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FOREWORD

ALKA NANDA MAHAPATRA* & SAMIKSHA LOHIA**

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I. INTRODUCTION

International trade and economic law rarely stand still, but the period since the publication of Issue 17.1 has been unusually turbulent, even by the standards of a field that has spent the better part of a decade absorbing shocks: the World Trade Organization's (WTO) Appellate Body crisis, the pandemic, the return of industrial policy, and now a second wave of unilateral tariff nationalism out of Washington. What makes the past year analytically interesting is not simply the volume of disruption, but the pattern beneath it. Across tariff litigation, carbon border measures, and the proliferation of bilateral deals, the underlying multilateral architecture of trade law is being hollowed out from the inside, even as states continue to invoke its vocabulary, "reciprocity," "national security," "market access", to legitimise essentially unilateral or bilateral conduct. Issue 17.2 arrives, then, at a moment when the discipline's foundational premise, that trade relations

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are best governed by rules rather than by relative power, is being tested as directly as at any point since the WTO's founding.

A. The Return of Constitutional Trade Law

The most consequential single development of the past year was not, strictly speaking, a development in international law at all, but in United States (U.S.) constitutional law, yet its effects have rippled through every trading relationship the U.S. maintains. In February 2026, the U.S. Supreme Court held, in a consolidated ruling in *Learning Resources, Inc. v. Trump* and *Trump v. V.O.S. Selections, Inc.*, that the International Emergency Economic Powers Act (IEEPA) of 1977 does not authorise the President to impose tariffs.¹ The Court's reasoning drew on both ordinary statutory construction and the major questions doctrine. Under the former, the IEEPA empowers the President to "regulate" importation, but contains no reference to tariffs, duties, or taxation. Under the latter, a plurality of the Court reasoned that so consequential and open-ended a delegation of the taxing power could not be inferred from ambiguous language.² The ruling invalidated the "reciprocal" tariffs imposed under the April 2025 "Liberation Day" proclamation and the parallel "trafficking" tariffs on Canada, Mexico, and China, exposing more than USD 160–175 billion in collected duties to a contested and still-unresolved refund process.³

For a journal concerned with trade and development, the case is significant for reasons beyond U.S. administrative law. First, it illustrates the fragility of using domestic emergency powers as a substitute for multilateral tariff-setting: an entire year of global trade repricing, reciprocal tariffs, sector carve-outs, and the accompanying uncertainty documented by the Federal Reserve Bank of New York and others, rested on a statutory foundation the Court ultimately found illusory.⁴ Second, and more troublingly for the rule-of-law commitments that underpin the

¹ *Learning Resources, Inc. v. Trump*, 607 U.S. (2026) (slip op.), consolidated with *Trump, President of the United States, et al. v. V.O.S. Selections, Inc. et al.*, No. 25–250 (decided Feb. 20, 2026).

² *Id.* (Roberts, C.J., joined in relevant part by Gorsuch and Barrett, JJ., invoking the major questions doctrine); see also BROOKINGS, *Brookings Experts on the Supreme Court's Tariff Decision*, (Feb. 25, 2026), <https://www.brookings.edu/articles/brookings-experts-on-the-supreme-courts-tariff-decision/> [hereinafter Brookings].

³ Erica York & Alex Durante, *Supreme Court Strikes Down President Trump's Tariffs*, TAX FOUND., (Feb. 20, 2026), <https://taxfoundation.org/blog/supreme-court-trump-tariffs-ruling/>; BDO, *United States - Supreme Court Reins in IEEPA Tariff Authority: What Happens Now*, (Apr. 17, 2026), <https://www.bdo.global/en-gb/insights/tax/indirect-tax/united-states-supreme-court-reins-in-icepa-tariff-authority-what-happens-now>.

⁴ Brookings, *supra* note 2 (citing Federal Reserve Bank of New York research on tariff cost pass-through and Tax Foundation estimates of household impact).

trading system, the practical effect of the ruling has been negligible. Within hours, the administration invoked Section 122 of the Trade Act of 1974 to impose new global tariffs, with Section 301 investigations queued up as the next legal vehicle.⁵ This is worth dwelling on critically: an apex court invalidated the legal basis for a signature trade policy, and the policy itself survived the ruling almost entirely intact, merely migrating to a different statutory home. That durability, policy outcomes decoupled from the legal reasoning meant to constrain them, is arguably the more important lesson for scholars of trade law than the doctrinal holding itself, and it should give pause to anyone treating domestic judicial review as an adequate check on trade unilateralism.

