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# WTO PLURILATERAL AGREEMENTS: A MULTILATERAL APPROACH IN ACTION

## Abstract

**Background:** The World Trade Organization (WTO), established in 1995, emphasizes multilateralism, necessitating unanimous consent for decisions and agreements among member states. However, the intricate nature of global trade often hinders unanimous agreement. To address this, the WTO has seen the rise of plurilateral agreements, which differ from purely multilateral ones. Plurilateral agreements involve specific WTO members negotiating commitments in particular policy areas. Unlike standard regional trade agreements, plurilaterals offer flexibility, allowing participating states to address issues of economic interest. This approach enables tailored solutions and promotes collaboration among like-minded countries to advance shared objectives without universal consensus.

**Research purpose:** This article explores the realm of WTO plurilateral agreements, examining their structure, evolution, and impact on the multilateral trading system. It delves into the dynamics of these agreements, which offer a practical avenue for addressing pressing trade-related issues. By scrutinizing the interplay between plurilateral agreements and the overarching principles of multilateralism within the WTO, this research aims to shed light on the extent to which plurilateral complements the multilateral approach, contributing to a deeper understanding of the evolving global trade landscape.

**Methods:** This article employs a mixed-method research methodology, which includes a thorough literature review, analysis of relevant reports on plurilateral agreements, and examination of secondary data sources. The study combines quantitative and qualitative analyses within GATT/WTO activities to assess changes in plurilateral agreements. Data on plurilateral agreements were sourced from the WTO database and ministerial reports. This dual approach offers a robust framework for comprehensively evaluating the evolving landscape of plurilateral agreements in the GATT/WTO framework.

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**Conclusions:** WTO plurilateral agreements offer enhanced flexibility in trade governance and play a pragmatic role in addressing complex trade issues. While they do not replace the fundamental principle of multilateralism, they serve as complementary mechanisms to facilitate progress on specific trade-related issues. These agreements also have the potential to influence the evolution of trade governance and support multilateralism within the WTO, providing tailored solutions in a dynamic global trade landscape.

**Keywords:** regional trade agreements, multilateral trade system, MFN, joint statement initiatives, WTO.

**JEL classification:** F13, F15, F53

## 1. Introduction

Since the establishment of the World Trade Organization (WTO) in 1995, the global trade landscape has undergone substantial transformation. Emerging avenues and novel trade modalities have evolved. The advent of the internet and the pervasive influence of digital transformation have spurred the expansion of e-commerce, amplifying its significance. Additionally, in the wake of the COVID-19 crisis, the resilience of global value chains has emerged as a pivotal concern. Considering these developments, the imperative of modernizing WTO regulations is underscored. Nevertheless, amidst an increasingly contested geo-economic milieu and the divergent economic and political interests of WTO member states, the attainment of multilateral consensus has grown notably challenging.

The fiasco of the Doha Round (Doha Development Agenda – DDA; the first negotiation round of the WTO) showed the loopholes in the WTO's rules and principles, which became serious threats to the multilateral trading system (MTS).[1]

In the framework of the WTO, plurilateral agreements (PAs) enable smaller groups of nations to enter commitments about specific policy domains, exclusively binding the signatories. As a result, they introduce a degree of flexibility within the WTO. These plurilateral accords exhibit several commonalities with regional trade agreements (RTAs), which governments progressively employ to foster trade liberalization in goods and services.[2]

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1 **K. Zoladkiewicz**, **R. Orlowska**, *Imperfection of the World Trade Organization as a Hazard for International Business*, Inzinerine Ekonomika-Engineering Economics 2020/31 (3), p. 358.

2 **B.M. Hoekman**, **P.C. Mavroidis**, *WTO 'à la carte' or 'menu du jour'? Assessing the Case for More Plurilateral Agreements*, The European Journal of International Law 2015/26 (2), p. 319.

The notions of plurilateral agreements and joint statement initiatives (JSIs) can be viewed as a response to the evolving landscape of global trade and the difficulties encountered in achieving multilateral consensus. The JSI approach seeks to provide an alternative pathway for advancing trade-related goals by accommodating the interests of a subset of WTO Members. Overall, JSIs are a practical mechanism that offers a means for a select group of WTO Members to pursue their shared trade policy objectives and thereby contribute to the evolution of the MTS.[3]

The concept of plurilateral initiatives, exemplified by JSIs, holds the potential to reinforce their legitimacy, progressing towards the ultimate objective of multilateral agreements. The voluntary adherence to JSI provisions further enhances the credibility of these plurilateral initiatives and contributes to their maturation into full-fledged multilateral agreements.

