

THE WTO AT A CROSSROADS: A CRITICAL ANALYSIS OF INSTITUTIONAL ACHIEVEMENTS AND SYSTEMIC CHALLENGES

*Bukre Seyma Donder **

Abstract

This article offers a comprehensive examination of the World Trade Organization (WTO), analyzing its institutional successes and systemic challenges over the past decades. Since its inception following the Uruguay Round the WTO has become an important actor in global economic governance by enhancing trade capacity, reducing tariffs by nearly half, and integrating major economies like China and Russia into a rules-based multilateral system. Central to the organization's success is its dispute settlement mechanism, which has historically transformed international trade relations from a "rule of power" to a "rule of law," offering greater security for both developed and developing nations.

However, the organization currently faces significant hurdles, including the protracted deadlock of the Doha Development Agenda, resource limitations, and the increasing complexity of behind-the-border issues, such as environmental and health standards. By examining landmark disputes such as the *EC-Hormones* case, this study highlights the procedural difficulties in achieving equity for developing members and the pressure to implement a broader set of global rules. The article concludes that while the WTO remains a successful and indispensable framework for global trade, its future effectiveness depends on urgent institutional reforms to enhance transparency, update decision-making processes, and address the specific needs of the 21st-century global economy.

Keywords: WTO, GATT, Multilateral Trading System, Dispute Settlement, Trade Liberalization

* PhD Candidate, Istanbul Commerce University, ORCID: 0000-0003-4680-8833. Boston, USA. bukreseymadonder@gmail.com

1. Introduction

The World Trade Organization (WTO) resumes to serve as a central pillar of the multilateral trading system, yet its effectiveness is a subject of intense scholarly debate. While some experts laud the organization as a successful and powerful arbiter of global trade, others characterize its history as a series of failures in the face of modern challenges. A third perspective suggests that both views hold merit, viewing the WTO as a complex institution defined by both significant triumphs and persistent systemic obstacles.

This article provides a critical analysis of the WTO's trajectory over the last few decades, examining its achievements alongside the failures that have hindered its progress. The discussion begins with a foundational overlook of the WTO, defining its core functions and operating systems. Subsequently, it explores the organization's primary objectives, specifically regarding the General Agreement on Tariffs and Trade (GATT), which formed the basis of the post-war multilateral trading system. Central to this analysis is an evaluation of how the WTO manages global trade rules, supports developing nations, and functions as a forum for dispute resolution. Finally, by examining landmark cases such as the "Hormones Case," this study aims to determine whether the WTO's institutional framework is resilient enough to govern the complexities of 21st-century international trade.

2. Research Methodology

In this article, a qualitative research method is mainly used. Statistical or empirical field research is not preferred in this study. First, the strengths, achievements, and challenges of the World Trade Organization are examined through legal texts, institutional documents, academic literature, and official reports related to the organization. The reason for using this method is to evaluate the WTO's institutional role within the multilateral trading system, its achievements, and the main problems it faces in the modern global trade system. In this respect, the article adopts an analytical approach while also including descriptive elements.

This study also uses the doctrinal legal method. WTO agreements, dispute settlement rules, official WTO documents, judicial decisions, and relevant secondary sources are evaluated together within this framework. The article analyzes the way in which the WTO makes trade rules, manages the multilateral trading system and functions as a central forum for the settlement of disputes among its members. In this framework, the Doha Round, the Appellate Body crisis, and the Agreement on Fisheries Subsidies, and e-

commerce negotiations are examined in order to evaluate whether the WTO can respond to new problems arising in international trade.

Within the scope of document analysis, reports published by international organizations are also used. The WTO's Trade Policy Review reports are examined to evaluate the trade policies of member states and their practices within the WTO system. In addition, reports published by the OECD and UNCTAD are used as supporting sources, as they provide a general framework on global trade, investment policies, and international economic developments. The use of these reports enables the study to rely not only on theoretical sources but also on institutional and up-to-date data. Furthermore, the article adopts a case study approach. In this context, the Banana Case and the Hormones Case are examined as case studies that illustrate the operation, effectiveness, and limitations of the WTO dispute settlement mechanism, since both cases illustrate the system's capacities as well as its limitations. The Banana Case highlights how the WTO can respond to discriminatory trade measures and demonstrates the effectiveness of its dispute settlement function. By contrast, the Hormones Case reflects the difficulties that arise when trade liberalization conflicts with public health concerns. Accordingly, the article's methodology is built on document analysis, doctrinal legal analysis, and the examination of selected WTO case studies.

3. The Institutional Structure and Functioning of the WTO: Origins and Objectives

This section of the article introduces the WTO in general terms by explaining its definition, institutional functioning, and primary purposes.