B. *The WTO's Deliberative Twilight*

The multilateral system's own capacity to discipline unilateral conduct remains, six years on, structurally compromised. The Appellate Body has not functioned since December 2019, and the workaround developed in its place, the Multi-Party Interim Appeal Arbitration Arrangement (MPIA), has been strikingly underused: only two disputes were fully adjudicated under the MPIA between its 2020 founding and the end of 2025, against a backdrop of at least twenty-two panel reports that might otherwise have been appealed.⁶ Consultations, the traditional entry point for WTO litigation, have fallen from an average of 19 per year in 2010–2019 to 8.5 per year in 2020–2025, a decline that the UN Conference on Trade and Development (UNCTAD) attributes directly to the paralysis of appellate review and the resulting erosion of confidence in the system's capacity to deliver enforceable outcomes.⁷

The Fourteenth Ministerial Conference, held in March 2026, was billed as an opportunity to confront this reform agenda directly, but the deeper structural question, whether the multilateral dispute settlement system will remain “bifurcated,” with roughly 60% of global trade covered by the binding MPIA track and the remainder effectively left without appellate recourse, was left largely

⁵ Andrew K. McAllister et al., *Supreme Court Strikes Down IEEPA Tariffs: What Importers Need to Know Now*, HOLLAND & KNIGHT, (Feb. 20, 2026), <https://www.hklaw.com/en/insights/publications/2026/02/supreme-court-strikes-down-ieepa-tariffs>; Robert Silvers et al., *Supreme Court Strikes Down IEEPA Tariffs—Key Takeaways and Implications for Importers*, ROPES & GRAY, (Feb. 23, 2026), <https://www.ropesgray.com/en/insights/alerts/2026/02/supreme-court-strikes-down-ieepa-tariffs-key-takeaways-and-implications-for-importers>.

⁶ Alan Wm. Wolff, *Can the Rule of Law Be Restored to the World Trading System?*, PETERSON INST. FOR INT'L. ECON., (Jan. 20, 2026), <https://www.piie.com/blogs/realtime-economics/2026/can-rule-law-be-restored-world-trading-system>.

⁷ U.N. Trade & Dev., *Global Trade Update: Reforming Trade Rules to Drive Development*, UN Doc. UNCTAD/DITC/INF/2026/3, (Mar. 17, 2026), [hereinafter UNCTAD 2026/3]

unresolved.⁸ This bifurcation deserves more critical attention than it has so far received in the literature. A system in which enforceability now depends on which plurilateral coalition a member has opted into represents a quiet but fundamental departure from the WTO's founding premise of a single undertaking applicable to all members alike. It is also, not incidentally, a system whose costs fall disproportionately on smaller and developing economies with the least capacity to build parallel institutional workarounds of their own, a point UNCTAD's own trade and development reporting has repeatedly stressed, noting that least developed countries' share of world exports remains barely above where it stood in 2010, notwithstanding a generation of preferential access schemes.⁹

C. *Carbon at the Border: Carbon Border Adjustment Mechanism's Uneasy Entry into Force*

If the tariff and dispute settlement stories illustrate the erosion of multilateral discipline through unilateralism, the entry into force of the European Union's (EU) Carbon Border Adjustment Mechanism (CBAM) in January 2026 illustrates a related but distinct phenomenon: the use of ostensibly non-discriminatory, environmentally motivated measures to achieve outcomes that fall unevenly across the North–South divide. CBAM requires importers of cement, iron and steel, aluminium, fertilisers, hydrogen, and electricity to purchase certificates reflecting the embedded carbon in their goods, calculated by reference to the price already paid by EU producers under the EU Emissions Trading System.¹⁰ The measure is defensible on its own terms as a response to carbon leakage, and it has already had a demonstrable regulatory diffusion effect, prompting Kazakhstan, South Africa, Ukraine, Thailand, Singapore, and India, the latter through an expanded domestic carbon market covering nearly 500 obligated entities, to strengthen or introduce their own carbon pricing instruments in apparent anticipation of CBAM exposure.¹¹

⁸ Alice Tipping, *What You Need to Know About World Trade Organization Reform*, INT'L. INST. FOR SUSTAINABLE DEV., (Oct. 30, 2025), <https://www.iisd.org/articles/explainer/what-we-should-be-talking-about-world-trade-organization-reform>.

