REVIEW OF CRIME, PEACE AND SOCIETY
ISSN (O): 3079-6105, ISSN (P): 3079-6091
Vol. 3, No. 7, 2026, 01-12

# Pakistan's Compliance with World Trade Organization (WTO) Obligations: A Doctrinal Analysis of Domestic Trade Laws

Muhammad Talha Aziz[1], Dr. Muhammad Ali Safdar*[2], Dr. Shahzada Aamir Mushtaq[3]

**Abstract**

Pakistan has been a founding Member of the World Trade Organization (WTO) since 1995, yet the domestic legal architecture through which it implements its WTO obligations, principally its trade remedy laws, remains only partially examined against the country's actual dispute settlement record. This article undertakes a doctrinal analysis of Pakistan's compliance with WTO obligations, tracing the evolution of its domestic trade remedy legislation from the National Tariff Commission Act 1990 through the Anti-Dumping Duties Ordinance 2000, the National Tariff Commission Act 2015, and the Anti-Dumping Duties (Amendment) Act 2022 and Trade Disputes Act 2022. It then examines Pakistan's WTO dispute settlement experience over the past fifteen years in detail, analyzing European Union - Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan (DS486) and Pakistan - Anti-Dumping Measures on Biaxially Oriented Polypropylene Film from the United Arab Emirates (DS538), the two most fully litigated disputes involving Pakistan in this period, alongside Pakistan's earlier, more limited engagement in Pakistan - Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia (DS470) and its long-standing third-party and co-complainant practice. The article situates this case law against Pakistan's quantitative trade and tariff profile and its compliance record under the WTO Trade Facilitation Agreement, the Technical Barriers to Trade Agreement, and the European Union's Generalised Scheme of Preferences Plus (GSP+) arrangement. The analysis finds that Pakistan's domestic trade remedy framework has matured considerably since 2015, but that recurring procedural findings against the National Tariff Commission, together with Pakistan's own decision to appeal a panel ruling into the paralyzed Appellate Body, illustrate a persistent gap between the letter of Pakistan's domestic law and the standard WTO adjudicators actually apply. The article concludes with recommendations for narrowing this compliance gap through procedural reform of the National Tariff Commission and closer alignment of domestic timelines with the Anti-Dumping Agreement.

**Article History**
Received 02 September 2026
Accepted 20 September 2026
Published 24 September 2026
Corresponding Author*
OPEN ACCESS

**Keywords**
Pakistan, World Trade Organization, WTO compliance, trade remedy law, National Tariff Commission, anti-dumping, countervailing measures, dispute settlement

## I. Introduction

Pakistan acceded to the General Agreement on Tariffs and Trade in 1948 and became a founding Member of the World Trade Organization upon its establishment on 1 January 1995, thereby assuming a comprehensive set of obligations spanning tariff bindings, non-discrimination, and the disciplined use of trade remedies against dumped, subsidized, or surging imports. As a dualist state, Pakistan's WTO commitments do not take direct effect in domestic law; they must instead be transposed through domestic legislation, principally administered by the National Tariff Commission (NTC), an autonomous statutory body responsible for anti-dumping, countervailing, and safeguard investigations. The central

[1] LLM scholar at school of Law and Policy, University of Management and Technology, Lahore, Pakistan. Email: talhaaziz61000@gmail.com
[2] Assistant Professor at school of Law and Policy, University of Management and Technology, Lahore, Pakistan. Email: malisafdar@hotmail.com (corresponding author)
[3] Assistant Professor at school of Law and Policy, University of Management and Technology, Lahore, Pakistan. Email: shahzada.aamir@umt.edu.pk

question this article addresses is whether, and to what extent, this domestic legislative architecture has kept pace with the substantive and procedural standards WTO adjudicators actually apply, a question best answered not in the abstract but through close doctrinal analysis of the cases in which that architecture has been directly tested.

This article proceeds in five further parts. Part II traces the evolution of Pakistan's domestic trade remedy legislation from 1990 to 2022. Part III undertakes a detailed doctrinal analysis of Pakistan's WTO dispute settlement experience over the past fifteen years, focusing on DS486 and DS538 as the two most fully adjudicated disputes in this period. Part IV presents a quantitative profile of Pakistan's tariff structure and trade relationships as context for this case law. Part V examines compliance challenges beyond formal dispute settlement, including the Trade Facilitation Agreement, technical barriers to trade, and the EU's GSP+ arrangement. Part VI offers a doctrinal assessment of the gaps this analysis reveals, and Part VII concludes with recommendations.

