

TRADE POLICY BRIEF

# The challenge of getting to yes at the WTO

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# Introduction

The growing diversity in membership has made consensus-based decision-making much more challenging at the WTO. Moreover, as the agenda for managing global trade has expanded, it has added pressure on members attempting to craft an acceptable set of commitments.

How do you get an agreement among 164<sup>1</sup> members? This is a key problem for the World Trade Organization (WTO) as it heads toward an important ministerial conference (MC13) in February. As decision-making within the organization at the collective or multilateral level has been challenging, many have suggested alternative pathways to getting to yes.

Key among these are agreements among smaller subsets of members before they are offered WTO-wide. While intuitively appealing, the track record of the WTO in managing smaller, plurilateral commitments has not yielded a consistent basis for successful decision-making for the multilateral body. Why has it been so difficult for members to agree on much of anything?

## The lunch conundrum

Consider the basic problem. Imagine that you are trying to get 164 staff members from a global team to agree on a single lunch order.

One option is to have the boss decide on a venue and menu. Or the firm could provide a set of meal choices or perhaps staff members could pre-order their choices, except that some staff members might change their minds later.

In short, it can be very difficult to simultaneously satisfy 164 staff members. Even in the best-case scenario, some will be happy with what they ate at this lunch while others will be less content.

Now consider what happens to ordering lunch if there is no boss. The WTO has a director-general with limited decision-making capacity. Administrative staff are even less empowered. In the context of the lunch analogy, they can book the venue and reserve seats, but only after all the staff members collectively agree on where and what to eat.

If it was hard enough to imagine a way for such a large diverse group to order food for a party, now add the criterion that just one unhappy staff member can block an agreement otherwise acceptable to the rest of the group.

A consensus requirement does not just affect the decisions made on the day of the lunch party, but also means that all possible objections must be considered well in advance of the party and ironed out prior to lunch.

Frankly, it's a miracle that staff ever manage to hold a party at all.

## The crumbling consensus

This is, roughly, analogous to the situation facing the WTO as members prepare for the next ministerial conference and helps explain why it has been so difficult for the organization to arrive at decisions. When the organization was first created, it was much smaller and members were more closely aligned. The increase and growing diversity in membership has made consensus-based decision-making

much more challenging. As the agenda for managing global trade has expanded, it has added pressure on members attempting to craft an acceptable set of outcomes.

WTO members in an October 2023 meeting discussed a wide range of items for possible inclusion in the MC13 agenda: dispute settlement reform; agriculture and food security; trade and development; fisheries subsidies; WTO reform (with additional sessions on trade and industrial policy, and trade and environmental sustainability); the e-commerce work program and moratorium; an MC12 decision on trade-related intellectual property rights; emergency responses; standards; global industrial and supply chains; and accessions.<sup>2</sup>

Each of these discussion items have sufficient complexity to feature as the centerpiece of an entire ministerial conference. Some of them have a long history, such as fisheries subsidies where members first agreed in 2001 to “clarify and improve existing WTO disciplines on fish subsidies.” While members did reach an agreement on many of the fisheries issues in June 2022, a few key points were left for further discussion at MC13 and will almost certainly be postponed again without resolution. Ratification of the fisheries agreement by individual member-states is proceeding slowly, and needs two-thirds of WTO members to formally accept the Protocol of the Agreement for it to come into legal force.<sup>3</sup>

Fish is not the only contentious issue ahead. Each of the “menu” items offered for our hypothetical lunch party are controversial with often sharp disagreements among members.



The increase and growing diversity in WTO membership has made consensus-based decision-making much more challenging.



# Why still bother to stick together?

For some WTO members, the principle of consensus provides a legitimacy to resulting commitments less vulnerable to challenge by other members. It also helps to ensure that larger, more powerful members do not simply dictate outcomes.

Given the difficulties of attached to getting to yes in the WTO, it makes sense to ask why this is the model that has been chosen or, at the very least, ask why this model has remained when it clearly presents enormous difficulties in reaching consensus. Does it still make sense to require all 164 members to agree? In the jargon of trade policy, this is the difference between pursuing multilateral or plurilateral outcomes.<sup>4</sup>

## The rise of plurilaterals

WTO members and its predecessor General Agreement on Tariffs and Trade already experimented with internal arrangements that allow for agreements to proceed without assent from the full membership.<sup>5</sup> There are two existing types of what are called plurilateral agreements: those that are ultimately extended to the full membership and those that provide benefits only to participating members. All WTO members can opt to join either type of plurilateral arrangement at any time.

