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Influencing Outcomes in a Changing Environment at the WTO: A Commonwealth Developing Country Perspective

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Abstract

The worsening of the coronavirus (COVID-19) pandemic in March 2020 triggered a sudden shift from in-person to virtual and hybrid forms of diplomatic communication and negotiation, including at the World Trade Organization (WTO). This paper identifies the challenges and opportunities that this shift presents to least developed countries (LDCs), small states and sub-Saharan African (SSA) countries in the Commonwealth. These include technical issues, negotiating design and format issues, and geopolitical questions. The paper draws on interviews with officials, diplomats, and other experts and stakeholders located in Geneva and in Commonwealth capitals. After identifying and analysing the major issues and problems raised by virtual and hybrid modes of diplomacy, the paper makes recommendations for improving the immediate practicalities of virtual and hybrid negotiating, the need to survey and prepare to adopt new technologies to facilitate online and hybrid negotiating, and how to upgrade training and capacity building for a future in which virtual and hybrid negotiating will play an ongoing part.

JEL Classifications: F13, I15, O10

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Abbreviations and Acronyms

AB	Appellate Body (WTO)
AI	artificial intelligence
CSO	civil society organisation
DSM	dispute settlement mechanism (WTO)
FCC	Federal Communications Commission (US)
ICTs	information and communications technologies
JSIs	Joint Statement Initiatives
LDC	least developed country
LEO	low earth orbit
MFAs	ministries of foreign affairs
OECS	Organisation of Eastern Caribbean States
OWINFS	Our World Is Not for Sale
PIFS	Pacific Islands Forum Secretariat
SDGs	Sustainable Development Goals (UN)
SSA	sub-Saharan African
TAF2+	Trade and Investment Advocacy Fund (UK)
TRIPs	trade-related intellectual property rights
UNCTAD	United Nations Conference on Trade and Development
VPNs	virtual private networks
VR	virtual reality
WoG	whole-of-government
WTO	World Trade Organization

1. Introduction

When the sudden acceleration of the coronavirus (COVID-19) pandemic in March 2020 forced much of the world's in-person business activity to a temporary halt, it also transformed how diplomacy is conducted. The onset of the pandemic triggered a sudden shift from in-person to virtual and hybrid forms of diplomatic communication and negotiation. This move to online communicating and negotiating had an immediate impact on ongoing international trade negotiations, particularly at the World Trade Organization (WTO). The WTO halted trade negotiations completely for several weeks in mid-March 2020, then began holding virtual meetings using online platforms. By summer, the Organization was able to introduce hybrid meetings, which some representatives were able to attend in person at the WTO's headquarters in Geneva, while others attended virtually. This rapid shift to virtual and hybrid negotiations has created a range of new challenges, as well as opened up potentially promising opportunities, for trade diplomacy. These challenges and opportunities are likely to have a disproportionate impact on least-developed countries (LDCs), small states and sub-Saharan African (SSA) countries, most of which already face significant constraints on their capacity to use diplomatic negotiation to promote their economic and social development through international trade.

The development over millennia of diplomacy as a practice has been driven, to a considerable extent, by the evolution of information and communications technologies (ICTs) (Constantinou 1996). The development of ICTs that permit diplomatic messaging in real time have fundamentally transformed diplomatic processes. From the telegraph to the telephone, the fax to the internet, email to mobile telephony and the 'conference call' to broadband-enabled videoconferencing, diplomatic communication has accelerated from the slow pace of a hand-delivered telegram to the immediacy of Zoom. This technology has not only enabled transformation of diplomacy in temporal terms but also facilitated a massive lateral increase in participation in diplomatic representation, communication and negotiation. Instantaneous communication between government officials and their ministries has facilitated the emergence of whole-of-government

(WoG) diplomacy. Today, it is essential for trade, finance, agriculture and environment ministers to communicate with one another and with their foreign counterparts, without mediation from their respective foreign ministers. Moreover, the rise of mass-circulation newspapers, radio, television, smartphones and social media over the past century has made the global public, in its various guises, another integral actor in diplomacy. Large global firms, from Alibaba to Deutsche Bank to Google and Amazon, today function as diplomatic actors analogous to sovereign states. Transnational civil society organisations (CSOs), including Greenpeace and Oxfam, function similarly. Multilateral organisations, including the United Nations and the WTO, serve as venues for the kind of diplomacy in which almost everyone is now connected. Each type of diplomatic actor must devise and execute effective public diplomacy and digital diplomacy strategies if they are to succeed on the global stage. Integration of the global public into the once-secret world of diplomacy adds necessary legitimacy and transparency but at the same time challenges diplomatic practice with new levels of complexity and unpredictable outcomes.

Against this backdrop, this paper sets out to identify the challenges and opportunities that the recent shift to virtual and hybrid trade negotiations presents to LDCs, small states and SSA countries in the Commonwealth. These challenges and opportunities include technical issues, negotiating design and format issues, and geopolitical questions. The paper draws on interviews with officials, diplomats, and other experts and stakeholders, located in Geneva and in Commonwealth capitals, who are participating in virtual and hybrid meeting and negotiating at the WTO or who possess detailed knowledge of the operation of such meetings and negotiations. After identifying and analysing the major issues and problems, the paper makes recommendations for immediate improvements to the practices of virtual and hybrid negotiating, on the need to survey and prepare to adopt new technologies to facilitate online and hybrid negotiating, and for upgrading training and capacity building towards a future in which virtual and hybrid negotiating will play an ongoing part.

2. The pandemic and the shift to virtual and hybrid diplomacy

The sudden changes to the WTO's mode of operation precipitated by the onset of the pandemic in March 2020 took place against the backdrop of a WTO agenda that member states were seeking to accelerate in the face of several institutional and substantive challenges. Negotiations on ending subsidies on unsustainable fisheries, which began under the mandate of the Doha Development Agenda multilateral trade round in 2001 and were renewed in 2017 in response to a mandate from the 2015 UN Sustainable Development Goals (SDGs), were intended to be completed by a December 2020 deadline (Zhuawu 2020). In an effort to drive negotiations forward and reach agreement in new areas, in 2017 several WTO member states announced Joint Statement Initiatives (JSIs) in particular issue areas, which would be the first plurilateral negotiations since the Tokyo Round in the 1970s. Of these four JSIs, the e-commerce negotiations, which began in January 2020 and have attracted 86 participants, led by Australia, Japan and Singapore, are of particular significance for this paper (WTO 2020e). Although the e-commerce negotiations are not subject to the same rules of procedure as full WTO negotiations, their progress was slowed by the shift to virtual and hybrid meetings (Lisson 2020).

The WTO has also faced significant challenges to its normal functioning and to its internal governance that originated before the pandemic and have continued into the present. In December 2019, the Appellate Body (AB) within the WTO's dispute settlement mechanism (DSM) ceased to function as intended owing to the United States' blocking of the appointment of new jurists since 2016, pending agreement on reforms to the AB (Remy 2020; Bown 2021).¹ The process of appointing a new WTO Director General was under way (and would later be delayed by the USA's refusal to concur with the otherwise unanimous selection of Ngozi Okonjo-Iweala). And a broader agenda of prospective WTO reforms was being debated both inside and outside the Organization (WTO 2018, 2020b; Wolff 2020; Hoekman 2020; González 2020).

