

How not to negotiate: the case of trade multilateralism

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Trade multilateralism would not have featured as a case of ‘abject failure’ had this special issue been planned in 2001. Under the auspices of the General Agreement on Tariffs and Trade (GATT), and with the creation of the World Trade Organization (WTO) in 1995, the multilateral trading system was—by and large—a success story. For over half a century, the rules-based system of the GATT and then the WTO had facilitated increased trade, contributed to poverty reduction in large parts of the world, and also served as a key pillar of the postwar global order that was premised on an intimate and positive linkage between prosperity and peace. True, no system is perfect, and this was no exception. Perhaps its biggest flaw was the marginalization of developing countries from key decision-making processes, so much so that they came to refer to the GATT as the ‘Rich Man’s Club’;¹ decades of efforts to reform the GATT from within, and to promote their

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¹ Rubens Ricupero, ‘Integration of developing countries into the multilateral trading system’, in Jagdish Bhag-

agenda in other institutional settings, generated few successes. By the turn of the millennium, though, it appeared that even this problem was being addressed.² The WTO began to adapt its decision-making practices to improve transparency and inclusiveness. Its members launched a new round of trade negotiations—the Doha Development Agenda (DDA)—which finally placed the longstanding development concerns of the global South at its core. And yet, despite all these achievements, the WTO and its members have been caught up in a downward spiral of deadlocks and failures for almost two decades. A recent ‘package’ deal, agreed to in June 2022 at the ministerial conference in Geneva,³ is watered down from its already low ambition and thin on substance.⁴ If anything, this short-term, Band-Aid-style fix risks further decreasing the legitimacy of the WTO and reinforcing its growing redundancy in the medium term.⁵

In this article, I argue that negotiation mishaps, muddles and misadventures are key to understanding why trade multilateralism is in dire straits today. The argument proceeds in four parts: the first two sections are empirical, while the latter two focus on questions of policy impact and implications. As a first step, I provide an overview of the multiple levels of malfunction and breakdown in the organization, and show that together they constitute a resounding failure of trade governance. The second part traces the negotiation failures that have characterized key aspects of the WTO’s workings. In the third section, following the guidelines developed for this special issue, I reflect on my own research and its interaction with the world of policy. The fourth and concluding section presents the main dos and don’ts that follow and some further policy recommendations.

Trade multilateralism today: dysfunction and deadlock

The introduction to this special issue defines ‘failure’ in terms of outcomes that are widely recognized as being at variance ‘from the instigating actor’s *ex ante* expectations’. In addition to the stated intentions of players, the editors identify timing (‘the failure is recognized to be significant enough such that one cannot conceive of a future trajectory in which that historical judgement is revised’) and distributive implications (‘lose–lose outcomes that leave a lasting negative legacy’) as key

wati and Mathias Hirsch, eds, *The Uruguay Round and beyond: essays in honour of Arthur Dunkel* (Ann Arbor: University of Michigan Press, 1998).

² Amrita Narlikar, *Poverty narratives and power paradoxes: international trade negotiations and beyond* (New York: Cambridge University Press, 2020).

³ World Trade Organization, ‘WTO members secure unprecedented package of trade outcomes at MC12’, 17 June 2022, https://www.wto.org/english/news_e/news22_e/mc12_17jun22_e.htm. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 21 June 2022.)

⁴ Alan Beattie, ‘The WTO’s marathon exercise in staying alive,’ *Financial Times*, 17 June 2022, <https://www.ft.com/content/ae5599ef-2710-43f3-bf08-9d2799f1b884>.

⁵ The lukewarm-to-critical response of diverse stakeholders outside the corridors of the WTO is evident, e.g. ‘Okonjo-Iweala and WTO Members tout MC 12 success; package gets mixed reviews by business, civil society’, *Inside US Trade*, 17 June 2022, <https://insidetradetrade.com/daily-news/okonjo-iweala-wto-members-tout-mc12-success-package-gets-mixed-reviews-business-civil/>; also see Public Services International, ‘The Global Union Federation of Workers in Public’, ‘The WTO kneels to big pharma at ministerial conference’, joint statement, <https://publicservices.international/resources/news/wto-kneels-to-big-pharma-at-ministerial-conference?id=13117&lang=en>, 17 June 2022.

elements in defining policy failures. According to the criteria offered by this definition, the case of trade multilateralism unfortunately qualifies almost to perfection.⁶

All three core functions of the WTO—negotiating global trade agreements, ensuring transparency and settling disputes—are in a state of disarray. The well-intentioned Doha trade round was launched in good faith, and was scheduled for completion in 2005. But the DDA turned out to be uniquely susceptible to polarization and breakdown. And while delays and stalemates are not new to trade multilateralism *per se*, the early occurrence, sustained frequency and severity of the Doha deadlocks together did not represent business as usual. In the first few years of the Doha deadlocks, trade negotiators would make light of ‘the curse of Geneva’—that each trade round takes longer than the previous one to complete.⁷ But after two full decades of failed negotiations and scarce hope that the DDA might still be resuscitated, that joke appears in poor taste. In terms of both the unrealized gains of trade liberalization and development that the round had envisaged, as well as the dented credibility of the WTO, the failure of Doha has left all parties worse off.⁸

The DDA negotiations are only one indicator of the disrepair in which the WTO finds itself; the other core institutional functions of transparency and dispute settlement are also hamstrung. For instance, the WTO’s trade monitoring reports have noted the reluctance of members to comply with transparency and notification requirements.⁹ The Dispute Settlement Mechanism (DSM)—a crown

⁶ In common parlance, ‘multilateralism’ can refer simply to ‘anything more than bilateralism’ (my thanks to one of the anonymous reviewers for this pithy phrase). For the purposes of this article, however, I use John Ruggie’s tighter definition (John Ruggie, ‘Multilateralism: the anatomy of an institution’, in John Ruggie, ed., *Multilateralism matters: the theory and praxis of an institutional forum* (New York: Columbia University Press, 1993). According to Ruggie, multilateralism is an institutional form that not only ‘coordinates relations among three or more states’, but does so ‘on the basis of generalized principles of conduct: that is, principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence. Most favoured nation (MFN) treatment is a classic example in the economic realm: it forbids discrimination among countries producing the same product—full stop.’ Ruggie’s conceptualization recognizes the importance of the notions of ‘indivisibility among members as a collective’ as well as ‘diffuse reciprocity’—the latter concept being developed by Robert O. Keohane, ‘Reciprocity in international relations’, *International Organization* 40: 1, 1986, pp. 1–27. To Ruggie’s definition, I would further add a membership criterion: a multilateral organization need not be universal in membership, but it does need to involve a *critical mass* of states as members, which constitutes this indivisible collectivity and enjoys the benefits of diffuse reciprocity. Note that according to this definition, trade *multilateralism* is to be distinguished not only from *bilateral* but also *regional/preferential trade agreements* (RTAs/PTAs). The WTO epitomizes trade multilateralism, and thus forms the focus of this study; some reference is made to RTAs, but only as a counterpoint.

⁷ Prior to the DDA, the longest-running round of trade negotiations was the Uruguay Round, which lasted from 1986 to 1994.

⁸ The Geneva deal struck in June 2022 remains a far cry from the ambition of Doha; it also does not represent an updating of the negotiating agenda to address the challenges of the present day (such as the weaponization of global supply chains on a range of key sectors, including food).