The first type of plurilateral agreement is negotiated among a subset of members but any benefits arising from commitments are provided on a non-discriminatory basis to all WTO members (whether they were part of the original agreement or not). One example of this type is the Information Technology Agreement (ITA). This agreement, struck in 1996 and renegotiated in 2015, provides tariff elimination for identified information technology products like desktop computers. Participating members in the ITA agreed to drop their tariffs to zero on identified products and to provide duty-free or zero tariff treatment to all WTO members. Non-participants in the ITA also have access to tariff-free treatment on any covered ITA product exported to ITA members, but are not obliged to provide duty-free treatment to imported goods.

Agreements of this type have been incorporated into the broader set of WTO rules. They do not need consensus to be included as the benefits of the agreement (but not the obligations) are extended to all WTO members on a most-favored-nation (MFN) basis, the governing principle that commits each WTO member to treat others alike in the application of tariffs and related regulations on traded products. The ITA and similar agreements are managed by the WTO Secretariat.

A second type of plurilateral derives from Article II.3 of the WTO.<sup>6</sup> These agreements are different from the first type because the benefits of the arrangement are not automatically extended to all WTO members. Instead, commitments are given and granted only to participants.

Currently, there are two agreements of this model: an Agreement on Civil Aircraft and one on Government Procurement (GPA).<sup>7</sup> The GPA provides access to government procurement contracts for participating members that non-members do not receive.

Because discrimination exists, to include these types of arrangements into the WTO legal and institutional structure requires consensus by members.<sup>8</sup> While consensus permission was granted to incorporate the GPA and Civil Aircraft agreements into the WTO, members today have shown less willingness to accept the incorporation of additional Article II.3 agreements.

### The growing difficulties of multilateral outcomes

GATT and WTO members saw the problem. They took steps to grant themselves the ability to consider arrangements without full consensus, hence the two different formats to make a smaller agreements possible.

However, both approaches present their own challenges. For some members, the principle of consensus is a key objective of the entire enterprise and delivers a critically important result—every member approves the outcome.<sup>9</sup> This provides a legitimacy to resulting commitments less vulnerable to challenge by other members.

There is also a strong argument that full consensus agreements have taken the interests of every member into account. This helps to ensure that larger, more powerful members do not simply dictate outcomes but have to work methodically and carefully to craft final outcomes that are acceptable to a diverse set of members.

Some of what might be called the “regular” work of the WTO is currently included in the agenda for MC13 under the WTO reform agenda topic. This includes a range of issues related to how various councils and committees operate on a regular basis, what sort of operational requirements should be attached, and the frequency and composition of meetings.



For some, the principle of consensus helps to ensure that larger, more powerful members do not simply dictate outcomes.

# The launch of Joint Statement Initiatives (JSIs)

As useful as procedural and practical streamlining might be for unjamming the institution, it does not appear that minor adjustments will solve a larger problem. The inability of the WTO to move ahead on a range of issues of interest to many members led a subset of participants to propose a new approach. The so-called Joint Statement Initiatives (JSIs) began at MC11 in 2017, when some members agreed to start discussions on four topics: domestic regulation of services; investment facilitation for development; micro, small and medium sized enterprises (MSMEs); and electronic commerce.<sup>10</sup>

From the outset, these talks were placed in a peculiar limbo—taking place among WTO members operating within the WTO rulebook, but not as part of the formal multilateral WTO processes. There was, and has been, a protracted set of discussions about the pathway for these four initiatives and whether or not they should be viewed as taking place within or parallel to the institution. While these discussions have percolated for the past six years, the talks on domestic regulation of services in late 2021 accelerated the urgency of figuring out how to manage these JSIs and any future plurilateral endeavors.<sup>11</sup>

The JSI approach was to start talking first and sort out the institutional details at a later stage. This allowed members the flexibility to let the discussion flow in whatever direction and format seemed most appropriate to participants.

In 2022, 59 members involved in the Declaration on Services Domestic Regulation submitted changes to their own existing services schedules in the General

**Table 1 – Number and share of participating members in WTO JSIs**

JSI	No. of participating members	Share of WTO members (%)
Services domestic regulation	70	42.7
Investment facilitation for development	117	71.3
Micro, small and medium sized enterprises	98	59.8
Electronic commerce	90	54.9

Source: WTO

There has been a protracted set of discussions on whether or not the Joint Statement Initiatives should be viewed as taking place within or parallel to the WTO. While some JSIs have led to worthwhile outcomes, they are unlikely to reshape the foundations of the multilateral system.