The initial response of the WTO to the onset of the pandemic was to close its headquarters in Geneva, to require staff to work from home and to suspend all negotiations then under way. Within a few weeks, in April 2020, WTO officials were conferring online and exploring how it might be possible to resume negotiations using online videoconferencing platforms. Whereas multilateral organisations such as the World Bank, International Monetary Fund and International Telecommunications Union already had considerable experience with meeting virtually, the shift to virtual communications marked a departure for the WTO (Ashton-Hart 2020b). The WTO member states quickly pivoted the organisation's work programme from its ongoing agenda towards reducing and eliminating pandemic-induced trade barriers and a broader trade and health initiative.

While there was general support for resuming business online, discussions over what substantive negotiating business could be undertaken virtually were contentious. Initially, several developing countries expressed unwillingness to take decisions virtually, fearing that their ability to participate fully might be hindered by technological constraints. Civil society weighed in as well, with CSOs such as Our World Is Not for Sale (OWINFS) calling for a halt to fisheries negotiations for the duration of the pandemic, lest their constituencies be disadvantaged by a shift to virtual negotiating. By May 2020, formal virtual meetings began, initially using Zoom and subsequently, following Zoom security breaches, on Interprefy, a videoconferencing platform offering built-in interpretation services. In the summer, the WTO was able to reopen its headquarters building partially. Two large meeting rooms, holding 350 and 100 delegates, respectively, were adapted to permit hybrid meeting and negotiating formats, in which some representatives would attend in person and others online (Low and Wolfe 2020). The WTO's facilities are constrained in that even their largest meeting room is not big enough to accommodate representatives of all 164 members socially distanced. The shift to virtual and hybrid formats not only

had the potential to accommodate as many WTO delegates as need to attend any meeting or negotiation but also made possible broader

participation of trade and other government officials in WTO member country capitals with interests in particular issues.

3. Issues, problems and analysis

This section identifies and analyses the major issues and problems that have arisen as a result of the shift to virtual and hybrid trade diplomacy, with particular focus on how these issues and problems affect LDCs, small states and SSA countries in the Commonwealth. These issues and problems can be broken down into three broad areas:

- technical barriers to a level negotiating playing field for LDCs, small states and SSA countries;
- negotiating format design issues; and
- geopolitical and power questions.

3.1 Technical barriers to a level negotiating playing field

The shift to virtual and hybrid communication and negotiation had to take place with tremendous speed as the pandemic emerged as a global threat. The speed of the shift highlighted the many technical barriers to a primarily online mode of business communication in an unprecedented way. Technical deficiencies that adversely affect developing countries in particular have for decades been treated as of second-order importance by the public and private sectors alike, in terms of both attention and funding.

Four primary groups of technical barriers are of concern:

- the ‘digital divide’ in telecommunications infrastructure between the industrial world and the developing world;
- online privacy and security;
- communications logistics (the time zones problem); and
- gaps in technical knowledge and skills.

3.1.1 The digital divide

The digital divide, in its current iteration, became a major problem in the 1990s as first communications and later commerce began

to use the internet. Africa, Latin America and the Caribbean, many parts of Asia and the Pacific Islands had long been plagued by inadequate telecommunications infrastructure in the age of telephonic and telegraphic communications. The developing world’s deficiency in telecommunications infrastructure has been highlighted in the United Nations’ 2000–15 Millennium Development Goals (#8) and the 2015–30 Sustainable Development Goals (#9). Over the past two decades, developing countries have witnessed a shift in internal telecommunications networks towards the private sector and towards mobile telephony and internet, resulting in a dramatic expansion of online access for domestic populations. Yet the coronavirus pandemic has highlighted that much remains to be done to close the digital divide.

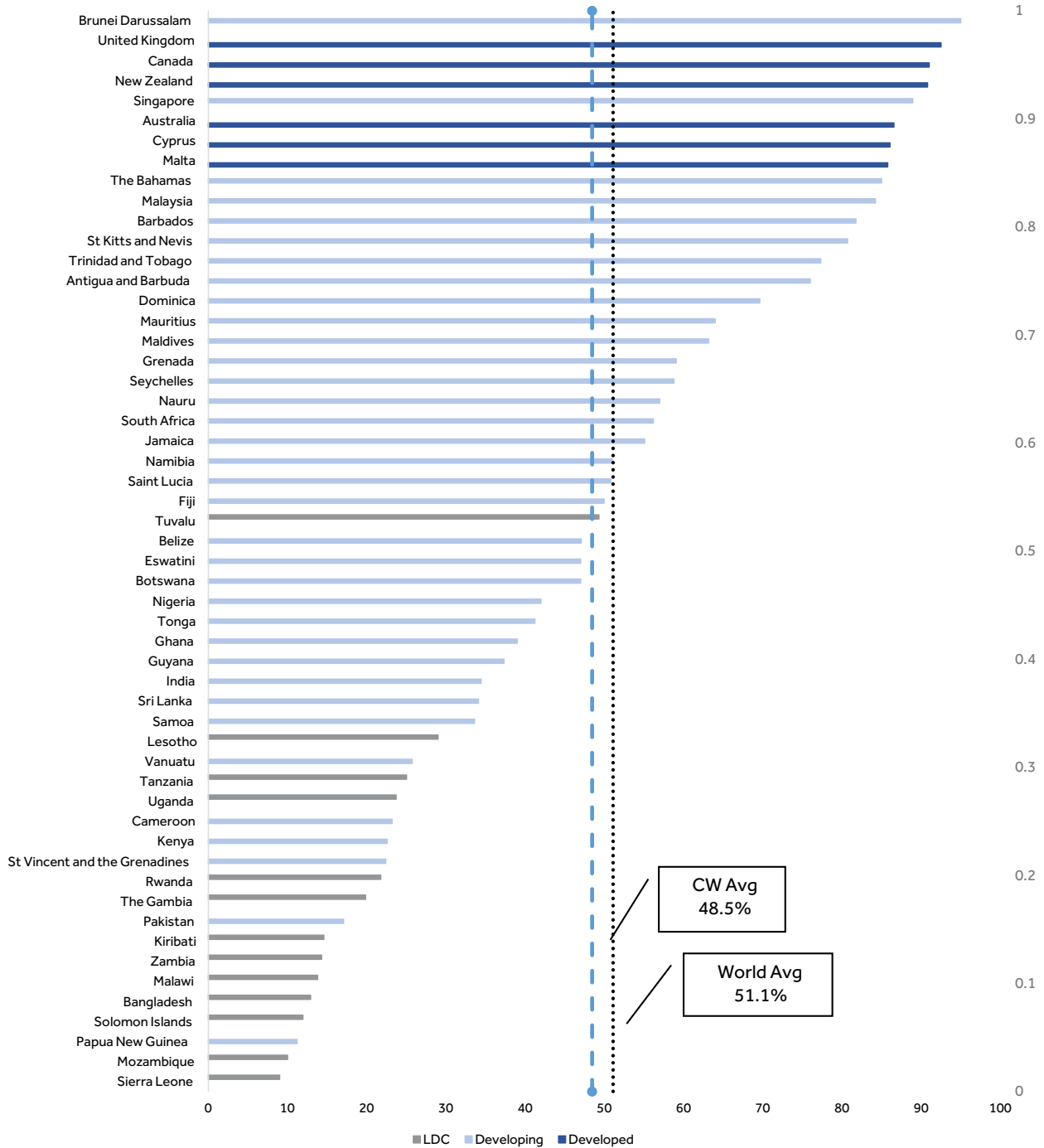
The data on lack of internet access globally remain sobering. Whilst 4.5 billion people – nearly 60 per cent of the world’s population – were internet users at the beginning of 2020, some 3.2 billion people – over 40 per cent of the world’s population – still do not have access to the internet. The largest percentage of the unconnected, 31 per cent or more than 1 billion people, live in southern Asia, whilst Africa accounts for 27 per cent of the total or 870 million people (Kemp 2020). Internet access for citizens of Commonwealth countries stood at 45 per cent – more than 10 per cent below the global average. Less than 15 per cent of the populations of Commonwealth members Kiribati, Malawi, Sierra Leone, Solomon Islands and Papua New Guinea have access to the internet (Commonwealth 2020). Among Commonwealth citizens, 41 per cent have home access to the internet (also 10 per cent below the global average), but in the seven Commonwealth low-income countries (The Gambia, Malawi, Mozambique, Rwanda, Sierra Leone, Tanzania and Uganda), an average of only 6 per cent of people have home internet access (Ashton-Hart 2020a). Figure 1 shows the