⁹ UNCTAD 2026/3, *supra* note 7.

¹⁰ Regulation (EU) 2023/956 of the European Parliament and of the Council establishing a carbon border adjustment mechanism, 2023 O.J. (L 130) 52; Maryla Maliszewska et al., *How Developing Countries Can Measure Exposure to the EU's Carbon Border Adjustment Mechanism*, WORLD BANK BLOGS, (Sept. 16, 2025), <https://blogs.worldbank.org/en/trade/how-developing-countries-can-measure-exposure-eus-carbon-border-adjustment-mechanism>.

¹¹ Michael A. Mehling et al., *The European Union's CBAM: Averting Emissions Leakage or Promoting the Diffusion of Carbon Pricing?*, 27(6) J. ENV'T. POL'Y & PLAN. 687, 687–705 (2025) (documenting CBAM's spillover effect in accelerating carbon-pricing roadmaps among EU trading partners); *see also* Cynn-Young Park et al., *European Union Carbon Border Adjustment Mechanism: Economic Impact and Implications for Asia*, (Asian Dev. Bank, ADB Brief No. 276, 2025), <https://www.adb.org/sites/default/files/publication/928466/adb-brief-276-eu>

Yet the mechanism's compatibility with core WTO disciplines, and with the differentiated responsibilities long recognised in international climate law, remains genuinely contested rather than settled. Russia's formal WTO complaint against CBAM, filed in May 2025, is easily dismissed as opportunistic. However the underlying legal question it raises, whether a facially origin-neutral carbon price can nonetheless operate as a disguised restriction on trade from states with less carbon-intensive-but-still-different industrial structures, is a serious one that this Issue's contributors engage with directly.¹² The scholarly literature is increasingly converging on the observation that CBAM's uniform methodology, whatever its climate merits, imposes disproportionate adjustment costs on developing and least-developed exporters who lack the fiscal and technical capacity for rapid decarbonisation, and that proposals for revenue recycling or differentiated treatment, sometimes styled as "CBAM-Plus", remain aspirational rather than operative.¹³ The EU's own obligation to review CBAM's impact on least developed countries, due in 2025, is a useful marker against which the next several years of implementation should be measured.

D. *Fragmentation by Another Name: The Return of Bilateralism*

The past year has also confirmed, more clearly than perhaps any prior period, that preferential and bilateral instruments, not multilateral negotiation, are where the substantive rulemaking of trade law now happens. India alone concluded or substantially advanced agreements with the United Kingdom, Oman, New Zealand, and, most significantly, the EU, whose negotiations concluded in January 2026 after years of stalled talks, alongside a still-unsettled interim arrangement with the U.S. that has oscillated between a February 2026 framework, subsequent litigation over its legal basis, and a July 2026 deadline tied to the expiry of temporary Section 122 tariffs.¹⁴ The India–U.S. episode is instructive precisely because of its instability: a

carbon-border-adjustment-mechanism.pdf (regional exposure analysis for Indian steel and other CBAM-affected sectors).

¹² Antoine Oger & Pierre Leturcq, *The EU CBAM's Reform and Remaining Implementation Challenges for Low- and Middle-Income Countries*, INST. FOR EUR. ENV'T POL'Y, (May 2025), <https://ieep.eu/wp-content/uploads/2025/05/The-EU-CBAMs-reform-and-remaining-implementation-challenges-for-low-and-middle-income-countries-IEEP-2025.pdf>.

¹³ Ian Mitchell & Beata Cichocka, *Transforming EU Climate Leadership through CBAM Reform*, (Ctr. for Glob. Dev., CGD Brief, Sept 24, 2024), <https://www.cgdev.org/sites/default/files/transforming-eu-climate-leadership-through-cbam-reform.pdf> (see also the "CBAM-Plus" proposal discussed in recent development-economics literature).

