



Rescuing Multilateral Trade: Strategic Reforms for a Post-Appellate WTO

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ABSTRACT

The World Trade Organization (WTO), once hailed as the guardian of multilateral trade, faces an existential crisis marked by the collapse of its dispute resolution system, mounting geopolitical tensions, and outdated regulatory frameworks. The paralysis of the Appellate Body since 2019 has crippled the enforcement of trade rules and undermined the legitimacy of the WTO's legal order. Concurrently, the rise of regional and bilateral trade agreements, the misuse of national security exceptions under Article XXI of the General Agreement on Tariffs and Trade (GATT), and the exclusion of new trade domains like digital commerce and climate regulation signal the WTO's increasing irrelevance. This paper evaluates the institutional and structural deficiencies in the WTO framework, critically examines India's position in WTO negotiations, and presents strategic legal reforms for restoring its central role in global trade governance. Emphasis is placed on restoring the Appellate Body, adopting flexible negotiation models, regulating regional trade agreements, and incorporating digital and climate-linked trade. With a focus on inclusivity, legal reform, and updated multilateralism, this study aims to propose pathways for the WTO to reclaim its authority and legitimacy in an evolving world economy.

Keywords: WTO Reform, Appellate Body, Dispute Settlement, Multilateralism, Digital Trade, India

1. Introduction

The establishment of the World Trade Organization (WTO) on January 1, 1995, represented a watershed moment in the evolution of international economic relations. As the institutional successor to the General Agreement on Tariffs and Trade (GATT), the WTO extended the legal architecture of global trade far beyond the exchange of goods. Unlike GATT's narrower scope, the WTO introduced comprehensive multilateral rules governing trade in services under the General Agreement on Trade in Services (GATS), and intellectual property through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).¹ These innovations signified a shift from a predominantly tariff-focused regime to a broad-based framework intended to harmonize trade liberalization, promote predictability, and enforce legal obligations among sovereign states.

The core objectives of the WTO include: administering multilateral trade agreements, providing a negotiating platform for future trade reforms, settling disputes among members, reviewing national trade policies, and cooperating with other international institutions involved in global economic governance.² It is these functions that earned the WTO its designation as the foundation of the rules-based global trading system.

¹ Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154.

² World Trade Organization, *Understanding the WTO* 6–12 (2023), https://www.wto.org/english/thewto_e/whatis_e/tif_e/tif_e.htm.



Nevertheless, the last two decades have revealed deep-rooted institutional dysfunctions that threaten the very credibility of the organization. In particular, the paralysis of the Appellate Body—an essential component of the WTO’s Dispute Settlement Understanding (DSU)—has exposed the organization’s vulnerability to unilateralism and legal voids. The inability to fill judicial vacancies since 2017 due to the consistent objections of the United States culminated in the effective suspension of the appellate process by December 2019.³ The loss of a binding appellate function undermines the enforcement of WTO rulings, weakens member confidence in the rules-based system, and fosters legal uncertainty in international trade.

1.1 Emerging Structural and Normative Challenges

In parallel with legal stagnation, the WTO has failed to keep pace with rapidly evolving economic realities. New trade frontiers such as e-commerce, digital goods and services, artificial intelligence (AI), cloud computing, and cross-border data flows remain largely unregulated at the multilateral level. The existing WTO framework, primarily designed in the pre-digital era, lacks adequate provisions to address these complex regulatory and ethical challenges. Additionally, climate-sensitive trade instruments such as carbon border adjustment mechanisms (CBAMs), green subsidies, and environmental tariffs raise concerns about their compatibility with core WTO principles like non-discrimination and the Most-Favored Nation (MFN) clause.

At the same time, a surge in bilateral and regional trade agreements has shifted negotiation authority and rule-making away from the WTO. Plurilateral initiatives such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the Regional Comprehensive Economic Partnership (RCEP), and digital economy agreements (DEAs) are increasingly setting the agenda for contemporary trade governance.⁴ While these frameworks promote flexibility and faster outcomes, they also risk fragmenting the global trade order, creating overlapping standards and institutional redundancies that dilute the relevance of the WTO.