distribution of the Commonwealth’s ‘unconnected’ population by region.

Beyond basic access to the internet, download speeds significantly affect the ability of users to engage in data-intensive online activities such as videoconferencing. In many cases,

LDCs in particular suffer from slow average download speeds, although download speeds do not necessarily correlate with internet access levels by country. Average fixed broadband download speeds can be used as a proxy for download speeds more broadly, bearing in

Figure 1. Commonwealth country internet access by grouping, 2019



Source: ITU (2021)

Table 1. Average fixed broadband download speeds (Mbps)

Country	Mbps
Singapore	247.54
Canada	155.70
New Zealand	142.10
Trinidad and Tobago	75.10
India	54.73
Fiji	21.81
Uganda	13.44
The Gambia	11.99
Eswatini	11.92

Source: Speedtest (2021)

mind that some LDCs have such limited fixed broadband access that users may need to connect to the internet using mobile devices. Table 1 illustrates the huge range of relative download speeds between developed, developing and LDC members of the Commonwealth.

The cost of data usage in developing countries is often a constraint that fuels the digital divide. Both installation charges and monthly data usage charges are dramatically higher in developing countries in the Commonwealth than in industrialised countries. Table 2 indicates the cost differential for monthly mobile internet usage in terms of the percentage of per capita national income spent on mobile broadband.

Installation charges for a home broadband connection, which average US \$39 both globally and in Commonwealth countries overall, average US \$66 in low-income Commonwealth countries (Commonwealth 2020). The high cost of data usage imposes a differential cost upon developing-country governments least

able to bear the added burden. High data costs also make it more difficult for government officials to work from home during the pandemic, forcing many to go into their offices to join a WTO meeting virtually. One interviewee reported that connectivity problems and high data costs kept capital-based officials in LDCs offline despite the opportunity to participate and support their mission in Geneva. High costs place capital-based officials at a disadvantage for lengthy negotiations that require break-aways, sidebars and group caucusing.

Poor internet connectivity and high costs are not only a problem for the diplomats and officials in LDCs, small states and SSA countries seeking to engage in trade diplomacy online; they also pose a problem for diplomats in developed Commonwealth countries needing to communicate with their counterparts in developing countries and with their own delegations stationed in developing countries. One developed-country interviewee reported regular difficulties communicating with their mission in a major African country, in which videoconferencing worked only intermittently, and having to fall back on telephonic communication over secure lines. The cost problem has been made particularly acute for developing countries by the WTO's choice of Interprefy as its primary online platform, following early security and privacy challenges with Zoom. While secure and effective for providing good-quality simultaneous interpretation, Interprefy is a bandwidth 'hog' compared to Zoom, in addition to being expensive for the WTO, because it uses fee-per-use pricing and requires substantial in-person front-end and back-end support. One interviewee reported that Interprefy is particularly difficult for LDC capital-based officials to use, owing to high data costs.

Table 2. Cost of broadband relative to per capita national income (average monthly cost of 1GB mobile broadband)

Group	% of GNI, PP	Avg. tax %
Commonwealth LDCs	10.14	19.40
Commonwealth Small States	3.46	12.69
Commonwealth	4.34	15.61
Commonwealth HICs	1.02	13.05
World	5.16	N/A
World Developed Countries	1.00	N/A

Source: Ashton-Hart (2020a); calculations using data from Alliance for Affordable Internet (A4Ai).

Efforts to close the digital divide have been under way in the public and private sectors since well before the pandemic began, but the urgent need to conduct more official government business and diplomacy, as well as online schooling, when required, and more commerce, online has heightened their importance. The WTO's 2005 Aid for Trade initiative, intended to provide assistance to developing countries in increasing their trade volume as a means of accelerating their economic development, has propelled measures to improve developing countries' capacity to engage in digital trade since 2017. Since the inception of Aid for Trade, over US \$450 billion in total official development assistance has been disbursed to developing countries (WTO 2020a: 144–46; Lacey 2021). Several major private-sector initiatives aiming to expand internet infrastructure to the developing world are in progress. Google and Facebook are both investing in major projects to construct undersea cables to increase connectivity to Africa. Google's project is anticipated to complete a new cable connecting Portugal to South Africa in 2021 (Kazeem 2019).

Google continues to develop a project called Loon, which employs high-altitude balloons to deliver mobile internet service. Initially deployed on an emergency basis over Puerto Rico after Hurricane Maria in 2017, the balloons are now stationed over rural regions of Kenya, where they entered service on a commercial basis in July 2020 (Adegoke 2020; Estes 2020). In 2020, Elon Musk's aerospace firm SpaceX began deploying what will be a network of 30,000 satellites in low earth orbit (LEO), called Starlink, which is intended to provide affordable high-speed satellite internet service across the globe. Internet services based on LEO satellites offer the promise of low latency (response time), which an earlier generation of satellites in higher orbit was unable to deliver. Amazon has received US Federal Communications Commission (FCC) approval for a similar project, known as Project Kuiper. The US FCC is offering subsidy funding to satellite internet companies that meet connectivity standards to provide affordable service to rural regions of the United States (Estes 2020).

3.1.2 Online privacy and security

The second major technical barrier is online privacy and security. Ever since the advent of the internet, security flaws have enabled

unscrupulous actors to engage in espionage, unauthorised surveillance, and theft of data and other digital assets. Since the onset of the pandemic, the rapid increase in virtual meetings has created the additional risk that virtual live communications can be hacked by unauthorised participants for disruptive purposes. This became a problem for the WTO members as they began using Zoom to meet online in the early months of the pandemic, prompting the Secretariat to shift all WTO meetings from Zoom to Interprefy (Low and Wolfe 2020).

Ministries of foreign affairs (MFAs), trade ministries and other government departments have long had to implement security protocols to protect secure communications both within and between countries. The pandemic-induced sudden move to virtual communication has made heavy demands of existing security protocols and created a need for new layers and structures of security. Even many developed-country governments' systems have been overwhelmed by demand for increased usage. One interviewee described industrial countries' security protocols as 'still pre-pandemic'. Many industrial-country MFAs use virtual private networks (VPNs) for ordinary business, enabling staff to log into the VPN on devices also used for private purposes to communicate and share documents in the work environment. One developed-country interviewee reported that their VPN has been overloaded during the pandemic, prompting instructions that they work offline to the greatest extent possible and log into the VPN only when essential. Ministries have been obliged to upgrade their VPNs since the pandemic began. In most cases, communications that demand higher levels of secrecy still require staff to go to their offices, pandemic risks notwithstanding. Online security can pose a greater threat to LDCs, small states and SSA countries owing to the costs of up-to-date hardware and security firewall systems. Another practical privacy problem faced by diplomats and officials working from home in industrial and developing countries alike is that it is all but impossible to control who is in the room with negotiators: spouses, children, other relatives, in-home employees and other service providers.