Methodologically, this article adopts a doctrinal legal method, reading the text of Pakistan's domestic trade remedy statutes alongside the WTO Panel and Appellate Body reports that have interpreted and applied them, supplemented by a narrower quantitative and comparative dimension in Part IV. This combination reflects the article's central premise: that a purely textual reading of Pakistan's domestic legislation, considered in isolation from the case law testing it, would understate the compliance challenges this article identifies, since the 2015 and 2022 legislative reforms address many of the institutional weaknesses the earlier National Tariff Commission Act 1990 exhibited without necessarily resolving the specific procedural and evidentiary shortcomings WTO adjudicators have since identified in the NTC's actual investigative practice. Reading statute and case law together, rather than either in isolation, is accordingly essential to the doctrinal analysis this article undertakes.

## II. The Evolution of Pakistan's Domestic Trade Remedy Framework

Pakistan's domestic trade remedy architecture has developed through five identifiable legislative phases, illustrated in Figure 1.

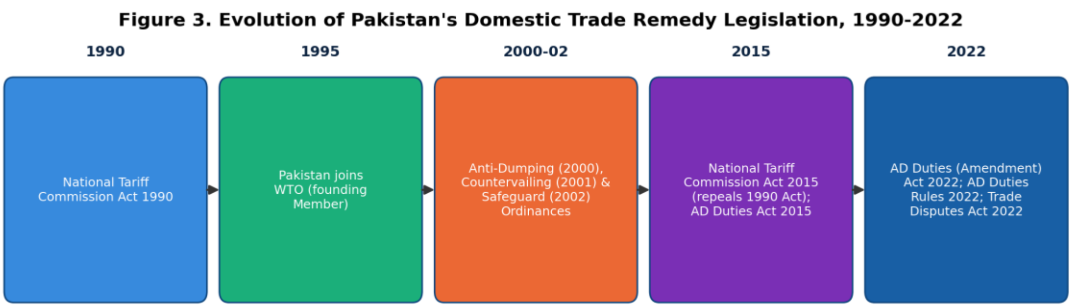


*Figure 1. Evolution of Pakistan's domestic trade remedy legislation, 1990-2022.*

The National Tariff Commission Act 1990 first established the NTC as Pakistan's investigating authority, but the Act was widely regarded as inadequate once Pakistan's WTO obligations crystallized in 1995: it lacked clear quorum requirements for valid Commission decisions and left the qualifications of Commission members largely unspecified, weaknesses that repeatedly hampered the NTC's ability to defend its determinations both domestically and before WTO panels. In response, Pakistan promulgated the Anti-Dumping Duties Ordinance 2000, the Countervailing Duties Ordinance 2001, and the Safeguard Measures Ordinance 2002, giving direct domestic effect to the WTO Anti-Dumping Agreement, the Agreement on Subsidies and Countervailing Measures (SCM Agreement), and the Agreement on Safeguards respectively. The National Tariff Commission Act 2015 subsequently repealed and replaced the 1990 Act, introducing detailed quorum rules and member qualification criteria, while the Anti-Dumping Duties Act 2015 consolidated and updated the 2000 Ordinance. Most recently, the Anti-Dumping Duties (Amendment) Act 2022 and accompanying Anti-Dumping Duties Rules 2022 refined the treatment of inputs used in export-oriented and foreign grant-in-aid production, while the Trade Disputes Act 2022 established the Trade Dispute Resolution Organization (TDRO) to provide a dedicated forum for resolving international trade disputes affecting Pakistani importers and exporters, a body that had resolved between 25 and 30 disputes by mutual consent within its first years of operation.

Since the NTC's first anti-dumping investigation in 2002, concerning dumped tinplate imports from South Africa, the Commission has conducted numerous anti-dumping investigations across major industrial sectors, including iron and steel, chemicals, paper and paperboard, textiles, petrochemicals, tiles and sanitary ware, packaging, and automotive parts, with 2015 recording the highest number of new investigations in any single year and 2024 seeing a modest revival of new initiations after a multi-year lull attributable to elevated freight costs, currency depreciation, and import compression under Pakistan's balance-of-payments constraints. An appellate tribunal has also been established to expedite review of NTC determinations domestically, reflecting a broader effort to strengthen procedural safeguards before disputes escalate to the WTO level.

