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Leveraging AI to Enhance Trade Negotiations at the WTO: A Commonwealth Developing Country Perspective

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1. Introduction

The World Trade Organization (WTO) promotes collaboration among its 166 member countries, ensuring that trade rules are applied fairly and consistently. Additionally, the WTO's legal framework provides stability and predictability for international trade, facilitating smooth and reliable trade flows. Furthermore, the organisation's dispute settlement mechanism is designed to help resolve trade conflicts, minimising the risk of trade wars.[1]

WTO negotiations play a crucial role in shaping a transparent, equitable and prosperous global trading system. For most Commonwealth developing countries, trade negotiations can help them integrate into the global economy, promoting sustainable development and poverty reduction. However, in a trading system with multiple members, negotiation is crucial to achieve mutually agreed outcomes that are beneficial to all members. The sophistication required for successful negotiation varies with context and is shaped by the rules governing interaction, decision-making processes, levels of country development and the power they wield, issues under discussion, the capacity of negotiators and the action they take.

While the technical assistance and training provided by the WTO to developing countries helps them to build their trade capacity (CUTS International, 2020), artificial intelligence (AI) technologies, including machine learning, natural language processing (for example, translation services), data analytics and autonomous decision-making (for example, assistance in making informed decisions), have potential to significantly impact and transform trade negotiations. These advanced technologies can make trade negotiations more efficient, informed and inclusive.

This issue of *Trade Hot Topics* examines how Commonwealth developing countries can leverage AI to enhance the efficiency, accuracy and outcomes of trade negotiations at the WTO, as well as the challenges they might encounter when interfacing

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1 The WTO's Appellate Body, responsible for resolving trade disputes, is currently non-functional due to a lack of appointed members, leading to unresolved disputes and creating uncertainty in global trade relations. Various member countries are advocating for reforms to restore the functionality of the Dispute Settlement Understanding (DSU) and enhance the dispute resolution process. In the meantime, some countries have adopted alternative mechanisms for dispute resolution, though these are considered temporary fixes rather than permanent solutions. The DSU is essential for maintaining fair trade practices and ensuring adherence to international trade rules.

with these and other advanced technologies in the context of trade negotiations.

2. AI applications in trade negotiations

AI holds significant potential to enhance the outcomes of international trade negotiations. It can be useful to augment various aspects of trade negotiations, from preparation to execution and post-negotiation analysis. AI systems or programmes can interact with each other and with human beings to reach mutually beneficial agreements. While AI has not yet been incorporated into WTO negotiations, **Box 1** presents a case study of an experiment examining its use and effectiveness in trade negotiations. The case highlights potential benefits for WTO discussions.

AI technologies can be used to analyse the economic direction and strategies of negotiating partners under various scenarios, providing deeper insights into potential outcomes (OECD, 2022). The technologies can be used to gather comprehensive data on market conditions, historical trends, and the interests of the negotiating parties or their previous positions on specific issues. This can help when setting clear objectives and seeking to understand the negotiation subject thoroughly. AI-driven data analytics can quickly process vast amounts of information, speeding up the negotiation process (ibid.). In addition, AI can assist in generating a range of possible solutions and alternatives, ensuring that negotiators are well-prepared with multiple options (Jensen, 2024). For example, Microsoft's Cortana Intelligence is a useful tool that uses AI to provide predictive analytics and decision support, helping negotiators make informed decisions (Julienflorkin, nd).

Machine learning models[2] can be useful in predicting the impact of different negotiation

Box 1. Case study – AI in trade negotiations

Jensen (2024), in collaboration with the World Commerce and Contracting Association, conducted a study to explore AI's potential in real-world deal-making. The experiment involved three different negotiation setups to test AI's effectiveness.

a. Human versus human negotiation: Two groups negotiated without AI assistance. The study showed that the negotiators often strayed off-topic and failed to reach an agreement within the allotted time. There was also a lack of openness and limited data sharing.

b. Human versus human with ChatGPT: One group used ChatGPT. The study showed that the negotiation was more structured, with clearer data and calculations. In addition, negotiators reached an agreement just before the time limit expired.

c. ChatGPT-assisted versus ChatGPT-assisted: The study demonstrated that when both groups used ChatGPT, they concluded the negotiation faster. In addition, the agreement was beneficial for both sides and wrapped up well before the deadline.

The study demonstrated the potential benefits of utilising AI tools to enhance various aspects of trade negotiations. These benefits included:

a. AI assisted in researching and setting clear objectives, brainstorming alternatives and understanding the negotiation subject.

b. ChatGPT helped in formulating strategies, analysing the counterpart's interests and planning communication.

c. As a real-time adviser, ChatGPT offered creative solutions, maintained productive dialogue, managed emotions and provided quick responses.

d. AI tools analysed outcomes and strategised for future negotiations.