3.1.3 Communication logistics

The third significant technical barrier is communication logistics. As officials in member

state capitals have increasingly joined WTO virtual and hybrid meetings, the problem of time zones has made scheduling such meetings at reasonable times of day for all officials involved (especially those distant from Geneva) difficult. The only practical time for scheduling meetings in the hope that participants may attend irrespective of location is early afternoon Geneva time (Low and Wolfe 2020). While this time is convenient for Commonwealth participants in Europe, Africa and South Asia, it is early evening in western Australia and late evening in eastern Australia, New Zealand and the Pacific islands, while it is early morning in the Caribbean and eastern Canada. It is unfeasibly early morning in western Canada, which adversely affects the small group of Vancouver-based trade-focused diplomats. This problem has always affected communications between distant capitals and their Geneva-based representatives, but increased interest in participation from capital-based officials has amplified it. One interviewee reports that officials in some Pacific capitals tend to be discouraged from joining WTO meetings virtually owing to the lateness of the hour. Another result has been concurrent scheduling of WTO meetings in Geneva during the early-afternoon ‘sweet spot’. This means that often representatives of small Geneva-based delegations and trade ministries in capitals are unable to attend every important meeting – although Commonwealth Secretariat staff in Geneva have been able to help states with limited personnel resources to access important meetings.

3.1.4 Knowledge and skills

The final technical barrier for developing countries is knowledge and skills. Many officials in developing-country capitals have been less accustomed to doing as much of their work online as their counterparts in industrial countries or their representatives to the WTO in Geneva. As a result, particularly older officials may not have as strong a computer and smartphone skill set as they have come to need during the pandemic. Some funding from industrial countries to provide training and assistance has been forthcoming. One interviewee observed that the type of assistance needed to help officials learn how to launch virtual meetings is not expensive. But the pandemic has raised the question of whether additional capacity building and technical training is required in LDC,

small state and SSA country capitals (George 2020).

3.2 Negotiating format and design issues

Beyond the technical barriers to a level negotiating playing field for LDCs, small states and SSA countries, the next major set of issues concerns how WTO meetings and negotiations have been organised, and how the shift to virtual and hybrid meetings has affected the institutional design of meeting and negotiating. How has the shift to virtual and hybrid meetings affected the way in which diplomats at the WTO interact? What is getting accomplished substantively in terms of negotiations in the virtual and hybrid formats? What changes have been required and what problems remain?

3.2.1 Loss of relationship-building opportunities dependent upon in-person communication

The single greatest problem with the move to virtual and hybrid meeting reported by interviewees has been the loss of key aspects of in-person communication that are essential for diplomacy. For diplomats, establishing and developing personal relationships builds social capital and creates trust, which can be drawn upon when the need arises to make hard trade-offs in the final phase of negotiation prior to closing a deal. One interviewee commented that ‘rapport is hard to build online’, although they make efforts by sending friendly messages to counterparts via email and WhatsApp. Social gatherings outside of the workplace play an integral part in allowing personal relationships to grow. US Ambassador to the United Nations Linda Thomas-Greenfield recently described how she has enjoyed making gumbo, the savoury stew emblematic of her native Louisiana, and serving it to her diplomatic counterparts in the many posts she has held over decades. Thomas-Greenfield ‘would invite her counterparts in countries such as Nigeria into her home to cook and eat together: “I put a Cajun spin on it ... It was my way of breaking down barriers, connecting with people and starting to see each other on a human level”’ (Maloney 2021). The pandemic initially put a stop to all of these personal interactions, freezing the development of in-person diplomatic relationships and delaying the establishment

of new ones. An interviewee reported making a special effort to make up for the loss of personal contact by sending personal cards and small gifts to counterparts at the holiday season. Whilst personal interactions were able to resume on a limited basis at WTO headquarters following the commencement of hybrid meetings in summer and autumn 2020, a full return to in-person interactions awaits the vaccination of diplomats and staffs.

Holding meetings virtually on Interprefy or other online platforms poses a further challenge, in that the social and visual cues upon which we all rely when communicating in person with others are difficult, if not impossible, to see on a screen. Most interviewees reported this to be a serious concern, even in meetings in which substantive negotiations were not taking place. Astute communicators can read the body language of an interlocutor and respond accordingly without even realising that they are doing so. Some individuals even make non-verbal sounds that can signal mood or sentiments. One interviewee reported that not being able to read body language or even lips clearly online makes the work of interpreters more difficult. The capability for attendees at meetings to mute themselves and shut off their video feed may serve useful purposes, such as filtering out background noise and distracting activity in the visual frame when someone is not speaking, but it also further limits transmission of visual and non-verbal cues in communication.

Virtual meeting and negotiation further limits the channels through which normal WTO diplomacy takes place by removing the opportunity for delegates to have sidebar in-person meetings to resolve bilateral issues: as Australia's ambassador to the WTO George Mina put it, 'looking people in the eye' has been lost (Mina 2020). Several interviewees highlighted problems created by the loss of in-person sidebars. These informal meetings take place in hallways outside meeting rooms, in locations where smoking is permitted or over coffee in the canteen. An alternate, distant second-best mode for conducting sidebars during virtual meetings is by text. Virtual meeting platforms such as Zoom, Interprefy, Microsoft Teams, WebEx and others offer online chat functions within the platform, wherein users can send and receive text messages to and from single participants in the meeting or with the entire group. Interviewees consistently rated these chat

functions poorly, particularly the chat function on Interprefy. One interviewee highlighted the risk of responding to the wrong person or to the whole group instead of one respondent. Another concern is that online chat conversations leave a recorded electronic 'evidence trail', unlike informal hallway conversations, possibly prompting negotiators to be more cautious. Interviewees generally prefer to use other apps outside of the virtual meeting platform to conduct sidebars: WhatsApp, Telegram and Signal, for example, all offer end-to-end encrypted messaging, although even the use of WhatsApp is likely to be questioned given increasing concerns about its data privacy policy. Microsoft Teams does not permit private chat. WhatsApp and other chat apps offer a chat group function, which interviewees report using. One interviewee prefers to conduct voice-only sidebars using their phone.

3.2.2 Participation by capital-based officials

A second major change in how communication and negotiation takes place at the WTO occasioned by the shift to virtual and hybrid meeting has been widened participation among government officials based in member state capitals. In most countries, a range of ministries beyond MFAs and trade ministries have interests in trade, including, but not limited to, agriculture and fisheries, commerce, economic development, energy, environment, transportation, health and finance. Broader participation by capital-based officials has brought both opportunities and challenges. It has made WoG diplomacy more efficient by reducing the ability of MFAs and trade ministries to play their traditional parts as gatekeepers for the making and implementing of states' foreign and trade policies. To many government officials across the ministries, the WTO may formerly have appeared to be a specialised agency requiring expertise necessarily left to states' Geneva-based representatives; now, the possibility of attending WTO meetings virtually has demystified the WTO for capital-based officials, making its operations more transparent and, according to one interviewee, thereby generating greater interest and buy-in across multiple ministries.