⁹ The WTO’s *Report on G20 trade measures*, for instance, states: ‘As indicated in previous Reports, since July 2017, the Secretariat has been unable to justify the inclusion of a separate annex on general economic support measures (unrelated to COVID-19) in the Trade Monitoring Reports. This has been partly due to the low participation and response rate of WTO Members to the request for information, and partly because such an annex would have been biased against those Members that traditionally share and publish detailed information of such measures and programmes. Compounding the lack of information volunteered by Members, some delegations have often insisted on excluding general economic support measures identified by the Secretariat from public sources and for which verification was sought’: WTO, *Report on G20 trade measures—mid-October 2020 to mid-May 2021*, 28 June 2021, https://www.wto.org/english/news_e/news21_e/report_trdev_jun21_e.pdf.

jewel of the trade regime, once the envy of other institutions of global governance—is also paralysed, with the United States refusing to appoint/reappoint members to the Appellate Body until major problems are addressed.¹⁰

With the unhappy decline in its effectiveness, the challenges to the WTO have also increased. Former US President Trump's invective against multilateralism at large and the WTO in particular did not enhance the standing of the organization. His unilaterally launched 'good and easy to win' trade wars signalled that even the state that had served as chief underwriter and guarantor of the system was now willing to bypass it. But these public attacks on trade multilateralism distract attention from the fact that US grievances against the WTO did not originate in the Trump era. One illustration of America's longstanding dissatisfaction with the WTO can be found in the readiness of the US to block the appointment/ reappointment of members of the Appellate Body—an action that was not unique to the Trump presidency. In 2011, the Obama administration had blocked the reappointment of Georgetown lawyer Jennifer Hillman for a second term; this pattern recurred with the new appointment of James Gathii in 2013–14, and Seung Wha Chang's reappointment in 2016.¹¹ And indeed, the dissatisfaction of the US with trade multilateralism persists even after Trump's departure from office. Despite the promise of 'America is back', the Biden administration has neither reversed Trump's trade-restrictive approach,¹² nor has it unblocked the Appellate Body.¹³

It is important to remember that it is not just the United States that is disgruntled; many others are also discontented and frustrated with the workings of the system. The push to secure a temporary waiver on patents, which would allow expanded global production of desperately needed vaccines and offer access to other necessary medical products, has been far too slow in the offing, even as the pandemic continues to wreak havoc and claim lives across societies.¹⁴ An online

¹⁰ Jennifer Hillman, *A reset of the World Trade Organization's Appellate Body*, Council on Foreign Relations, 14 Jan. 2020, <https://www.cfr.org/report/reset-world-trade-organizations-appellate-body>; see also US Trade Representative (USTR), *Report on the Appellate Body of the World Trade Organization*, Feb. 2020, <https://ustr.gov/sites/default/files/enforcement/DS/USTR.Appellate.Body.Rpt.Feb2020.pdf>.

¹¹ Henry Gao, 'Finding a rule-based solution to the Appellate Body crisis: looking beyond the multiparty interim appeal arbitration arrangement', *Journal of International Economic Law* 24: 3, 2021, pp. 534–50.

¹² Bryce Baschuk, 'Biden picks up where Trump left off in hard-line stances at the WTO', *Bloomberg Politics*, 22 Feb. 2021, <https://www.bloomberg.com/news/articles/2021-02-22/biden-picks-up-where-trump-left-off-in-hard-line-stances-at-wto>. The deal signed by the EU and the US in October 2021 removed Trump's steel and aluminium tariffs, but remains a limited agreement that still seems to hark back to an era of managed trade rather than free trade; see e.g. Chad P. Bown and Kathryn Kadee Russ, 'Biden and Europe remove Trump's steel and aluminium tariffs but it's not free trade', *Trade and Investment Policy Watch*, Peterson Institute for International Economics, 11 Nov. 2021, <https://www.piie.com/blogs/trade-and-investment-policy-watch/biden-and-europe-remove-trumps-steel-and-aluminum-tariffs>.

¹³ In response to a proposal by a big majority of large and small members on the appointment of Appellate Body members (WT/DSB/W/609/REV.19), the US stated that it was not in a position to support the decision: 'The United States continues to have systemic concerns with the Appellate Body. As Members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple US Administrations': US statement at meeting of the Dispute Settlement Body, 30 Aug. 2021, https://uploads.mwp.mprod.getusinfo.com/uploads/sites/25/2021/08/Aug30.DSB_.Stmnt_.as_.deliv_.fin_.public.pdf.

¹⁴ Amrita Narlikar, 'Holding up a mirror to the World Trade Organization: lessons from the COVID19 pandemic', *Global Perspectives* 2: 1, 2021, pp. 240–69, <https://online.ucpress.edu/gp/article-abstract/2/1/24069/117171/Holding-Up-a-Mirror-to-the-World-Trade?redirectedFrom=fulltext>; for a compilation of relevant proposals by states and non-state actors, see https://www.twm.my/title2/intellectual_property/trips_waiver_proposal.htm.

ministerial convened by the new director-general (DG), Ngozi Okonjo-Iweala, in July 2021, that focused on making progress on fisheries subsidies, was a ‘gamble that did not really come off’.¹⁵ Her predecessor, Roberto Azevedo, had resigned unexpectedly and prematurely as DG in the previous year;¹⁶ within four and a half months of taking up office, rumours began circulating that Okonjo-Iweala had ‘privately threatened to resign’.¹⁷ Some of this institutional angst has been alleviated with the conclusion of a series of deals at the 12th ministerial conference, for which much credit has rightly gone to the personal commitment and political savvy of the director-general. But beyond an immediate sense of relief on the part of negotiators who worked overtime with extended deadlines, the disappointment outside is evident.¹⁸ Even with respect to the agreement on fisheries’ subsidies (seen by many as the biggest success of the organization in many years), the dissatisfaction is clear.¹⁹ It is still more palpable in the case of a desperately needed TRIPS waiver amidst the persistent pandemic and unequal access to life-saving medical products: ‘What has emerged isn’t really a waiver at all: it’s a clarification of existing flexibilities for overriding vaccine patents in case of a health emergency, with some extra bureaucracy added.’²⁰ This sorry state of affairs needs explaining.

Explaining the malaise: recurrent failures of negotiation

At first glance, it may be tempting to attribute the malaise of trade multilateralism to limitations of institutional design. One could argue, for instance, that the WTO’s consensus-based processes are just too cumbersome when over 160 members are involved. The reality, however, is that the ‘member-driven’ nature of the WTO has allowed it to escape the structural straitjackets that affect many other international organizations.²¹ It is precisely this member-driven character that has enabled the WTO to have higher levels of flexibility and to adapt its institutional practices in response to new external and internal imperatives (as I illustrate later in this section). The credit for these achievements goes to the member states themselves, and the negotiation processes through which they reconcile their

¹⁵ Alan Beattie, ‘WTO clammers towards an unambitious summit’, *Trade Secrets*, *Financial Times*, 30 Sept. 2021, <https://www.ft.com/content/50109953-45e8-4e01-8d2a-d543aa821a6e>.

¹⁶ Emma Farge and Philip Blenkinsop, ‘Damaged WTO now leaderless as chief Azevedo steps down’, *Reuters Business News*, 31 Aug. 2020, <https://www.reuters.com/article/us-trade-wto-idUSKBN25R170>.

¹⁷ Bryce Baschuk, 30 Sept. 2021, <https://twitter.com/bbaschuk/status/144359530075530885>. Note further that the WTO’s 12th ministerial conference, scheduled for 30 Nov. 2021, was cancelled amid ‘quiet relief’: see Alan Beattie, ‘Some quiet relief as Covid aborts the WTO ministerial’, *Trade Secrets*, *Financial Times*, 29 Nov. 2021.

¹⁸ As the editors argue in the introduction to this special issue, positionality matters.

¹⁹ E.g. Daniel Skerritt, ‘The WTO agreement saves face, but does it save fish?’, 17 June 2022, <https://oceana.org/blog/the-wto-agreement-saves-face-but-does-it-save-fish/>.

²⁰ Beattie, 2022; see also statement by Médecins Sans Frontières, ‘MSF is disappointed with the inadequate outcome after nearly two years of discussions at the WTO’, 17 June 2022, <https://msfsouthasia.org/msf-is-disappointed-in-the-inadequate-outcome-after-nearly-two-years-of-discussions-at-the-wto/>; Jake Johnson, ‘WTO deal on vaccine patents decried as a “sham” dictated by rich nations, big pharma’, 17 June 2022, <https://www.commondreams.org/news/2022/06/17/wto-deal-vaccine-patents-decried-sham-dictated-rich-nations-big-pharma>.