1.2 India’s Role and Frictions in the WTO

India, as a prominent developing country and long-standing member of the WTO, has consistently advocated for a more inclusive and equitable trade architecture. Its approach is rooted in principles of food security, agricultural self-reliance, and the developmental needs of emerging economies. India has championed Special and Differential Treatment (SDT), objected to the imposition of universal labor and environmental standards, and resisted what it views as asymmetric obligations that unduly burden developing nations. Frictions with developed countries, especially over public stockholding programs, digital duties, and investment facilitation, have highlighted the deep ideological and economic divides within the organization. These conflicts underscore the necessity for reforms that address the structural biases of the system while maintaining legal predictability.

1.3 Statement of the Problem

The World Trade Organization is undergoing a profound legitimacy crisis, fueled by institutional paralysis and geopolitical fragmentation. The suspension of its Appellate Body has dismantled the only binding and enforceable global mechanism for resolving trade disputes. As a result, states are increasingly resorting to unilateral measures or alternative adjudicatory forums, eroding the principle of multilateralism.

³ Simon Lester, *The Decline of the WTO Appellate Body*, 113 Am. J. Int’l L. 635, 637 (2019).

⁴ Bernard Hoekman, *Revitalizing Multilateral Trade Governance at the WTO* 10–12 (EUI Working Papers, RSCAS 2019/25).



In addition, the WTO's inability to negotiate meaningful agreements in key areas such as digital trade, environmental regulation, and investment rules reflects a growing disconnect between its legal framework and the dynamics of 21st century commerce. The expanding role of preferential trade agreements (PTAs) and the absence of enforceable norms on emerging technologies further compound this problem.

Developing nations, especially India, face structural disadvantages in this environment. The lack of technical capacity, legal resources, and negotiating power has sidelined their interests in many WTO discussions. Moreover, attempts to redefine development status and limit SDT eligibility risk diluting the developmental focus of the WTO, thus undermining the original promise of inclusive globalization.

1.4 Objectives of the Study

This paper seeks to undertake a comprehensive legal and policy analysis of the WTO's institutional crisis and explore viable reform trajectories, with a focus on the following objectives:

1. To critically assess the root causes of the paralysis in the WTO's dispute settlement mechanism, with special reference to the Appellate Body;
2. To examine the WTO's limitations in addressing new trade issues such as digital economy governance, climate-linked trade rules, and plurilateralism;
3. To analyze India's position and priorities in WTO negotiations, particularly concerning agricultural subsidies, public stockholding, and digital duties;
4. To evaluate the legal and institutional implications of regional trade agreements on WTO coherence;
5. To propose pragmatic, inclusive, and legally sustainable reforms that can restore the effectiveness and credibility of the WTO.

1.5 Research Gap

A substantial body of scholarship has emerged on the crisis of multilateralism and the decline of the WTO. Many studies focus either on the geopolitical aspects of trade diplomacy or on the jurisprudential failures of the dispute settlement system. However, there is a notable lack of integrated research that combines doctrinal legal analysis, comparative institutional assessment, and policy recommendations tailored for developing countries.

Most existing literature does not comprehensively address how emerging technologies, environmental trade policy, and regionalism collectively contribute to the WTO's marginalization. Furthermore, few studies critically engage with India's strategic positioning in the WTO reform discourse or explore mechanisms to balance sovereignty, inclusivity, and enforceability in a post-Appellate Body era.

This research aims to fill that gap by offering a multidisciplinary, development-sensitive, and legally grounded roadmap for revitalizing multilateral trade governance.

2. Literature Review

A robust understanding of the WTO's challenges requires a review of scholarly and institutional literature. The following five key works provide legal, institutional, and geopolitical perspectives relevant to this study.

Jackson (2006)

John H. Jackson, widely regarded as the father of WTO law, emphasized the centrality of the dispute settlement system to maintaining the rule of law in trade. He described the Appellate Body as the "crown jewel" of the WTO's legal architecture and warned that its collapse would endanger the



consistency and predictability of the multilateral system.⁵ His work anticipated the systemic risks of leaving trade enforcement vulnerable to unilateralism.