## III. Doctrinal Analysis of Pakistan's WTO Dispute Settlement Experience

Pakistan has participated in WTO dispute settlement in three distinct capacities: as a complainant defending its exporters against foreign trade remedy measures, as a respondent defending the NTC's own determinations, and as a third party in disputes of systemic interest, most notably United States - Import Prohibition of Certain Shrimp and Shrimp Products (DS58), in which Pakistan was an original co-complainant alongside India, Malaysia, and Thailand. This part focuses on the two disputes from the past fifteen years that proceeded to a full panel or Appellate Body ruling, since these provide the clearest evidence of how WTO adjudicators have actually assessed Pakistan's domestic trade remedy practice.

### *3.1 EU - PET (Pakistan) (DS486): Pakistan as Complainant*

On 28 October 2014, Pakistan requested consultations with the European Union concerning countervailing measures the European Commission had imposed on imports of certain polyethylene terephthalate (PET) from Pakistan following a 2009-2010 investigation.

Pakistan challenged the Commission's treatment of two domestic schemes as countervailable subsidies: its Manufacturing Bond Scheme (MBS), a duty-drawback mechanism remitting import duties on inputs consumed in the production of exported goods, and a government-financed lending programme benefiting the Pakistani exporter Novatex. Pakistan argued that the Commission had improperly characterized the entire amount of duties remitted under the MBS as "in excess of those which have accrued," the statutory threshold for treating a duty-drawback scheme as a subsidy under the SCM Agreement, without adequately establishing that the scheme in fact permitted excess remission.

The Panel, whose report was subsequently reviewed by the Appellate Body, found in Pakistan's favour on several central claims: the Commission had acted inconsistently with Article 1.1(a)(1)(ii) of the SCM Agreement by failing to provide a reasoned and adequate explanation for why the entire remitted amount exceeded what had properly accrued, and inconsistently with the chapeau of Article 14 by failing to explain transparently how it had identified a "comparable commercial loan" for benchmarking the Novatex lending programme. On causation, however, Pakistan was less successful: the Appellate Body upheld the Panel's finding that the Commission's two-step causation methodology, first assessing the link between subsidized imports and injury, then separately examining other known factors, was not inconsistent with Article 15.5 of the SCM Agreement, rejecting Pakistan's argument that this methodology improperly precluded proper non-attribution analysis. The Appellate Body report was adopted following its circulation, with the underlying measure itself having expired during the proceedings after the European Commission chose not to conduct an expiry review, a procedural development that did not, over Pakistan's objection, prevent the Panel from completing its substantive findings.

DS486 is doctrinally significant for two reasons. First, it demonstrates that Pakistan has been willing and able to use WTO dispute settlement proactively to challenge trading partners' trade remedy determinations, achieving substantive success on the core question of whether its own duty-drawback and lending programmes were properly analyzed as subsidies, even as it lost on the more technical causation question. Second, the ruling on the MBS clarified, for Pakistan's own domestic administration, that duty-drawback schemes are not automatically countervailable, but that any future foreign investigation of the MBS would still need to identify with precision which portion, if any, of remitted duties exceeds what has properly accrued, guidance of direct relevance to Pakistani exporters facing similar investigations elsewhere.

### *3.2 Pakistan - BOPP Film (UAE) (DS538): Pakistan as Respondent*

On 24 January 2018, the United Arab Emirates requested consultations with Pakistan concerning anti-dumping duties the NTC had imposed on imports of biaxially oriented polypropylene (BOPP) film. The measures at issue traced back to an NTC investigation initiated in April 2012, following an earlier investigation that had been held in abeyance by injunctions from Pakistan's domestic courts; the NTC issued a final determination on 9 April 2015 that ratified its February 2013 findings, and subsequently issued a sunset review determination on 1 December 2016 extending the duties for a further five years. The UAE's panel request, granted on 15 May 2018, challenged both determinations under numerous provisions of the Anti-Dumping Agreement and GATT 1994.

The Panel report, circulated on 18 January 2021, found against Pakistan on several central claims. It held that Pakistan had acted inconsistently with Article 11.3 of the Anti-Dumping Agreement in its sunset review determination, because the NTC's conclusion that dumping and injury were likely to continue or recur relied on a dumping margin calculated inconsistently with Article 2, was not grounded in positive evidence, and did not adequately explain how the underlying data supported the NTC's findings or how those findings in turn supported its conclusions. The Panel further found Pakistan in breach of Article 11.4, because the NTC had not concluded its sunset review within the twelve months Article 11.4 requires absent abnormal circumstances, and in breach of Articles 3.1 and 3.5 in respect of aspects of its causation analysis. The Panel recommended that Pakistan bring its measures into conformity with the Anti-Dumping Agreement and suggested that the most direct route to compliance would be to withdraw the anti-dumping measures on BOPP film from the UAE altogether.