Increased participation by capital-based officials has streamlined negotiations by reducing the amount of time needed for

communication between Geneva-based representatives and home ministries (Low and Wolfe 2020). According to one interviewee, capital-based officials participating directly have facilitated fast-paced work on consolidated texts, particularly in the fisheries negotiations, including finding like-minded members and resolving divergent positions on issues. Their participation has allowed for quicker co-sponsorships of proposals to be agreed and for more rapid alignment on broad-based and specific proposals. One interviewee spoke favourably of having access to the expertise of capital-based officials as participants, which eases the need for Geneva-based diplomats to attain a comparable level of detailed knowledge of every issue. Interviewees have reported that capital-based officials thus far have taken advantage of their virtual access to the WTO to pursue specific pandemic-related concerns, such as vaccines, trade-related intellectual property rights (TRIPs), access to drugs and public health, rather than a broader range of trade issues, such as goods, services and the environment.

Thus far, assessments of widened capital-based participation have generally been positive. Two Commonwealth developed-country ambassadors to the WTO praised both the ability of their own capital-based officials to connect and the improved access to the WTO by small states (Mina 2020; de Boer 2020). Particular problems have surfaced, however. One interviewee noted that capital-based officials are less familiar with the etiquette of diplomacy – particularly when it is appropriate to speak in meetings – and expressed a wish that heads of delegation could have a ‘silence button’ to be able to control when other officials in their own government speak. Another cited digital divide constraints, including that not all ministries in developing-country capitals are sufficiently connected to enable their staffs’ participation in virtual WTO meetings. Yet another remarked that scheduled statements by ministers in LDC members have been delayed when the minister has been unable to get online. In some countries, capital-based officials are less likely to engage virtually because, culturally, they prefer to engage in person. Some capital-based officials are unused to working from home, one interviewee observed, and consequently their online engagement may be more sporadic. Two other interviewees cited additionally the length and intensity of some WTO meetings as a

factor discouraging capital-based participation, because capital-based officials have substantial competing demands on their work hours.

Participation by capital-based officials also raises a broader issue of WoG diplomacy: the chain of diplomatic command. Who is authorised to speak for a state, and who is responsible for co-ordinating positions across ministries and ensuring that policies presented are internally coherent? Large-country governments, such as those of China and the United States, are skilled at managing policy formulation and communication across ministries, according to one interviewee, who praised Brazil in particular for its interagency co-ordination. There are other governments who admit they are not as skilled at managing this as others (Lisson 2020). One interviewee commented that heads of mission need to build trust in their capital-based colleagues and know what they will say to feel comfortable with them speaking in WTO meetings. Another significant issue raised by widened participation of capital-based officials in WTO meetings is the extent to which their presence may modify the negotiating behaviour of their own Geneva-based diplomats. When Geneva-based representatives are in full virtual view of their capital-based colleagues, they may become less willing to make compromises with counterparts to conclude agreements (Ashton-Hart 2020b). An interviewee observed that capital-based officials may tend to take more inflexible positions on issues, whereas Geneva-based representatives have to maintain the ongoing relationships with their WTO counterparts that their capital-based colleagues do not have.

3.2.3 Virtual and hybrid meeting design and format practicalities

Almost all aspects of holding meetings of different types (plenaries, small group meetings, etc.) and formal negotiating sessions at the WTO have been affected substantially by the shift to virtual and hybrid formats. For all types of virtual and hybrid meeting, optimal length is a key issue. The optimal length of a virtual or hybrid meeting is likely to be shorter than that of an in-person meeting. Many participants have reported that overly long online meetings leave them more prone to distractions and more fatigued (Ramachandran 2021). Virtual meetings may not need to be as long as in-person meetings to cover the same agenda.

The effectiveness of the meeting chair and the way in which that chair exercises their powers to apportion time, control speakers and manage the decision components of agendas is a crucial determinant of the productivity of virtual meetings. At in-person meetings, effective chairs rely upon their ability to read the body language of speakers and the room generally; being able to see meeting participants only on screen makes doing so exponentially difficult for the chair (Ashton-Hart 2020b).

For a long time before the onset of the pandemic, advances in ICTs have been fuelling the speed of diplomacy. Arguably, the shift to hybrid and virtual meetings and negotiations at the WTO has accelerated diplomatic processes even further. Several interviewees complained of the proliferation of meetings called since virtual meeting began. One ambassador praised the shift to virtual meetings for saving them up to three hours each week otherwise spent commuting to in-person meetings by car. Another interviewee commented that virtual meetings have enabled diplomats to use their time more efficiently by being able to switch from one meeting to another without themselves moving. Not only has the global scheduling problem forced more meetings to take place in the same time slots, but, according to one interviewee, the pace of meetings has picked up as well. Required response times to requests for information and intermediate decisions based on new information have become shorter, in some cases. This has led to Geneva-based representatives and capital-based officials, particularly in LDCs, small states and SSA countries, having to contend with information overload, particularly with respect to complex issues. The Commonwealth Small States Office in Geneva has been helping small states to fill information gaps resulting from missed meetings and to manage necessary multitasking by attending and reporting on meetings, providing delegations with written analyses and monthly topical news briefs, assisting with drafting proposals and statements, and offering ad hoc daily support. Regional organisations such as the Pacific Islands Forum Secretariat (PIFS) and the Organisation of Eastern Caribbean States (OECS) further expand the capacity for small states to meet the increased demands of representation in an accelerated WTO.

Another set of questions arises specifically with respect to the dynamics of online negotiating, although extensive high-level negotiations

in virtual and hybrid formats have yet to take place at the WTO. The first question for virtual negotiations is whether there is an optimal number of people in a virtual 'room' in which progress is made. One interviewee commented that, in larger virtual meetings, it is hard to tell who is present when they are not speaking because many participants switch off their video. If there is a practical numerical ceiling for effective negotiations, it raises the question of how best to select who should attend negotiating sessions. The WTO has already faced accreditation issues resulting from the increased interest in participation among capital-based officials. For WTO General Council meetings, accreditation has generally been granted to each Head of Delegation plus one or two others. Interest in accreditation for additional attendees from capitals has been highest for fisheries negotiations. Accreditation can be extended on an issue-specific basis. Plurilateral negotiating groups exercise tighter control over the accreditation of attendees to their meetings.

An online negotiating dynamics question of particular interest to LDCs, small states and SSA countries concerns the use of 'green rooms' – that is, small group sessions during negotiations convened by invitation at the discretion of the chair to advance the prospects of closing a deal. Developing countries have long complained of a lack of access to green rooms relative to that granted their developed-country counterparts at the WTO. The general view thus far suggests that the shift to virtual and hybrid negotiations has not much changed the dynamics of who gets invited. One interviewee commented that while pre-pandemic green rooms could be exclusionary, the shift to virtual has not made them more so. Other interviewees report frequent access to green rooms for small states on specific issues but not on broader topics. Historically, green rooms have played an important part in the WTO's process of reaching consensus in major negotiations. As one interviewee noted, it is not clear yet whether WTO decision-making by consensus works digitally. One proposed approach for reaching digital consensus known as the 'silence procedure' would be to table an agreed text for 72 hours and then consider it to have passed in the absence of any registered objection. There is not yet agreement on whether such an approach would be accepted as fair in terms of access for all WTO member states.