²¹ In the WTO, in contrast to many other international organizations, members do not delegate authority to an executive board or staff.

different positions; the difficulties outlined in the previous section can similarly be attributed primarily to negotiation failures.

In this section, I offer three broad categories of negotiation failures, which have together reduced the multilateral trading system to a shadow of its former self (be the point of comparison the system as governed by the GATT, or the creation of the WTO, or indeed the launch of the Doha Development Agenda). The first category covers negotiation mishaps that have contributed to the Doha deadlocks. The second category comprises negotiation muddles that members have got themselves into in the course of updating the institutional processes of the WTO. In the third category are failures by members to find negotiated solutions to fundamental changes at the systemic level.

Table 1: Bungled bargaining in the WTO

<i>Negotiation mishaps over the Doha Development Agenda</i>	<i>Negotiation muddles over institutional workings</i>	<i>Negotiation misadventures in an altered global context</i>
Polarizing development narrative	Incomplete reform of decision-making processes	Failure to adapt to new geo-economic threats
Inefficiencies of strong coalitions	Bypassing the negotiation function through litigation	Technocratic bubbles
Deadlock dynamic	Turn to regional trade agreements	Obsolete pro-trade narratives a poor match for anti-trade populist ones

Negotiation mishaps over the DDA

Developing countries had spent decades trying to mainstream the cause of development into the GATT, but with rather limited results. The creation of the WTO, in some ways, seemed even to worsen the lot of poor countries.²² They were saddled with the ‘bum deal’ of the Uruguay Round,²³ which had required them to make big concessions on new issues such as trade-related aspects of intellectual property rights (TRIPS) in return for few immediate returns. Plus, the new regime was less sympathetic to the use of special and differential treatment, and instead emphasized reciprocity.²⁴ That the first round of trade talks under the auspices of the WTO

²² Rorden Wilkinson, *The WTO: crisis and governance in global trade* (Abingdon: Routledge, 2003).

²³ Sylvia Ostry, ‘The future of the world trading system: beyond Doha’, in John Kirton and Michael Trebilcock, eds, *Hard choices, soft law: voluntary standards in global trade* (London: Ashgate, 2004; repr. Abingdon: Routledge, 2016).

²⁴ Diana Tussie and Cyntia Quiliconi, ‘The World Trade Organization and development’, in Bruce Currie-Alder, Ravi Kanbur, David Malone and Rohinton Medhora, eds, *International development: ideas, experiences, prospects* (Oxford: Oxford University Press, 2014); Narlikar, *Poverty narratives and power paradoxes*.

would be devoted to development concerns would have been unthinkable even as late as 1999 (the year that had witnessed the debacle of the Seattle ministerial conference and its failure to launch the so-called Millennium Round). When the DDA was launched, it represented an unprecedented victory for the global South.

Paragraph 2 of the Doha Declaration stated: ‘The majority of WTO members are developing countries. We seek to place their needs and interests at the heart of the Work Programme adopted in this Declaration.’²⁵ The declaration prioritized development concerns in a variety of issue areas, ranging from agriculture to TRIPS and public health; it accepted the principle of ‘less than full reciprocity’; it recognized the ‘particular vulnerability’ and ‘special structural difficulties’ of least developed countries. And while promising for the global South, it also offered some attractive gains for the developed world, including the potential inclusion of the so-called ‘Singapore issues’ (trade and investment, trade and competition policy, government procurement and trade facilitation). For all the noble intentions and promise of win–win, though, the DDA turned out to be extremely polarizing.²⁶

The gains secured through previous GATT rounds had been comparatively low-hanging fruit. The DDA took the WTO into notoriously treacherous waters, either via negotiations in areas where special interests and identities were deeply entrenched (such as agriculture), or on new topics (such as the Singapore issues) that some members saw as encroaching too deeply on domestic jurisdictions and sovereignty concerns. Even the ‘development’ narrative turned out to be an unexpected disadvantage for the negotiation process. At least for developing countries, the cause of development came to represent a first-order concern²⁷—a matter of fairness and distributive justice rather than a simple haggling over interests—on which compromise could not be made lightly.²⁸ Further, it was not only the developing world that learned to harness a narrative of poverty and development to its bargaining advantage; initial successes led to the overuse of this narrative by the rising powers, and its appropriation and misuse by rich countries, and blunted its effectiveness.²⁹ A toxic mismatch resulted: an increasingly assertive global South, attempting to seek compensation and redress for the disappointments of the Uruguay Round, and a weakened and defensive global North (including a relatively weaker hegemon, the United States) that was less willing to tolerate (what it viewed as) free-riding from the rising powers.³⁰

²⁵ WTO, Doha Ministerial Declaration, WT/MIN(01)/DEC/1, adopted 14 Nov. 2001, https://www.wto.org/english/thewto_e/minist_e/minor_e/mindecl_e.htm.

²⁶ See e.g. Kent Jones, *The Doha blues: institutional crisis and reform in the WTO* (Oxford: Oxford University Press, 2009); Paul Blustein, *Misadventures of the most favored nations: clashing egos, inflated ambitions, and the great shambles of the world trade system* (New York: Public Affairs, 2009).

²⁷ Andrew Gamble, ‘The politics of deadlocks’, in Amrita Narlikar, ed., *Deadlocks in multilateral negotiations: causes and solutions* (Cambridge: Cambridge University Press, 2010).

²⁸ ‘... fairness considerations can lead negotiators to opt for joint outcomes that leave both parties worse off than they would have been had fairness considerations been ignored’: Max Bazerman and Margaret Neale, ‘The role of fairness considerations and relationships in a judgemental perspective of negotiations’, in Kenneth Arrow, Robert Mnookin and Amos Tversky, eds, *Barriers to conflict resolution* (New York: Norton, 1995).

²⁹ Narlikar, *Poverty narratives and power paradoxes*.

³⁰ See e.g. Susan Schwab, ‘After Doha: why the negotiations are doomed and what we should do about it’, *Foreign Affairs* 90: 3, 2011, pp. 104–17.

Coalition politics, while offering a route of empowerment for the global South, contributed to the increased polarization and consequent deadlock. While attempts by developing countries to improve their bargaining position through coalitions were not new, such groupings in the past had a tendency to collapse in the end-game as individual members would be bought off through side-deals and threats.³¹ The Cancún ministerial conference in 2003 saw the unexpected—and sustained—emergence of strong coalitions involving developing countries. These coalitions included key emerging markets (such as Brazil, China, India and South Africa), often cooperating with smaller players including least developing countries, and thus enjoyed both market power and the legitimacy of large numbers. The resulting newly acquired united front was an important advance: through trade alliances, countries of the global South could finally signal the credibility of their demands, and point to the damage that their ability to stage collective walkouts could cause to trade deals struck without their approval. But the strength of global South coalitions proved to be a double-edged sword. Although these coalitions had developed effective mechanisms to deal with external pressures, they lacked the internal bargaining mechanisms to make trade-offs among members and allow for the concessions necessary to achieve negotiation breakthroughs. Strong but inflexible coalitions exacerbated the problem of deadlock.³²

Used in moderation, deadlocks can serve as the necessary ‘theatre’ for domestic audiences, coalition members and external parties. Having long (and often unwillingly) been lectured to on variations of the ‘bicycle theory’ of GATT negotiations,³³ developing countries shaped and welcomed the initial deadlocks of Doha with a defiant triumphalism (‘No deal is better than this deal’, for example, was the refrain at Cancún in 2003).³⁴ But as is observed in labour economics, negotiation breakdowns and strike actions can also generate counterproductive results: ‘Settlement is delayed by a more *dynamic form of deadlock* that typically gains complexity as fresh grievances, costs and consequences boil up in the heat and acrimony of overt conflict.’³⁵ The Doha negotiations acquired a similar toxic

³¹ Amrita Narlikar, *International trade and developing countries: bargaining coalitions in the GATT and WTO* (Abingdon: Routledge, 2003); Amrita Narlikar and John Odell, ‘A strict distributive strategy for a bargaining coalition: the like-minded group in the World Trade Organization’, in John Odell, ed., *Negotiating trade: developing countries in the WTO and NAFTA* (Cambridge: Cambridge University Press, 2006).