3.1. Definition and Legal Status in the Global Economy

In the World Trade Organization (WTO) official website defines the WTO as "*The only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments.*" On the same page, the aim of the WTO is explained as "*to ensure that trade flows as smoothly, predictably and freely as possible.*" (WTO, 2019). A large part of the WTO's present legal framework originates from the Uruguay Round, which was held between 1986 and 1994 under the GATT system. After the Uruguay Round and the establishment of the WTO, the organization continued its trade

negotiations through the Doha Development Agenda, launched in 2001 (Lester, Mercurio & Davies, 2018). However, after 2001, the WTO entered a more challenging period because the Doha negotiations progressed slowly and members struggled to reach consensus. The Doha Round aimed to continue multilateral talks on agriculture, services, market access, development and trade rules. However, it could not be completed as one broad package because WTO members had serious disagreements and the conditions of global trade changed. Wolfe argues that the problems of the Doha Round should not be explained only by the internal structure of the WTO. In his view, wider changes in trade flows, commodity prices and the global economy also played an important role (Wolfe, 2015). Even so, the WTO continued to reach results in more limited areas. The Bali Package of 2013 was important because it showed that the WTO could still work as a negotiating forum after the Doha deadlock. Its main element was the Trade Facilitation Agreement, which focused on reducing customs-related obstacles and making trade procedures easier (Bellmann, 2014). The Nairobi Ministerial Conference of 2015 also produced an important decision on export competition, especially by dealing with agricultural export subsidies (Díaz-Bonilla & Hepburn, 2016). In the following years, the WTO moved more toward narrower and issue-based agreements. A notable example is the Agreement on Fisheries Subsidies, accepted in 2022 and entering into force on September 15, 2025. The agreement connects WTO trade rules with the protection of marine resources and environmental sustainability. Nevertheless, the WTO has also faced serious institutional problems during this period. In particular, the Appellate Body could no longer examine new appeals after 10 December 2019 because new appointments were blocked and the body no longer had the required number of members (Dhlamini, 2021). More recently, the WTO has also focused on digital trade and e-commerce. The Joint Statement Initiative on E-commerce is seen as an important attempt to develop common digital trade rules and to show that the WTO can still make rules in new areas of trade (Mitchell & Chin, 2023). Therefore, the post-2001 period shows both the limits of broad multilateral negotiations and the WTO's effort to remain relevant through smaller agreements, issue-based negotiations and plurilateral formats. The WTO performs various functions, including the administration of the global system of trade rules and the promotion of the interests of developing countries. Moreover, in the process of concluding trade agreements, the WTO serves as a negotiating forum and provides a system for settling trade disputes between its members (WTO, 2019). Therefore, the WTO's role is not

confined only to dispute settlement. It also contributes to the governance of the international trade rule and seeks to address the concerns of developing countries. Setiawan and Karnen emphasize that the WTO plays an important part in the integration of the global economy. In their view, the WTO has contributed to the alignment of international trade rules by relying on the principles of Most-Favoured Nation treatment, National Treatment, and a compulsory dispute settlement system. Nevertheless, this process of integration has not developed in an entirely equal manner. The gap between developed and developing states, the insufficient impact of Special and Differential Treatment provisions, and the restricted regulatory freedom of developing countries continue to constitute major challenges. For this reason, WTO governance reform and stronger domestic capacities in developing countries are needed for fair and sustainable global economic integration (Setiawan & Karnen, 2026, pp. 2074–2082).

3.2. Decision-Making Mechanisms and the Secretariat

The WTO has a fundamental function in maintaining an open international trading order and in resolving trade conflicts between its members. It is the sole worldwide institution responsible for regulating the rules of global trade and offers a platform through which member countries can work together on new and developing trade-related matters. The WTO framework rests mainly on the principle of non-discrimination, which appears in core obligations such as Most-Favoured Nation Treatment and National Treatment (WTO, 2015).

The WTO operates as a member-led institution. Its principal decisions are taken by the governments of its members, either at the ministerial level or through representatives and ambassadors. Ministerial meetings are generally held every two years, whereas delegates and ambassadors gather more frequently in Geneva. Alongside the member states, the WTO Secretariat also performs an essential auxiliary function.

The Secretariat employs more than six hundred staff members, including legal, economic, statistical, and communication experts, who assist WTO members in different areas. It also helps ensure that negotiations proceed effectively and that international trade rules are properly implemented (WTO, 2019). In brief, the WTO is governed by its members, while the Secretariat provides technical and administrative support to facilitate the organization's work.

3.3. *Strategic Goals: Beyond Trade Liberalization*

The objectives of GATT were to lower tariffs, eliminate obstacles to trade, abolish discriminatory practices in international commerce, and ensure that such benefits were granted on a reciprocal basis (Özlük, 2018). The main purpose of the WTO is to enable the implementation, operation, and administration of WTO agreements and to support the realization of their objectives. In addition to this general function, the WTO performs several specific tasks. It assists in organizing trade relations in a fairer and freer manner, offers a forum for negotiations among members on both existing problems and future agreements, and administers the dispute settlement system (Matsushita, Schoenbaum & Mavroidis, 2015). It also aims to prevent discrimination, promote trade by lowering trade barriers (Lester, Mercurio & Davies, 2018), and give foreign companies greater confidence that trade restrictions will not be raised arbitrarily. Furthermore, the WTO seeks to encourage competition, support investment, create employment opportunities, allow consumers to benefit from lower prices through competitive markets, and prevent unfair practices in international trade.

To ensure that less developed countries can contribute more efficiently in the world trade system; to grant these countries more time during their adjustment processes and to provide other flexibilities and special advantages. In addition, the WTO framework allows member states to accept measures designed to defend public health, the environment, and plant and animal life and health (WTO, 2019).

4. Defining Success: Milestones of the rules-based multilateral trading system

This part of the article examines the main achievements of the WTO. Since its establishment, the WTO has contributed to the development of the global trading system in several important ways. The following achievements will be discussed in this section:

- International trade rules have become more widely respected, transparent, open, and integrated at the global level.
- Trade capacity has improved, and trade barriers have been reduced.
- The dispute settlement system has developed and become one of the central mechanisms of the WTO.