In terms of negotiating dynamics, virtual and hybrid are still works in progress. One interviewee assessed the overall shift to virtual and hybrid meetings as building a lot of engagement and visibility, disseminating knowledge, generating some new innovative ideas and providing access to leaders, but without corresponding tangible progress on the WTO's work programme. Another expressed the concern that, given the current platform technologies in use, it is more difficult for virtual participants in hybrid meetings to interact with participants physically in the room than for physical participants to interact with one another.

3.2.4 Virtual and hybrid meeting and negotiating format training

The virtual meeting platforms with interpretation facilities available make good efforts to educate users by providing direct instructions on how to connect to their respective platforms and how to use them, once online. Interprefy, currently used by the WTO, provides a reasonably informative downloadable user guide (Interprefy n.d.), as well as a series of instructional videos on YouTube (Interprefy 2020). Kudo, a platform used by the United Nations Conference on Trade and Development (UNCTAD), also provides very well-presented online 'how to' video user guides. In addition, Zoom hosts regular online instructional webinars covering various aspects of online meetings, ranging from presentational effectiveness to privacy and security.

Beyond the needs for greater technical skills that a broad shift to more online diplomacy has required, needs have emerged for skills and capacities specific to communicating and negotiating using virtual and hybrid formats. The Commonwealth Small States Office in Geneva provides a range of capacity-building services, including regional briefings and workshops and brainstorming sessions. The Secretariat circulates a questionnaire to small-state delegations asking what their needs are and what mode of delivery is best. Representatives have responded to questionnaires that they are generally happy with the Commonwealth's assistance, both virtual and in writing, because they are in need of technical analyses of topics.

Diplomats and capital-based officials often also need training in the practical skills of virtual communication, encompassing everything from state of dress, setting/background and

lighting to voice tone and body movement, when to mute the microphone, how to indicate when one wishes to speak, how to signal approval and disapproval, etc. This is a skill set that, in large part, is common to the broader business environment but no less important for being so.

3.3 Geopolitical and power issues

How the shift to virtual and hybrid communication and negotiation at the WTO has affected the distribution of political power between WTO member states and the prospects for advancing particular sets of interests is important, even if it remains too early to perform a full assessment. A few observations by interviewees are worth noting. First, the shift to virtual and hybrid has the potential to level the playing field somewhat in terms of WTO participation for LDCs, small states and SSA countries, because it increases the flow of information between Geneva and country capitals. It also enables small delegations and ministries to increase their presence when necessary by attending virtually meetings that, previously, nobody might have been able to attend. Ability to take advantage of this levelling of the playing field to advance particular interests depends upon the countries' receipt of necessary support and assistance through some of the means discussed in the next section.

It has also been observed that some members may attempt to use the pandemic as a distraction and slide some negotiations through under the radar, taking advantage of the general disruption to the WTO's work programme since March 2020. Vigilance and monitoring of information flows is the best response to safeguarding interests in such circumstances.

A third observation is that some developed countries, particularly the United States, have not been in favour of making any decisions in formal negotiations in a virtual or hybrid format at the WTO. One interviewee saw the US position as both a strategy to protect US interests in the face of potential power rebalancing and part of the previous administration's strategy to undermine the WTO. An early indication of the Biden Administration's renewed commitment to the WTO came in a statement by ministers of 29 WTO members following an informal meeting on 29 January 2021 in which they endorsed the swift appointment of a new Director General and finalisation of arrangements for the 12th Ministerial

Conference (Bade 2021). It remains to be seen whether the restoration under the Biden presidency of US support for multilateral institutions will extend to embracing greater use of virtual and hybrid negotiating at the WTO.

4. Recommendations

Interviewees report that negotiators already prefer hybrid to fully virtual meetings and are keen to return to in-person meetings and negotiating as soon as possible. Nonetheless, Geneva- and capital-based officials alike recognise the gains that virtual meetings have facilitated. In light of the foregoing analysis of the shift to virtual and hybrid meeting and negotiating at the WTO, and the issues and problems that the shift has created particularly for LDCs, small states and SSA countries in the Commonwealth, four clusters of recommendations for adjustments to how business is done emerge. These steps can be initiated immediately and then carried on to their full conclusion as vaccinations accelerate and any temporary restrictions remaining as a result of the pandemic have been lifted.

1 Optimise the balance between in-person and virtual communication and negotiation after the pandemic.

The coronavirus pandemic forced the WTO to catch up with other multilateral organisations in making use of virtual and hybrid meeting and negotiating formats. Particular advantages and disadvantages of the new formats have already been demonstrated. Going forward, the WTO should consider an overall design approach to conducting meetings and negotiations in its work programme that will maximise the value added by each type of format: in-person, hybrid and virtual. Regular in-person meetings between representatives are crucial for establishing and building the types of diplomatic relationship in which representatives trust one another enough to make the hard trade-offs needed to conclude difficult negotiations. In-person WTO meetings must take place frequently enough that new representatives in Geneva have opportunities to meet their counterparts and to create a context for informal

social gatherings in which social capital and trust can be established. Opportunities for delegates to meet in person thus clear the way for many small group meetings, review meetings, etc. to take place virtually the rest of the time, permitting capital-based officials to participate, while allowing Geneva-based delegates to interact on the basis of already established relationships.

A work programme for negotiations may integrate virtual, hybrid and in-person sessions as required. Online, asynchronous sessions can be used to prepare agendas and texts in advance of in-person negotiations as far as possible. The early stages of negotiations may take place virtually. Hybrid plenary meetings and negotiating sessions offer a particular opportunity for capital-based officials to participate more fully in the WTO's agenda. Hybrid and in-person negotiations offer critical opportunities for delegates to conduct necessary bilateral sidebar meetings to resolve issues when required. Final-stage negotiations may need to be conducted entirely in person to afford maximum flexibility for delegates to communicate as effectively as they need to make trade-offs and to arrive at mutual understandings and consensus.

2 Improve virtual and hybrid meeting logistics.

Several steps can be taken immediately to improve the logistics of virtual and hybrid meeting and negotiating. First, to take full advantage of the opportunities afforded by capital-based officials participating more extensively in WTO meetings and negotiations, the Commonwealth Secretariat should inventory best WoG diplomatic practices in Commonwealth and non-Commonwealth countries alike and prepare a best practice benchmarking template

to recommend to Commonwealth governments, their trade ministries and delegations in Geneva. While many governments may already have worked out effective communication and co-ordination approaches between Geneva, the capital-based trade ministry and other capital-based government ministries, others may benefit from rethinking their approach. Former Assistant US Trade Representative Wendy Cutler (2020), concerned that WoG diplomacy can be chaotic, advises that governments appoint a lead negotiator to co-ordinate between capital-based officials and the delegation in Geneva. Lisson (2020) has emphasised the importance of government ministries reaching agreement on policy internally before participating in external meetings and negotiations.

Second, greater use of an asynchronous online process for drafting and editing texts in their early stages would yield numerous benefits, including reducing the length of virtual meetings and resulting fatigue, and mitigating the barriers to participation of capital-based officials in time zones far from Geneva (Low and Wolfe 2020). Early-stage virtual meetings for advancing texts might also benefit from the WTO grouping members in similar time zones into smaller negotiating subgroups, which could meet virtually at congenial business hours. Subgroups could report their progress to a larger co-ordinating group or the relevant chair. These steps should not prejudice the debate over using a hybrid negotiating format for clearing texts.