However, the distinct nature and scope of the issues addressed by the recent JSIs are expected to present varying legal challenges to the existing WTO rules and mandates.[4]

## 2. Literature review – conceptual framework

A literature review on WTO plurilateral agreements reveals a complex landscape marked by evolving trade dynamics and varying degrees of flexibility in addressing specific economic interests. The scholarly literature explores these agreements' significance, implications, and challenges while highlighting their potential to provide tailored solutions for participating member states. It is difficult to determine whether the WTO's novel trajectory, exemplified by the establishment of JSIs, is optimal for achieving a comprehensive MTS. Nevertheless, it undeniably signifies that WTO member states are actively exploring innovative and adaptable mechanisms to address the contemporary exigencies of the global landscape.

According to Hoekman and Mavroidis, the failure of the Doha Round is a striking example of the formidable challenges associated with crafting rules

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3 **F. Angeles**, **R. Roy**, **Y. Yarina**, *Shifting from Consensus Decision-Making to Joint Statement Initiatives: Opportunities and Challenges*, WTO Capstone Project, Graduate Institute Geneva, Switzerland, December 2020, pp. 7–9.

4 *The Legal Status of 'Joint Statement Initiatives' and their negotiated outcomes*, General Council, WT/GC/W/819, 19 February 2021, p. 2, https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/GC/W819.pdf&Open=True, accessed: 30.06.2023.

within the WTO. Simultaneously, the ongoing and robust expansion of RTAs underscores the unwavering determination of WTO members to leverage trade agreements to promote international trade liberalization.[5] With 361 RTAs in force as of 2023[6] it becomes evident that the issues encountered within the WTO do not primarily arise from governments' reluctance to incorporate binding trade policy commitments into treaty instruments. Instead, these challenges stem from the hesitance to embrace comparable obligations on a global scale within the WTO.[7]

In a similar study, Adlung and Mamdouh showed that the absence of advancement in numerous aspects of the DDA has brought the potential for more focused negotiations on a plurilateral basis to advance mutual interests among countries sharing similar goals.[8]

Akman et al. also note the positive significance of plurilateral agreements, as they offer a practical alternative when attaining unanimous multilateral consensus within the WTO becomes challenging. To enhance the MTS, plurilateral agreements should adhere to an encompassing and development-oriented framework. They should adopt a structured approach that delineates varying levels of rights and responsibilities while integrating initiatives for capacity development. Initiating a plurilateral agreement within the WTO should center on significant subject matters for developing and least developed countries, contributing to achieving the Sustainable Development Goals.[9]

Plurilateral negotiations are considered a secondary best option compared to multilateral discussions because they involve a subset of WTO members rather than the entire membership. However, they have the potential to advance arguments by simplifying the negotiation process. These negotiations occur within a smaller cohort of like-minded members, enabling them to make headway in areas where consensus among all WTO members is challenging.[10]

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5 **B.M. Hoekman**, **P.C. Mavroidis**, *WTO 'à la carte' or 'menu du jour'?...*, p. 320.

6 *Regional Trade Agreement Database*, https://rtais.wto.org/UI/charts.aspx, accessed: 15.09.2023.

7 **B.M. Hoekman**, **P.C. Mavroidis**, *WTO 'à la carte' or 'menu du jour'?...*, p. 320.

8 **R. Adlung**, **H. Mamdouh**, *Plurilateral Trade Agreements: An Escape Route For The WTO?*, WTO Working Paper ERSD-2017-03, 25 January 2017, p. 5.

9 **M.S. Akman et al.**, *Making Plurilateral Initiatives Work for All: Reforming the WTO Through Inclusive and Development-friendly Approaches*, T20 Policy Brief, Task Force 7 Towards Reformed Multilateralism: Transforming Global Institutions and Frameworks, India, May 2023, p. 3.

10 **M.S. Akman et al.**, *Reforming the WTO Through Inclusive and Development friendly Approaches How to Make Plurilateral Initiatives Work for All*, DGAP Policy Brief, September 2023/26, p. 4.

Bacchus suggests that WTO members should continue to uphold their goal of promoting trade liberalization on a multilateral scale. However, they should also explore the possibility of addressing the most urgent global trade challenges through plurilateral agreements.[11]

With more pessimism, Kelsey argues that JSIs lack a solid legal foundation and could harm the WTO's fundamental principles and established legal norms. The rationale behind JSIs appears to hinge on relatively weak interpretations of WTO rules, and their proposed implementation methods seem to involve the improper use of trade in service schedules. This analysis cautions that if JSIs were to set a precedent, they might authorize future rule-making activities by select groups of WTO members across an extensive spectrum of issues. This, in turn, could exacerbate the existing divisions within the already strained WTO framework.[12]

Kelsey notes that by 2017, developing countries made up two-thirds of the WTO's membership. Many of these developing nations adhered to their initial expectations. The principle of consensus within the WTO prevented developed countries, traditionally the primary architects of trade rules, from unilaterally determining trade policies in their immediate self-interest. This shift in dynamics contributed to the growing appeal of the JSIs.[13]

Proponents of JSIs point to shortcomings in WTO principles and challenges arising from resistance among developing countries as contributing factors to the organization's inadequacies. They propose a solution through the plurilateral development of regulatory frameworks for new subject matters that involve specific subsets of WTO member states. Hoekman and Mavroidis have linked the "legislative crisis" and diminishing effectiveness of the WTO to elements such as "consensus decision-making," the "member-driven" governance model, and the use of "special and differential treatment" by developing nations. They argue that, given the potential reforms in the working procedures of the WTO, initiating "plurilateral initiatives involving major economic powers" is essential for maintaining an open, rules-based global economy.[14] Taking this consideration into account, we propose a single hypothesis.