Agreement on Trade in Services (GATS).<sup>12</sup> These changes were intended to reduce unintended trade-restrictive consequences related to licensing requirements and procedures, qualification requirements and procedures, and technical standards.<sup>13</sup>

Thus, unlike the plurilaterals concluded prior to the JSI processes, members in the services domestic regulation talks created another pathway to cooperation. The JSI's members agreed on a set of principles or disciplines to help with three key areas: to increase transparency, including commitments for publication of procedures; to increase legal certainty and predictability such as commitments to provide more information on application status or processes; and improve regulatory quality and facilitation such as allowing applications at any time of the year and include options for electronic submissions.<sup>14</sup>

Members did not provide regulatory specifics but mostly focused on the processes necessary to obtain approval to supply services. The agreement did not limit the right of members to regulate within their sovereign jurisdictions. Members were also not compelled to adjust market access or national treatment limits that had been previously committed to GATS.

Members that decided to incorporate these disciplines into their existing GATS schedules will be bound to these promises. Once these adjustments have been accepted, the benefits will be available to all WTO members.

While the JSI on services domestic regulation took the form of adjustments to existing member services schedules in the WTO, other JSIs have pursued different approaches. The JSI on MSMEs, for example, resulted in the formation of an Informal Working Group on MSMEs. The Informal Working Group has met multiple times since its inception in March 2018 and currently includes 98 members.<sup>15</sup> Many of the goals or outcomes for the group include a range of products, such as digital tools or written handbooks and guidelines, to support greater engagement by MSMEs in global trade activities.<sup>16</sup>

The JSI on MSMEs poses an interesting question: why aren't all WTO members participants? It would be hard to conceive of a lower stakes decision than to join an informal working group on any topic and it is equally challenging to figure out why any WTO member might oppose efforts to better support their small firms engaging with the larger trade environment. There are no obligations imposed on any participating WTO member and the benefits, in the form of guidebooks and online tools, are publicly available to all.

The fact that even this JSI cannot manage to get all 164 WTO members to join suggests a deeply rooted reluctance by many members to engage in plurilateral activities. It's unclear exactly why members are hesitant, but it could be because some fear that the measures restrict their policy space or are concerned about the precedent that could be set for other initiatives.

The third JSI, on investment facilitation for development, started with 70 members agreeing to work on a multilateral framework and later expanded to 116. Investment is only lightly covered in the WTO, although there is a much more extensive set of commitments by most WTO members on the topic in non-WTO settings, including investment treaties or free trade agreements. In July 2023, JSI members were able to announce the conclusion of negotiations on a text to support more transparency and efficiency on this issue.<sup>17</sup>



Members did not agree to substantively change investment policies, but agreed on streamlining processes and administrative procedures. The agreement explicitly excludes market access, investment protection, and any type of investor-State dispute settlement. As with the services domestic regulation discussions, the focus instead was on facilitating trade through other means and resolving some of the challenges consistently reported by firms attempting to engage in cross-border activities.

Once the agreement was nearing conclusion, participants decided that the benefits should be kept for participating members only. The group decided to request attachment of the final legal text to the WTO architecture through Annex 4 of the Agreement Establishing the WTO, which effectively makes the investment facilitation agreement legally similar to the Government Procurement Agreement rather than the MFN outcomes in the services domestic regulation or the MSME JSI.<sup>18</sup>

Attaching the text as an Annex 4 agreement, however, hasn't happened yet. Several WTO members have been vocally opposed to allowing non-MFN plurilaterals.

Hence, the first three JSIs ultimately appear to have resulted in changes that could improve the business environment and support efforts by companies, including the smallest, to engage in trade by making relevant information more readily available and by eliminating inefficient processes. These are worthwhile outcomes, but unlikely to reshape the foundations of the multilateral system.