- The WTO framework has contributed to greater stability and predictability in the international trading system. The WTO has provided a significant platform for policy dialogue, information sharing, and economic cooperation between its members. In this way, it has become one of the fundamental supports of the global trade governance system.

Developing countries and transition economies have increased their participation and influence in the international trading system.

The implementation of the Bali Package will contribute to reducing trade costs. International trade rules have become more widely respected, while global trade barriers have gradually decreased. As a result, a gradually combined, broad, and rules-based world trade system has become about universal. The dispute resolution system is used by more members and WTO trade law is developing with fresh cases. Information about national trade policies and international trade relations can be reached by more member throughout directness and omission mechanisms of the WTO (WTO (2015)). To explain, both the quality and volume of international trade have increased, while trade barriers have gradually decreased. At the same time, the WTO dispute settlement system has developed and has been used by an increasing number of member States over the years.

After the creation of the WTO in 1995, almost all major economies, including China and Russia, became members of a shared multilateral trade order. The WTO dispute settlement system supports the control of expanding trade relations and provides a legal method for solving trade disagreements between states. As trade restrictions decline, national economies become more integrated and interdependent. In addition, the growth of WTO agreements has created new trade chances in different sectors, although the Doha Development Agenda has faced serious difficulties (WTO, 2015).

The WTO has gradually taken on broader functions in promoting an international trade order that is more open and economically connected. In this context, transparency has become one of the main areas of attention. At the same time, greater importance has been given to enabling developing countries to gain from trade liberalization and to use WTO rules more effectively. The organization has also expanded its collaboration with other international institutions in areas connected with trade, including technical standards. Taken together, these developments show that the WTO resumes to occupy an important position

in the governance of the global economy (WTO, 2015). Therefore, through its focus on transparency, its support for developing countries, and its cooperation with other international bodies, the WTO has helped advance a more open and integrated system of world trade.

One of the strongest indications of the WTO's achievements is the expansion of global commerce. Since the WTO was established, global trade capacity has increased significantly and has grown faster than world production. The portion of developing countries in global merchandise trade rose from 27 percent in 1995 to more than 43 percent over the following twenty years. Similarly, their share in global services trade increased from 25 percent to 35 percent during the same period (WTO, 2015). To illustrate, China, which was the world's 11th largest exporter twenty-four years ago, has now become the leading global exporter. The WTO has not only played an important role in opening and integrating the world economy; more significantly, it has helped prevent the termination and fragmentation of the global trading system in the face of recurring economic and geopolitical shocks. (WTO, 2015). Therefore, the WTO's achievements have also made a noteworthy contribution to the development of world trade. In addition to all this, it should be noted that, in the face of recurring economic and geopolitical shocks and crises from time to time, the WTO has helped prevent the deterioration and fragmentation of the global trade system.

The multilateral trading system is an initiative developed by governments to create a more stable, consistent, and predictable business environment. Within the WTO framework, commitments made by member states to open the markets for goods or services are not merely political promises; they create legally binding obligations (WTO, 2019). In this respect, the multilateral trading system provides greater security and predictability than a system outside the WTO framework, even for the smallest and poorest countries. Multilateral negotiations permit weaker countries to combine their institutional influence and benefit from collective bargaining. However, this system does not always operate fully in favor of the smallest and weakest countries. Nevertheless, it offers an important alternative to a world in which trade relations are determined only by political and economic power, leaving smaller states vulnerable to dominant economies. In this sense, the WTO

aims to replace power-based trade relations with a rules-based system and a more neutral dispute settlement mechanism (Moore, 2005).

The WTO has further supported the inclusion of a fast-growing world economy within an open and rules-based global trade framework. It has also made a significant contribution to strengthening the rule of law in international economic relations and to lowering obstacles to trade. Since the WTO was created, tariff levels have decreased by nearly fifty per cent (WTO, 2015). Furthermore, the WTO has become an increasingly significant pillar of today's global governance structure by providing a platform in which its members can discuss trade-related issues, common concerns, and the broader objectives of the multilateral trading system. Through this forum function, the WTO strengthens dialogue and cooperation among its members (Bossche & Prévost, 2016).

A large proportion of WTO members consist of developing states and economies in evolution toward market-based systems. Through the Uruguay Round, many developing countries independently adopted trade liberalization policies. Compared with earlier negotiation rounds, these countries participated in the Uruguay Round in a more active and influential manner, and their role became even more visible during the Doha Development Agenda (Lester, Mercurio & Davies, 2018). Moreover, countries that had remained relatively isolated from the global economy for almost five decades gradually moved toward open-market policies and economic integration under the combined influence of globalization, liberal economic approaches, and the WTO framework. Many developing countries began to benefit from economic growth, while economies and international relations were reshaped by advances in transportation, communication, and information technologies (WTO, 2015).

Today, the World's production networks link goods, investment, services, intellectual property, digital commerce and logistics. They are also influenced by the growing need for sustainable production and trade in the fight against climate change. Although the Doha process has remained largely stalled, WTO members have demonstrated the flexibility of the organization by reaching important agreements through different methods. Two important achievements can be mentioned in this regard. The first was the Trade Facilitation Agreement, concluded in Bali in 2013, which reduced average trade costs by more than 14 percent. The second was the decision taken at the Nairobi Ministerial

Conference in 2015 to prohibit agricultural export subsidies (Soobramanien, Vickers, & Enos-Edu, 2019). Beside that, global production networks are taking steps to fight combat climate changes. The regulations concerning the mechanism reflects the central role of WTO rules in shaping the Union's external trade obligations and has been prepared in conformity with both WTO regulations and the Union's broader global legal commitments (Günay, p. 164).