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[11] **J. Bacchus**, *The Future of the WTO Multilateral or Plurilateral?*, Policy Analysis, May 2023/947.

[12] **J. Kelsey**, *The Illegitimacy of Joint Statement Initiatives and Their Systemic Implications for the WTO*, Journal of International Economic Law, March 2022/25 (1), p. 2.

[13] *Ibidem*, p. 3.

[14] **B.M. Hoekman**, **P.C. Mavroidis**, *WTO 'à la carte' or 'menu du jour'?...*, p. 321.

*Hypothesis 1: WTO plurilateral agreements, as opposed to purely multilateral agreements, provide participating member states with greater flexibility to negotiate trade-related issues specific to their economic interests, potentially leading to more effective and tailored solutions.*

This hypothesis arises from recognizing diverse economic interests within the WTO, signaling the need for flexible trade negotiations. Traditionally, multilateral agreements employed uniform approaches but are now seen as less effective in addressing different nations' unique challenges and opportunities. The hypothesis also considers the frustration with multilateral negotiations, leading to a reevaluation of how to achieve more effective trade negotiations. Additionally, the hypothesis acknowledges the growing complexity of modern trade agendas and the potential of plurilateral agreements to address these complexities. In summary, it reflects the shift in thought towards plurilateral agreements being better suited for addressing the diverse economic interests of WTO member states.

## 3. Background: The genesis of plurilateral initiatives and the legal context

The General Agreement on Tariffs and Trade (GATT) regime rested on two distinct categories of rules: (1) GATT 1947, which encompassed all member states, and (2) codes, which denoted a set of agreements not based on the most favored nation (MFN) principle, and which bind a restricted number of participating member states. Notably, the Kennedy Round (1964–67) and the Tokyo Round (1973–79) yielded a series of codes.[15] Nine agreements or codes were established, initially designated MTN (Multilateral Trade Negotiation) agreements and arrangements. These agreements encompassed specific sectors, including the International Dairy Agreement, the International Bovine Meat Agreement, and the Agreement on Trade in Civil Aircraft. In addition, specific codes addressed policy matters of broad relevance across sectors, such as the Agreement on Government Procurement (GPA) and five supplementary Codes, which dealt with Technical Barriers to Trade, Subsidies and Countervailing Duties, Anti-dumping measures, Customs Valuation, and Import Licensing.[16]

Before the WTO was established, arrangements often involved a limited number of signatory countries, ranging from 10 to 40 out of the 128 Members.

[15] **M. Nakatomi**, *Plurilateral Agreements: A Viable Alternative to the World Trade Organization?*, ADBI Working Paper, October 2013/439, p. 3.

[16] **S. Harbinson**, **B. De Meester**, *Analysis of WTO-consistent approaches to plurilateral and non-MFN trade agreements*, National Foreign Trade Council, 2012, pp. 26–27.

The Uruguay Round's conclusion in late 1993 marked a pivotal moment in international trade governance, leading to the establishment of the WTO in 1995. The "single undertaking" principle, where nothing is agreed until everything is agreed, tightened the rules governing WTO member states' rights and obligations, enhancing the stability and predictability of the global trade order compared to the earlier GATT era of 1947. However, it also led to challenges, particularly for some developing countries committed to obligations that exceeded their capacity to enforce WTO Dispute Settlement rulings.[17]

The establishment of the WTO was initially promising, aiming for greater international economic liberalization. However, the "single undertaking" principle hindered the partial arrangements negotiated under the Doha Development Agenda (DDA), moving the MTS further from realization over time.[18]

Upon the establishment of the WTO, nearly all aspects of the new regulatory framework were universally applicable to the entire membership, with a sole exception delineated in Article II:3 of the WTO Agreement. This provision specifies that "Plurilateral Agreements," as outlined in Annex 4 of the Agreement, are legally binding solely upon the Members who have formally accepted them, without imposing rights or obligations on non-participating Members. This Annex covers exclusive agreements, including Trade in Civil Aircraft and Government Procurement. Both agreements are distinctive for specific reasons: Trade in Civil Aircraft focuses on a minimal product category, civil aircraft, which holds limited commercial appeal for many Members. In contrast, Government Procurement entails sensitivities due to the coexistence of industrial policy-related considerations and national sovereignty principles within this domain. All other arrangements from the Tokyo Round were either transformed into universally binding multilateral agreements during the Uruguay Round or discontinued since then.[19]