¹⁴ Archana Rao, *India's FTA Gambit 2026: Implementation, Expansion, and Strategic Realignment*, INDIA BRIEFING, (Apr. 27, 2026), <https://www.india-briefing.com/news/india-fta-tracker-2026-updates-42864.html/>; Ankur Sharma et al., *India: Strengthening Global Trade Ties with*

framework reached in February, built around an 18% reciprocal tariff in exchange for commitments on Russian oil purchases and USD 500 billion in prospective U.S. purchases, was almost immediately complicated by the Supreme Court's invalidation of the very IEEPA tariffs the deal had been negotiated against, forcing both sides back to the table over instruments, digital trade rules, non-tariff barriers, and supply chain resilience commitments, whose content remains provisional as of this writing.¹⁵

For development-oriented trade scholarship, this proliferation of bilateral and plurilateral instruments raises a familiar but sharpened concern: negotiating capacity is not evenly distributed, and a trading order increasingly organised around parallel bilateral tracks tends to reward states, and firms, with the deepest benches of negotiators and the greatest tolerance for sustained uncertainty. It also complicates the analytical categories this Issue's authors work within: "trade and development" becomes harder to theorise when the relevant instrument is not a single multilateral bargain but a shifting lattice of framework agreements, interim arrangements, and Section 301 investigations whose legal status can change within a single news cycle, as it has repeatedly done over the past year.

E. *A Critical Vantage Point*

Read together, these developments resist a single tidy narrative, but they do share a structural feature worth naming explicitly. In each case, tariff unilateralism, appellate paralysis, carbon border adjustment, and bilateral proliferation, the form of legal ordering (a judicial ruling, a WTO reform process, an environmental regulation, a bilateral framework) coexists with a persistent substantive continuity of underlying policy, largely undisturbed by the formal legal process meant to discipline it. Tariffs struck down under one statute reappear under another within hours. Reform conferences convene while the dispute settlement system they are meant to fix remains bifurcated. A carbon measure framed in the neutral language of emissions

Strategic FTAs and Robust Domestic Protections, GLOB. INVESTIGATIONS REV., (2026), <https://globalinvestigationsreview.com/review/the-asia-pacific-investigations-review/2026/article/india-strengthening-global-trade-ties-strategic-ftas-and-robust-domestic-protections>.

¹⁵ THE WHITE HOUSE, *Fact Sheet: The United States and India Announce Historic Trade Deal*, (Feb. 09, 2026), <https://www.whitehouse.gov/fact-sheets/2026/02/fact-sheet-the-united-states-and-india-announce-historic-trade-deal/>; BUSINESS STANDARD, *India, US Review Trade Pact Progress, No Clarity Yet on Interim Deal*, (June 24, 2026), https://www.business-standard.com/economy/news/india-us-conclude-two-day-trade-deal-talks-ahead-of-us-tariff-deadline-126062400644_1.html; Dr. Chietigj Bajpace, *Despite Reset in India-US Relations, New Delhi Retains Commitment to Strategic Hedging*, CHATHAM HOUSE, (Feb. 17, 2026), <https://www.chathamhouse.org/2026/02/despite-reset-india-us-relations-new-delhi-retains-commitment-strategic-hedging>.

accounting produces starkly asymmetric burdens along the North–South axis it was not explicitly designed to track. This is not necessarily evidence of bad faith on the part of any single actor; it may equally reflect the genuine difficulty of governing an increasingly securitised, climate-conscious, and multipolar trading system through institutions designed for a more stable and more purely economic conception of trade. But it is a pattern that ought to concern anyone who takes seriously the proposition that international economic law should constrain, and not merely narrate, the exercise of trade power. The articles that follow engage with precisely this tension, from several different doctrinal and disciplinary vantage points.

II. ABOUT THIS ISSUE

We were delighted by the overwhelming response to the call for papers for Issue 17.2, making it one of the most successful General Issues in the recent history of Trade, Law *and* Development. The contributions in Issue 17.2 approach the present turbulence in international economic law from different doctrinal, geographical, and methodological vantage points. Collectively, they examine a common question: whether the institutions and concepts inherited from an earlier period of multilateral confidence remain capable of disciplining trade power in an era increasingly shaped by climate action, economic security, technological rivalry, and developmental inequality. The following contributions engage with that question without presuming that its answer must lie in either the preservation or the abandonment of the existing order. The Articles, following the Guest Editorial by Prof. Carlos Lopes, are arranged in alphabetical order following the first letter of the first name of the authors.