³² Faizel Ismail, ‘Reflections on the WTO July 2008 collapse: lessons for developing country coalitions’, in Amrita Narlikar and Brendan Vickers, eds, *Leadership and change in the multilateral trading system* (Leiden: Nijhoff, 2009); Amrita Narlikar, ‘A theory of bargaining coalitions in the WTO’, in Narlikar and Vickers, eds, *Leadership and change*; Amrita Narlikar, ‘Collective agency, systemic consequences: bargaining coalitions in the WTO’, in Amrita Narlikar, Martin Daunton and Robert M. Stern, eds, *The Oxford handbook on the World Trade Organization* (Oxford: Oxford University Press, 2012).

³³ Attributed to Fred Bergsten, the ‘bicycle theory’ stated that if trade liberalization does not maintain ‘sufficient forward momentum, it will not simply fall over like a bicycle but will start rolling backward’: see Michael Mussa, C. Fred Bergsten and the world economy (Washington DC: Peterson Institute for International Economics, 2006). For many developing countries, though, for instance in the Uruguay Round, a more appropriate analogy would have been one of a juggernaut, with developed countries advancing their own priorities at the expense of (sometimes existential) priorities of the global South: see e.g. Ricupero, ‘Integration of developing countries’; Narlikar, *International trade and developing countries*; Ostry, ‘The future of the world trading system’.

³⁴ Amrita Narlikar and Rorden Wilkinson, ‘Collapse at the WTO: a Cancun post-mortem’, *Third World Quarterly* 25: 3, 2007, pp. 447–60; Narlikar, *Poverty narratives and power paradoxes*.

³⁵ Willy Brown, ‘Talking one’s way out of strikes’, in Amrita Narlikar, ed., *Deadlocks in multilateral negotiations*,

dynamic of endemic deadlock.³⁶ In 2011, US trade representative (USTR) Susan Schwab pointed to the ‘current climate of mistrust and entrenched positions’, declared that the Doha negotiations had failed, and called on the international community ‘to acknowledge this sad fact and move on’.³⁷ But even at this point, no agreement was forthcoming, not least given the understandable reluctance of the global South to surrender a round that had finally committed to according primacy to development concerns. The round thus limped along, the deadlock dynamic becoming further entrenched over the years.³⁸

Negotiation muddles over institutional workings

The bargaining mishaps of the DDA were exacerbated by negotiation muddles over institutional process and practice in the WTO. Although offering a one-member-one-vote set-up in theory, in practice voting was rare in the GATT and remains so in the WTO. Most decisions are arrived at through consensus, which has to be reached among all members. In the GATT, the so-called ‘Quad’ group—Canada, the EU, Japan and the US—played a key role in the consensus-building process. ‘Green Room’ meetings, at the invitation of the DG, were also an important part of this consensus formation. As per the rules, the smallest member could technically block consensus. But most developing countries found themselves disadvantaged: the smallest lacked presence in Geneva, while even larger players, having not been privy to green room discussions, were reluctant to challenge the major players on a consensus decision, which required an open show of hands.³⁹ Around the turn of the millennium, however, the WTO began to rapidly update its working practices and bring them in line with the demands of an increasingly vociferous and effective global South.

The old Quad was transformed into several new permutations—the New Quad, Five Interested Parties, G6, G7 and others—most of which included the rising powers of Brazil and India, and often also China and South Africa. Green room meetings became more transparent, and countries could self-select participation. Improved inclusiveness, transparency and cooperation via coalitions together ensured that developing countries acquired unprecedented access, voice and veto in the WTO. New capacity-building programmes were set up to enable the participation of small and vulnerable economies as well as least developed countries. Countries that had long been marginalized from key processes had both access and

pp. 79–95, emphasis added.

³⁶ Blustein, *Misadventures of the most favoured nations*; Jones, *The Doha blues*.

³⁷ Susan Schwab, ‘Acknowledge Doha’s demise and move on to save the WTO’, Centre for Economic Policy Research/VoxEU, 28 May 2011, <https://voxeu.org/article/acknowledge-doha-s-demise-and-move-save-wto>.

³⁸ With the latest ministerial conference, the WTO could arguably be seen as lurching from one extreme of entrenched deadlock dynamics, to deals of minimal substance that are cobbled together with high drama and self-congratulation to justify the survival of the organization for its own sake. The latter likely result in a further decrease in the legitimacy of trade multilateralism, prompting a next iteration of deeper deadlocks.

³⁹ Richard Steinberg, ‘In the shadow of law or power? Consensus-based bargaining and outcomes in the GATT/WTO’, *International Organization* 56: 2, 2002, pp. 339–74; Aileen Kwa, *Power politics in the WTO*, Bangkok: Focus on the Global South, 2003, http://www.eco.buap.mx/redem/documentos_de_discucion/doha_docs/doha/aileenkwa.pdf.

voice, which they were now less intimidated in exercising. All these steps were vital for improving the procedural legitimacy of the WTO, but they came at the cost of efficiency and effectiveness. Delays and deadlocks became more frequent. A mismatch resulted between the decision-making norm—which remains consensus-based—and the evolved practice of a greater number and diversity of members at the high table.⁴⁰ The problem was not the innovation in negotiation practices, but halfway reform measures that produced this incongruence.⁴¹

Faced with recurrent deadlock in a WTO whose legal functions had greater prominence than those of the GATT, the temptation to get one's way through litigation and jurisprudence as an alternative to finding negotiated solutions was high. There is some evidence to support the claim that 'dispute settlement mechanisms, for example in the WTO, help states to influence the negotiation of WTO-based treaties in the same policy areas'.⁴² The extent to which members succumbed to this temptation is contested. Suffice it to note that this overreach of the Appellate Body has been a sore point with the United States, and is presented as one justification for blocking the appointment/reappointment of members. The short press release, for instance, which announced the launch of the USTR's review of the WTO's DSM quotes Robert Lighthizer as saying: 'Unfortunately, the conduct of the Appellate Body has converted the WTO from a forum for discussion and negotiation into a forum for litigation.'⁴³ At the meeting of the Dispute Settlement Body in August 2021, the United States did not withdraw the critique, reiterating that 'the dispute settlement system can and should better support the WTO's negotiating and monitoring functions'.⁴⁴ The (perceived or actual) misuse of the WTO's dispute settlement process as a route to bypass negotiation deadlocks thus further undermined the legitimacy of the organization among key actors.

Trade multilateralism, as members recognized, was not—and need not be—the only game in town. In 1995, when the WTO came into force, the total number of regional trade agreements (RTAs) in force was 56; by 2001, this number had increased to 90. Perhaps it is no coincidence that as the WTO ran into greater

⁴⁰ Amrita Narlikar, 'New powers in the club: the challenges of global trade governance', *International Affairs* 86: 3, 2010, pp. 717–28; Narlikar, *Poverty narratives and power paradoxes*.

⁴¹ It is ironic to note that the latest deal, reached at the ministerial conference in June 2022, seems to have relied on processes involving small group and Green Room meetings (rather than reformed and updated decision-making processes). One account, for instance, describes the run-up to the ministerial conference in the following words: 'Like toxic blight that would not survive in the light of day, these talks are being convened in the shadows, under WTO-illegal "Green Room" processes from which the vast majority of WTO members have been excluded. But proponents spin wild claims that these may somehow renew the relevance of the WTO', Debora James, 'Why what's going on right now at the WTO matters', Institute for New Economic Thinking, 6 June 2022, <https://www.ineteconomics.org/perspectives/blog/why-whats-going-on-right-now-at-the-wto-matters>. Also see daily reports of the ministerial conference from Third World Network, e.g. <https://twm.my/title2/susagri/2022/sa998.htm>, 16 June 2022.

