

# ADAPTATION OF LEVER EFFECT THEORY TO THE NEW CONTEXT: A RE-EXAMINATION OF THE RELATIONSHIP BETWEEN AGRICULTURE DISPUTE SETTLEMENT AND NEGOTIATION IN THE WTO

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## ABSTRACT

*Among the theories related to dispute settlement and negotiation in the World Trade Organization (hereinafter "WTO"), Lever Effect Theory stands out as it concentrates on analyzing the relationship between agriculture dispute settlement and multilateral agriculture negotiation. However, due to the paralysis of the Appellate Body (hereinafter "AB") and the fragmentation of trade rulemaking, the original patterns of dispute settlement and multilateral negotiation in the WTO are facing serious challenges. This article attempts to demonstrate the limitation of agriculture dispute settlement and its impact on the Lever Effect, while accommodating the Lever Effect Theory to the AB's paralysis. First, it argues that the respondents would take advantage of the limitation of agriculture dispute settlement and employ litigation strategies to counter the Lever Effect. Second, the Lever Effect would be hampered without a full-fledged dispute settlement system since the consistency of WTO jurisprudence and the original "checks and balances" in the WTO have been severely affected.*

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