified as beneficiaries of "specific subsidies" under Article 2 of the SCM Agreement. Prohibited subsidies (Article 3 of the SCM Agreement) — export subsidies and subsidies contingent upon the use of

domestic goods — must be eliminated immediately upon accession.

A possible solution is a gradual review of subsidies during a transition period (3–5 years), the reclassification of permissible subsidies into the "green box" (such as R&D and environmental measures), and the creation of a transparent register of state support.

The current legislation of Uzbekistan in the field of intellectual property protection—covering copyright, patents, and trademarks—generally complies with the standards of the TRIPS Agreement. However, the enforcement component (Part III of TRIPS) remains insufficient: judicial practice in handling infringement cases is inconsistent, civil remedies are applied unevenly, and customs measures to prevent cross-border trade in counterfeit goods require strengthening.

A possible solution is the establishment of specialized judicial panels for intellectual property cases, the introduction of an electronic system for rights registration, and the strengthening of customs control based on databases of rights holders.

A number of existing technical regulations in Uzbekistan are not based on ISO/IEC standards, which creates a risk that they may be classified as technical barriers to trade (Article 2.4 of the TBT Agreement). Sanitary and phytosanitary (SPS) measures applied to imports of agricultural products must be scientifically justified and comply with Codex Alimentarius standards (Article



3.1 of the SPS Agreement), which is not yet ensured by all current restrictions.

A possible solution is the systematic updating of technical regulations based on international standards, the accreditation of national laboratories in line with ILAC requirements, and the establishment of a national SPS/TBT enquiry point within the WTO framework.

UzAuto Motors has long operated under a high level of tariff protection (60–70% on passenger cars). Accession to the WTO will require a gradual reduction of these tariffs to the level of bound rates. The industry will need proactive technological modernization and an expansion of its product range to remain competitive under the new conditions.

Agriculture—accounting for around 25% of GDP and being the country’s largest employer—faces mixed consequences from WTO accession. The WTO Agreement on Agriculture will require the reduction of “amber box” measures (price support and direct subsidies). However, it also creates significant export opportunities, as dried fruits, fruit and vegetable products, and cotton-based goods are in demand in WTO member markets. Success in this sector largely depends on the timely removal of barriers such as non-compliant SPS requirements in importing countries.

These sectors require a detailed legal audit of subsidy practices and export restrictions. WTO rules (Article 3 of the

SCM Agreement) prohibit subsidies contingent upon export performance or the use of domestic inputs. Existing export restrictions on raw materials must be reviewed for compliance with Article XI of GATT.

Based on the conducted analysis, a three-stage model of legal adaptation is proposed.

Stage 1 (pre-accession, 2025–2026): completion of negotiations on bound tariff rates; adoption of legislation aimed at eliminating prohibited subsidies; reform of enforcement mechanisms in the field of intellectual property; and updating of technical regulations.

Stage 2 (transition period, 2026–2028): gradual tariff reduction in sectors subject to transition periods (automotive industry, selected agricultural products); restructuring of subsidies to state-owned enterprises; establishment of specialized judicial panels for trade disputes; and preparation of the first trade policy review reports.

Stage 3 (full integration, 2028–2030): formation of a stable practice of applying international trade law in national courts and administrative bodies; active use of the WTO dispute settlement mechanism to protect export interests; and alignment of trade policy with the objectives of the “Uzbekistan – 2030” strategy.

In economic terms, this process is expected to lead to a more diversified export structure with a higher share of value-added goods, increased inflows of foreign direct investment due to reduced



legal uncertainty, and improved competitiveness of local enterprises following the completion of the adjustment period.

The conducted study allows for the formulation of the following conclusions:

1. Uzbekistan's accession to the WTO represents a complex legal and economic process in which the state assumes a wide range of international legal obligations requiring systemic reforms in foreign trade regulation, customs administration, technical regulation, and intellectual property protection.

2. The most relevant theoretical framework for explaining this process is the doctrine of institutional harmonization, which allows WTO requirements to be used as a catalyst for legal and administrative modernization—particularly important in the context of significant state involvement in Uzbekistan's economy.