The Issue opens with Prof. Carlos Lopes's Guest Editorial, *Navigating Turbulent Waters: Africa's Key Dilemmas and Challenges*. Prof. Lopes situates Africa within the intersecting humanitarian, geopolitical, and economic disruptions of the present moment, contrasting the hyper-visible but inadequately addressed crisis in Gaza with the comparative neglect of Sudan. He argues that Africa's growing demographic, mineral, and ecological importance has not yet translated into meaningful influence over the rules that govern the international order. The Editorial therefore calls upon African states to move from adaptation to assertion, replacing symbolic inclusion and fragmented bilateralism with collective leverage and continental agency. Its central proposition is that, because disruption is no longer episodic but structural, Africa must build institutions capable not merely of surviving turbulence but of turning it into a source of renewal. The author was assisted by our Managing Editor, Bianca Bhardwaj, in finalising this Guest Editorial.

In the first Article of this Issue, titled, *No Small Fry? The Colombia — Frozen Fries Proceedings and the Long Road to WTO Dispute Settlement Reform*, Dr. Christian Delev revisits the WTO's first dispute to proceed through the MPIA and questions the

view that the proceedings offer a meaningful blueprint for resolving the Appellate Body crisis. Centring on the interpretation of Article 17.6(ii) of the Anti-Dumping Agreement, the Article examines the arbitrators' attempt to depart from established Appellate Body jurisprudence, and argues that the resulting approach rests on internally inconsistent premises that do little to address longstanding U.S. concerns regarding anti-dumping adjudication. Dr. Delev further contends that the significance of the Frozen Fries proceedings lies less in their judicial innovations than in what they reveal about the limits of adjudication as a response to institutional crisis. By analysing both the arbitral award and the subsequent compliance proceedings, the Article demonstrates that lasting reform is unlikely to emerge through interpretative adjustments alone and may instead require members to revisit the substantive content of WTO agreements themselves. It concludes that the authority and effectiveness of WTO dispute settlement during the Appellate Body impasse will depend not only on alternative adjudicatory mechanisms, but also on the continued role of negotiation, compromise, and economic diplomacy. The editorial team for this article comprised Ansh Sethi, Aastha Gupta, Tanishi Ahuja, and Nomini Rao.

Dr. I-Ju Chen's *Fisbery Sustainability and the WTO Fisheries Subsidies Agreement: Its Causes, Consequences, and Prospects*, considers the significance of the Fisheries Subsidies Agreement as the first WTO treaty to place environmental sustainability at the centre of its regulatory purpose. The Article explains how open-access exploitation, inadequate fisheries governance, and capacity-enhancing subsidies have collectively contributed to depleted stocks, overfishing, and illegal, unreported, and unregulated fishing. It evaluates the Agreement as part of an integrated network of legal regimes involving the WTO, the law of the sea, and regional fisheries-management organisations, rather than as a self-contained solution. Particular attention is paid to its prohibitions, notification obligations, institutional arrangements, and special and differential treatment for developing and least-developed members. While viewing the Agreement as evidence that multilateral cooperation can still produce meaningful environmental outcomes, Chen identifies unresolved weaknesses, notably the omission of fuel subsidies, incomplete substantive disciplines, and a potentially unwieldy enforcement framework. Ansh Sethi, Ruth Sarah Abraham, and Pari Gupta assisted in finalising this manuscript.

Dr. Jeremmy Okonjo's *Ideology Critique of Trade Liberalisation in the Digital Trade Era: The Economics-Law-Technology Ideology Nexus*, offers a critical account of why the liberalisation paradigm remains resilient despite widening digital divides, market concentration, unequal value capture, and persistent North–South asymmetries. Drawing upon Critical Legal Studies, Third World Approaches to International Law, and science and technology studies, the Article argues that free-trade theory, WTO law, and technological rationality are not independent explanations for liberalisation, but mutually reinforcing ideological formations. It illustrates this interaction through

the TRIPS Agreement, the Information Technology Agreement, the e-commerce moratorium, and emerging digital-trade disciplines, showing how formally neutral rules may constrain industrial policy and consolidate technological dependence. Processes of universalisation, naturalisation, reification, and narrativisation make liberalisation appear economically inevitable and technologically necessary, rather than politically contingent. The Article concludes that meaningful reform requires the deconstruction of this ideological assemblage and the recovery of alternative visions of the digital economy grounded in democratic control, regulatory choice, and equitable development. This article was finalised with the assistance of Leela Krishna Reddy Yarram Reddy, Annette Sara Abraham, and Samridhi Goyal.