Bhagwati (2008)

Jagdish Bhagwati critiqued the proliferation of regional trade agreements, characterizing them as forming a “spaghetti bowl” of overlapping obligations that undermine multilateralism. He argued that such agreements deviate from the Most-Favoured-Nation (MFN) principle, permitted under GATT Article XXIV but rarely evaluated critically by the WTO.⁶

Hoekman (2014)

Bernard Hoekman discussed the institutional rigidity of the WTO’s negotiation model particularly the “single undertaking” rule and proposed a shift toward plurilateral negotiations as a means to move forward on complex and politically sensitive issues like digital trade, e-commerce, and services liberalization.⁷

Evenett& Baldwin (2020)

In response to the COVID-19 pandemic, Simon Evenett and Richard Baldwin examined how global supply chains and trade commitments were destabilized. They emphasized that the WTO’s inability to respond swiftly highlighted its declining leadership in trade governance. Their work advocates for systemic renewal, including stronger rules on export restrictions and supply chain transparency.⁸

Rodrik (2011)

Dani Rodrik argued that globalization under the WTO had reached a crossroads. He called for redefining the developmental mandate of international trade institutions by allowing space for national development strategies. His critique of “hyper-globalization” supports the need for WTO reforms that preserve policy flexibility for the Global South.⁹

3. Research Methodology

This research adopts a **qualitative doctrinal approach**, focusing on legal texts, WTO agreements, dispute settlement reports, academic literature, and institutional commentaries. The aim is to analyze the structural and legal challenges faced by the WTO and to recommend plausible reforms based on international legal principles and trade jurisprudence.

3.1 Doctrinal Legal Research

The core method involves the study of WTO treaties such as the Marrakesh Agreement, GATT 1994, and the Dispute Settlement Understanding (DSU). In addition, relevant case law from the Appellate Body Reports and Panel Reports is analyzed to understand how trade law has evolved over time and how legal uncertainty has grown with the collapse of the Appellate Body.¹⁰

⁵ John H. Jackson, *Sovereignty, the WTO, and Changing Fundamentals of International Law* 73–78 (Cambridge Univ. Press 2006).

⁶ Jagdish Bhagwati, *Termites in the Trading System: How Preferential Agreements Undermine Free Trade* 12–15 (Oxford Univ. Press 2008).

⁷ Bernard Hoekman, *Sustaining Multilateral Trade Cooperation in a Multipolar World Economy*, 5 *Global Pol’y* 253, 256–59 (2014).

⁸ Simon Evenett & Richard Baldwin, *Revitalising Multilateralism: Pragmatic Ideas for the New WTO Director-General* 5–10 (CEPR Press 2020).

⁹ Dani Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy* 232–39 (W.W. Norton & Co. 2011).

¹⁰ See Appellate Body Report, *United States – Anti-Dumping Measures on Certain Shrimp and Diamond Sawblades from China*, WTO Doc. WT/DS422/AB/R (adopted Jul. 23, 2015).



3.2 Secondary Data Sources

The study draws on:

- WTO annual reports
- Country submissions (e.g., India, USA, EU)
- Academic journals (Yale J. Int'l L., J. World Trade, etc.)
- Policy briefs from institutions like CEPR, Brookings, and Peterson Institute

These sources provide diverse viewpoints from both developed and developing countries, giving the research a global dimension.

3.3 Comparative Legal Analysis

Comparisons are made between:

- The WTO legal framework and newer regional trade agreements like RCEP and CPTPP
- WTO's original intent vs. its current status
- Dispute resolution models in other tribunals, such as the International Court of Justice (ICJ) and Investor-State Dispute Settlement (ISDS)

This allows for a critical understanding of where WTO law has stagnated and what alternative legal structures offer in terms of predictability and enforceability.

4. Analysis and Discussion

This section explores the multidimensional crisis within the WTO, with a particular focus on the collapse of the Appellate Body, the abuse of national security exceptions, the rise of regional trade agreements, and the inability to regulate emerging areas such as digital trade and environmental commerce. It also analyzes the positions of key WTO members, including India, the United States, and the European Union.

4.1 The Collapse of the Appellate Body

The Appellate Body (AB) was designed as the apex court of global trade law. Since its creation under Article 17 of the Dispute Settlement Understanding (DSU), it ensured consistent interpretation of WTO law and legal certainty for member states. However, in December 2019, the AB ceased functioning due to the United States blocking new appointments, citing judicial overreach and procedural delays.¹¹

The implications of this collapse are grave. First, panel reports can now be appealed “into the void,” meaning a losing party can prevent final adjudication simply by appealing without a functioning Appellate Body.¹² Second, confidence in the rule-based trading system has eroded, leading countries to seek bilateral dispute resolution or unilaterally impose retaliatory tariffs.