⁴² Markus Gehring, 'Litigating the way out of deadlock', in Narlikar, ed., *Deadlocks in multilateral negotiations*, pp. 96–120. See also Maria Agius, 'Strategies and success in litigation and negotiation in the WTO', *International Negotiation* 17: 1, 2012, pp. 139–62.

⁴³ Press release, USTR, 11 Feb. 2020, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2020/february/ustr-issues-report-wto-appellate-body>.

⁴⁴ US statement, DSB meeting, 30 Aug. 2021. Note, however, that despite its severe critique of the DSM, the US has itself not been shy of using the WTO's legal route to influence the negotiation process; see Gehring, 'Litigating the way out of deadlock'.

trouble on multiple fronts, the turn to regionalism also increased, with RTAs today numbered at a hefty 350.⁴⁵ It is true that RTAs are not a root cause of the malaise that we see at the WTO; sometimes, they can be used as deliberate negotiating ploys—a best alternative to negotiated agreement (BATNA)—to speed up the multilateral negotiation (akin to the US turn to NAFTA, which created positive pressure on several parties to complete the Uruguay Round).⁴⁶ But when RTAs become the norm, they are more than just BATNAs. Even if they are sometimes easier and quicker to sign, they require resources and energy, and can be read as costly signals of declining commitment to multilateralism. The more RTAs proliferate, the more they worsen the already vicious cycle in which the WTO has been caught up.

Negotiation misadventures in an altered global context

While the previous two sets of explanations are located mostly within and around the negotiation and institutional processes of the WTO itself, the outside context has also been changing rapidly and presents three urgent challenges to negotiation.

In trade debates, the first challenge is often framed in terms of China's rise, and the country's use/misuse of loopholes, ambiguities and exceptions in multilateral trade rules. Within the WTO, this challenge has prompted a repertoire of proposals on how the rules need to be tightened to deal with 'unfair' trade practices, with respect to subsidies, state-owned enterprises, TRIPS violations, forced technology transfers and export restraints.⁴⁷ Although interesting in detail and useful on their own terms, these proposals fail to factor in a fundamental exogenous change, which may require a major rethink on the premises of trade multilateralism.

The postwar multilateral order was founded on the assumption of an inextricable and positive linkage between prosperity and peace. The evolution of the European Coal and Steel Community into the European Union epitomized the logic that economic integration would lead to a liberal peace. With the end of the Cold War,

⁴⁵ WTO, Regional trade agreements database, <http://rtais.wto.org/UI/charts.aspx>.

⁴⁶ David Bosco, 'Did NAFTA save the Uruguay Round?', *Foreign Policy*, 24 April 2013, <https://foreignpolicy.com/2013/04/24/did-nafta-save-the-uruguay-round/>.

⁴⁷ See e.g. James Bacchus, Simon Lester and Huan Zu, *Disciplining China's trade practices: how WTO complaints can help China become more market-oriented*, CATO Institute, Policy Analysis no. 856, Nov. 2018, <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa856.pdf>; Chad Bown and Jennifer Hillman, *WTO'ing a resolution to the China subsidy problem*, working paper 19-17, Peterson Institute for International Economics, Oct. 2019, <https://www.piie.com/publications/working-papers/wtoing-resolution-china-subsidy-problem>; Mark Wu, 'China's export restrictions and the limits of WTO law', *World Trade Review* 16: 4, 2017, pp. 673–91; Mark Wu, *Managing the China trade challenge: confronting the limits of the WTO*, working paper, Penn Project on the Future of US–China Relations, 2020, https://cpb-us-w2.wpmucdn.com/web.sas.upenn.edu/dist/b/732/files/2020/10/Mark-Wu_Limits-of-WTO_Final.pdf; Brigid Gavin, 'China's growing conflict with the WTO: the case of export restrictions on rare earth resources', *Intereconomics* 48: 4, 2013, pp. 254–61; Simon Evenett and Richard Baldwin, *Revitalising multilateralism: new ideas for the new WTO director general*, e-book, <https://cepr.org/content/new-cepr-ebook-revitalising-multilateralism-pragmatic-ideas-new-wto-director-general> (London: Centre for Economic Policy Research, 2020); Kathleen Claussen, 'Trade's security exceptionalism', *Stanford Law Review* 72: 1097, 2020, pp. 1097–164; Mona Pinchis-Paulsen, 'Trade multilateralism and US national security: the making of the GATT security exceptions', *Michigan Journal of International Law* 41: 109, 2019, pp. 109–93; Peter Van den Bossche and Sarah Akpofure, *The use and abuse of the national security exception under article XXI(b)(iii) of GATT 1994*, working paper 3/2020, World Trade Institute, https://www.wti.org/media/filer_public/50/57/5057fb22-f949-4920-8bd1-e8ad352d22b2/wti_working_paper_03_2020.pdf.

the idea gained further traction ‘that extending interdependence and tightening economic integration among nations is a positive development that advances peace, stability, and prosperity’.⁴⁸ And, to be fair, this model of globalization, powered by a rules-based and progressively freer movement of goods, services, foreign direct investment, people and ideas, did contribute to lifting millions out of poverty for well over half a century.⁴⁹ The creation of the WTO and the launch of the DDA formed vital next steps in this agenda. But in recent years, something significant has begun to change.

Writing in 2013, Thomas Wright noted that countries had been acting ‘as if increasing and freewheeling economic interdependence is a force for good in itself. Yet over the past five years it has become increasingly apparent that interdependence and integration carries strategic risks and challenges with it.’⁵⁰ Henry Farrell and Abraham Newman have developed and systematized this idea further through their work on ‘weaponized interdependence’.⁵¹ Tracing the interactions between network structures, state power and global value chains, Farrell and Newman demonstrate that production patterns in certain key areas today rely on closely integrated network structures. These networks are not flat but highly asymmetric. Only a few states occupy crucial network hubs, and have the necessary institutional capacity to exploit their positions and coerce others via ‘panopticon’ (‘extract informational advantages *vis-à-vis* adversaries’) and ‘chokepoint’ (‘cut adversaries off from network flows’) effects.⁵² High network externalities create significant barriers to entry for new players; monopolies emerge around some key supply chains that tend to reinforce and exacerbate existing power hierarchies.⁵³

Besides the structural logic of global production patterns, note further that different political systems may allow some states greater institutional capacity to exercise control over network hubs, and make more effective use of the panopticon and chokepoint effects. Most countries of the former eastern bloc countries were not contracting parties to the GATT; the WTO thus has a greater diversity of members with competing political systems in its fold, and is now operating in a tougher geo-economic context shaped by the possibilities—and indeed, growing reality—of weaponized interdependence.

The existential risks of deep economic integration were borne out in 2020 with the outbreak of the COVID-19 pandemic, when shortages of life-saving medical equipment affected many countries. Some economists have argued that the cause of these shortages was not a breakdown in global value chains; rather, the

⁴⁸ Thomas Wright, ‘Sifting through interdependence’, *Washington Quarterly* 36: 4, 2013, pp. 7–23.

⁴⁹ See e.g. Jagdish Bhagwati, *In defence of globalization* (New York: Oxford University Press, 2004).

⁵⁰ Wright, ‘Sifting through interdependence’.

⁵¹ Henry Farrell and Abraham Newman, ‘Weaponized interdependence: how global economic networks shape state coercion’, *International Security* 44: 1, 2019, pp. 42–79.

