

World Trade Organization 2001

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Dear Delegates,

Welcome to SSUNS. Whether this is your first Model UN experience or you are a seasoned MUNner, SSUNS is an incredible experience. You will meet new people from around the world that share your passion for global governance and institution building. You will become immersed in fierce debate surrounding pertinent issues that face the world today. You will hone your communication skills, critical thinking, and emerge from the conference with newly imparted knowledge that will stay with you forever.

In a time of greater economic uncertainty, with an increasing number of leaders around the world promoting economic nationalism and retraction instead of integration, our topic is as important as ever. The Doha Round is one of global governance's great failures, an opportunity to create a more equitable and freer economic order and promote growth and prosperity for all countries. Instead, many promises of Doha were not kept. Many issues, such as agricultural policy, intellectual property rights, and the economic rights of developing countries were inadequately addressed. One is left to wonder if the global economy would be different today had Doha been a greater success.

In this committee, you have the chance to remake history and come to agreements that world leaders never could. WTO 2001 will deal with all aspects of Doha and challenge delegates to build consensus and pass sensible policies that will break down barriers to trade, increase world capital flows and world GDP. This exciting and fast-paced committee allows delegates to use their knowledge and research to build on their country's past mistakes and hopefully create a better global economy.

Now, a bit about myself: I am Jonathan Glustein, your Chair. I am in my final year at McGill, studying Economics and Political Science. I am passionate about economics, especially macroeconomic policy and development economics. What excites me about this committee is to see what the next generation of decision-makers and leaders have to say about the economy and how we can increase prosperity around the world. I am also a long-suffering Toronto sports fan, avid traveller, and hip-hop enthusiast.

We are all looking forward to seeing you in November.

Jonathan Glustein
Chair



Topic 1: TRIPS and Public Health

Section 1: Background

The problem that will be addressed in this topic is how intellectual property rights in developed countries impact health epidemics worldwide, and more specifically in developing countries. In the 1994 Uruguay Round of negotiations, The World Trade Organization (WTO) negotiated the Trade Related Aspect of International Property Rights agreement (TRIPS agreement). This agreement set out certain rules regarding intellectual property to create an international standard of protection of intellectual property in the hopes of increasing stability in economic relations worldwide.¹ The TRIPS agreement applies to all forms of intellectual property including patents, copyrights, and trade secrets that exist to protect and reward countries that have invested in research and development.² While these laws are in place to maintain the possession of intellectual property, international epidemics, such as HIV/AIDS and malaria, that have caused much suffering and millions of deaths worldwide, are made worse by countries' lack of access to affordable medicine due to such patent laws. Furthermore, it has reversed economic and societal gains in emerging countries and destroyed entire developing communities, which poses a serious threat to whole continents³. It is in the context of an ongoing worldwide AIDS epidemic that the Doha conference is being called to re-discuss and clarify intellectual property rights specifically concerning public health crises.

In the last 20 years, the global HIV/AIDS epidemic has wreaked havoc across the world and caused much suffering worldwide. It is estimated that by the time this committee will be called to order, more than 65 million people have been infected with HIV and more than 25 million will have died from AIDS, leaving 14 million children orphaned throughout the world.⁴ Additionally, malaria causes 3000 deaths a day, mostly among children, and Tuberculosis kills another 2 million annually.⁵ Looking at Table 1 below, the disease does not affect all parts of the world evenly, with the heaviest burden falling on developing countries. Sub-Saharan Africa is one of the region hit the hardest, especially in the case of AIDS where 40% of adults are infected and average life expectancy is down by 15 years⁶. The Caribbean, Eastern Europe, and Asia pacific are also regions that are hit hard by the AIDS epidemic. In contrast, the world's industrialized countries have nearly eradicated tuberculosis and malaria, and thanks the anti-retroviral treatment, the number of AIDS deaths is now declining⁷. Therefore, with

¹ 2017. *World Trade Organisation website*. <http://www.wto.org>.

² Subhan, Junaid. 2006. "Scrutinized: The TRIPS Agreement and Public Health." *McGill Journal of Medicine* 152-159.

³ UNAIDS. 2002. *Twenty Years of HIV/AIDS*. www.unaids.org/UNGASS/index.html.

⁴ Sun, Haochen. 2004. "The Road to Doha and Beyond: Some Reflections on the TRIPS Agreement and Public Health." *European Journal of International Law* 123-50.

⁵ World Health Organization. 2001. *Fact Sheets: Tuberculosis*. <http://www.who.int/mediacentre/factsheets/who104/en/>.

⁶ Sun, 2004

⁷ World Health Organization. 2001. *Fact Sheets: Tuberculosis*. <http://www.who.int/mediacentre/factsheets/who104/en/>.



epidemics causing disproportionate harm to populations in developing countries, pharmaceutical patents have become a barrier to governments in developing countries getting cheap access to drugs needed to combat these public health issues.