Source: Jensen (2024).

2 Machine learning is a field within AI that centres on creating algorithms and statistical models that allow computers to learn from data and make predictions or decisions. Rather than relying on explicit programming for specific tasks, these algorithms identify patterns and use inference to enhance their performance over time.

strategies, helping negotiators choose the most effective approach (Meltzer, 2018). They can help understand and facilitate negotiations, focusing on computational models, negotiation protocols and strategies (Anguix, 2011). AI can also support trade negotiations by providing predictive analytics and decision support systems, which could transform trade dispute resolution (Abad, 2024). It can be utilised to accurately analyse the economic trajectories of each negotiating partner under various assumptions, including scenarios contingent on trade negotiations (such as growth pathways under different forms of trade liberalisation). AI tools can also assess how these outcomes are influenced in a multiplayer scenario where trade barriers are reduced at varying rates and predict the trade responses from countries not involved in the negotiation (Meltzer, 2018). For example, the MindReaders AI[3] tool can reveal the counterpart's priorities, motivations and hidden drivers by identifying personality types (Williams, nd).

Because negotiation involves communication that is intended to result in mutually acceptable agreements, it is essential to build practical applications for effective and reliable communication and handling of messages. AI tools can be useful in translating languages and can help facilitate better communication between parties, reducing misunderstandings (Meltzer, 2018). The MindReaders tool, for example, can analyse written and verbal communication to profile individual negotiating partners (Williams, nd). Furthermore, AI can ensure that negotiations are fair and transparent by providing unbiased data and analysis (Meltzer, 2018). According to Jensen (2024), AI can be useful in facilitating clear data sharing and performing calculations on the spot, ensuring transparency and accuracy in the negotiation process. It can also delve into the role of cultural factors and emotional intelligence in negotiation. For example, Humantic, a personality AI assistant, provides insights based on social media activity. It helps negotiators gather information to better position their offers and counteroffers (Williams, nd).

Given the above backdrop, AI technologies have the potential to enable more countries, especially developing countries, to participate effectively in trade negotiations. When used effectively, AI can enhance negotiation skills and lead to more positive outcomes. It has the potential to augment human capabilities to structure negotiations as well as provide valuable insights and improve overall negotiation outcomes. The collaboration between the UN Trade and Development (UNCTAD) and the Brazilian International Chamber of Commerce (ICC Brazil) to use AI to assist trade negotiators **(Box 2)** provides an example of how Commonwealth developing countries could employ AI to augment human capabilities to conduct trade negotiations.

Box 2. The Brazil Intelligent Tech & Trade Initiative (ITTI)

The ICC Brazil, in collaboration with UNCTAD, has developed the Brazil Intelligent Tech & Trade Initiative (ITTI) to leverage AI and blockchain technology to enhance the effectiveness and inclusiveness of trade negotiations.

This initiative strives to create a more equitable environment in trade negotiations, particularly for less powerful and under-resourced countries, by enhancing transparency and accessibility. Leveraging AI, ITTI aims to strengthen collaboration and elevate the quality of trade agreements.

A pivotal tool introduced through this initiative is the Cognitive Trade Advisor (CTA), an AI-driven application designed to enhance the efficiency of trade negotiations. Utilising natural language processing, the CTA analyses and interprets complex trade agreements, offering negotiators rapid and precise insights. By streamlining the preparation process, the application minimises the time and effort required, enabling delegates to concentrate on fostering consensus and making well-informed decisions.

Sources: UNCTAD (2018); ICC Brazil (2018).

3 MindReaders AI is a cutting-edge profiling engine that improves communication by analysing language patterns and facial features. It enables businesses to connect with clients more effectively by delivering tailored insights and recommendations. See: https://easywithai.com/ai-communication-tools/mindreader/

3. AI and WTO trade negotiations

AI has the potential to significantly impact trade negotiations at the WTO. It can assist trade negotiators by optimising resource use (WTO, 2024). AI's ability to process extensive datasets and generate insights is crucial for managing the increased volume and complexity of WTO trade-related negotiating issues.

As discussed above, it can analyse large amounts of information quickly, identify patterns and trends, and apply rules to specific situations. It can assist negotiators in comprehending fundamental shifts in trade dynamics and enhance trade negotiations by providing nuanced economic forecasts and impact analyses, resulting in efficient and timely decision-making (Meltzer, 2018). This can improve efficiency and offer data-driven solutions based on trade regulations, past rulings and expert insights, enabling negotiators to make well-informed decisions.