In 2017, the initiation of JSIs that focus on electronic commerce, investment facilitation, and domestic regulation of services aimed to revitalize WTO negotiations. These plurilateral negotiations, intended to create new rules with potential MFN applicability, are a blend of political, ideological, and legal considerations. However, this approach challenges the WTO's core principles, such as multilateralism and member-driven consensus decision-making, while underutilizing its established bodies and negotiation authority.[20] At the outset, it was unclear whether these

[17] **M. Nakatomi**, *Plurilateral…*, p. 3.
[18] **R. Adlung**, **H. Mamdouh**, *Plurilateral...*, p. 9.
[19] *Ibidem*.
[20] **J. Kelsey**, *The Illegitimacy…*, p. 2.

regulations would solely apply to the involved parties (referred to as "closed plurilateralism") or if they would extend on an MFN basis, encompassing all WTO members (known as "open plurilateralism"). The first breakthrough came with the adoption of the Reference Paper on Services Domestic Regulation, which was agreed upon by 67 out of the 164 WTO members in December 2021.[21]

In essence, the emergence of JSIs, while seeking to inject vitality into the WTO, has stirred significant debates regarding their compatibility with the core tenets of the organization and the concerns of developing nations, which are integral to the future trajectory of the MTS.

Plurilateral initiatives emerged post-2017 and introduced a significant shift in nomenclature, now called Joint Statement Initiatives. This change in terminology reflects a nuanced evolution in the nature and scope of these trade agreements within the WTO. The transition from "plurilateral initiatives" to "Joint Statement Initiatives" is a semantic adjustment that reflects the changing dynamics of the WTO's trade negotiations landscape. Several key factors contribute to this shift:

1. Their Distinctive Nature: Plurilateral agreements traditionally referred to agreements negotiated among a subset of WTO Members that shared common interests in specific policy areas. While this concept remains at the core of JSIs, the change in terminology highlights the uniquely collaborative and consensus-driven approach these Member groups take to address specific trade-related challenges.
2. Inclusivity: The term "Joint Statement Initiatives" emphasizes these agreements' collaborative and inclusive spirit. These initiatives often originate from Ministerial Conferences or high-level meetings, where participating Members release a joint statement expressing their commitment to advancing specific trade issues. This approach underscores the cooperative nature of JSIs, as opposed to negotiations that might have excluded certain Members.
3. Relevance and Evolution: The renaming of these initiatives reflects their evolving role within the WTO. JSIs have gained prominence as a pragmatic response to the complexities of reaching consensus on many trade-related matters. Their focus on crafting innovative and specialized solutions for contemporary trade challenges aligns to enhance the MTS.
4. Broader Application: The shift to JSIs underscores the potential for these initiatives to contribute to developing a more comprehensive and flexible

[21] *Ibidem*, p. 2.

framework for trade governance. It recognizes the potential for these agreements to shape trade rules and practices beyond their original participants and has broader implications for WTO membership as a whole.

In conclusion, the transition from "plurilateral agreements" to "joint statement initiatives" encapsulates the evolving character and significance of these trade agreements in the context of the WTO. While the change in nomenclature is subtle, it symbolizes the ongoing adaptation of the WTO's negotiating mechanisms to address contemporary global trade challenges. It also underscores these initiatives' cooperative and inclusive nature.

The JSI proponents intend to create a new set of neither multilateral nor plurilateral agreements (as defined in Article II.3). The proponents suggest that no consensus is required to bring these new rules into the WTO when offered on an MFN basis. However, this approach is legally inconsistent with the fundamental principles and procedures of the Marrakesh Agreement.[22] Nevertheless, several legal bases allow derogating from the MFN principle to integrate these plurilateral agreements with the organization's (Figure 1).

FIGURE 1: *Legal bases allow derogating from the MFN principle to integrate plurilateral agreements into the WTO legal framework*

| A waiver that is generally temporary in nature (requires consensus) | The enabling clause covers almost all trade in goods and services between its parties but applies to developing countries only | Multilateral agreements with different obligations (e.g., Trade Facilitation Agreement) | A regional or bilateral trade agreement respecting the principle of advanced economic integration of Articles XXIV of GATT and V of GATS |
|---|---|---|---|
| | | CATEGORY A = developing countries will implement the measure by 02/22/2017 and LDCs by 02/22/2018<br>CATEGORY B = Members will need more time to implement the measure<br>CATEGORY C = Members will need more time and capacity-building support to implement the measure | Apart from the substantive and procedural rules to be observed, RTAs are outside the framework of the WTO |