Pakistan's response is itself doctrinally significant, and connects this dispute directly to the broader crisis in WTO adjudication examined elsewhere in the literature on Appellate Body paralysis. On 22 February 2021, Pakistan notified the Dispute Settlement Body of its decision to appeal the Panel's findings, notwithstanding that the Appellate Body had been unable to hear new appeals since December 2019. Pakistan's stated position, recorded in the DSB's own minutes, was that every Member retains the right to appeal regardless of the Appellate Body's operational status, while the UAE, expressing disappointment, characterized the appeal as a device that would merely delay resolution of the dispute and nullify its rights under the covered agreements. Because Pakistan is not a participant in the Multi-Party Interim Appeal Arbitration Arrangement that a number of other WTO Members have used to preserve two-tier review in the Appellate Body's absence, Pakistan's appeal has had the practical effect of suspending the Panel's adverse findings indefinitely, an appeal "into the void" in the terminology the secondary literature on the Appellate Body crisis has developed to describe this precise dynamic.

DS538 accordingly illustrates a compliance gap operating on two distinct levels. At the level of domestic procedure, the Panel's findings identify concrete, remediable defects in the NTC's sunset review practice, most notably its failure to observe the Anti-Dumping Agreement's twelve-month sunset review deadline and its reliance on causation reasoning the Panel found analytically unsound. At the level of systemic compliance, Pakistan's decision to appeal into a non-functioning Appellate Body, whatever its formal legal justification, has meant that these Panel findings remain formally unadopted and legally inoperative years after they were issued, leaving the underlying anti-dumping measures in place notwithstanding the Panel's clear conclusion that they were not properly justified.

### *3.3 Pakistan - Paper Products (Indonesia) (DS470) and Earlier Practice*

A third recent dispute, Pakistan - Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia (DS470), did not proceed to a panel ruling but is nonetheless instructive. On 27 November 2013, Indonesia requested consultations with Pakistan concerning the NTC's continuation of, and alleged failure to terminate in a timely manner, anti-dumping and countervailing duty investigations on paper products, invoking Article 5.10 of the Anti-Dumping Agreement and Article 11.11 of the SCM Agreement, both of which impose an eighteen-month outer limit on the duration of such investigations. Indonesia's claim arose directly from the same institutional weakness DS538 would later confirm: NTC investigations repeatedly became entangled in domestic constitutional court proceedings, with injunctions suspending NTC investigations for periods that pushed the Commission's total investigation timeline beyond the eighteen months the covered agreements permit. Although Indonesia's panel request was deferred by the DSB and the matter did not proceed to a full ruling, the underlying tension it identified, between domestic judicial review of NTC determinations and the WTO's own procedural deadlines, recurred as a central finding against Pakistan in DS538 seven years later, suggesting a structural rather than isolated compliance weakness.

Pakistan's earlier, pre-2010 dispute settlement practice, including its role as a co-complainant in the Shrimp-Turtle dispute (DS58) and its status as a third party in the cotton-type bed linen dispute against the European Communities (DS141), together with its own complaint against Egyptian anti-dumping duties on matchboxes (DS327), resolved through a mutually agreed price undertaking in 2006, establishes that Pakistan's engagement with WTO dispute settlement considerably predates the period this article's fifteen-year focus covers. What distinguishes the more recent DS486 and DS538 disputes is their far greater doctrinal depth: both proceeded through full panel proceedings and, in DS486's case, a completed Appellate Body review, generating detailed, reasoned findings on the specific operation of Pakistani law that the earlier, consultation-stage disputes did not produce.

### *3.4 Reading DS486 and DS538 Together*

Considered jointly rather than in isolation, DS486 and DS538 offer a more complete picture of Pakistan's doctrinal position within the WTO trade remedy system than either dispute could supply alone. DS486 shows Pakistan in the role the secondary literature on developing-country participation in WTO dispute settlement has long identified as comparatively rare, an assertive complainant willing to litigate a technically demanding subsidy-methodology question through to a full Appellate Body ruling, and achieving substantive success on the central question of whether its duty-drawback and lending programmes were properly characterized as subsidies. DS538 shows the same state, in the same broad period, on the opposite side of a structurally similar dispute, defending its own investigating authority's reasoning against precisely the kind of evidentiary and methodological scrutiny Pakistan had itself deployed against the European Commission four years earlier. The juxtaposition suggests that Pakistan's difficulty lies not in a lack of familiarity with the substantive and evidentiary standards WTO law imposes, since Pakistan's own submissions in DS486 demonstrate a sophisticated grasp of exactly those standards, but in translating that appellate-level sophistication into the day-to-day administrative practice of the NTC at the investigation stage, where the deadlines and evidentiary rigor DS538 found wanting are actually applied in the first instance.