The JSI process was intended to serve as a pathway to getting agreements in the WTO. While the first three initiatives have perhaps delivered underwhelming results, participating members opted to proceed cautiously and demonstrate the



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value of plurilateral commitments. The fourth JSI, however, has proven to be more controversial. In January 2019, 76 members agreed to commence negotiations on electronic commerce.<sup>19</sup> E-commerce is the only JSI that ran alongside an ongoing WTO work program. This dual nature of the talks (within and alongside the WTO) has added complexity to the topic. E-commerce is also an issue area that some WTO members have been increasingly tackling outside the traditional formats of an FTA and some members have been involved in crafting e-commerce-specific arrangements, such as the Digital Economy Partnership Agreement (DEPA) and Digital Economy Agreements (DEAs).<sup>20</sup>

The 90 current members have struggled to conclude the JSI negotiations.<sup>21</sup> In part, this is because the initiative cannot simply rely on existing WTO commitments or rules. From the outset, it required members to engage in a whole new range of issues, including data flows, data localization, information and communications technology (ICT) products with cryptography, electronic payments, and source code. Unlike the other three JSI activities, these issues highlight potentially sensitive and less straightforward elements to be considered under an e-commerce negotiation.

By 2023, members had agreed to “park,” or set aside, a set of drafted articles covering 12 areas: online consumer protection, electronic signatures and authentication, unsolicited commercial electronic messages (spam), open government data, electronic contracts, transparency, paperless trading, cybersecurity, open internet access, electronic transaction frameworks, electronic invoicing, and “single windows.”<sup>22</sup> These elements of a future text were considered sufficiently advanced to put them to the side until the whole package of potential commitments can be considered.

Members continue to work toward the MC13 deadline. But an additional complication impeding the ability of JSI members to conclude negotiations was a late change in approach, in October 2023, from the United States. The US, which was one of the earliest and most ardent supporters of the e-commerce discussions, reversed course on several key issues, including its approach to data and source code.<sup>23</sup>

The removal of the US from three of the most controversial articles in the negotiations could provide new momentum for resolving remaining challenges. Shortly after the change in US position, JSI co-conveners announced the movement of the article on “privacy” to the “parked” category.<sup>24</sup> However, without including clear rules on data flows, especially, it can be difficult to see how much value will come from the remaining commitments in any final agreement. For instance, a promise to facilitate electronic signatures can be undone by a restriction on the movement of data or local data hosting requirements.

Officials have crafted a roadmap to show how members can achieve an outcome on the JSI at MC13, but the remaining issues include some tough challenges like locking down language on scope, exceptions, and legal architecture of the final agreement. The co-conveners – Australia, Japan, and Singapore – have promised to deliver a chair’s text before a last negotiating session in January that could serve as a tool to resolve remaining issues prior to the ministerial conference in Abu Dhabi.

### Back to lunch with the JSIs

The four existing JSIs at the WTO provide examples of how members might elect to manage the challenges of crafting agreements in light of institutional roadblocks to getting the whole membership to move ahead on new commitments. MSME JSI members have opted to work through information sharing and the creation of new materials to support the better integration of smaller firms into the global economy. The JSIs on services domestic regulation and investment facilitation have both focused on creating greater transparency and streamlining processes to support business efforts to engage in cross-border trade.

Because the e-commerce JSI is working in an area with limited or non-existent WTO rules governing digital trade, members have had to craft a more comprehensive set of commitments. As the talks are ongoing, it is not yet possible to say how the final agreement might fit within the WTO's legal architecture. But if the current draft arrangements remain in place, it appears that this JSI will not simply clarify existing domestic procedures in member states or provide new tools or guidebooks to firms to better understand domestic digital regulations. Instead, members have been steadily working toward something that will create a new set of obligations or, at a minimum, a new set of principles to guide digital trade policies across members.

It makes sense, perhaps, to design agreements and outcomes that best fit the circumstances and conditions at the time of a decision. The launch and conclusion of different types of JSIs with a range of outcomes provides some reason for optimism that members can craft suitable plurilateral outcomes, even within the framework of the WTO multilateral system.<sup>25</sup>



The 90 current members have struggled to conclude the e-commerce JSI negotiations. In part, this is because the initiative cannot simply rely on existing WTO commitments or rules.