Ms. Jyotsna Manohar's *Security Exceptionalism and Developmental Asymmetry: National Security at the Trade-Technology Nexus*, considers whether the WTO's security exceptions remain fit for a world in which security extends beyond military conflict to cybersecurity, artificial intelligence, pandemics, critical infrastructure, and technological dependence. The Article traces the negotiating history and emerging jurisprudence of the General Agreement on Tariffs and Trade (GATT) security exception before examining export controls, sanctions, digital restrictions, technical regulations, investment screening, and strategic subsidies. It highlights the danger that expansive or indiscriminate security claims may impede technology diffusion, innovation, market access, and participation in global value chains, with particularly severe consequences for developing and least-developed countries. The absence of explicit development-sensitive safeguards within the WTO's security architecture creates a structural tension between the organisation's developmental mandate and the widening scope of security exceptionalism. Ms. Manohar therefore advocates greater transparency, regulatory harmonisation, technical assistance, and an interpretation of security disciplines that recognises contemporary threats without permitting developmental interests to be displaced by geopolitical convenience. The editorial team for this article comprised Bianca Bhardwaj, Anshita Tiwari, and Sanaya Jhunjunwala.

Dr. Lorenzo Cotula's *Commodities and Sustainability in International Trade Treaties: Insights from the EU-Indonesia Comprehensive Economic Partnership Agreement*, examines how contemporary treaty design addresses the environmental and social consequences of commodity trade. Using palm oil and nickel, both central to recent disputes between the European Union and Indonesia, the Article maps the CEPA's sustainability architecture across its trade, raw-materials, food-systems, and sustainable-development provisions. Dr. Cotula finds that the Agreement innovatively combines binding norms, softer commitments, sector-specific arrangements, dialogue, and cooperation, while bringing much of this framework within its general dispute-settlement mechanism. At the same time, the Article questions whether a treaty premised upon expanding commodity production can adequately address the consequences of an expanding commodity frontier. It therefore calls for legal

arrangements that move beyond top-down and commodity-centred models of sustainability and create meaningful space for indigenous people, smallholders, and communities directly affected by extractive development to articulate their own economic, ecological, and territorial priorities. The editorial team for this article comprised Bianca Bhardwaj, Manvi Goyal, Aaryan Bagrecha, and Samridhi Babbar.

In *Memoranda of Understanding and Critical Minerals: Evolution of International Economic Law?*, Prof. Lukasz Gruszczyński and Prof. Marcin J. Menkes analyse the emergence of critical-mineral diplomacy at the intersection of the green transition, artificial intelligence, industrial policy, and geopolitical rivalry. The authors argue that states' increasing reliance upon Memoranda of Understanding and hybrid instruments is not merely an administrative preference, but evidence of a movement away from universal multilateralism towards security-oriented "bounded orders." Horizontally, these arrangements create what the Article describes as "asymmetric mutualism," linking access to minerals with concessions in areas such as defence, health, finance, and development assistance. Vertically, arrangements such as the United States–Ukraine minerals framework relocate the governance of sovereign natural resources into private corporate structures governed by foreign domestic law. The Article thus warns that the language of partnership and supply-chain resilience may conceal a deeper transformation through which permanent sovereignty over natural resources is replaced by structural dependence within strategically controlled global value chains. The editorial team for this article comprised Bianca Bhardwaj, Akanksha Samantray, Abir Balia, and Arwa Vali.

Dr. Pralok Gupta and Dr. Shagufta Naaz's *The European Union Carbon Border Adjustment Mechanism: Compatibility with WTO Laws and Implications for FTAs*, subjects the first operational border-carbon adjustment mechanism of a major economy to close scrutiny under the GATT. The authors identify several features of CBAM, including continuing free allowances for European producers, the treatment of indirect emissions, restrictions on the tradability of certificates, and the use of default values—that may result in less favourable treatment of imported products under Article III:4. They further argue that its carbon-price credit and country-exemption architecture raise concerns under the most-favoured-nation obligation (MFN) in Article I:1. Although environmental justification may be available under Article XX, the chapeau, particularly in light of CBAM's limited differentiation for developing and least-developed countries, remains a significant obstacle. The Article concludes that the EU's free trade agreements cannot provide substantive exemptions from CBAM without generating further MFN difficulties and can, at most, facilitate cooperation, technical assistance, and procedural accommodation. The editorial team for this article comprised Ansh Sethi, Divya Chidambaram, and Satakshi Goyal.