## IV. Quantitative Profile: Pakistan's Tariff Structure and Trade Relationships

Pakistan's WTO tariff commitments and actual trade patterns provide important context for the case law examined in Part III. As Figure 1 illustrates, Pakistan's simple average bound tariff rate, the ceiling Pakistan agreed to under its WTO schedule of concessions, stood at 60.8% as of 2024, with binding coverage across 98.6% of tariff lines but with 0% of bound rates set at duty-free. Pakistan's simple average applied tariff, by contrast, was considerably lower at 10.3%, and its trade-weighted average applied tariff lower still at 6.6%, reflecting both Pakistan's use of statutory tariff concessions well below its bound ceilings and the concentration of actual trade in relatively lower-tariff product categories.

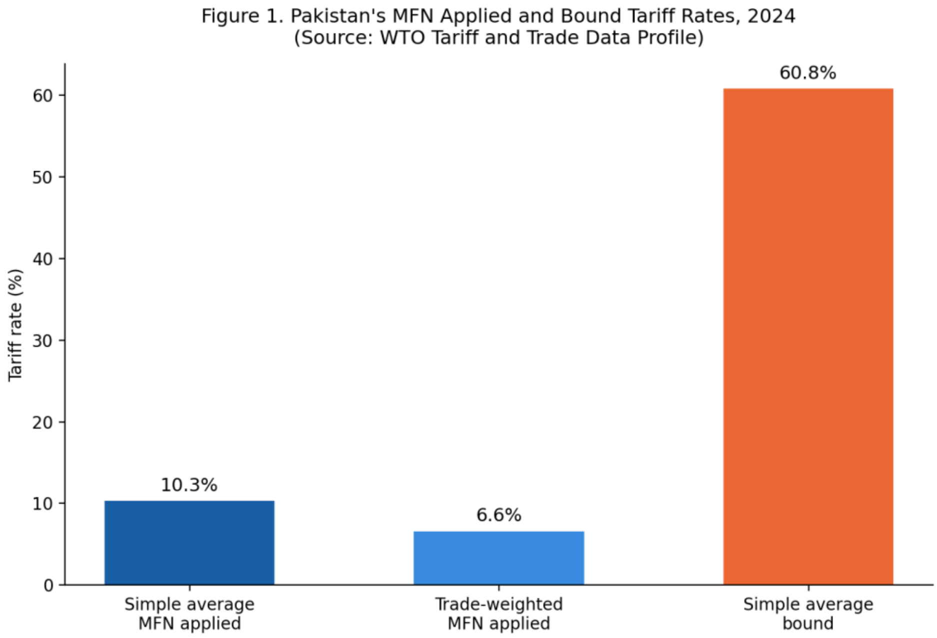


*Figure 2. Pakistan's MFN applied and bound tariff rates, 2024 (Source: WTO Tariff and Trade Data Profile).*

This substantial gap between bound and applied rates, often termed "binding overhang" in the trade policy literature, affords Pakistan considerable formal policy space to raise applied tariffs without breaching its WTO commitments, a flexibility relevant to understanding why Pakistan's trade remedy laws, rather than its ordinary tariff schedule, have been the principal site of WTO dispute settlement activity: trade remedies, unlike ordinary tariffs, can be deployed even where bound-rate headroom would not otherwise permit a comparable increase in ordinary duties, making the procedural discipline WTO law imposes on their use correspondingly more consequential.

Pakistan's total imports reached USD 56,484.4 million in 2024, with the origin profile shown in Figure 2 underscoring the country's deepening trade dependence on a small number of partners, China alone accounted for 28.3% of Pakistani imports, followed by the United Arab Emirates (10.0%), Saudi Arabia (7.9%), Qatar (6.6%), and Indonesia (5.9%), with the European Union accounting for a further 5.2%.