Third, some technical upgrades at the WTO would facilitate meetings and negotiations, going forward. Availability of rooms for hybrid sessions remains limited, although two additional rooms were equipped in October 2020 (WTO 2020d). More additional rooms in the WTO headquarters building need to be equipped for hybrid meetings of different sizes (Low and Wolfe 2020). It may also be time to reconsider whether the current version of Zoom offers a better, more secure online platform than Interprefy. Zoom's interpretation capacity may now be superior to Interprefy's, according to one interviewee. Zoom also now offers virtual breakout

rooms, which would facilitate sidebar conversations that more closely resemble in-person hallway sidebars as opposed to text chats.

Fourth, WTO policies governing virtual and hybrid meetings should be adjusted better to balance the gains to be harvested from increased openness and participation with the technical limitations of online meeting technology. While the WTO has long had reasons, both political and technical, for limiting accreditation to meetings prior to the pandemic, the shift to virtual and hybrid creates new possibilities for access worthy of consideration. One interviewee advocated relaxing limits on accreditations from officials of small states as a means of compensating for their smaller professional staffs and offering them a more level participation playing field. Another route would be to institute a view-only mode of accreditation to permit more participation in meetings. View-only participants would need to submit their interventions in meetings through fully accredited government delegates. This might facilitate greater participation by the private sector, CSOs and other multilateral institutions, who possess much-needed technical expertise to inform current and future WTO debates about complex technical issues (Ashton-Hart 2020b). Such an access channel should not fall afoul of the anticipated future debate about broader private and civil society participation in the WTO in the context of broader WTO reforms.

Lastly, development funding to improve digital infrastructure and connectivity in developing countries needs to be accelerated and focused, given the urgency for access that the pandemic has demonstrated. WTO Aid for Trade funds disbursed to advance digital connectivity had reached US \$8.6 billion by 2020 (WTO 2020a: 146). One interviewee urged that more Aid for Trade funds be allocated to digital infrastructure projects. The World Bank and regional development banks are investing in digital infrastructure, including a World Bank 'digital moonshot' project intended to invest US \$100 million on digital connectivity in Africa as part of its effort to meet the 2030 Sustainable Development Goals.

3 Survey and prepare to adopt new technologies to facilitate online/hybrid negotiating.

Several new technologies are anticipated in the short and medium term that should improve virtual and hybrid meeting and negotiating. The Commonwealth and its member countries should survey in advance these anticipated developments, so as to be prepared to deploy them as early as possible. At the most prosaic level, use of soon-to-be-available clear face masks during in-person meetings and negotiations will help participants to read the facial cues of their counterparts and lessen the disadvantage faced by hearing-impaired participants. Ford Motor Co. has announced plans to sell clear masks with N95-level air filtration beginning in spring 2021 (Denham 2021). New Stanford University research on fatigue caused by virtual meetings recommends practical measures that participants can take to mitigate fatigue. These include:

- switching online meeting platform windows from full-screen mode to a smaller size;
- switching off the option to view oneself constantly as a participant in a meeting; and
- switching off one's own video feed periodically to take breaks from feeling viewed constantly (Ramachandran 2021).

Many other new technologies take the form of incremental improvements to existing online meeting platforms. For example, in June 2021, Zoom plans to release its 'smart gallery' feature for hybrid meetings. The feature will enable virtual participants in a hybrid meeting to view each in-person participant on their screen head-on and vice versa, giving all hybrid meeting attendees an equal view of everyone else. Cisco is using artificial intelligence (AI) to develop gesture recognition software that may help to decode body language cues that are more difficult to perceive in virtual meetings. Microsoft is developing a new approach to task management using

AI in Microsoft Teams. Several technology firms are working on developing a more sophisticated integrated chat app, for which multiple interviewees expressed the need. Canada's government is preparing to roll out a new Microsoft system containing an improved chat app.

Looking further ahead, telepresence technology will make meeting virtually feel much more like meeting people in person. Multiple cameras and angles will make it easier to read the non-verbal cues of other meeting participants. In January 2021, Canadian technology firm ARHT Media launched its HoloPod holographic display system, which enables a speaker to make a presentation at a meeting and engage with the audience remotely by projecting a 3D hologram of themselves into a room (Brown 2021). Telepresence negotiations could improve meetings and negotiating sessions, particularly where negotiators know each other less well. Telepresence systems already exist, but they remain costly, because they require special equipment. Users will also need training to use telepresence facilities. Further still in the future is general adoption of virtual reality (VR) technology. Such systems, which require users to wear specialised headsets, create an immersive illusion that participants are meeting in person. For example, 3D imaging firm Inverse has created software to capture 3D images of people from simple devices such as smartphones and depth cameras. These inexpensively generated holograms will enable individuals to attend meetings virtually wearing VR headsets (Brown 2021). Much VR technology is still very much in beta development, although the pandemic may already have accelerated its evolution. Key to determining whether VR becomes useful for diplomats will be whether participants will appear and behave virtually as true likenesses rather than as computer-generated avatars; otherwise, VR would not overcome the problematic lack of body language cues in virtual settings. However, the future incorporation of sophisticated holographic imagery into VR should overcome this limitation.

4 Improve training and capacity building.

More and better training and capacity building can go a long way towards minimising the disadvantages that government officials and diplomats from LDCs, small states and SSA countries may face when engaging in virtual and hybrid meeting and negotiating at the WTO (Low and Wolfe 2020). Training needs to be focused on both the mechanics of using online platforms and on the psychological adaptation required to communicate and negotiate in virtual settings (Ashton-Hart 2020b). This type of training need not be costly or even time-consuming. One interviewee promoted simple, short, practical online classes on topics such as how to participate effectively in online meetings. Ashton-Hart (2020b) recommends pairing older and younger diplomats and officials. Younger professionals, who are more likely to be 'digital natives', can assist their older, perhaps less tech-savvy colleagues in using virtual platforms and in adapting their communication styles to be most effective online. The Commonwealth Small States Office in Geneva already provides virtual technology workshops and briefings. One interviewee recommended that these workshops and briefings should be shorter and more targeted, lasting no more than half a day (or a day, with breaks), to minimise fatigue and disengagement. In January 2021, the WTO itself launched its first online executive education course for senior officials and diplomats from developing countries, attracting 62 participants from 37 WTO members, including eight LDCs and two acceding countries. The six-week series of five modules, consisting of asynchronous lectures and live roundtables, explores aspects of the WTO's operations and international trade more broadly, including the impact of the pandemic on trade (WTO 2021b). Once the course is complete, feedback from participants should fuel plans to improve and scale up the WTO's online training efforts for LDCs, small states and SSA countries.

Several multilateral and bilateral sources of funding for training and capacity building already exist, which could be augmented. One interviewee recommended that WTO Aid for Trade funds be directed towards capacity building and development of negotiating skills. Through the WTO Chairs Programme, the WTO Global Trust Fund is providing funding for academic institutions in developing countries and LDCs to conduct trade-related research and develop curricula that will build their capacity to advise governments and other stakeholders on trade policy. Over the past decade, the programme has provided up to CHF 50,000 annually for up to four years to 19 chairs in institutions in Latin America, Africa and Asia (WTO 2021a). One bilateral funding channel is the United Kingdom's Trade and Investment Advocacy Fund (TAF2+). Since 2017, TAF2+ has been providing grant funding to LDCs for technical assistance, capacity building and logistical support in trade negotiations at the WTO (TAF2+ 2019). One interviewee points out that this funding could be focused on the skills and capacities needed for the virtual environment.