Notably, some members have temporarily adopted the Multi-Party Interim Appeal Arbitration Arrangement (MPIA), an ad hoc substitute for the AB.¹³ However, major economies like the U.S. and India have not joined, limiting its global utility.

¹¹ Simon Lester, *The Appellate Body Crisis: How Did We Get Here and What Lies Ahead?*, 23 J. Int'l Econ. L. 211, 213 (2020).

¹² Bernard Hoekman & Petros Mavroidis, *Preventing the Death of the WTO Appellate Body*, 16 Global Trade & Customs J. 409 (2021).

¹³ European Commission, *The MPIA as a Stopgap for the WTO Appellate Body*, Trade Policy Brief No. 2 (2021).



4.2 Abuse of Article XXI: National Security Loophole

Article XXI of GATT 1994 allows members to take measures “necessary for the protection of its essential security interests.”¹⁴ Originally conceived during the Cold War, this clause was rarely invoked. However, since 2018, the U.S., Saudi Arabia, and Russia have increasingly used it to justify trade restrictions, including tariffs on steel and aluminium, and embargoes against Qatar and Ukraine.¹⁵

This misuse of Article XXI has raised fears of a breakdown in enforceability. In *Russia–Traffic in Transit*, a WTO panel ruled that the clause is **b** meaning the WTO can review whether security claims are genuine or a disguise for protectionism.¹⁶ However, enforcement is impossible without a functioning AB.

This legal ambiguity incentivizes unilateralism and contradicts the WTO’s principle of non-discrimination under Article I of GATT.

4.3 Proliferation of Regional and Bilateral Trade Agreements

Over 300 regional trade agreements (RTAs) are in force today, many of which contain provisions far beyond the WTO’s mandate covering investment, labor, digital trade, and intellectual property.¹⁷ While permitted under Article XXIV of GATT, RTAs have diluted the WTO’s central role and fostered regulatory fragmentation.

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and Regional Comprehensive Economic Partnership (RCEP) both include binding digital trade rules, data localization bans, and environmental protections issues that have stalled at the WTO.¹⁸ These agreements demonstrate that members can negotiate and enforce rules faster and more effectively outside the WTO framework.

However, this trend poses two risks: (1) small and least-developed countries are often excluded, and (2) overlapping commitments can lead to trade disputes due to inconsistent obligations.

4.4 India’s Position in WTO Negotiations

India has consistently defended the developmental mandate of the WTO, especially the right to protect its agriculture and provide subsidies for food security. It has been a vocal advocate for retaining Special and Differential Treatment (SDT) under the Doha Development Agenda.¹⁹

During the Bali (2013) and Nairobi (2015) ministerials, India pushed for a permanent solution to public stockholding for food security purposes. Although a temporary peace clause was agreed upon, no long-term legal resolution has been reached.²⁰

India has also opposed premature inclusion of non-traditional issues like e-commerce, investment facilitation, and competition policy, arguing that developing countries are not ready to take on

¹⁴ General Agreement on Tariffs and Trade art. XXI, Oct. 30, 1947, 61 Stat. A-11, 55 U.N.T.S. 194.

¹⁵ United States—Certain Measures on Steel and Aluminum Products, WTO Doc. WT/DS544/R (2022).

¹⁶ Panel Report, Russia—Measures Concerning Traffic in Transit, WTO Doc. WT/DS512/R (adopted Apr. 5, 2019).

¹⁷ WTO, *Regional Trade Agreements Database*, <https://rtais.wto.org/UI/PublicMaintainRTAHome.aspx>.

¹⁸ Deborah Elms, *Digital Trade Provisions in RCEP and CPTPP*, Asian Trade Centre Policy Note No. 3 (2021).

¹⁹ India’s Statement at the General Council, WTO Doc. WT/GC/M/183 (2021).

²⁰ WTO General Council, Public Stockholding for Food Security Purposes, WTO Doc. WT/GC/W/687 (2014).



additional binding commitments.²¹ These positions reflect the broader divide between the Global North and South on trade liberalization vs. policy space.

4.5 WTO's Inability to Address New Trade Realities

The digital economy now accounts for an estimated 15% of global GDP, yet the WTO lacks comprehensive rules on e-commerce, artificial intelligence, and cross-border data flows.²² A Joint Statement Initiative (JSI) on e-commerce was launched in 2019, but several key members including India and South Africa have opted out due to concerns over regulatory sovereignty.