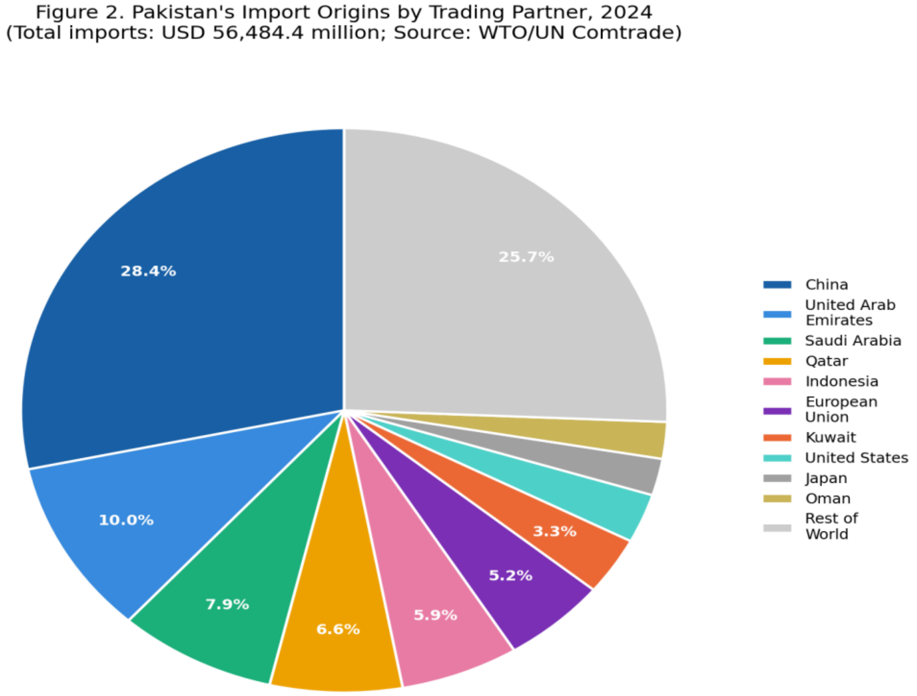


*Figure 3. Pakistan's import origins by trading partner, 2024 (Source: WTO Tariff and Trade Data Profile, UN Comtrade).*

This concentration is directly relevant to the case law examined in Part III: Indonesia, the complainant in DS470, and the United Arab Emirates, the complainant in DS538, both rank among Pakistan's leading import sources, while China's dominant position as Pakistan's largest supplier of manufactured inputs, including products such as BOPP film and paper goods that have historically attracted NTC scrutiny, helps explain why Pakistan's trade remedy practice has disproportionately targeted, and been challenged by, precisely this cluster of Asian and Gulf trading partners rather than more geographically distant Members.

## V. Compliance Beyond Dispute Settlement

### *5.1 The Trade Facilitation Agreement*

Pakistan ratified the WTO Trade Facilitation Agreement (TFA) on 27 October 2015 and assumed a Category C commitment under Article 10.4 to establish a national trade-related Single Window within five years of that date. A 2024 qualitative assessment of Pakistan's TFA implementation found meaningful improvement in customs procedures and digital trade facilitation, driven substantially by the Pakistan Single Window initiative and broader customs modernization and automation efforts, while identifying political instability and resource constraints as continuing obstacles to full implementation (Memon et al., 2024). This finding is broadly consistent with the trajectory traced in Part II: Pakistan's institutional capacity for trade-law compliance has strengthened incrementally rather than transformed wholesale, with implementation proceeding unevenly across different WTO instruments.

### *5.2 Technical Barriers to Trade*

Compliance challenges are not confined to trade remedies or customs procedure. An empirical study of Pakistani mango exporters' compliance with the WTO Technical Barriers to Trade (TBT) Agreement, employing ordered probit and ordinary least squares modelling on survey data from major mango-producing regions of Punjab and Sindh, found that limited financial resources and technical expertise significantly constrained exporters' ability to meet TBT-related requirements in destination markets, restricting the export potential of an agricultural sector in which Pakistan holds substantial comparative advantage (Bajwa & Akhter, 2016). This finding illustrates that WTO compliance in the Pakistani context operates on two distinct planes that this article's doctrinal focus on formal dispute settlement does not by itself capture: compliance by the Pakistani state with its own obligations as a WTO Member, the primary focus of Parts II and III, and compliance capacity among private Pakistani exporters navigating the TBT and sanitary and phytosanitary requirements other Members impose, a distinct but related dimension of the same underlying integration challenge.