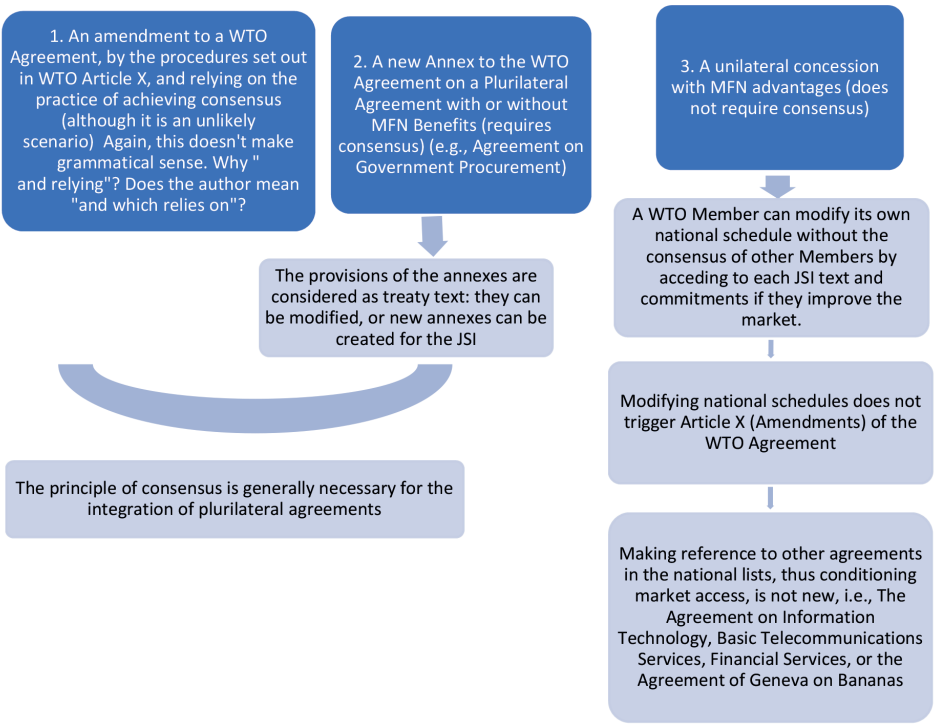
S o u r c e: own work based on **R. Orlowska**, **K. Zoladkiewicz**, *The New Face of the World Trade Organization*, Gdansk University Press, Gdansk 2020, pp. 83–92.

[22] *The Legal Status of "Joint Statement Initiatives" and their…*, p. 2, accessed: 10.08.2023.

Various legal mechanisms, including temporary waivers that require consensus, enable deviations from the MFN principle to integrate plurilateral agreements into the WTO legal framework. These mechanisms encompass a range of agreements, such as the enabling clause for developing countries, multilateral agreements like the Trade Facilitation Agreement, and regional or bilateral trade agreements that are aligned with the principles of advanced economic integration. Additionally, different categories denote the implementation timelines and support needs of WTO members, with Category A for developing countries, Category B for members requiring more time, and Category C for those needing additional time and capacity-building support. While the WTO sets substantive and procedural rules, RTAs operate outside its framework.

Figure 2 illustrates various scenarios regarding integrating plurilateral initiatives into the framework of WTO agreements.

FIGURE 2: *The place of plurilateral initiatives within WTO agreements – scenarios*




S o u r c e: own work based on: **R. Orlowska**, **K. Zoladkiewicz**, *The New Face…*, pp. 83–92.

The first approach aims to amend existing WTO agreements collectively, emphasizing the democratic nature of the decision-making process. However, the consensus requirement for amendments often leads to complexity and protracted timelines. Achieving a unanimous agreement among all WTO members proves challenging due to member states' diverse interests and priorities, reflecting the cautious and inclusive nature of WTO agreement modification.

The second proposal involves establishing a new WTO Annex to outline the terms of Plurilateral Agreements. Consensus among a substantial portion of WTO members is necessary, requiring extensive negotiations and diplomatic efforts to accommodate diverse national interests within the multilateral trading system. This process is governed by Article X of the WTO Agreement, requiring consensus and reflecting the complexities of the WTO's membership.

The third scenario entails unilateral concessions, enabling WTO members to grant MFN benefits without consensus independently. Members can adjust their national schedules through accession to specific texts and commitments within JSIs, streamlining the process without invoking the procedures outlined in Article X. This approach offers flexibility and precision in shaping market access conditions, aligning with evolving trade dynamics.

Under international law, Article 41 of the Vienna Convention on the Law of Treaties (VCLT) is pivotal in authorizing inter-state or sub-group agreements. To be considered lawful under VCLT Article 41, such agreements must meet specific criteria:[23]

a) The agreement must not be expressly prohibited within the established legal framework.
b) It should not reduce the treaty's rights and obligations to other signatories or parties.
c) The agreement should be aligned with the overall objectives and purposes of the treaty in question.