In an organisation such as the WTO that uses three official languages and released documents in their first language before translation, AI-powered machine translation greatly improves translation quality and speed, handling large volumes of input faster and cheaper than human translators. Different types of machine translation approaches include Statistics-Based Machine Translation (SBMT),[4] Rule-Based Machine Translation[5] and Hybrid Machine Translation.[6] Applications range from professional document translations to general use (Abad, 2024). Precise, real-time translation services can enhance communication, reduce misunderstandings, and increase the effectiveness and efficiency of international co-operation.

At the same time, AI has the potential to reshape methodologies and outcomes of the WTO dispute settlement because some technologies can imitate human intelligence and perform tasks autonomously or semi-autonomously, proving important in streamlining extrajudicial litigation (Abad, 2024). **Box 3** provides an example of how AI can transform courts and dispute resolution mechanisms. This ability of AI to process complex datasets could benefit Commonwealth developing countries that struggle with legal costs due to the expensive and lengthy WTO dispute settlement process. Nevertheless, the WTO dispute settlement mechanism has yet to incorporate AI-driven systems.

Box 3. Examples of use of AI in dispute resolution

1. Facing a growing number of cases coupled with insufficient human resources, China has used various technologies to revolutionise its judicial system and build smart courts. These moves have been supported by the central government to take advantage of a tech-savvy populace. As a result, China's courts have digitised files, enhancevd voice-to-text in hearings and implemented intelligent auxiliary case management systems. Online intelligent courts in Beijing use facial recognition, blockchain and machine learning to handle cases entirely online. China's international commercial courts also incorporate online dispute resolution mechanisms, setting a global standard for integrating technology into judicial systems (Shi et al., 2021; CSIS, 2021).
2. The World Intellectual Property Organization (WIPO) mediated a dispute between an online music dataset provider and a digital platform that had used the dataset without permission to train its AI tool. AI technologies were utilised to assess how extensively the dataset had been used and to substantiate the copyright infringement claims. The conflict was ultimately resolved through mediation, resulting in the removal of the unauthorised content (WIPO, nd).
3. A claimant alleged that they had paid for a specific AI-powered training service that failed to perform as advertised. They sought compensation for financial losses, legal expenses, and damages related to misrepresentation and fraud. AI tools were used to evaluate the actual effectiveness of the training and compare it with the promotional claims, ultimately leading to a settlement (Gopalan and Bhagnani, 2024).

4 Statistics-Based Machine Translation (SBMT) is a method of machine translation that relies on statistical models to generate translations.
5 Rule-Based Machine Translation is a method of machine translation that relies on predefined linguistic rules and dictionaries to generate translations.
6 Hybrid Machine Translation is a method of machine translation that combines elements of both rule-based and statistical machine translation approaches. This method leverages the strengths of both techniques to improve translation accuracy and fluency.

Despite the benefits outlined above, AI should be employed with caution and should not replace humans entirely, as complex negotiating nuances and ethical considerations at the WTO require human expertise. The information generated needs to be verified by human intelligence, especially considering that most WTO documents on trade negotiations are restricted. In addition, AI cannot pick up on WTO activities occurring behind the scenes or in the margins of trade negotiations, even though informal engagements play an essential role in building consensus. As such, AI cannot be used as a substitute for human intelligence, but rather as a tool to amplify human creativity and decision-making. The next section of this paper explores some of the challenges posed by using AI technologies in WTO trade negotiations.

4. Challenges and ethical concerns

Using AI technologies in trade negotiations at the WTO presents several challenges, including ethical concerns, the need for transparency and data privacy issues (WTO, 2024). One of the primary concerns is that AI processes lack transparency, making regulation difficult. It is challenging to regulate the individuals involved in AI development to ensure transparency in algorithms, data sources, limitations and involved entities. At the same time, AI negotiation research and programming faces several limitations and challenges. Technically, accurately modelling and predicting 166 WTO members' strategies presents a significant hurdle, as human strategies are complex and dynamic (Barrd AI, 2023). Managing the vast amount of information exchanged during WTO negotiations can also lead to information overload, diminishing the effectiveness of AI models.