### *5.3 The European Union's GSP+ Arrangement*

Since January 2014, Pakistan has benefited from the European Union's Generalised Scheme of Preferences Plus (GSP+), which grants duty-free access for over 66% of EU tariff lines conditional on demonstrated implementation of twenty-seven international conventions concerning good governance, human and labour rights, and environmental protection. Although GSP+ operates outside the WTO's own legal framework, being a unilateral EU preference scheme rather than a WTO obligation, its conditionality regime interacts closely with Pakistan's WTO-consistent trade remedy practice, since EU biennial monitoring reports assess Pakistan's implementation of these twenty-seven conventions alongside its broader trade governance, including its handling of trade remedy investigations of the kind examined in Part III (Shad, 2021). Pakistan's continued GSP+ eligibility accordingly functions as an additional, EU-specific layer of external scrutiny over the same domestic institutions, principally the NTC, whose WTO-consistency Part III examined directly.

## VI. Doctrinal Assessment: Gaps and Institutional Challenges

Read together, the case law and compliance evidence examined in Parts III through V point to three specific, recurring gaps between Pakistan's domestic trade law framework and the standard of compliance WTO law actually requires.

First, a procedural timeliness gap. Both DS470 and DS538 turned substantially on the NTC's failure to conclude investigations and sunset reviews within the deadlines the Anti-Dumping Agreement and SCM Agreement prescribe, eighteen months for original investigations under Article 5.10 ADA and Article 11.11 SCM, and twelve months for sunset reviews under Article 11.4 ADA. This recurring pattern is not adequately explained by any single episode; rather, it reflects the interaction between the NTC's statutory investigation timelines and Pakistan's separate domestic framework for constitutional judicial review of administrative action, which has repeatedly produced injunctions holding NTC proceedings in abeyance for periods the WTO timelines do not accommodate. The National Tariff Commission Act 2015's introduction of clearer quorum and procedural rules has not, on the evidence of DS538, resolved this underlying tension between domestic administrative law and WTO procedural discipline.

Second, an evidentiary and reasoning gap. The Panel in DS538 did not merely find that the NTC missed a deadline; it found that the NTC's substantive conclusions on the likelihood of continued dumping and injury were not grounded in positive evidence and were inadequately explained, a finding echoing, in a different context, the causation-methodology scrutiny Pakistan itself successfully invoked against the European Commission in DS486. This suggests that the standard of reasoned, evidence-based determination WTO adjudicators apply is not confined to any one Member's investigating authority, but that Pakistan's own domestic institutions have, on at least one occasion, fallen short of a standard Pakistan has elsewhere successfully invoked against others.

Third, a systemic enforcement gap connected to the broader Appellate Body crisis. Pakistan's decision to appeal the DS538 panel report into a non-functioning Appellate Body, rather than to pursue Article 25 arbitration through a mechanism such as the Multi-Party Interim Appeal Arbitration Arrangement, has meant that a Panel's detailed, reasoned findings against Pakistan's own trade remedy practice remain without binding legal effect years after their circulation. Whatever short-term advantage this affords Pakistan in preserving the challenged measures, it also means that the concrete procedural lessons DS538 offers for reforming NTC practice have not been formally operationalized through DSB adoption and implementation monitoring, weakening the ordinary WTO compliance feedback loop through which panel findings translate into domestic legislative or administrative reform.

A further, cross-cutting observation follows from reading these three gaps alongside the Trade Facilitation Agreement and GSP+ evidence discussed in Part V. In each of the compliance dimensions this article has examined, formal trade remedy adjudication, trade facilitation implementation, and TBT-related export compliance, the pattern is remarkably consistent: Pakistan's statutory and institutional framework is, on paper, broadly aligned with WTO requirements, yet the practical operation of that framework, whether measured by NTC procedural timeliness, Single Window rollout speed, or exporter-level technical compliance capacity, lags behind the formal legal standard. This suggests that Pakistan's WTO compliance challenge is best characterized not as a drafting deficiency, since the underlying legislation, at least since the 2015 and 2022 reforms, tracks the relevant WTO agreements reasonably closely, but as an implementation and institutional-capacity deficiency operating consistently across otherwise unrelated areas of trade law. This distinction matters for policy design, since it suggests that further legislative amendment alone, without corresponding investment in the NTC's investigative capacity, judicial-review procedures, and inter-agency coordination, is unlikely to close the compliance gap this article has identified.