The system has been successful because an increasing number of countries have recognized the importance of open trade, common rules, and multilateral cooperation. Through this process, countries have contributed to the development of the modern WTO as a shared international system, whose influence has grown with its expansion and institutional development (WTO, 2015). The problems experienced within the WTO are related not only to economic and geopolitical crises, but also to the institutional functioning of the organization. According to Hoekman, consensus-based decision-making and the preferential treatment granted to developing countries under WTO rules are two key factors that limit the effectiveness of the WTO (Hoekman, 2018). While the principle of consensus has led to the vetoing of specific initiatives and special and differential treatment mechanisms has enabled more advanced developing countries to participate in negotiations without offering full reciprocity. This has strengthened the perception of an uneven playing field and made it more difficult for multilateral negotiations to succeed. As a result, states have increasingly turned to preferential trade agreements; however, such agreements carry the risk of fragmenting global trade rules and offer only limited solutions to trade-distorting policies (Hoekman, 2018; Egger & Olarreaga, 2014). The institutional success of the WTO can be explained by the fact that, unlike other international economic organizations, it has focused on a limited but functional area of competence. According to Niskanen, the WTO has concentrated on widely shared trade-related concerns and has preserved its institutional effectiveness by resisting internal and external pressures to expand its mandate (Niskanen, 2000). Similarly, McGinnis and Movsesian argue that, rather than assuming responsibility for all regulatory issues in the field of global governance, the WTO should remain committed to its core function of reducing trade barriers (McGinnis & Movsesian, 2004). Despite institutional gridlock, the WTO has continued to demonstrate its relevance through important developments. The adoption of the historic Agreement on Fisheries Subsidies in 2022 showed that WTO members could still reach multilateral outcomes in areas closely

connected to environmental sustainability. In addition, the accessions of Comoros and Timor-Leste in 2024 expanded WTO membership to 166 members. The founding of the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) also reflects the resilience of certain WTO members in conserving a rules-based dispute settlement culture in the absence of a fully functioning Appellate Body. After this historical background, the WTO's institutional achievements may be briefly assessed with reference to the relevant literature. From an institutional perspective, the WTO's key achievement has been the consolidation of a rules-based multilateral trading system. The WTO has not left international trade relations solely to power-based bargaining; rather, it has established common legal rules, negotiation procedures, and a formal dispute settlement mechanism. Bagwell and Staiger describe the GATT/WTO system as an institutional framework designed to govern trade through trade rules and reciprocal bargaining (Bagwell & Staiger, 2002). Similarly, Niskanen attributes the WTO's relative success to its limited and focused mandate, particularly its concentration on widely shared trade concerns and its resistance to demands for expansion into non-trade areas (Niskanen, 2000). Hoekman also characterizes the WTO's work in regulating the global trade regime as a remarkable achievement of multilateral cooperation. He emphasizes that this regime has contributed to broader participation in world trade, greater consumer choice, lower prices, and higher productivity (Hoekman, 2018). As Witts (2025) notes, the Dispute Settlement Mechanism has strengthened predictability and legal certainty in the multilateral trading system by replacing unilateral retaliation with rule-based dispute settlement procedures. Unlike the GATT system, this binding framework has made an important contribution to the WTO's legitimacy by promoting impartial decision-making and encouraging compliance (van den Bossche, 2015; Bown & Hoekman, 2005). It has also supported trade justice by giving smaller and developing countries a meaningful opportunity to challenge the practices of more powerful economies. At the same time, the paralysis of the Appellate Body has emerged as the most serious and immediate problem facing the system today (Witts, 2025).

Another major institutional contribution of the WTO is the Trade Policy Review Mechanism. By subjecting members' trade policies to regular review, this mechanism helps improve transparency and accountability (Bown, 2017; Kim & Lee, 2020). Although it does not have direct enforcement power, it performs an important governance function by opening national trade practices to multilateral scrutiny (Voon & Mitchell, 2017). For this

reason, when The WTO supports the stability of the multilateral trading system through the Dispute Settlement Mechanism and the Trade Policy Review Mechanisms are considered together, it becomes clear that the WTO's real achievement lies not only in trade liberalization, but also in preserving a rules-based international trading order (Witts, 2025).

5. Systemic Challenges and Institutional Crises

This section analyses the systemic challenges and institutional crises faced by the WTO. Although the WTO has contributed to the development of a rules-based “multilateral trading system,” it has also faced serious difficulties in maintaining its effectiveness, legitimacy, and decision-making capacity. These difficulties are as follows:

- New rules and clearer understandings of existing rules can mainly be achieved through major rounds of negotiations.
- The WTO also faces limitations in terms of human, financial, and institutional resources. As the number of members and the complexity of global economies increase, the number of trade-related problems and disputes also grows.
- Although the dispute settlement system has become more sophisticated, access to specialized legal advice on trade matters remains costly, creating difficulties for developing countries in achieving equitable participation.
- As the WTO has become nearly universal in membership, it has increasingly had to address more complex and cross-border trade-related issues.