Additionally, WTO members that develop AI may leverage these technologies for their negotiating advantage rather than for value creation. AI algorithms, created by humans, may perpetuate historical biases, including model bias, data bias and evaluation bias, which can lead to unfair conclusions (Abad, 2024). The bias in data also arises from capacity and resource constraints of developing countries to provide timely primary data. As such, relying solely on AI in WTO trade negotiations and dispute settlement may exacerbate prejudice, especially given cultural differences between member countries. Commonwealth developing countries could be disadvantaged if AI models are trained primarily on data from developed countries. Furthermore, since they are not involved in AI development, most Commonwealth developing countries face challenges in holding AI developers accountable for the technology's outputs. Moreover, reliance on external support and expertise can affect their autonomy in negotiations (UNTAD, 2023). Ensuring that AI algorithms are transparent and understandable to all parties involved in the negotiations is crucial to maintain trust and fairness. However, aligning AI algorithms with international standards and practices can be challenging, potentially limiting the effectiveness of AI applications. In addition, there are yet no internationally accepted global governance standards on AI that can provide a benchmark for the WTO.

Ethical concerns may arise from the potential biases in AI algorithms, which could lead to unfair WTO outcomes. Data privacy is another significant issue, as the use of AI in WTO negotiations involves handling sensitive information that must be protected. The integration of AI into WTO trade negotiations also raises challenges related to data governance and the need for robust data management practices (WTO, 2024). AI systems thrive on vast datasets, often blurring jurisdictional boundaries and raising questions about the applicability of national data protection laws in an international context. Ensuring data protection and privacy in cross-border trade activities is a significant challenge. In addition, differing interpretations of privacy laws across countries complicate compliance efforts, leading to potential conflicts and legal uncertainties. Furthermore, the cross-border flow of data introduces risks of unauthorised access, data breaches and exploitation, necessitating robust mechanisms for data governance and security (Abad, 2024).

While AI-driven systems can automate decision-making and provide objective assessments, they are also hamstrung by challenges, including AI's inability to perceive emotional nuances. This may limit its effectiveness in capturing the complexities of human communication and sentiment in the WTO negotiating context. Moreover, the deployment of AI in trade logistics and decision-making processes introduces complexities in liability. When AI systems make autonomous decisions, attributing liability becomes a contentious issue. It could be challenging to determine accountability on AI decisions and outcomes in case of AI errors or malfunctioning.

Ethically, the use of deceptive tactics in negotiations and the difficulty ensuring fairness in AI systems are significant concerns. Additionally, the impact of AI on human relationships and

interactions must be carefully managed to ensure that AI tools enhance, rather than undermine, these connections (Barrd AI, 2023). At the same time, AI's ethical challenges extend beyond trade negotiations. As AI technology advances, it faces a growing trust problem, encompassing issues such as disinformation, safety and security risks, 'the black box problem'[7] (UM-Dearborn, 2023), bias, instability, hallucinations in large language models, potential job displacement, social inequalities, environmental impact, industry concentration, and state overreach (Chakravorti, 2024).

To mitigate these risks, AI systems must be designed to support rather than disrupt human relationships, as their impact on interactions is crucial in negotiation settings. Moreover, the complexity of human strategies and the dynamic nature of the WTO negotiation environment present technical challenges for AI, requiring systems that can adapt to evolving contexts and behaviours (ibid.).

These challenges are further exacerbated by the lack of robust policy frameworks to regulate AI use, address ethical concerns and ensure data privacy (Meltzer, 2018). Establishing comprehensive regulations is essential to foster trust and responsible AI deployment in negotiations and beyond.

These concerns aside, the digital divide presents the greatest challenge to Commonwealth developing countries in leveraging AI for WTO trade negotiations. Many lack essential digital infrastructure, such as high-speed internet and reliable power supplies, which are crucial for deploying AI technologies (Fan and Qiang, 2024). Limited access to advanced hardware and software further hinders their ability to utilise AI effectively.

Additionally, AI systems require large datasets for training and operation, yet most Commonwealth developing countries struggle with data collection, management and security (Meltzer, 2018). The quality and comprehensiveness of available data are often inadequate, reducing the accuracy and reliability of AI-driven insights. Additionally, because AI technologies typically rely on open-source data, while many WTO negotiations are based on restricted, non-public documents, it is unlikely that AI can provide up-to-date information on the actual status of those negotiations. At the same time, there is the potential of cybersecurity threats, which create the possibility for information on sensitive negotiating positions or strategies to be made public, intercepted or exploited by opposing negotiators.

A shortage of skilled professionals further complicates AI adoption, as many Commonwealth developing countries lack experts capable of developing, implementing and maintaining AI systems. This issue is exacerbated by limited access to AI education and training programmes (Fan and Qiang, 2024).