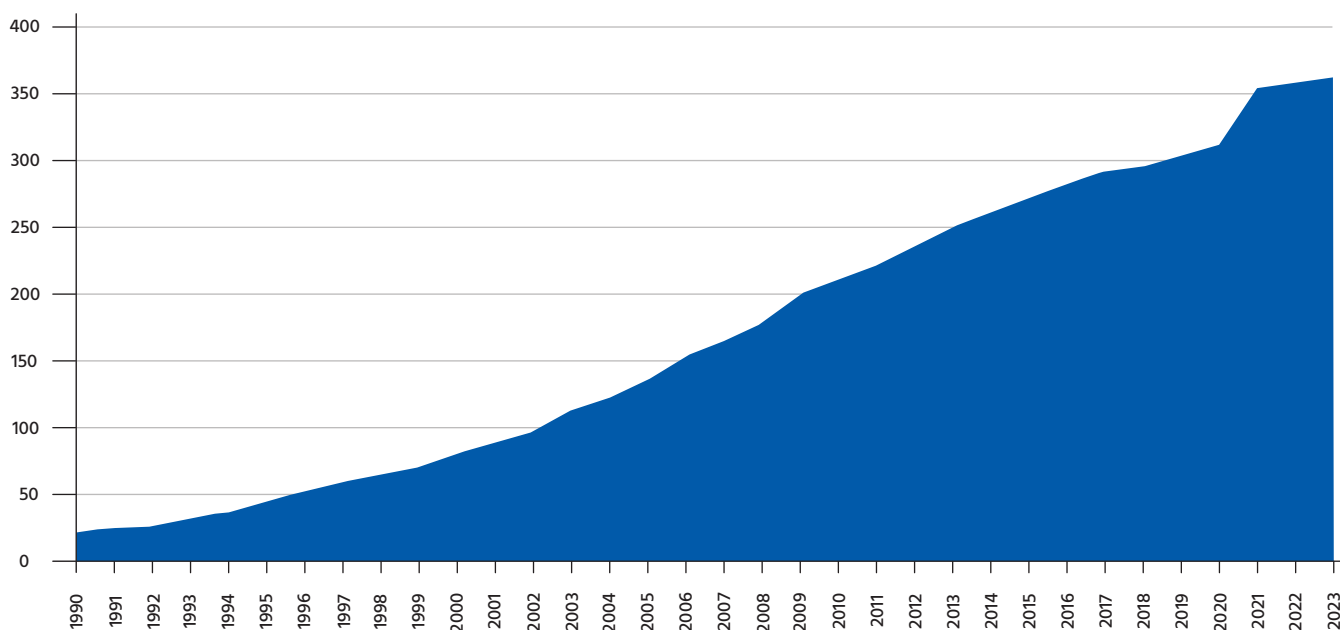
# The push for preferential trade agreements (PTAs)

However, an examination of the content of recent efforts at plurilateralism does not provide much confidence in the approach as a mechanism for tackling serious trade issues in the future. As important as it is to have consistent approaches to clearing away complicated domestic processes or producing valuable informative materials, this is not the same as drafting new binding commitments for managing trade issues. Here, the track record from plurilaterals is mixed at best.

Perhaps one explanation that gets short shrift in understanding why WTO members are less willing to embrace either multilateral or substantive plurilateral approaches is that members have access to a “safety valve” in the form of preferential trade agreements. Tough topics can be tackled outside the WTO entirely in bilateral or regional formats. These smaller group settings can get conclusions in place much more quickly than the WTO as a whole and the benefits can be more carefully targeted to the domestic situations in participating members.<sup>26</sup>

It is especially striking to note the explosion in preferential trade arrangements against a backdrop of incremental adjustments in the WTO. These include bilateral and regional commitments that can be extremely comprehensive in scope,

**Figure 1 – Cumulative number of trade agreements in force (1990-2022)**



Source: WTO Regional Trade Agreements database



extending more broadly and deeply than any existing WTO commitments. WTO members are also increasingly willing to sign onto PTAs that are sectoral in nature, including several varieties of digital economy agreements and green economy arrangements.

PTAs do not cover all WTO members. This is one of the most important objections to their existence. But given the near-impossibility of concluding meaningful arrangements within the WTO on a multilateral basis, many members have “voted with their feet” by signing deals outside of the organization.

This does not mean that the WTO itself is automatically doomed. All PTAs build upon the bedrock of legal rules and specific commitments made within the multilateral organization. Even the most promiscuous PTA users remain steadfast in their participation at the WTO. It is certainly easier to conduct international trade using one common set of rules, principles, and procedures than many different sets. But it is equally important to recognize that a debate about the benefits of multilateral versus plurilateral trade arrangements often skips over the growing importance of PTAs as a mechanism for achieving consistency in trade rules across subsets of WTO members.



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# Still waiting for lunch?

The scope of challenges to the trade policy landscape ahead are growing, including managing the impact of climate change and an intensifying geopolitical contest among the largest members of the system.