The WTO faces several important challenges. First, the system continues to rely heavily on major rounds of negotiations to create new rules or clarify existing ones. This dependence makes institutional development slow and difficult, especially when member states cannot reach consensus. In addition, WTO negotiations require a considerable amount of time and institutional effort. Thousands of hours are spent in Geneva in general debates, meetings, and consultations among delegation heads, although many of the issues and national positions have already been discussed and examined since the Doha process.

Furthermore, governments do not always have the necessary capacity to take part in WTO activities at the level they desire. This difficulty is especially important for developing and least-developed countries, since these states frequently suffer from limited technical expertise, financial resources, and administrative infrastructure.

A further important problem relates to the WTO's restricted human, financial, and institutional capacity. These constraints have become increasingly apparent as the WTO legal order has expanded in scope, complexity, and economic importance. For this reason, the WTO should further develop its technical assistance and capacity-building activities in order to enable developing countries, least-developed countries, and transition economies to engage more effectively in WTO negotiations and in the multilateral trading system as a whole (Moore, 2005).

Another aim of the WTO is to support member governments use dispute settlement procedures more efficiently. From this perspective, the organization has supported the institutional development of international trade law by creating an organized dispute settlement framework, including appellate review. Nevertheless, the considerable expense of obtaining expert legal advice in trade disputes has raised questions about equal access to this mechanism, especially for developing countries (Moore, 2005).

The WTO has also faced difficulties in making sufficient progress on wider institutional issues, including the Doha Round and the successful integration of its expanding membership. Continuous delays and unmet deadlines in the Doha negotiations have led some members to consider bilateral and regional options instead. The challenge of reforming the WTO is closely linked to the increasing number of its members and the increasing complexity of the disputes that the system is expected to handle.

As world economies become more interconnected, the dispute settlement system is expected to address a rising number of trade conflicts. This, in turn, makes the overall functioning of the WTO more complex and places additional pressure on the organization (WTO, 2015). After resolving many relatively simpler issues in previous trade rounds, the WTO has today faced more complex and politically sensitive issues, including agriculture, which had remained unresolved in earlier negotiations. Although the system has significantly lowered traditional border barriers, such as tariffs and quotas, it continues to face difficulties in dealing with behind-the-border measures, including health standards, environmental regulations, and other domestic regulatory policies. (WTO, 2015). In brief, the WTO now faces more complex issues with increasingly cross-border dimensions than it did in previous decades.

In fact, although the WTO is an effective institution, it is also potentially fragile. The greatest pressure on the WTO comes from attempts to overload it with the responsibility to apply a wider set of rules. WTO's initiative to implement such wide-ranging rules would result in the withdrawal of selected governments.

While most governments are prepared to authorize private enterprises to compete internationally, many also call for the WTO to expand its involvement in matters such as labour regulation, environmental safeguards, and antitrust rules. In this respect, they seek to reduce harmful regulatory competition between states (Niskanen, 2000). According to this view, one of the greatest pressures on the WTO is the demand that it should enforce a wider set of rules. However, such an expansion of the WTO's mandate may also lead some governments to withdraw their support. Niskanen criticizes this tendency by arguing that governments, while supporting competition among private firms, such demands may also reflect an effort to convert the WTO into a quasi-cartel of governments, whose purpose would be to reduce intergovernmental competition over labour, environmental, and competition-law standards. Nevertheless, the success of the WTO dispute settlement system has encouraged some scholars to consider whether the WTO could perform broader functions in global governance. In this context, some authors argue that the WTO's distinctive features, such as package agreements and an effective dispute settlement mechanism, could make it a central institution of global governance with additional responsibilities in areas such as environmental protection, business regulation, investment, and competition law (Bronckers, 2001). Similarly, some scholars suggest that the WTO should not be limited only to international trade, but should also address wider economic and social issues connected to global trade governance (Breuss, 2001).

However, as the WTO has brought the world trading system into the public agenda, it has also become the focus of broader cross-border debates on globalization, development, climate change, and other transnational concerns. This has made the organization more visible, but also more controversial (WTO, 2015).

Although WTO reform has been discussed for many years and often becomes more visible during institutional crises, the current debate offers an important chance to modernize and strengthen the organization. Reform could help the WTO adapt to the realities of twenty-first-century trade governance and support least developed and vulnerable countries

in reaching the Sustainable Development Goals (SDGs) (Soobramanien, Vickers, & Enos-Edu, 2019). Transboundary trade and resource corridors are central to the relationship between development and the SDGs. Economic growth in one country often stimulates cross-border trade, infrastructure investment, and regional production networks, thereby affecting the development outcomes of neighboring countries. In this respect, trade functions not only as a source of economic expansion, but also as a mechanism through which sustainable development gains may spread across borders. This approach is consistent with Kara et al.'s analysis of spatial spillover effects, which shows that governance and institutional improvements may influence SDG progress beyond national boundaries (Kara et al., 2025).

The institutional issues requiring reform within the WTO have been clearly identified in the literature (Bronckers, 2001). In particular, greater internal and external transparency is needed, and the organization's decision-making processes should be improved.

Greater internal and external transparency is required within the WTO. In addition, its decision-making processes need to be improved, and the long-delayed review of dispute settlement procedures should be completed. Meanwhile the WTO does not have direct enforcement authority over agreements such as GATS, GATT, and TRIPS, the effectiveness of the dispute settlement system remains particularly important (Maggi, 1999). Therefore, this system should be strengthened. Moreover, the position of developing countries in the WTO requires special attention, as these countries often face difficulties in effectively participating in negotiations and making full use of the organization's mechanisms (Breuss, 2001). In other words, the WTO faces several institutional problems, including transparency deficits, difficulties in decision-making, and weaknesses in dispute settlement procedures. These are among the main issues that need to be addressed through reform.