Prof. Dr. Rafael Leal-Arcas, Dr. Amani Albaqshi, and Ms. Haifa Albelaihid's *Reconciling Trade and Environmental Protection in WTO Law: Adjudication, Fragmentation,*

and Regulatory Space, reconceptualises legal fragmentation not simply as a conflict external to the WTO, but as a condition actively mediated through adjudication. Through a systematic examination of WTO jurisprudence, the authors demonstrate how doctrines such as necessity, even-handedness, proportionality, likeness, and scientific justification construct the regulatory space available to environmental measures. Their analysis reveals that WTO adjudicators do not apply a fixed balance between liberalisation and environmental protection, but selectively expand or contract national policy space through particular interpretive techniques. Environmental regulation is especially vulnerable where its costs or externalities fall asymmetrically upon trading partners, exposing the influence of distributive consequences and power disparities upon ostensibly neutral doctrine. The Article accordingly proposes greater judicial deference, a recalibration of the necessity analysis, and institutional reforms capable of accommodating environmental ambition without reducing it to an exception within an overwhelmingly trade-centred framework. The editorial team which finalised this article comprised Ansh Sethi, Leela Krishna Reddy Yarram Reddy, Annette Sara Abraham, Vagish Kotecha, and Samridhi Goyal.

Finally, in *Ex-Officio' Trade Remedy Investigations: Jurisprudence and Practice*, Mr. Triplicane Damodaran Satish examines the rarely used power of investigating authorities to initiate anti-dumping and countervailing-duty proceedings without a formal application from domestic industry. The Article reconstructs the negotiating history of self-initiation under the GATT and the Uruguay Round, tracing the shift of trade-remedy proceedings from a predominantly legal to an administrative process. It then analyses the requirements of "special circumstances" and sufficient evidence of dumping or subsidisation, injury, and causation, before comparing the legislation and practice of major trade-remedy users. Against the background of recent Indian investigations and the European Union's investigation into Chinese battery electric vehicles, the Article suggests that this historically marginal authority may assume considerably greater importance. It also identifies the need for clearer jurisprudence capable of distinguishing legitimate governmental intervention from the risk of administratively initiated protectionism. The editorial team for this article comprised Ansh Sethi, Manvi Goyal, Divya Chidambaram, Samridhi Babbar, and Vagish Kotecha.

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IV. CONCLUSION

Taken together, the contributions to Issue 17.2 do not offer either an obituary for multilateralism or an uncomplicated defence of the institutions constructed in its name. They demonstrate, instead, that the central disputes of contemporary trade law increasingly concern the terms on which non-trade objectives are translated into trade measures: whose conception of security is accepted, whose model of sustainability becomes universal, whose technologies are treated as inevitable, whose resources are classified as strategic, and whose developmental costs remain legally invisible. Whether the instrument is an environmental exception, a carbon certificate, a security restriction, a fisheries discipline, a trade-remedy investigation, or a memorandum formally located outside treaty law, the recurring question is the same: does law meaningfully discipline the exercise of economic power, or does it merely supply that power with a more legitimate vocabulary?

The importance of retaining a critical vantage point is therefore not that it furnishes a single institutional prescription. It is that it prevents the language of urgency: climate urgency, security urgency, technological urgency, or supply-chain urgency, from prematurely closing the questions of distribution, participation, and

accountability that must remain at the centre of trade and development scholarship. Issue 17.2 is offered in that spirit. Its authors illuminate both the adaptability and the fragility of the legal order, while insisting that development cannot be treated as an incidental consequence to be assessed only after the principal rules have been written. At a moment when the distinction between rules and power appears increasingly unstable, the task of scholarship is not simply to describe the emerging order, but to examine whose interests it institutionalises, whose choices it constrains, and what alternatives it leaves open.