Getting a lunch party organized for 164 diverse staff is a difficult exercise. The GATT and WTO have tried to accommodate various requirements over the years, including providing alternative options to get an agreement. The recent experience of the JSIs, while perhaps delivering underwhelming benefits at the moment, indicates a new urgency to experiment with different approaches to agree on modern trade rules.

The scope of challenges to the trade policy landscape ahead are growing, including managing the impact of climate change, the increasing reach of digital into nearly every aspect of trade, the growing diversity of members accompanied by an increasing assertiveness among many to have their views taken into account in multilateral outcomes, amid a rising geopolitical contest among the largest members of the system.

The debates about the “best” or most appropriate mechanism for handling member demands are not going to be resolved soon. In fact, the looming MC13 meeting will provide additional evidence of the difficulties that WTO members are having in getting to yes on a wide range of important topics, as much as they offer a glimmer of the way forward. The looming MC13 is likely to underscore more questions than answers for the modernization, mounting in urgency, of the multilateral trading system.



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# Researcher bio: Deborah Elms

Dr. Deborah Elms is Head of Trade Policy at the Hinrich Foundation in Singapore. Prior to joining the Foundation, she was the Executive Director and Founder of the Asian Trade Centre (ATC). She was also President of the Asia Business Trade Association (ABTA) and the Board Director of the Asian Trade Centre Foundation (ATCF).

Dr. Elms serves on the board of the Trade and Investment Negotiation Adviser (TINA) at the UN Economic and Social Commission for Asia Pacific (UNESCAP). She was on the International Advisory Council for APCO (2021-2023) and was a member of the International Technical Advisory Committee of the Global Trade Professionals Alliance and Chair of the Working Group on Trade Policy and Law. She was also a member of the World Economic Forum's Trade and Investment Council for 2018-2020.

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Dr. Elms received a PhD in political science from the University of Washington, a MA in International Relations from the University of Southern California, and bachelor's degrees from Boston University.

She is the author of numerous articles, editor of several books, and regularly published the Talking Trade Blog at [www.asiantradecentre.org/talkingtrade](http://www.asiantradecentre.org/talkingtrade). Dr. Elms also routinely appears on television and in major newspapers and magazines around the world to comment on trade and economic issues. Dr. Elms also makes frequent appearances at a range of global trade and economic workshops, conferences, capacity building sessions and negotiations.