The year 2019 marked a turning point for the WTO, as the paralysis of the Appellate Body pushed the organization into a serious institutional and existential crisis.

Furthermore, the rise of 'unilateralism' and national security-based tariffs (such as those on steel and aluminum) has tested the boundaries of the rules-based system through 2026.

Considering the most recent developments, the following assessment may be made: The adoption of a common implementation pathway for electronic commerce (e-commerce) at the 14th Ministerial Conference of the WTO, held in Cameroon on 26–29 March 2026, appears limited in substantive scope, yet it is institutionally significant. Indeed, this initiative demonstrates that, rather than relying exclusively on the traditional model of WTO agreements that are equally binding on all members, a more pluralist regulatory model is increasingly coming to the fore—one in which certain members reach agreement in specific fields (Hufbauer, 2026). In addition, international trade has increasingly evolved from traditional trade in goods toward digital and data-driven transactions. Digital technologies are transforming global trade; data, intellectual property, online platforms, and digital services are fundamentally changing the structure of trade (World Trade Organization, 2018). This has made e-commerce one of the central issues in WTO reform debates. Cross-border data flows, data localization policies, online platforms, and electronic transactions have generated new legal and institutional problems and debates concerning the scope and adequacy of existing WTO rules.

In the literature, Burri regards e-commerce as one of the few areas in WTO law capable of demonstrating a willingness to develop new rules. She also emphasizes that current negotiations are significant in terms of their capacity to meet the practical needs of the data-driven economy (Burri, 2023, pp. 565–568). Mitchell and Chin similarly note that, although the WTO Joint Statement Initiative on E-commerce aims to harmonize international digital trade rules, it faces difficulties relating to data flows, data localization, the development dimension, and the integration of any agreement into the WTO structure (Mitchell & Chin, 2023, pp. 971–992). Therefore, due to its distinctive nature, e-commerce deserves to be discussed among the WTO’s institutional challenges, as it reveals the limits of traditional trade rules and the need for multilateral regulation. From this perspective, the e-commerce agreement shows that the WTO has moved beyond its function as an organization that merely produces universal and binding rules. It now also serves as a negotiating platform that facilitates normative convergence among willing members, particularly in emerging areas of trade. For states with limited capacity to negotiate bilateral or regional agreements separately, such plurilateral arrangements constitute a functional instrument in the enlargement of international trade law (Hufbauer, 2026).

6. Case Studies

For many years, the WTO dispute settlement system, based on panel proceedings and appellate review, functioned as a central instrument for maintaining expectedness and legal security in the multilateral trading system. Moreover, the paralysis of the Appellate Body has undermined this function and raised concerns about the future effectiveness of WTO dispute settlement. The paralysis of the Appellate Body and the failure to fully resolve some complex and politically sensitive disputes have shown that this system has certain limits. For this reason, the traditional panel and appeal procedures in the WTO should not be abolished; rather, alternative dispute resolution methods should be developed alongside them. Among these alternative methods, mediation offers an important opportunity because it can provide the parties with a more flexible, faster, and relationship-preserving way of resolving disputes. However, mediation also carries some risks, such as delay, confidentiality problems, due process concerns, and enforceability issues. Therefore, mediation should not be regulated as a temporary and random method within the WTO dispute settlement system, but as a complementary dispute resolution method with clearly defined rules, procedures, and institutional structure (Lee, 2025, p. 74). The Appellate Body has long functioned as a safeguard for ensuring legal certainty as one of the most significant elements of the WTO dispute settlement system. Since abandoning this institution completely is not a solution, addressing its existing problems is a more appropriate path. Until the Appellate Body becomes functional again, the MPIA is regarded as a practical solution that can protect the rights of members (Zwolankiewicz, 2022, p.42).

Among the numerous cases brought through the WTO dispute settlement system, retaliatory measures were authorized only in a limited number of cases. The relevant mechanisms include the Dispute Settlement Body (DSB), dispute settlement panels, the Appellate Body, arbitration procedures, and the surveillance mechanism concerning the implementation of rulings and the authorization of the suspension of concessions. According to Breuss, two particularly important cases in which retaliation became a central issue are known as the Hormones Case and the Bananas Case (Breuss, 2001). This part of the article first examines the Bananas Case, officially known as EC - Bananas III. The *EC — Bananas III* dispute stands as one of the most significant and long-standing legal battles in the history of the WTO, illustrating both the organization's judicial authority and the practical

difficulties of enforcing its rulings. The dispute centered on the European Union's (EU) preferential trade regime, which granted duty-free access. The dispute concerned preferential treatment granted to bananas imported from prior colonies in Africa, the Caribbean, and the Pacific. (ACP countries), while imposing less favorable tariff and quota conditions on so-called "dollar bananas" from Latin America, a colloquial term referring mainly to Latin American bananas traded in US dollars and supplied outside the preferential ACP regime (FAO, 2005; Kox, 1998).