This legal framework corresponds with the WTO's JSIs, initiated voluntarily by a coalition of WTO Members to address specific trade issues. JSIs operate within the boundaries of VCLT Article 41, respecting the WTO's legal framework and the rights and obligations of non-participating Members. These initiatives contribute to developing customary international law and further integrate into the WTO's multilateral features.[24]

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[23] *Vienna Convention on the Law of Treaties 1969*, United Nations, Treaty Series 1980/1155, p. 331.

[24] **J. Kelsey**, *Joint Statement Initiatives: Reshaping the Future of the World Trade Organization?*, Georgetown Journal of International Law 2019/50 (4), pp. 991–1038.

The development of customary international law through JSIs is consistent with Kelsey's findings, highlighting their role in bringing like-minded countries together and fostering shared approaches to trade matters. They promote collaboration and consensus among participating Members, contributing to the broader evolution of international trade law.[25]

In conclusion, the legal basis for JSIs under VCLT Article 41 supports their function as a mechanism that encourages the development of international law and aligns with the principles of the WTO. These initiatives, initiated by a subgroup of WTO Members, operate within the boundaries of international law, particularly Article 41 of the VCLT, and contribute to the evolution of international trade law.

At the same time, WTO Members have due diligence obligations to regulate and engage with other Members to collaborate on issues to protect their people and economy.[26]

## 4. Reshaping WTO agreements: The role of Joint Statement Initiatives

JSIs are a novel approach in the WTO, initiated by like-minded Member states with shared objectives on specific trade issues. They offer a practical response to the complexities of multilateral negotiations within the WTO framework, allowing a subgroup of WTO Members to address shared concerns and tackle distinct trade matters collaboratively.[27]

The JSI process entails a group of WTO Members publicly announcing their collective commitment to engage in negotiations centered on a particular trade-related topic. This approach prioritizes flexibility and inclusiveness by concentrating on specific subject areas, aiming to encourage participation from Member states with a mutual interest in the identified issue.

JSIs, launched at the 11th WTO Ministerial Conference in 2017, covered diverse subjects such as e-commerce, investment facilitation, services regulation, and informal groups that addressed MSMEs and trade and gender. Over the years, two more discussions were initiated on trade: environmental

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25 *Ibidem*.

26 **R. Howse**, **J. Langille**, *Continuity and change in the World Trade Organization: Pluralism past, present, and future*, Cambridge University Press, 25 January 2023, p. 40.

27 **S. Azmeh**, *'Saving the WTO': middle power insiders and joint statement initiatives at the World Trade Organisation*, New Political Economy 2023, p. 5.

sustainability and plastic pollution. In 2021, the Joint Initiative on Services Domestic Regulation concluded successful negotiations.[28]

However, it is essential to note that JSIs have sparked a debate within the WTO. While some WTO Members perceive these initiatives as crucial mechanisms for advancing trade liberalization, especially given the challenges associated with achieving consensus in multilateral rule-making, others contend that JSIs deviate from consensus-based decision-making principles and may weaken the spirit of multilateralism within the WTO. This perspective is exemplified by India and South Africa, which, in February 2021, introduced a communication (WT/GC/W/819) raising questions about the legality of Joint Initiatives and their associated outcomes. This ongoing debate underscores the evolving dynamics of trade negotiations within the WTO and the role of JSIs in this evolving landscape.[29]

JSIs exhibit a clear distinction, with some functioning as rule-making initiatives and others presently encompassing broader discussions of specific issues. Table 1 shows various WTO plurilateral initiatives. The differences in objectives and participant quantity conspicuously reflect the factors favoring such initiatives. While they facilitate closer collaboration among stakeholders vested in these particular domains, they do not preclude the incorporation of additional nations under MFN.

[28] **M.S. Akman et al.**, *Making Plurilateral…*, p. 3.

[29] *The Legal Status of "Joint Statement Initiatives" and their…*, p. 2, accessed: 5.10.2023.