Likewise, climate-linked trade policy, including carbon border adjustment mechanisms (CBAM) being proposed by the EU, is not addressed under WTO rules. This opens the door for disputes over green protectionism and carbon tariffs without clear legal guidance.

The WTO must modernize its rulebook or risk being bypassed entirely by newer agreements and informal coalitions.

5. Proposed Reforms and Solutions

The WTO must undergo comprehensive reform if it is to survive and fulfill its mandate in the 21st century. The following reform proposals address legal, structural, and policy-based shortcomings identified in the previous section.

5.1 Reviving the Appellate Body

Restoring a functioning dispute settlement mechanism is critical to maintaining the credibility of the WTO. Key proposals include:

- **Time-bound Judicial Appointments:** Amend the DSU to require mandatory appointments or reappointments within a fixed deadline (e.g., 60 days) to prevent obstruction by individual members.²³
- **Clarified Mandate to Prevent Judicial Overreach:** Establish interpretive guidelines to ensure the Appellate Body adheres to textualism, avoiding decisions that may appear as law-making.²⁴
- **Reform of Operating Procedures:** Set deadlines for appeal reports and increase transparency through public hearings.

While the MPIA is a temporary solution, restoring the universal Appellate Body will require political negotiation, especially with the United States. A package deal tying dispute settlement reform with other U.S. priorities (e.g., transparency, subsidy reporting) may help facilitate consensus.²⁵

5.2 Adopting Flexible Negotiation Formats

The “single undertaking” model where nothing is agreed until everything is agreed has proven unworkable in a highly diverse membership. Instead, the WTO should:

- **Enable Plurilateral Agreements:** Allow subsets of willing members to negotiate and implement agreements on specific topics like digital trade and services, while maintaining open accession clauses.²⁶

²¹ India-South Africa Joint Submission, WTO Doc. WT/GC/W/752 (2017).

²² UNCTAD, *Digital Economy Report 2021*, https://unctad.org/system/files/official-document/der2021_en.pdf.

²³ WTO General Council, Informal Process on DSU Reform, WTO Doc. JOB/GC/222 (2021).

²⁴ U.S. Trade Representative, Report on the Appellate Body of the WTO, 2020, <https://ustr.gov/sites/default/files>.

²⁵ Simon Lester, Proposals to Unblock the Appellate Body Crisis, *Int'l Econ. L. Rev.* (2022).



- **Early Harvest Measures:** Finalize and implement consensus provisions without waiting for broader agreement (e.g., fisheries subsidies partial text was approved this way).²⁷

This reform respects the principle of variable geometry, allowing members to integrate at different speeds.

5.3 Establishing New Legal Frameworks for Digital Trade

The WTO must draft binding rules on:

- Cross-border data flows
- Prohibition of forced data localization
- Digital taxation
- Cyber security standards and AI governance

The WTO can build on existing models from the CPTPP, USMCA, and Digital Economy Partnership Agreement (DEPA), with a focus on ensuring regulatory space for developing countries.²⁸

Additionally, disputes related to algorithmic bias, trade in non-tangible goods, and e-certification require specific dispute resolution protocols.

5.4 Promoting Inclusive Governance

Inclusivity is a foundational value for a legitimate multilateral system. Reforms should include:

- **Capacity Building for LDCs:** Legal aid, technical assistance, and language services must be enhanced to allow effective participation.²⁹
- **Rotating Committee Chairs:** Increase the representation of small and developing countries in leadership positions within committees and negotiating groups.
- **Rebalancing Agenda-Setting Power:** Shift from “Green Room” decision-making (where a few major powers dominate) to more transparent and inclusive processes.

5.5 Clarifying the Scope of National Security Exceptions

To prevent the abuse of Article XXI, the WTO should:

- Adopt a non-binding interpretative note defining “essential security interests” in line with international norms (e.g., UN Charter Articles 39–51)³⁰
- Establish a review mechanism under the Dispute Settlement Body (DSB) to assess the legitimacy of national security claims, even if final judgment remains reserved.
- **Introduce transparency obligations:** Members invoking Article XXI must disclose legal justification and economic impact assessments.

5.6 Enhancing Oversight of Free Trade Agreements (FTAs)

FTAs must be consistent with multilateral trade norms. The WTO can:

- Strengthen the Committee on Regional Trade Agreements (CRTA) to perform ex-ante reviews of FTAs and flag inconsistencies with MFN or transparency requirements.³¹
- Require notification of digital and investment provisions within FTAs to the WTO Secretariat for harmonization.