Table 1

**Deaths and DALYs caused by three major diseases, estimates for 1999–2001
(000s)**

Disease	World		Africa		The Americas		South-East Asia	
	Deaths	DALYs	Deaths	DALYs	Deaths	DALYs	Deaths	DALYs
HIV/AIDS	8482	268240	6743	214560	241	7942	1176	33951
TB	4973	132569	1074	27450	162	2079	2260	45016
Malaria	3290	127491	2882	94845	5	295	215	8625

Sources:

WHO, *The World Health Report 2000 Health Systems: Improving Performance*, Annex 2 and 3.

WHO, *The World Health Report 2001 Mental Health: New Understanding, New Hope*, Annex 2 and 3.

WHO, *The World Health Report 2002 Reducing Risks, Promoting Health Life*, Annex 2 and 3.

The table represents the deaths and Daily Adjusted Life Years (DALYs) from three of the world's deadliest diseases from 1999-2001⁸.

The actors involved on one side of this issue are pharmaceutical companies and governments of developed countries that seek to protect intellectual property rights of these pharmaceutical companies. On the other side of the table are developing countries that claim the prices of essential medicines are kept artificially high by patents. Meanwhile the pharmaceutical industry and developed countries argue that strong intellectual property rights protect the research and development costs that go into the medicines⁹. There are already several options that developing countries can take to have access to cheaper medicines, some of which are laid out in the 1995 TRIPS agreement¹⁰. For example, if a certain kind of drug has a patent protection in a country, producers of the drug need to ask for a license from the patent holder to produce the drug or buy the drug directly from the patent holder. However, if there is no patent protection for a medicine in a given country, producers in the country can produce a generic version of a certain kind of drug. A generic drug means that the drug is interchangeable with the original version of the drug and has the exact same make up but is produced without a license¹¹.

⁸ Ibid

⁹ Henry, and Lexchin. n.d. *The Pharmaceutical Industry as a Medicines Provider*.

¹⁰ Subhan, 2006

¹¹ Merriam Webster. 2005. *Websters Medical Dictionary*.



The TRIPS agreement includes two mechanisms to deal with public health crises: compulsory licensing, and parallel importing¹². Compulsory licensing is when a government has the authority to grant a license to a party willing to commercialize the drug without the consent of the patent holder in the event of a “national emergency”¹³. Critics of compulsory licensing from developing countries argue that countries with health crises do not have the infrastructure to produce the medicine even if a compulsory license is issued¹⁴. Critics from the pharmaceutical industry claim that once the compulsory license is issued it is difficult to control how much of the drug is produced and if it is sold outside of the “national emergency” context.¹⁵ Parallel imports enable governments to take advantage of differential pricing of drugs across different countries to purchase medicines in the country with the lowest global price and import to their country without the authorization of the patent holder¹⁶

The problem of the TRIPS agreement is still a persistent one. Countries have failed make their domestic policy match the outline of the TRIPS agreement, making it harder for developing countries to get easy access to necessary drugs. Furthermore, critics of the agreement claim it does much more to protect patent holders in developed countries than help provide access to drugs for developing countries. In addressing this problem, several sub issues can be identified. The first is in whom or what does the responsibility to assure the human right to health and scientific progress fall upon? The second issue is the need to incentivize and reward innovation within the pharmaceutical industry to continue research to provide lifesaving drugs while ensuring the drugs are accessible to those who require it the most. Thirdly, how can global cooperation between private companies and national governments with different objectives be established.

Furthermore, NGOs and independent observers have raised a series of objections that need to be addressed when dealing with the problem. For instance, patent protections are likely to make new, more innovative, and more effective medicines more expensive and in most cases, too expensive for developing countries¹⁷. Also, the current TRIPS agreement provides little incentive for pharmaceutical companies to research and develop drugs against diseases, such as malaria, that has little incidence in rich countries but is widespread in poor countries that do not represent lucrative market for companies¹⁸. Finally, developing countries are under pressure by the pharmaceutical industry and developed countries to implement stricter patent protection than the obligations of the TRIPS agreement¹⁹. If these issues remain unsolved, people will not

¹² Subhan, 2006

¹³ World Trade Organisation. 1994. "Trade-Related Aspects of Intellectual Property Rights (TRIPS)." TRIPS Council.

¹⁴ Kohr, M. 2002. *The WTO, the Post Doha Agenda and the Future of the Trade System*. Third World Network.

¹⁵ Herpin, Timothy 2017. Industry professional (my dad)

¹⁶ Subhan 2006

¹⁷ Oxfam. 2001. *Patent Injustice: How World Trade Rules Threaten the Health of Poor People*. Oxfam.