⁵² For instance, in the context of its invasion of Ukraine and sanctions against it, Russia deployed weaponized interdependence when it halted gas exports to Bulgaria and Poland, see e.g. <https://www.bbc.com/news/business-61237519>; we may now also be seeing a similar weaponization of food, see e.g. https://twitter.com/ukraine_world/status/1538911097138331648; <https://twitter.com/TimothyDSnyder/status/1535617914749218818>.

⁵³ Daniel W. Drezner, Henry Farrell and Abraham Newman, eds, *The uses and abuses of weaponized interdependence* (Washington DC: Brookings, 2021).

problem lay in inadequate stockpiles of medical supplies.⁵⁴ But it is still important to bear in mind that the WTO's model of globalization has been premised on the (seemingly) dependable efficiencies of global trade, and actively discouraged countries from stockpiling essential or strategic products (recall, for instance, the disagreement between India and the United States on the stockpiling of agricultural products for food security purposes, and the significant role that it played in the Doha deadlocks;⁵⁵ despite the celebrations in Geneva in June 2022, this issue has remained a sticking point). Recall further that when faced with shortages last year, many countries did put up export restrictions on key medical supplies.⁵⁶ They also did not hesitate to use medical surpluses as bargaining chips.⁵⁷ The pandemic has thus provided us with some tragic illustrations of how unreliable and prone to instrumentalization international trade flows can be.

It would be unfair to damn any international organization of the postwar era on the grounds that it failed to anticipate the altered and tough circumstances of weaponized interdependence; this article does not assess the WTO against such a high bar. But it does take issue with the fact that even now—when geo-economic threats are increasingly evident—proposals on reforming specific WTO instruments are still mainly driven by the assumptions of the old system. As per these, increased trade is seen as an end goal in its own right, and also as a direct route not only to prosperity but also to peace. Many of the debates on WTO reform thus appear to be a case of too little, too late. To this category belong a wide variety of solutions being explored by economists and lawyers to preserve and even strengthen global supply chains on a 'most favoured nation' basis, deemed essential to facilitate a post-pandemic recovery (and with scant attention to strategic considerations of the possibility of shorter chains with closer allies). They include proposals to tighten and update certain provisions of the WTO (e.g. on subsidies, notifications, export restrictions) in order to prevent their misuse by non-market economies (and other economies), expand WTO governance in key new areas (e.g. digital trade) and improve the WTO's crisis management capabilities. On the ground, under EU leadership, a multiparty interim arbitration appeal arrangement has been set up to serve as a temporary dispute settlement forum. While worthy in their own right, these policy advice and negotiation efforts represent efforts

⁵⁴ Evenett and Baldwin, *Revitalising multilateralism*.

⁵⁵ Amrita Narlikar and Diana Tussie, 'Breakthrough at Bali: explanations, aftermath, implications', *International Negotiation* 21: 2, 2017, pp. 209–32.

⁵⁶ In April 2020, the WTO reported that '80 countries and separate customs territories have introduced export prohibitions or restrictions as a result of the COVID-19 pandemic, including 46 WTO members (72 if EU member states are counted individually) and eight non-WTO members': WTO, *Export Prohibitions and Restrictions*, 23 April, 2020 https://www.wto.org/english/tratop_e/covid19_e/export_prohibitions_report_e.pdf. These developments were enabled partly by the fact that the WTO's language is weaker on export restrictions, the rules having traditionally paid greater attention to import controls and quantitative restrictions. See e.g. Jane Korinek and Jessica Bartos, *Multilateralising regionalism: disciplines on export restrictions in regional trade agreements*, OECD Trade Policy Papers, no. 139, 2012, <https://www.oecd-ilibrary.org/docserver/5k962hf7hfnr-en.pdf?expires=1611264205&id=id&accname=guest&checksum=1EF2AC2963BB7DCA228C12C477333D4D>. This gap in the rules is an illustration of how the WTO, while well suited to addressing older (and often still relevant) problems, has not kept up with the changing instruments and goals of trade diplomacy.

⁵⁷ See e.g. Shaun Walker, 'Coronavirus diplomacy: how Russia, China and EU vie to win over Serbia', *Guardian*, 13 April 2020, <https://www.theguardian.com/world/2020/apr/13/coronavirus-diplomacy-how-russia-china-and-eu-vie-to-win-over-serbia>.

to reform the system from *within*.⁵⁸ Most seek to improve the reliability of trade flows *per se*, rather than address the issue of their instrumentalization and misuse. They fail to recognize that if increasing trade comes at the expense of security—if closer and deeper trade ties risk weaponization by actual or potential rivals—then the direction and extent of trade expansion may need to be reconsidered. Failure to factor in this risk, and continuing with business-as-usual negotiation efforts to secure further market opening in the name of post-pandemic recovery, may go down well in the echo chambers of Geneva and Brussels. But thus far this strategy has not been productive: if anything, it has contributed to disjointed and even more inward-looking policies by member countries, and to a further dissonance between trade governance in Geneva and the global reality outside. The critical reactions of diverse groups to the touted success of the recent ministerial conference illustrate the lack of sync between the inside and the outside of the WTO.⁵⁹

The second major challenge that negotiators continue to mishandle pertains directly to the point raised in the previous paragraph, and relates also to the question of expertise raised in the introduction to this special issue: trade multilateralism has come to live in a technocratic bubble. This milieu does not seem conducive to the fundamental rethink on the premise and purpose of the multilateral trading system which the challenges of weaponized interdependence require. Robert Howse wrote a prescient paper taking note of this phenomenon in 2002, and explained the emergence of an ‘insider network’ in trade in the following terms:

As the high politics of international relations increasingly focused, with the Cold War, on matters of international security and the East–West conflict, the administration and incremental development of the trade system was increasingly entrusted to a specialized policy elite insulated from, and not particularly interested in, the larger political and social conflicts of the age. This group included some officials employed in the GATT/WTO Secretariat (of whom there were very few in comparison to any other international organization of comparable stature); but more important, the larger group of ‘experts’: former or current governmental trade officials; GATT-friendly academics who often sat on GATT/WTO dispute settlement panels and were invited to various conferences and meetings of the GATT/WTO; international civil servants in other organizations (particularly the World Bank, the Organisation for Economic Co-operation and Development, and the IMF) preoccupied with trade matters; and a few private attorneys, consultants, and former politicians ... As persons with the bent of managers and technical specialists, they tended to understand the trade system in terms of the policy science of economics, not a grand normative political vision. A sense of pride developed that an international regime was being evolved that stood above the ‘madhouse’ of politics (if one can borrow Pascal’s image), a regime grounded in the insights of economic ‘science,’ and not vulnerable to the open-ended normative controversies and conflicts that plagued most international institutions and regimes.⁶⁰

⁵⁸ For an overview of proposals by member countries of the WTO, see https://www.wto.org/english/thewto_e/minist_e/mc12_e/briefing_notes_e/bfwtoreform_e.htm.

⁵⁹ For instance, see ‘Industry, civil society groups frustrated over TRIPS outcome at 12th WTO Ministerial’, Inside US Trade, 21 June 2022, <https://insidetrade.com/daily-news/industry-civil-society-groups-frustrated-over-trips-outcome-12th-wto-ministerial>.

⁶⁰ Robert Howse, ‘From politics to technocracy—and back again: the fate of the multilateral trade regime’, *American Journal of Political Science* 96: 1, 2002, pp. 94–117.