In the Bananas dispute, the WTO dispute settlement organs repeatedly found that the European Union's licensing system was inconsistent with WTO rules, particularly the Most-Favoured-Nation principle and certain obligations under the General Agreement on Trade in Services (GATS). The importance of the WTO dispute settlement system can also be observed in other major disputes beyond the Bananas case. In the Hormones case, the European Union's veto on hormone-treated meat products was challenged by the United States and Canada. This case was significant because it demonstrated how the WTO could review trade restrictions justified based on public health protection. The EC — Hormones dispute illustrates the importance of scientific risk assessment under the SPS Agreement, particularly where member states adopt measures for the safety of human, animal, plant life or health. (*Hormones*), DS26/DS48, 1998).

Similarly, in the Biotech Products case, the United States, Canada, and Argentina challenged the European Union's measures concerning the approval and marketing of genetically modified products. The Panel found that there had been undue delays in the approval procedures for biotech products between 1999 and 2003. This dispute showed that the WTO dispute settlement system could also address new and technically complex matters, including biotechnology, food safety, and scientific uncertainty (*European Communities — Measures Affecting the Approval and Marketing of Biotech Products*, DS291/DS292/DS293, 2006). Agricultural subsidies were also examined in important WTO cases. In the Upland Cotton case, Brazil challenged the subsidies granted by the United States to its cotton producers and exporters. This case was important because it showed the effects of agricultural subsidies on developing countries and international market prices (*United States — Subsidies on Upland Cotton*, DS267, 2005). In another important dispute, namely the Sugar case, Australia, Brazil, and Thailand claimed that the European Union's

export subsidies for sugar violated WTO rules and exceeded its commitment levels (*European Communities - Export Subsidies on Sugar, DS265/DS266/DS283, 2005*).

The WTO dispute settlement system has also played a role in non-agricultural sectors. In the Airbus–Boeing disputes, the United States and the European Union challenged each other’s subsidies to large civil aircraft producers. These cases were important because they showed how the WTO could deal with industrial subsidies and competition between major economic powers.

The aircraft disputes between the European Union and the United States further show the wide scope of the WTO dispute settlement mechanism. These cases focused on government support and subsidy practices in the large civil aircraft industry and brought forward significant issues concerning the interaction between industrial policy, state aid, and fair competition in global trade (*European Communities and Certain Member States — Measures Affecting Trade in Large Civil Aircraft, DS316, 2011; United States — Measures Affecting Trade in Large Civil Aircraft — Second Complaint, DS353, 2012*). Similarly, the dispute concerning aluminium and steel products related to the additional tariffs introduced by the United States on imports of aluminium and steel under Section 232. This case showed that the WTO dispute settlement system must also address trade measures justified based on national security concerns (*United States — Certain Measures on Steel and Aluminium Products, DS544, 2022*).

Taken together, these cases show that the WTO dispute settlement system has not only addressed discriminatory trade practices, as seen in the Bananas dispute, but has also dealt with complex and sensitive issues such as food safety, biotechnology, agricultural subsidies, industrial support, and national security-based trade measures

The Banana dispute, discussed above, was a landmark case in the history of the WTO for two main reasons. First, it showed the capacity of the WTO dispute settlement system to deal with complex disputes involving several international agreements. Second, it demonstrated the practical importance of retaliatory measures, since the United States and Ecuador were later authorized to impose trade sanctions on EU products because of the European Communities’ failure to comply with WTO rulings. Although the dispute continued for almost two decades before a final settlement was reached in 2012, it remains

an important example of the WTO's role in addressing discriminatory trade practices and strengthening the rules-based multilateral trading system (European Communities — Regime for the Importation, Sale and Distribution of Bananas, DS27, 1997).

The case concerned the European Communities' regime for the importation, sale, and distribution of bananas. The complainant countries argued that this regime granted more favorable treatment to bananas originating from ACP countries and placed bananas from Latin American countries at a competitive disadvantage. They claimed that the system was discriminatory and inconsistent with WTO rules. By contrast, the European Communities maintained that the preferential treatment given to ACP countries was justified by its historical relations and special legal arrangements with those countries. Therefore, the Banana dispute confirms the WTO's important role in maintaining and supporting a rules-based multilateral trading system.

The Panel and the Appellate Body concluded that some elements of the European Communities' banana import system were not compatible with WTO obligations, especially those arising under GATT 1994, GATS, and the Agreement on Import Licensing Procedures. The importance of this dispute lies in the fact that it illustrated the ability of the WTO dispute settlement mechanism to examine complicated cases in which several international trade agreements were relevant at the same time. It also illustrated the importance of retaliatory measures within the WTO framework, as the United States and Ecuador were later authorized to impose trade sanctions on EU goods due to non-compliance. Although the dispute continued for many years before a final settlement was reached in 2012, it remains an important example of the WTO's role in challenging discriminatory trade practices and supporting a rules-based multilateral trading system (*European Communities — Regime for the Importation, Sale and Distribution of Bananas*, DS27, 1997). While the Bananas Case highlighted issues of market access and preferential treatment, The EC — Hormones dispute also tested the capacity of the WTO dispute settlement mechanism to balance international trade rules against national measures adopted for the protection of health and safety.