TABLE 1: *List of WTO plurilateral initiatives*

| No | Year | Name/type* | Objective | Members | Coverage | Principle | Status |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | 1980 | Trade in Civil Aircraft/PA | Eliminate duties on non-military aircraft and related products and regulate government procurement and financial assistance for the civil aircraft sector. | 33 | All civil aircraft; all civil aircraft engines and their parts; all other parts and components of civil aircraft; and ground flight simulators and their components. | Non-MFN | Concluded and in force |
| 2 | 1980 | The Arrangement Regarding Bovine Meat/ PA | Boost global cooperation for greater liberalization, stability, and expansion in the meat and live animal trade. | – | Live bovine animals; fresh, chilled, or frozen meat; salted, brine-treated, dried, or smoked meat from bovine animals; the offal of bovine animals. | Non-MFN | Terminated (1997) |
| 3 | 1980 | International Dairy Arrangement/ PA | Promote global dairy trade growth under stable, mutually beneficial conditions. | – | Milk and cream, including fermented or acidified dairy products like yogurt, whey, butter, cheese, and curd. | Non-MFN | Terminated (1997) |
| 4 | 1981 | Government Procurement Agreement (GPA)/PA | Liberalize certain government procurement markets to international competition. | 48 (+11 Acceding) | Government procurement of goods and services specified by each party and at or above a value specified by each party. | Non-MFN | Concluded and in force under WTO |
| 5 | 1995 | Pharma Agreement/PA | Remove tariffs and related levies on specific pharmaceutical goods and their raw materials. | 34 | All finished pharmaceutical products, more than 7,000 active pharmaceutical ingredients (APIs), and chemical components. | MFN | Concluded and in force |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| 6 | 1997 | Information Technology (ITA)/PA | Eliminate tariffs on certain information technology products. | 82 | Advanced technology items, including computers, telecommunications equipment, semiconductors, software, and scientific instruments and their parts and components. | MFN | In force |
| 7 | 2014 | The Environmental Goods Agreement (EGA)/PA | Encourage commerce in vital environmental goods, including wind turbines and solar panels. | 46 | Wind turbines and solar panels. | MFN | Negotiations suspended |
| 8 | 2015 | Information Technology Expansion (ITA 2)/PA | Update and expand on the first ITA by eliminating tariffs on an additional 201 products, for which trade is valued at $1.3 trillion per year. | 25 | Additions include modern semiconductors, optical lenses, GPS navigation equipment, advanced medical devices, and MRI machines. | MFN | In force |
| 9 | 2017 | Micro Small and Medium Enterprises (MSMEs)/JSI | Address challenges for MSMEs in global trade and foster multilateral discussions on these issues | 98 | Enhancing MSMEs' participation in trade-related regulatory development (Annex 4) | MFN | Coordinator's report published – work ongoing |
| 10 | 2017 | Fossil Fuel Subsidy Reform (FFSR)/ informal | Reduce adverse effects on development, protect the poor, and ensure the well-being of affected communities. | 42 | Streamline and gradually eliminate ineffective subsidies for fossil fuels. | MFN | Proposed Ministerial Statement Agreed for MC12 |

TABLE 1 (cont.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| 11 | 2017 | Investment Facilitation for Development/ JSI | Promote foreign investment through transparency, streamlined processes, collaboration, and dispute prevention. | 114 | Foreign Direct Investment | MFN | Textual negotiations successfully concluded |
| 12 | 2017 | E-commerce Joint Statement Initiative (JSI) | Strives for uniform regulations in multiple areas, including e-commerce, transparency, and market access. | 86 | E-commerce | MFN | Negotiations ongoing |
| 13 | 2020 | Trade and Environmental Sustainability Structured Discussions (TESSD)/ informal | Strengthen the environmental sustainability of international trade, thereby achieving the SDGs and international environmental commitments | 75 | Green trade<br>Climate-friendly aid<br>Domestic transparency<br>Pollution control<br>Resource conservation<br>Deforestation efforts<br>Disaster response | MFN | Ministerial statement released – work ongoing |
| 14 | 2020 | Dialogue on Plastics Pollution (DPP)/ informal | Collaborative efforts to tackle the increasing environmental, health, and economic ramifications of plastic pollution, recognizing the trade dimension as a vital part of the solution. | 76 | Waste equipment barriers.<br>WTO-compliant anti-pollution measures. | MFN | Ministerial statement agreed for MC12 |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| 15 | 220 | Multi-Party Interim Appeal Arbitration Arrangement (MPIA)/PA | To uphold the effectiveness of the rules-based trade system and ensure that members retain access to an impartial dispute settlement mechanism. | 53 | The MPIA remains in place until the WTO Appellate Body functions again, temporarily fixing disputes among its members. | MFN | Operational |
| 16 | 2020 | Trade and Gender/WG | Address impacts on women and empower them through specific measures, including removing trade barriers, gender integration into WTO activities, and Aid for Trade support. | 127 | Empowerment of women | MFN | Ministerial statement published – work ongoing |
| 17 | 2021 | Services Domestic Regulation/JSI | Set out common rules on best domestic regulatory approaches to facilitate trade in services. | 70 | Regulations for foreign service providers | MFN | Successfully concluded |

N o t e:
• PA – plurilateral agreement,
• JSI – joint statement initiative,
• WG – working group,
• Informal – unclear whether these initiatives are JSIs or not.
S o u r c e: own work based on: *Trade Topics: Joint Initiatives*, World Trade Organization, https://www.wto.org and *WTO Plurilaterals*, Geneva Trade Platform, https://wtoplurilaterals.info; accessed: 20.10.2023.