The reliance on technocracy in the WTO may indeed have been a product of the Cold War, as Howse suggests. But perhaps a product of an ‘end of history’ mindset of the 1990s and early 2000s bolstered such thinking further: with large-scale conflict gone and the ‘unabashed victory’ of liberalism established, operational differences and minor irritations could be resolved through rational debate and regulation.⁶¹ Then and now, the resistance of the insider network ‘to the collapse of the trading regime into politics’ is evident not only in public events hosted by the WTO, but also in its recruitment processes, where economics and law are the dominant fields.⁶² This was problematic at the time when Howse wrote his paper; it is an even bigger problem today amid increased geopolitical and geoeconomic competition, and in a world where technocratic solutions will not be able to magically dissolve fundamental differences in interests, political systems and values. Trade in some strategically important sectors is no longer ‘just’ an instrument for growth, development and welfare; owing to the structural conditions of weaponized interdependence, the opportunities for some states to use it for coercive purposes are growing. Continuing to try to seal off trade negotiations from politics is a recipe for redundancy of the system, as the technical ‘tinkering and tweaking’ genre of reform efforts in recent years has already illustrated.⁶³

The workings of the ‘insider network’ in a technocratic bubble have produced a third problem: the lack of a convincing pro-trade narrative that can reach out to real people.⁶⁴ The promise to ‘take back control’ in the Brexit campaign via a leave vote, the call for putting ‘America First’ under the US Trump administration, and indeed the plan to ‘build back better’ under the Biden administration, are all examples of narratives with an appeal to the daily concerns of people (irrespective of the veracity of the claims). In contrast, trade multilateralists have usually preferred to stay on their technocratic safe ground, with minimal outreach to different stakeholders (other than business interests).⁶⁵ Even today, proposals for reform are debated in old bubbles with limited attempts to engage global civil society, national electorates or international institutions that govern beyond narrowly defined economic boundaries. The separation of these debates from

⁶¹ Francis Fukuyama wrote in his original article: ‘The struggle for recognition, the willingness to risk one’s life for a purely abstract goal, the worldwide ideological struggle that called forth daring, courage, imagination, and idealism, will be replaced by economic calculation, the endless solving of technical problems, environmental concerns, and the satisfaction of sophisticated consumer demands’: Francis Fukuyama, ‘The end of history?’, *The National Interest*, no. 16, 1989, pp. 3–18.

⁶² On the WTO website, four core categories are mentioned for recruitment: dispute settlement lawyers; trade policy analysts/specialists and legal/economic affairs officers; research economists; and statisticians. Economics and law recur as the expected disciplinary backgrounds, with International Relations appearing once for the second category. See https://www.wto.org/english/thewto_e/vacan_e/career_e.htm#core.

⁶³ Letting politics back in does not mean abandoning a rules-based system. It does mean rethinking the very purpose of the WTO, reconsidering which rules actually make up the ‘rules-based system’ and the assumptions that underpin them, and potentially rebooting the rules to enable them to deal more effectively with a tougher political context. Note further that all of this does not mean, nor should it mean, the end of all technocratic advice. Details of any reform plan will have to involve the WTO’s secretariat, and officials within relevant ministries of member states.

⁶⁴ Fen Osler Hampson and Amrita Narlikar, eds, *International negotiation and political narratives: a comparative study* (London and New York: Routledge, 2022); Narlikar, *Poverty narratives and power paradoxes*.

⁶⁵ The WTO’s Public Forum is an exception to the rule, and brings in a smattering of dissident voices, besides the usual suspects. But holding such an event on an annual basis does not translate into the wide-ranging, local, regional, national and transnational engagement with diverse stakeholders that is needed.

society at large has several adverse consequences, including failure to generate interest on the part of even some obvious supporters (e.g. consumers) and charges of global elitism, and gives cause for further disengagement by political leaders from the multilateral process. It also means that even if a perfect solution to address all the problems of trade multilateralism could be developed, it would get little take-up without an accompanying narrative that has been negotiated with diverse stakeholders.

An exercise in self-reflection

Few of the mishaps, muddles and misadventures outlined in the previous section can be attributed solely to politicians and practitioners of trade diplomacy. Contrary to the simplistic message of the Netflix film *Don't Look Up* (which—ultimately—pits the nobility of science against the opportunism of policy-makers), international organizations—and especially those focused on economic governance—rely heavily on varieties of scientific knowledge to develop and legitimize their policy prescriptions. A close relationship exists between the epistemic community and the technocratic world of trade policy, which together constitute the ‘insider network’.⁶⁶ Senior staff in the WTO are ‘experts’ in their own right with academic degrees (and many continue to publish research papers); the organization has a programme of research chairs directly linked to it;⁶⁷ and scholars are invited to engage with the secretariat and member countries in a number of different settings. Academia thus has some role—direct and indirect—in both the successes and the failures we see in Geneva. Bearing this in mind, and in keeping with the goals of this special issue, it seems only fair to engage in some self-reflection on the role that my own work has played at the academia–policy interface.

Multilateralism and trade negotiations are two key areas of my expertise. A major driver for my research is to reveal the agency that seemingly powerless actors can exercise, especially in trade politics. I have written three books on the WTO, and two on bargaining and negotiation. Seven books that I have edited or co-edited, and 13 of my refereed journal articles, are directly on these topics. Also, I have written multiple book chapters, as well as policy briefs for think tanks in both the global North and the global South. My policy advice activities, specifically on questions of trade multilateralism, have taken me to the European Parliament, the British House of Lords, the German parliament, the British Foreign Commonwealth and Development Office, the German Federal Foreign Office, the Federation of German Industries, the South Centre and the Commonwealth Secretariat, as well as the WTO itself. I have also accompanied senior politicians on state visits and other official delegations (e.g. to New Delhi, Geneva and Toronto), and advised them on trade-related matters. In this section, I reflect on the impact my research has had on the evolution of trade multilater-

⁶⁶ Howse, ‘From politics to technocracy’.

⁶⁷ See ‘WTO chairs programme’, https://www.wto.org/english/tratop_e/devel_e/train_e/chairs_prog_e.htm.

alism, and offer three examples. The first is a positive example of how my research was picked up, contributed to making the WTO more inclusive and also served the self-empowerment of developing countries through coalitions. The second is an example of warnings I offered, but that were not heeded; hindsight suggests that the warnings were on target. The third is a recognition of how I might have given different policy advice, had I known what I know today.

When I first started working in this area in the 1990s, there was an urgent need for incorporating developing country perspectives on trade multilateralism. At this point, the critique put forward from the global South was no longer a wholesale rejection of trade liberalization,⁶⁸ but about the undelivered promise and implementation costs of the Uruguay Round. My contribution to the academic and policy debate was to investigate the collective agency that developing countries had tried to exercise in the GATT and the WTO, and the limitations they faced, and how they might overcome these challenges. I focused specifically on decision-making processes in the WTO and the difficulties of access that developing countries encountered (this work resulted in a commissioned paper for the Geneva-based South Centre in 2001, and a published article that was awarded the inaugural prize of a UK-based journal), and also on how developing countries could build more effective coalitions (this was the topic of my first book, published in 2003). Both these lines of enquiry were picked up by negotiators from developing countries.⁶⁹ The research contributed to a larger process of learning and adaptation by developing countries, through which they were able to bring about changes to informal decision-making processes in the WTO and also build strong coalitions.

The successes of developing countries—often against the odds—were huge. I too was caught up in the heady sense of empowerment that developing countries had won for themselves via the DDA. But then the deadlocks began; and it looked as if they might persist, unless they were taken seriously and clear strategies developed to address them. My research offered three sets of policy recommendations. First, from 2006 onwards, I began developing the case that the new-found strength of developing country coalitions needed to be accompanied by external signalling mechanisms, and also mechanisms for intra-group bargaining to ensure that the coalitions would be able to make concessions. Second, I argued from 2009 onwards that the zone of agreement needed to be expanded to ensure that developed countries did not lose interest in the DDA, and also that the development mandate needed more specification and narrowing to ensure feasibility. And third, while stressing the importance of retaining the improved inclusiveness of the

⁶⁸ Edward D. Mansfield, Helen V. Milner and B. Peter Rosendorff, 'Free to trade: democracies, autocracies, and international trade', *American Political Science Review* 94: 2, 2000, pp. 305–21.