Financial constraints also play a significant role, restricting investment in AI technologies, infrastructure, and research and development. As a result, the digital divide deepens existing inequalities, placing Commonwealth developing countries at a competitive disadvantage in multilateral trade negotiations (UNCTAD, 2023). This can create a situation where countries with more advanced AI capabilities push for greater use of AI in negotiating settings in order to gain an advantage. This is a major threat to small and vulnerable countries that already have limited leverage in bilateral, regional and multilateral trade negotiations.

5. Conclusion

The use of AI technologies to improve the efficiency and effectiveness of WTO trade negotiations presents both opportunities and challenges that require careful consideration and proactive action. AI's capacity to analyse vast amounts of data and discern patterns can revolutionise trade negotiations, but the question of how to overcome the challenges faced by Commonwealth developing countries remains a challenge. Human judgment and AI's analytical capabilities are fundamentally distinct, necessitating human intervention in all negotiating processes.

While AI is beginning to permeate international trade negotiations, its full potential in these settings can only be reached by overcoming several limitations and challenges, especially those faced by Commonwealth developing countries. This is crucial in order to make multilateral trade negotiations inclusive. As such, AI should be employed with caution and should not replace humans entirely, as complex WTO negotiating nuances and ethical considerations require human expertise. Given the existing digital divide, Commonwealth developing countries and their

7 The 'black box problem' refers to the challenge of understanding and interpreting the inner workings of AI systems.

trading partners should co-operate on investing in AI technologies and training to enhance their AI-aided trade negotiation capabilities. They should also consider limiting AI to particular stages of the negotiating process, to avoid some of the pitfalls/challenges discussed in this paper.

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International Trade Policy Section at the Commonwealth Secretariat

This Trade Hot Topic is brought out by the International Trade Policy (ITP) Section of the Trade Division of the Commonwealth Secretariat, which is the main intergovernmental agency of the Commonwealth – an association of 56 independent countries, comprising large and small, developed and developing, landlocked and island economies – facilitating consultation and co-operation among member governments and countries in the common interest of their peoples and in the promotion of international consensus-building.

ITP is entrusted with the responsibilities of undertaking policy-oriented research and advocacy on trade and development issues and providing informed inputs into the related discourses involving Commonwealth members. The ITP approach is to scan the trade and development landscape for areas where orthodox approaches are ineffective or where there are public policy failures or gaps, and to seek heterodox approaches to address those. Its work plan is flexible to enable quick response to emerging issues in the international trading environment that impact particularly on highly vulnerable Commonwealth constituencies – least developed countries (LDCs), small states and sub-Saharan Africa.

Scope of ITP Work

ITP undertakes activities principally in three broad areas:

- It supports Commonwealth developing members in their negotiation of multilateral and regional trade agreements that promote development friendly outcomes, notably their economic growth through expanded trade.
- It conducts policy research, consultations and advocacy to increase understanding of the changing international trading environment and of policy options for successful adaptation.
- It contributes to the processes involving the multilateral and bilateral trade regimes that advance more beneficial participation of Commonwealth developing country members, particularly, small states and LDCs and sub-Saharan Africa.

ITP Recent Activities

ITP's most recent activities focus on assisting member countries in their negotiations in the World Trade Organization and various regional trading arrangements, undertaking analytical research on a range of trade policy, emerging trade-related development issues, and supporting workshops/dialogues for facilitating exchange of ideas.

Selected Recent Meetings/Workshops Supported by ITP

15–16 November 2023: Commonwealth Secretariat-WTO-IISD workshop in preparation for the WTO's 13th Ministerial Conference. The workshop, hosted in Kigali, Rwanda, was attended by senior trade and fisheries officials and technical experts, who discussed Africa's interests, priorities and strategies in multilateral and regional trade.

15 September 2023: Commonwealth Secretariat-Cardano Foundation session on Unlocking the Power of Blockchain for Carbon Accounting in Supply Chains at the WTO Public Forum in Geneva.

5–6 June 2023: Commonwealth Trade Ministers Meeting at Marlborough House, London. During the Ministerial Breakfast, the Secretary-General launched the book on Sustainable Production and Trade: Perspectives from the Commonwealth, covering the cocoa, fisheries, forestry, and textiles and garments sectors.

21 March 2023: Public event on Assessing the Business and Trade Dimensions of the 2022 Birmingham Commonwealth Games, in partnership with the UK's Department for Business and Trade. The event reflected on the legacy of the Commonwealth Games and explored how businesses can capitalise on the trade and investment relationships established during the Games.

16 November 2022: Public event on Enabling Climate Smart Trade and Investment: From Policies to Actions, organised for the ICC's Make Climate Action Everyone's Business Forum. The event examined how trade and trade policies can support climate action and how countries can integrate environmental and social considerations into trade agreements to achieve the SDGs.

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