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# Endnotes

1. The WTO admitted two new members at MC13 in February 2024, bringing the total number to 166.
2. SENIOR OFFICIALS MEETING CHAIRPERSONS' SUMMARY AND ORAL REPORTS BY THE FACILITATORS WT/GC/259/Rev.1 TN/C/22/Rev.1 23-24 October 2023. Accessed 21 Dec 2023. <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/GC/259R1.pdf&Open=True>
3. WTO | Members submitting acceptance of Agreement on Fisheries Subsidies. Accessed 21 Dec 2023. [https://www.wto.org/english/tratop\\_e/rulesneg\\_e/fish\\_e/fish\\_acceptances\\_e.htm](https://www.wto.org/english/tratop_e/rulesneg_e/fish_e/fish_acceptances_e.htm)
4. Of course, multilateral trade agreements need not include the requirement that members accept the entirety of whatever arrangements are on the table or reject the entire lot. This is more commonly referred to as the “single undertaking,” under which nothing is assumed to be agreed until everything is agreed. The idea, in brief, behind a single undertaking is that members are more likely to agree to a larger package than a smaller one as the benefits get spread about more fully across the membership and any pain points are also dispersed. In principle, however, multilateral agreements could cover a single-issue commitment.
5. It should be noted that preferential trade agreements (PTAs), more commonly called Free Trade Agreements (FTAs), could also be called a trade arrangement that includes less than the full membership. In fact, as Bernard Hoekman and Petros Mavroidis noted in their 2015 article, perhaps the greater challenge to the WTO is not whether members elect to join either type of plurilateral, but instead why so many have selected the apparently “easier” route of agreeing to a PTA. See “WTO ‘a la carte’ or ‘menu du jour’? Assessing the case for More Plurilateral Agreements,” *European Journal of International Law*, Vol. 26, No. 2, p. 319-343.
6. The article reads, “The agreements and associated legal instruments included in Annex 4 (hereinafter referred to as ‘Plurilateral Trade Agreements’) are also part of this Agreement for those Members that have accepted them, and are binding on those members. The Plurilateral Trade Agreements do not create either obligations or rights for members that have not accepted them.” See “Agreement Establishing the World Trade Organization” at: [https://www.wto.org/english/docs\\_e/legal\\_e/04-wto.pdf](https://www.wto.org/english/docs_e/legal_e/04-wto.pdf)
7. Hoekman and Mavroidis note that such arrangements used to be quite common in the GATT period, although they were then called “codes of conduct.” Most of these, on anti-dumping, technical barriers to trade (product standards), subsidies and countervailing measures, import licensing, and customs valuation were converted into MFN commitments during the transition from the GATT to the WTO in 1995. See p. 320.
8. Specifically, Art X.9 of the Agreement Establishing the WTO includes the phrase that adding a plurilateral to existing commitments takes place “exclusively by consensus.”
9. GATT/WTO members do not literally have to approve each outcome. While there are rules embedded in the institution to allow voting, these provisions have never been used. Instead, the GATT/WTO operates by what is called “reverse consensus,” whereby a decision is assumed to have full approval if no member objects to the outcome.
10. WTO | Joint Initiatives. Accessed 21 Dec 2023. [https://www.wto.org/english/tratop\\_e/jsi\\_e/jsi\\_e.htm](https://www.wto.org/english/tratop_e/jsi_e/jsi_e.htm)
11. WTO | Joint Initiative on Services Domestic Regulation. Accessed 21 Dec 2023. [https://www.wto.org/english/tratop\\_e/serv\\_e/jsdomreg\\_e.htm](https://www.wto.org/english/tratop_e/serv_e/jsdomreg_e.htm)
12. For the complete list of participants and other details, see WTO | Joint Initiative on Services Domestic Regulation at [https://www.wto.org/english/tratop\\_e/serv\\_e/jsdomreg\\_e.htm](https://www.wto.org/english/tratop_e/serv_e/jsdomreg_e.htm)
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18. 117 members want investment facilitation deal to be formal WTO agreement – Trade β Blog. Accessed 21 Dec 2023. <https://tradebetablog.wordpress.com/2023/12/13/117-want-investment-formal-wto-agreement/#more-27035>
19. This number has grown to include 90 WTO members by October 2023. WTO | Joint Initiative on E-Commerce. [https://www.wto.org/english/tratop\\_e/ecom\\_e/joint\\_statement\\_e.htm](https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm)
20. For more details on DEPA, see <https://www.mti.gov.sg/Trade/Digital-Economy-Agreements/The-Digital-Economy-Partnership-Agreement>. For additional information on the DEAs, led by Singapore, see <https://www.mti.gov.sg/Trade/Digital-Economy-Agreements>
21. See WTO | Joint Initiative on E-Commerce for a list of members as of 23 October 2023. [https://www.wto.org/english/tratop\\_e/ecom\\_e/joint\\_statement\\_e.htm](https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm)
22. WTO | 2023 News items - E-commerce co-convenors: “We must lock in the credible package that we have in our hands”. Accessed 21 Dec 2023. [https://www.wto.org/english/news\\_e/news23\\_e/jsec\\_27oct23\\_e.htm](https://www.wto.org/english/news_e/news23_e/jsec_27oct23_e.htm)
23. USTR Statement on WTO E-Commerce Negotiations | United States Trade Representative. Accessed 21 Dec 2023. <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2023/october/ustr-statement-wto-e-commerce-negotiations>
24. See [https://www.wto.org/english/news\\_e/news23\\_e/jsec\\_30nov23\\_e.htm](https://www.wto.org/english/news_e/news23_e/jsec_30nov23_e.htm) Accessed 21 Dec 2023
25. Members have also opened two additional “initiatives,” with one on plastic pollution and environmentally sustainable plastics ([https://www.wto.org/english/tratop\\_e/ppesp\\_e/ppesp\\_e.htm](https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm)) and one on trade and environmental sustainability ([https://www.wto.org/english/tratop\\_e/tessd\\_e/tessd\\_e.htm](https://www.wto.org/english/tratop_e/tessd_e/tessd_e.htm)). Both, launched in 2020, are currently listed as dialogues or structured discussions.
26. Members have also tried the reverse—using preferential trade arrangements as a platform for crafting outcomes that could later be incorporated in whole or in part back into the multilateral setting. This includes, for instance, work by APEC members on environmental goods.

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