3. Four main clusters of legal conflicts have been identified: in the area of subsidies and state-owned enterprises (Articles 2–3 of the SCM Agreement); in intellectual property enforcement (Part III of TRIPS); in technical regulation

(Article 2.4 of the TBT Agreement); and in SPS measures (Article 3.1 of the SPS Agreement). For each cluster, specific legal resolution mechanisms have been proposed.

4. A key condition for successful integration is not merely formal legislative change, but the creation of effective implementing institutions: competent public authorities, an independent judiciary, specialized trade dispute panels, and a system for training professionals in international trade law.

5. Promising directions for further research include: quantitative assessment of the long-term economic effects of accession; analysis of enforcement practice after WTO membership; and comparative studies of other post-Soviet WTO member states.

Thus, WTO accession for Uzbekistan is not an end in itself, but a strategic instrument of legal and economic modernization, the realization of whose potential depends on the quality of domestic reforms and the alignment of trade policy objectives with national development goals enshrined in the “Uzbekistan – 2030” Strategy.

LIST OF REFERENCES:

1. Marrakesh Agreement Establishing the World Trade Organization, April 15, 1994. // WTO Legal Texts. — URL: www.wto.org (accessed: 01.03.2025).
2. General Agreement on Tariffs and Trade (GATT 1994) // WTO Legal Texts. — URL: www.wto.org (accessed: 01.09.2024).
3. Agreement on Subsidies and Countervailing Measures (SCM Agreement) // WTO Legal Texts. — URL: www.wto.org (accessed: 01.03.2025).



4. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) // WTO Legal Texts. — URL: www.wto.org (accessed: 01.09.2024).
5. Agreement on Technical Barriers to Trade (TBT Agreement) // WTO Legal Texts. — URL: www.wto.org (accessed: 01.03.2025).
6. Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) // WTO Legal Texts. — URL: www.wto.org (accessed: 01.03.2025).
7. Law of the Republic of Uzbekistan “On Foreign Economic Activity” (as amended in 2024) // National Database of Legislation of the Republic of Uzbekistan. — URL: lex.uz (accessed: 01.09.2024).
8. Customs Code of the Republic of Uzbekistan, January 20, 2016 (as amended in 2023) // National Database of Legislation of the Republic of Uzbekistan. — URL: lex.uz (accessed: 01.09.2024).
9. Decree of the President of the Republic of Uzbekistan “On the Development Strategy of New Uzbekistan for 2022–2026”, January 28, 2022. — URL: lex.uz (accessed: 01.09.2024).
10. “Uzbekistan – 2030” Strategy // Official Website of the President of the Republic of Uzbekistan. — URL: president.uz (accessed: 01.03.2025).
11. WTO Working Party on the Accession of Uzbekistan. Reports of Meetings 2016–2024. — URL: www.wto.org (accessed: 01.03.2025).
12. World Bank. Uzbekistan: Trade Policy Review. — Washington, 2023. — URL: www.worldbank.org (accessed: 01.03.2025).
13. IMF. Uzbekistan: Article IV Consultation. — Washington, 2024. — URL: www.imf.org (accessed: 01.03.2025).
14. UNCTAD. WTO Accession and Development Policies. — Geneva, 2023. — URL: unctad.org (accessed: 01.03.2025).
15. Jackson J.H. The World Trading System: Law and Policy of International Economic Relations. — 2nd ed. — Cambridge: MIT Press, 1997. — URL: books.google.com (accessed: 01.03.2025).
16. Hoekman B., Kostecki M. The Political Economy of the World Trading System. — 3rd ed. — Oxford: Oxford University Press, 2009. — 712 p. — URL: books.google.com (accessed: 01.03.2025).
17. Shaffer G., Nordström H. Access to Justice in the World Trade Organization: A Case for a Small Claims Procedure? // World Trade Review. — 2008. — Vol. 7, No. 4. — URL: www.cambridge.org (accessed: 01.03.2025).
18. Toshpulatova M. Uzbekistan’s Foreign Trade Strategy: Economic Analysis of WTO and EAEU Directions // Economics, Finance and Management Review. — 2025. — Issue 4 (24). — URL: www.researchgate.net/publication/399194268 (accessed: 01.03.2025).