Beyond training and capacity building for the skills immediately needed to face the current shift to virtual and hybrid meeting and negotiating, there is a longer-term need to adjust the mindsets of current government officials and to prepare the generation who will be entering government and the diplomatic service going forward for an environment in which virtual communication will be a norm. One interviewee emphasised that, while internet connectivity was more than adequate in their capital, a shift in the mindset of capital-based officials is needed to enable many developing countries to take full advantage of digital diplomacy. Officials across the full range of government ministries need to rethink how they do business, including adopting new technologies more rapidly and recalibrating working hours in light of online meetings now stretched across many time zones.

5. Looking at the post-pandemic future: scenarios and projections

One thing that is already likely is that the end of the coronavirus pandemic will not presage a return to the status quo ante for the WTO. The pandemic has accelerated debates over changes to global trade and to the WTO that were already on the horizon, including an agenda of potential reforms to the WTO's institutional structure, mode of operation and work programmes. WTO Deputy Director General Alan Wolff has advocated that the WTO reform debate begin with members revisiting and recommitting themselves to agreement on the Organization's fundamental objectives (WTO 2020b; Wolff 2020). The debate over the future meeting and negotiating format and design will likely become part of the broader debate over proposed WTO reforms. Just as digital trade (e-commerce and trade in digital goods and services) is becoming an ever larger portion of global trade overall, online modes of doing business at the WTO are likely to increase in importance. But subsuming into the broader reform agenda the debate over making virtual and hybrid meetings and negotiations permanent (and to what degree) may not be useful if it leads to delays in taking decisions to adopt modes of operation that have benefited LDCs, small states and SSA members of the WTO. Survey research of WTO delegations and the trade policy community shows that, in June 2020, over 60 per cent of respondents supported making virtual and hybrid meeting a permanent practice, and a similar percentage favoured making binding decisions in virtual meetings (Fiorini et al. 2020). Nonetheless, the extent to which virtual and hybrid negotiations should be adopted is likely to continue to be politically contested based on members' respective interests. If those interests remain divergent, it is difficult to see how disagreement over, for example, adoption of hybrid final-stage negotiations will be resolved, at least in the short term.

Gains already reaped by beneficiaries of the shift to virtual and hybrid meeting suggest that new digital modes of operation are not likely to disappear after the pandemic (St John and Williams 2021). Greater virtual participation

by officials in capitals will stay popular with officials in developing and developed countries alike (de Boer 2020). Increasing transparency around the WTO in capitals has increased its perceived legitimacy in an age of public diplomacy. Virtual meeting and negotiating also permits more participation by LDCs, small states and SSA countries on an ongoing basis without increasing numbers and costs of Geneva-based staff. Increased usage of virtual and hybrid communications and negotiating by all member countries will reduce diplomacy's overall global carbon footprint, furthering the WTO's sustainability agenda and the Paris Climate Agreement targets. Lower travel and energy costs will free up funds for other needed expenses.

As WTO Deputy Director General Wolff (WTO 2020b, 2020c) and new WTO Director General Ngozi Okonjo-Iweala (2020) have observed, the pandemic has catalysed a unique moment for the WTO to communicate its relevance to the governments and publics of its member states and to the broader world, and for members to recommit to a WTO that meets an agreed set of shared objectives. Okonjo-Iweala (2020) argues that, to rebuild public trust, the WTO needs to score some 'wins'. The record of successes on the agenda on which the institution has chosen to focus through 2021 is likely to shape global perceptions of the WTO for some years to come:

- the pandemic-triggered pivot towards trade as an instrument to mitigate global crises through the WTO's trade and health initiative focusing on liberalising trade in pandemic-related supplies and improving vaccine access among the poorest countries;
- concluding a fisheries deal that contributes significantly to the WTO's sustainability objectives;
- concluding the plurilateral JSI e-commerce initiative ideally sooner than its targeted 2022 completion date; and
- a successful November 2021 Ministerial Conference.

Whether these objectives are achieved depends, in part, on how well current provisional arrangements for virtual and hybrid meeting and negotiating continue to operate. The current situation highlights the extent of the interrelationship between the substantive content of the WTO's work programme and its functional arrangements for meeting and negotiating. Okonjo-Iweala contends that digital trade increases inclusion. A digital trade deal should improve access among LDCs, small states and SSA countries in the future. The United States remains a potential obstacle to WTO progress, although less so than has historically been the case, as the creation of ad hoc plurilateral appellate arrangements has illustrated. The installation of a new WTO Director General and inauguration of the Biden Administration in Washington, DC was expected to herald a new US commitment to the WTO, at least to some extent (Tan Hung Seng 2020). These developments have made a resolution of the AB dispute possible, although how rapidly remains to be seen (Bown 2021).

The upcoming WTO 2021 Ministerial Conference, originally scheduled to be held at Nur-Sultan, Kazakhstan, in June 2020 and now postponed twice to November 2021 in Geneva, owing to the pandemic, offers an opportunity to test out new virtual and hybrid meeting and arrangements on a large scale (Low and Wolfe 2020). Because of delays in vaccinations, it is probable that in some developing countries, particularly LDCs, the pandemic may not be declared fully abated even by the end of 2021; hence the WTO Secretariat could label the use of virtual and hybrid negotiating sessions at the Conference experimental and provisional. This would give the Secretariat an opportunity to experiment with different strategies and to gather data on their effectiveness and on participants' perceptions for analysis and use in planning more permanent reforms. One approach likely to be tested at the November Conference is the generation of ministerial documents and proposals to guide negotiations digitally (and asynchronously) rather than at in-person meetings prior to the conference.

Note

1 A subgroup of WTO members (twenty-two at time of writing, including five Commonwealth countries, Australia, Canada, New Zealand, Singapore, United Kingdom) agreed in April 2020 to use a provisional procedure, the Multiparty Interim Appeal Arbitration

Agreement (MPIA), to hear appeals of disputes between participants pending a more permanent resolution of the AB dispute by the whole WTO membership (Remy 2020).

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Partial list of interviewees

- H E Sumbue Antas, Ambassador, Permanent Mission of Vanuatu to the United Nations Office and other international organisations, Geneva
- Nick Ashton-Hart, Geneva Representative of the Digital Trade Network
- H E Usha Chandnee Dwarka-Canabady, Ambassador, Permanent Mission of Mauritius to the United Nations Office and other international organisations, Geneva
- H E Stephen Fevrier, Ambassador, Permanent Delegation of the Organisation of Eastern Caribbean States (OECS) to the United Nations, Geneva
- Parasram Gopaul, Permanent Mission of Mauritius to the United Nations Office and other international organisations, Geneva
- Kim Kampel, Commonwealth Small States Office, Geneva
- John Kotsopoulos, Senior Policy Advisor, Global Affairs Canada
- Radika Kumar, former Assistant Permanent Representative of Fiji to the WTO
- H E Mujtaba Piracha, Ambassador and Permanent Representative of Pakistan to the WTO
- H E Robert Salama, Ambassador, Permanent Mission of Malawi to the United Nations Office and other international organisations, Geneva
- Tanvi Sinha, Commonwealth Small States Office, Geneva