## VII. Conclusion and Recommendations

This article has traced Pakistan's compliance with its WTO obligations through the specific lens of its domestic trade remedy legislation and the case law that legislation has generated over the past fifteen years. The analysis shows a domestic legal framework that has matured substantially since 1995, from the institutionally thin National Tariff Commission

Act 1990 through to the more detailed 2015 and 2022 legislative reforms, and a Pakistani state willing to use WTO dispute settlement assertively, as DS486 demonstrates, to defend its own exporters' interests. At the same time, DS538 and, before it, DS470, reveal a persistent procedural weakness in the NTC's own investigative practice, one rooted in the unresolved interaction between domestic constitutional judicial review and WTO procedural deadlines, and Pakistan's response to that weakness, an appeal into a paralyzed Appellate Body, has left the underlying compliance gap formally unaddressed rather than resolved.

Three recommendations follow directly from this analysis. First, Pakistan should consider legislative measures clarifying the relationship between domestic judicial review of NTC determinations and the WTO's statutory investigation deadlines, potentially including expedited judicial review procedures specific to trade remedy matters, so that future investigations do not again exceed the eighteen-month and twelve-month limits Articles 5.10 and 11.4 of the Anti-Dumping Agreement respectively prescribe. Second, the NTC should strengthen its internal evidentiary and reasoning practices in sunset review determinations specifically, given that this was the precise point on which DS538 found Pakistan in breach, potentially by adopting more detailed internal guidelines modelled on the reasoning standard the Appellate Body itself applied in upholding Pakistan's own arguments in DS486. Third, Pakistan should reconsider its position on participation in the Multi-Party Interim Appeal Arbitration Arrangement or an equivalent Article 25 mechanism, since continued reliance on appeals into a non-functioning Appellate Body leaves adverse findings against Pakistan's own trade remedy practice in indefinite limbo rather than generating the kind of binding, implementable guidance that could drive the domestic reforms this article has identified as necessary. Taken together, these steps would narrow the compliance gap this doctrinal analysis has identified, without requiring Pakistan to forgo the legitimate use of trade remedies that WTO law, properly applied, continues to permit.

## References

Anti-Dumping Duties Act, 2015 (Pakistan).

Anti-Dumping Duties (Amendment) Act, 2022 (Pakistan).

Anti-Dumping Duties Ordinance, 2000 (Pakistan).

Anti-Dumping Duties Rules, 2022 (Pakistan).

Bajwa, M. U., & Akhter, S. T. (2016). Impact assessment of international policy coordination with the WTO technical barriers to trade agreement and foreign financial assistance upon the intent to comply with the agreement: Findings of a cross-sectional study of mango exporters in Pakistan. International Journal of Economic Policy in Emerging Economies, 9(3), 197-225. https://doi.org/10.1504/IJEPEE.2016.078817

Countervailing Duties Ordinance, 2001 (Pakistan).

European Union - Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan, WTO Panel Report, WT/DS486/R (adopted 16 May 2018 as modified by WT/DS486/AB/R).

Memon, Z., Bozdar, M. A., & Ahmed, A. (2024). Pakistan's compliance with WTO Trade Facilitation Agreement: Progress and challenges. International Research Journal of Management and Social Sciences, 5(2), 713-721.

National Tariff Commission Act, 1990 (Pakistan) (repealed).

National Tariff Commission Act, 2015 (Pakistan).

Pakistan - Anti-Dumping and Countervailing Duty Investigations on Certain Paper Products from Indonesia, WTO Dispute DS470 (consultations requested 27 November 2013).

Pakistan - Anti-Dumping Measures on Biaxially Oriented Polypropylene Film from the United Arab Emirates, WTO Panel Report, WT/DS538/R (circulated 18 January 2021).

Safeguard Measures Ordinance, 2002 (Pakistan).

Shad, M. R. (2021). The GSP+ status of Pakistan in the European Union: Challenges and prospects. Global Political Review, 6, 1-8. https://doi.org/10.31703/gpr.2021(VI-I).01

Trade Disputes Act, 2022 (Pakistan).

Understanding on Rules and Procedures Governing the Settlement of Disputes, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 2.

United States - Import Prohibition of Certain Shrimp and Shrimp Products, WTO Appellate Body Report, WT/DS58/AB/R (adopted 6 November 1998).

World Trade Organization. (2022). Trade policy review: Pakistan - Report by the Secretariat (WT/TPR/S/424) and Report by the Government (WT/TPR/G/424).

World Trade Organization. (n.d.). Dispute settlement - the disputes (DS58, DS141, DS327, DS470, DS486, DS538). https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm

World Trade Organization. (2024). Tariff and trade data: Pakistan. WTO Tariff and Trade Data profiles. https://ttd.wto.org/en/profiles/pakistan