In summary, the dynamics and proliferation of plurilateral initiatives in recent years substantiate the hypothesis that WTO plurilateral agreements, in contrast to purely multilateral agreements, offer participating member states increased flexibility in addressing trade-related matters tailored to their economic interests, potentially resulting in more effective and customized solutions.

## 5. Conclusions

In conclusion, the emergence of plurilateral agreements and initiatives, such as JSIs, signifies a proactive response to the changing dynamics of the global trade landscape and the challenges inherent in achieving consensus within the multilateral framework of the WTO. JSIs exemplify an innovative approach that accommodates the interests of a subgroup of WTO Members, providing an alternative pathway for advancing shared trade policy objectives. These initiatives have contributed to the evolution of the multilateral trading system by offering a practical mechanism for select Member states to pursue specific trade objectives.

Furthermore, integrating JSIs into the national schedules of WTO Members serves to institutionalize and solidify these initiatives within the WTO framework. This formalized inclusion, especially in terms of market access commitments, offers the flexibility to tailor and adjust commitments according to the specific requirements and preferences of JSI participants. Moreover, the relevance of e-commerce has grown significantly, prompting considerations for incorporating dedicated schedules that comprehensively encompass trade in goods, services, and intellectual property within the e-commerce sphere.

The examination of plurilateral agreements, including JSIs, provides valuable insights into the enduring commitment of numerous WTO Members to the principles of multilateralism. This contemporary interpretation of multilateralism reflects the evolving dynamics of the global economic landscape and the intricate interplay between developed and developing countries within the WTO framework. The challenges developing countries face emphasize the need to balance their priorities and concerns with the objectives of plurilateral agreements and the overarching multilateral trading system.

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## PLURILATERALNE POROZUMIENIA WTO: WIELOSTRONNE PODEJŚCIE W DZIAŁANIU

**Abstrakt**

**Przedmiot badań:** WTO, utworzona w 1995 r., kładzie nacisk na multilateralizm wymagający jednomyślnej zgody decyzji i porozumień między państwami członkowskimi. Skomplikowany charakter handlu światowego często utrudnia osiągnięcie jednomyślnego porozumienia. Aby rozwiązać ten problem, WTO zaobserwowała wzrost liczby porozumień plurilateralnych różniących się od porozumień czysto wielostronnych. Porozumienia te obejmują określonych członków WTO, negocjujących zobowiązania w określonych obszarach. W przeciwieństwie do standardowych regionalnych umów handlowych umowy plurilateralne oferują elastyczność, umożliwiając uczestniczącym państwom zajmowanie się kwestiami leżącymi w ich interesie gospodarczym. Podejście to umożliwia rozwiązania dostosowane do indywidualnych potrzeb i promuje współpracę między krajami o podobnych poglądach w celu realizacji wspólnych celów bez powszechnego konsensusu.

**Cel badawczy:** Artykuł eksploruje obszar plurilateralnych porozumień WTO, badając ich strukturę, ewolucję i wpływ na wielostronny system handlowy. Zagłębia się w dynamikę tych umów, które oferują praktyczną możliwość rozwiązania palących kwestii związanych z handlem. Analizując wzajemne powiązania pomiędzy porozumieniami plurilateralnymi i nadrzędnymi zasadami multilateralizmu w WTO, niniejsze badanie ma na celu rzucić światło na zakres, w jakim plurilateralność uzupełnia podejście wielostronne, przyczyniając się do głębszego zrozumienia zmieniającego się światowego krajobrazu handlowego.

**Metoda badawcza:** W artykule zastosowano metodologię badań mieszanych, która obejmuje dokładny przegląd literatury, analizę odpowiednich raportów na temat porozumień wielostronnych oraz badanie źródeł danych wtórnych. Badanie łączy analizy ilościowe i jakościowe w ramach działań GATT/WTO w celu oceny zmian w porozumieniach wielostronnych. Dane o porozumieniach wielostronnych pochodziły z bazy danych WTO oraz raportów ministerialnych. To podwójne podejście zapewnia solidne ramy kompleksowej oceny zmieniającego się krajobrazu porozumień plurilateralnych w ramach GATT/WTO.

**Wyniki:** Porozumienia plurilateralne WTO zapewniają większą elastyczność w zarządzaniu handlem i odgrywają pragmatyczną rolę w rozwiązywaniu złożonych problemów handlowych. Chociaż nie zastępują one podstawowej zasady multilateralizmu, służą jako mechanizmy uzupełniające ułatwiające postęp w konkretnych kwestiach, związanych z handlem. Umowy te mogą również wpływać na ewolucję zarządzania handlem i wspierać multilateralizm w ramach WTO, zapewniając dostosowane rozwiązania do potrzeb w dynamicznym krajobrazie handlu światowego.

**Słowa kluczowe:** regionalne umowy handlowe, wielostronny system handlowy, KNU, inicjatywy związane ze wspólnym oświadczeniem.