"The Hormones Case" In 1996, the United States and Canada initiated discussions with the European Communities under the WTO dispute settlement system. The dispute arose from EC measures prohibiting the importation of meat and meat products obtained

from cattle treated with certain growth-promoting hormones. The United States submitted its demand for consultations on 26 January 1996, while Canada filed its request on 28 June 1996. The complainants claimed that the EC had inconsistent measures with WTO obligations, particularly under GATT 1994, the SPS Agreement, the TBT Agreement, and the Agreement on Agriculture. Following these requests, WTO panels were established to assess whether the EC measures complied with WTO law. The United States brought a complaint and the panel was requested on 25 April 1996 and established on 20 May 1996. The panel report was circulated on 24 September 1997, after which the European Communities appealed the findings before the Appellate Body. The Appellate Body report was circulated on 16 January 1998 and adopted by the Dispute Settlement Body on 13 February 1998. The case became significant because it clarified the relationship between public health regulation, scientific risk assessment, and members' obligations under the SPS Agreement. The Appellate Body observed that the scientific materials relied upon by the European Communities were relevant in general terms, but they did not specifically address the particular risk at issue in the dispute. In this respect, the reports indicated that the EC measures lacked a sufficiently specific scientific risk assessment. As a result, the Dispute Settlement Body recommended that the European Communities bring its measures into agreement with its duties under the SPS Agreement.

In the EC — Hormones dispute, the arbitrator granted the European Communities a reasonable period of 15 months to bring its measures into conformity with WTO obligations and to provide further scientific justification for its regulatory position.

The EC — Hormones dispute concerned European Communities measures prohibiting the marketing and importation of meat and meat products originated from cattle treated with certain growth-promoting hormones. The United States and Canada challenged these measures under the WTO dispute settlement system, claiming that the EC ban restricted their beef exports and was inconsistent with the SPS Agreement. The United States requested the establishment of a panel on 25 April 1996, and the panel was established on 20 May 1996. The Panel Report was circulated in 1997, while the Appellate Body Report was circulated on 16 January 1998. Both reports were adopted by the Dispute Settlement Body on 13 February 1998 (European Communities — Measures Concerning Meat and Meat Products (Hormones), DS26/DS48).

The plaintiffs argued that the EC measures were not supported by a sufficient scientific risk assessment and consequently violated the SPS Agreement. The European Communities, on the other hand, maintained that the measures were justified by public health considerations and by the need to protect consumers from possible risks connected with the use of hormones in meat production. However, the scientific studies relied upon by the EC were not regarded as sufficient to establish an adequate risk assessment under the SPS Agreement.

The Panel and the Appellate Body concluded that the EC measures were inconsistent with the SPS Agreement as they were not based on a proper assessment of risk. At the same time, the Appellate Body recognized that WTO members have the right to determine their own suitable level of health protection. Nevertheless, it emphasized that sanitary and phytosanitary measures must be supported by a risk assessment and based in scientific evidence. For this reason, the case became an important example of how the WTO dispute settlement system seeks to balance trade liberalization with national regulatory autonomy in matters of public health protection (World Trade Organization, 1997; World Trade Organization, 1998; Pauwelyn, 1999).

6. Conclusion

This article has examined both the main achievements of the World Trade Organization and the structural and operational challenges it faces. Undoubtedly, the WTO has performed an important role in the worldwide development of a rules-based multilateral trading system. It has contributed to the reduction of trade barriers, the increase of transparency and the creation of a legal mechanism for the settlement of trade disputes. In this respect, the WTO has made international trade more predictable and more stable.

However, the success of the WTO cannot be considered a complete and unlimited success. Although the WTO has been successful in creating common trade rules and a dispute settlement system, this success has become more limited in recent years under different factors. The Doha Round clearly shows this problem. The failure of the Doha Round was not only a negotiation failure. It also showed how difficult it is for all WTO members, which have different economic interests and different levels of development, to agree on one broad and standard package acceptable to all.

One of the strongest aspects of the WTO is the dispute settlement system it has established. Cases such as the Banana case and the Hormones case have shown that the WTO can deal with even complex and politically sensitive trade disputes and can produce legal solutions. The Banana case demonstrated the WTO's success in preventing discriminatory trade practices. The Hormones case showed the tension between free trade and the protection of public health, as well as the possibility of finding a reasonable balance between them. These cases show that the WTO is not only a trade organization, but also an important institution that tries to balance trade rules with other public interests.

On the other hand, the paralysis of the Appellate Body after 2019 shows that the WTO dispute settlement system has been seriously weakened. When the appeal stage does not function properly, legal certainty and trust in the functioning of the system decreases. For this reason, making the dispute settlement system functional again through the operation of the appellate mechanism is essential for the success of the WTO.

Recent developments show that the WTO still maintains its importance. The Agreement on Fisheries Subsidies is important because it connects trade rules with environmental protection and sustainability. Similarly, e-commerce negotiations show that the WTO can respond to new areas of global trade. These developments also reveal a change in the WTO system and its approach. Instead of broad multilateral agreements accepted by all members, the WTO increasingly encourages narrower, issue-based and plurilateral agreements among willing members.

Although the WTO provides developing countries with a legal forum where they can defend their trade interests, disadvantages continue for many developing and least-developed countries due to legal costs, technical capacity problems and differences in negotiation power. Therefore, WTO reform should pay special attention not only to institutional efficiency, but also to the principles of fairness, balance and effective participation.

As a result, the WTO is successful in terms of creating common trade rules, reducing trade barriers and supporting legal dispute settlement. Nevertheless, it is also clear that the WTO needs reform. The organization can become more successful if the Appellate Body is made functional again, transparency is increased, decision-making processes are

made more flexible and stronger support is given to developing countries. If these reforms are not made, the WTO's capacity to govern 21st-century trade will remain limited and it will not be able to meet expectations.

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