⁶⁹ See e.g. the Mexican trade negotiator's account: Mateo Diego-Fernandez, 'Trade negotiations make strange bedfellows', section entitled 'From the trenches', *World Trade Review* 7: 2, 2008, pp. 423–53; South Centre Secretariat, analytical note, SC/TADP/AN/IG/7, Dec. 2003, https://www.southcentre.int/wp-content/uploads/2013/07/AN_IG7_Institutional-Governance-and-Decision-Making-WTO_EN.pdf. See also Amrita Narlikar, *Managing the changing role of rising powers and smaller developing countries in the global political and economic system*, impact case study, Research Excellence Framework, 2014, <https://impact.ref.ac.uk/casestudies/CaseStudy.aspx?Id=16775>.

WTO's decision-making processes, in 2010 (in an article published in this journal) I suggested new voting rules involving double threshold majorities.⁷⁰ I stand by these recommendations; had they been heeded, perhaps more timely solutions to some of the deadlocks could have been found, and the overall and cumulative crisis of the WTO might not have been so acute. In the aftermath of the 12th ministerial conference, it is now even more apparent that without a deliberate (and deliberative) reform of decision-making processes, the temptation to lapse back to old habits will be high, especially as pressure to break deadlocks builds.

A point on which hindsight has led me to revise my views is on the limits of technical solutions. I had, of course, been alert to the need for—and indeed called for—more political engagement and leadership, for instance in support of the DDA. But I had not fully comprehended how far removed some of our academic and policy discussions on WTO reform can be for members of the broader interested public. Given my interest in the global South, I was patently aware of the importance of making trade work for real people in real time. But I had implicitly assumed that once the gains were made and distributed to domestic populations, the logic of free trade would be self-explanatory and there was little reason to engage proactively and systematically with civil society. Over the years, I have learned that trade must also be *shown to work* for real people. Without the backing of clear and persuasive narratives, international trade can become an easy scapegoat for populists from both the Left and the Right for a variety of ills (that may have very little to do with trade). The relevance of building accessible and persuasive narratives has been greatly underestimated in many international organizations, especially in the more technical ones (such as the IMF, World Bank and WTO).

How to negotiate more effectively: dos, don'ts and the big picture

Drawing on the insights that trade multilateralism offers on how not to negotiate, I summarize some direct dos and don'ts in box 1. This concluding section also suggests possible directions for reform of the multilateral trading system and the negotiation processes that underpin it, and further offers recommendations for a more effective and meaningful exchange between scholars and practitioners.

Three recommendations in particular follow from the analysis presented in the previous pages. First, the complexity of problems that afflict trade multilateralism may well lead one to despair. Well-intended actions have produced some abysmal outcomes. For instance, updating negotiation processes without a change in the norm of consensus-based decision-making has exacerbated the occurrence of deadlocks. Attempts to find solutions to negotiation deadlocks via the dispute settlement function have further undermined the legitimacy of the entire outfit of the WTO. Bringing in potential systemic rivals as key players into the system in a spirit of inclusiveness has led to an overuse of article XXI of GATT 1994.⁷¹

⁷⁰ Amrita Narlikar, 'New powers in the club: the challenges of global trade governance', *International Affairs* 86: 3, 2010, special issue: 'Global economic governance in transition', pp. 717–28.

⁷¹ For further details: https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_art21_jur.pdf.

Box 1: Some don'ts and dos

Insights from negotiation mishaps over the DDA

- *Don't* rest on the laurels of a winning narrative as they tend to get overused, appropriated and misused. Do adapt and change narratives to ensure buy-in from all sides (in the case of development narratives in the WTO, this would mean mainstreaming the concerns of the global South, but also ensuring engagement from interests in the global North).
- *Don't* stop after achieving unity within coalitions of the weak. Do build in effective signalling mechanisms for negotiation counterparts, as well as intra-organizational efficiency and flexibility.
- *Don't* continue negotiations for their own sake, but also take the damage of a deadlock dynamic seriously. Do find a balance between the 'bicycle theory' and the deadlock dynamic.

Insights from negotiation muddles over institutional workings

- *Don't* rely on consensus-based decision-making alone, but also don't return to old Green Room-style decision-making. Do invest in reform efforts that retain legitimacy but enhance efficiency (critical mass solutions?).
- *Don't* treat litigation as an alternative to negotiation—especially in international organizations that are first and foremost negotiation forums rather than international courts. Do invest in both negotiation and dispute settlement systems, and recognize formal and informal limits of both.
- *Regional Trade Agreements?* A moratorium on RTAs will not work. But find a more constructive middle ground between RTAs and universal multilateralism via structures and processes involving variable geometry.

Insights from mismanagement of systemic-level challenges

- *Don't* assume an inevitability of a positive link between economic integration and peace; under conditions of weaponized interdependence, the opposite may sometimes be true. Do rethink the purpose of multilateralism beyond silos of economics and security.
- *Don't* assume that technocratic solutions will suffice. Do factor in and engage with the political and simultaneously with the technocratic, e.g. a rules-based system, but which rules? This involves engagement with not only questions of legality but political choices (that take into account both interests and values).
- *Don't* assume that even an updated message about the gains from a renewed trade bargain will trickle down from Geneva and Brussels. Do engage with local electorates and (sometimes) nationalistic concerns, renegotiate content, update narratives, and secure the support of real people.

Importantly, though, most attempts to improve the workings of trade multilateralism have been fragmented in nature. The problem is not that all attempts at reform are doomed to fail, but rather, that piecemeal reform of specific rules is unlikely to suffice when the very foundations of the system are under challenge. The recent ministerial conference—with its limited deals that skirt around bigger, systemic challenges of geoeconomic—may have inadvertently reinforced this problem. An ambitious reboot of the system may be necessary.

Such a reboot could take different directions. One interesting route would be to adopt a model of variable geometry, which would address several of the problems I have identified in this article. Deeper integration among like-minded allies, willing to commit to tighter rules, would be possible under such a model, and would address head-on the challenges posed by weaponized interdependence. Concentric circles of integration, and voice and veto that correspond to the respective circle, would further help reduce the problems that have arisen from large numbers and divergent goals amid the great diversity of members. Expansion of the mandate into pressing issues such as e-commerce and the digital economy would take place within the framework of variable geometry. To ensure the viability of deeper integration within smaller groups of countries, allies from the global South would have a key role to play. Importantly, the variable geometry model would be based not only on economic criteria or levels of development; an initiative to build closer value chains with reliable friends and allies would have to take into consideration shared security concerns and values.

Second, in the introduction to this special issue, the editors highlighted two ‘shadows’: one a product of practitioners either not heeding the advice of researchers or implementing it badly, the other deriving from the limitations and inadequacy of the scientific advice itself. This article has pointed to a related but different issue. Trade negotiators and officials have not been averse to getting advice from scholars, nor has the problem been misguided inputs from academia. Rather, the problem derives from the limited disciplines on which trade negotiators have been willing to draw. Economics and law have had useful and important roles to play in shaping trade debates. But the exclusion of other fields has resulted in the WTO being blindsided by key questions of power and ethics at large, and also on a variety of specific issues ranging from the distributive effects of trade deals or their security implications to the prioritization of certain values over others. To make trade multilateralism meaningful again, the WTO will have to catch up with altered realities on the ground. Bringing in knowhow from security studies, foreign policy analysis and international political economy will help it get back on track.

Third, this article has illustrated that siloed expertise—be this in an ivory tower or a policy echo chamber or a disciplinary rabbit hole—will not be useful in producing good policy. To have policy impact that is constructive, and in keeping with the Hippocratic Oath for International Relations that the editors advanced in the introduction, researchers have their own parts to play. This involves engagement with and awareness of the diverse constituencies who might be affected

How not to negotiate

by one's policy prescriptions, without sacrificing one's academic independence. It also requires enough flexibility to revise one's models, in keeping with the adage variously (and perhaps apocryphally) attributed to John Maynard Keynes, Paul Samuelson and Winston Churchill: 'When the facts change, I change my mind. What do you do, Sir?'