²⁶ WTO Joint Statement on E-Commerce, WTO Doc. WT/L/1056 (2021).

²⁷ WTO Ministerial Decision on Fisheries Subsidies, WTO Doc. WT/MIN (22)/W/1 (2022).

²⁸ Mira Burri, The Governance of Data and Digital Trade in the WTO, 53 J. World Trade 943 (2019).

²⁹ WTO, Technical Assistance and Training Plan 2023–2024, https://www.wto.org/english/tratop_e/devel_e/teccop_e/teccop_e.htm.

³⁰ GATT Analytical Index, Art. XXI Interpretative Notes (2023), https://www.wto.org/english/docs_e/gattdocs_e.htm.

³¹ WTO, RTA Transparency Mechanism, Decision of Dec. 14, 2006, WT/L/671.



5.7 Reworking Special and Differential Treatment (SDT)

The self-designation model of SDT has led to tensions between developed and advanced developing countries. Reform proposals include:

- **Objective Criteria:** Use per capita income, Human Development Index (HDI), and share of global trade to determine eligibility.³²
- **Graduation Mechanism:** Countries surpassing thresholds over five years may be transitioned to full obligations with adequate adjustment periods.
- **Issue-Specific Flexibility:** Allow SDT on a sectoral basis e.g., agriculture but not e-commerce.

This ensures targeted support for genuine development needs without enabling blanket exemptions.

6 Future Scope of the Study

The current study provides a doctrinal analysis of the structural and legal failures within the WTO framework. However, future research could further enrich the reform dialogue through the following dimensions:

6.1 Empirical Impact Studies

Empirical work could analyze how the paralysis of the dispute settlement system has altered trade patterns, foreign direct investment, and market confidence particularly in the Global South. For instance, econometric modeling may examine the impact of unresolved disputes on tariff escalation and trade diversion.

6.2 Comparative Institutional Analysis

Further research may compare the WTO's dispute settlement system to **Investor-State Dispute Settlement (ISDS)** models under bilateral investment treaties (BITs), or to **adjudicatory mechanisms in environmental law**, such as the Paris Agreement's transparency framework. This would help gauge legal effectiveness and procedural innovation.

6.3 Climate and Trade Synergy

As climate policy becomes intertwined with trade, future studies can focus on the legal compatibility of carbon border adjustment mechanisms (CBAM), green subsidies, and emission-linked tariffs with WTO norms. Legal scholars must evaluate whether these instruments violate the non-discrimination principle or can be justified under Article XX (General Exceptions) of GATT.

6.4 South-South Trade and Informal Plurilateralism

With traditional North-South dynamics shifting, new South-South trade coalitions such as the BRICS, African Continental Free Trade Area (AfCFTA), and India-Brazil-South Africa Dialogue Forum (IBSA) offer potential models of plurilateral integration outside the WTO. Legal analyses could determine how such groups interact with or circumvent WTO obligations.

6.5 AI and Algorithmic Trade Governance

Emerging issues like automated customs procedures, algorithmic pricing, and digital identity require scrutiny under international trade law. Future research should explore the necessity for algorithmic accountability and due process standards under WTO rules.

³² Robert Wolfe, Reforming SDT: Measuring Development, ICTSD Policy Brief No. 25 (2020).



7. Conclusion

The World Trade Organization is at a historic crossroads. While it has played an unparalleled role in facilitating trade liberalization and dispute resolution since its inception, structural paralysis especially the collapse of the Appellate Body has cast doubt on its future viability.

The legal system's predictability, consistency, and credibility have eroded. Coupled with geopolitical friction, the rise of regionalism, and the inability to respond to new trade realities such as digital commerce and green protectionism, the WTO risks obsolescence unless urgent reforms are enacted.

This paper proposes a comprehensive legal reform agenda: restoring the Appellate Body, adopting flexible negotiation mechanisms, regulating FTAs, clarifying national security exceptions, and establishing enforceable digital trade norms. These reforms are not merely procedural they are foundational to preserving the WTO's centrality in the global economic order.

If implemented, these changes can restore trust in multilateralism, ensure fair trade practices, and give both developed and developing countries a shared platform for sustainable economic growth.

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