¹⁸ Médecins Sans Frontières. 2001. *Fatal Imbalance: The Crisis in Research and Development for Drugs for Neglected Diseases*. MSF.

¹⁹ Drahos. 2001. "Bits and Bips — Bilateralism in Intellectual Property." *Journal of World Intellectual Property*.



only continue to die from current global epidemics but we will fail to prepare for and prevent future health crises.

Section 2: Past actions

The 1994 TRIPS agreement replaced the Paris agreement, first drafted in 1883, which previously governed international property but was inadequate in addressing modern issues such as biotechnology patents²⁰. The 1994 TRIPS agreement was created to address these inadequacies and was negotiated during the Uruguay round by members of the WTO. The agreement lays out the minimum standards for the protection of patents to be provided by each member country's government, the adequate domestic procedures and remedies for the enforcement of intellectual property rights, and dispute settlement procedures in regard to the TRIPS agreement²¹. The agreement also includes a minimum period of patent protection of twenty years from the date of filing for the patent. Regarding public health crises, the TRIPS agreement allows some flexibilities such as compulsory licensing and parallel importing. However, this flexibility proves difficult to interpret and has led to examples of disputes such as in South Africa. In South Africa at the height of the AIDS epidemic in 1997, the government allowed compulsory licensing and parallel imports in accordance to the TRIPS agreement under the Medicines and Related Substances Control Amendment Act. The goal of the policy was to implement generic substitution, greater competition of public procurement, improved drug quality, and more rational use of medicines²². In reaction, the USA, pressured by the pharmaceutical industry, withheld preferential treatment for certain South African exports in an effort to have the law repealed. However, public outrage caused by NGO campaigns forced the United States to back down and they even pledged to send more aid to South Africa. This example demonstrates the variance in interpretations of TRIPS agreement especially between developed and developing countries.

Several international organizations have played a role in debating public health and setting the scene for the Doha conference. In 1998, the World Intellectual Property Organization (WIPO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) held a panel to highlight the universality of intellectual property and its role in social economic and cultural development²³. The panel discussed the controversial relationships between intellectual property and the right to health in an attempt to find ways to build linkages between them in the context of drug patenting. As a result of this panel, in 2000, the UN sub-commission on Human Rights concluded that the implementation of the TRIPS agreement could affect people's right to enjoy the benefits of scientific progress, the right to health, and the right to self-determination. In 2001, the sub commission passed a resolution on "intellectual property and human rights" which urged all governments to take fully into account existing state obligations in the formulation of proposals for the ongoing TRIPS agreement²⁴. Also, in 2001 the United

²⁰Subhan 2006

²¹ WTO. 2017. *Overview: the TRIPS Agreement*.

²² Sun 2004

²³ Sun 2004

²⁴ United Nations. 2000. "Intellectual Property and Human Rights." *UN Commission on Human Rights, Sub-Commission for the Promotion and Protection of Human Rights*.



Nations held a special session on HIV/AIDS. During the session governments gave clear statements on actions that need to be taken and their commitments to action with specific deadlines. These included targets to reduce prevalence of AIDs amongst young people by 25% by 2003, reduce babies with HIV infection by 20% and educate 90% of youth in afflicted areas about HIV by 2005.²⁵ Furthermore, a global fund was launched to raise \$7-10 billion a year to fight against HIV/AIDS²⁶.

The World Health Organization (WHO) is another international organization that has addressed the TRIPS agreement in the context of the HIV/AIDS epidemic. In 2001 a couple months before the Doha agreement, the WTO and WHO held a workshop in Norway on affordable drugs, joining together for the first time all the major interest groups concerned²⁷ which included pharmaceutical companies, NGOs, and University professors²⁸. The workshop discussed ideas such as differential pricing and financing. Differential pricing is the practice of adapting drug prices to the different costs of living in different countries. Financing is the domestic resource mobilization and aid flows a country has to fight public health crises²⁹. An example of financing is how much money a country has put aside for health or how much foreign aid a country gives or receives. The 54th World Health Assembly in 2001 also sought various ways to strengthen global health systems and strategies to combat HIV/AIDS. States were urged to cooperate in strengthening pharmaceutical policies to promote innovation and the development of domestic industries while remaining consistent with international law. Overall, however, the main drawback of most of these previous actions has been that not much has been put on paper and committed to.

Since 1998, Non-Governmental Organizations (NGOs) such as Doctors without Borders, Oxfam, CpTech, Health Action International and Third World Network raised the objections to the current system surrounding international health care patent laws through effective campaigns and argued the implementation of TRIPS would be detrimental to the protection of public health in poor countries. NGOs also played a role in the previously mentioned South Africa case. By using negative publicity ads against the pharmaceutical companies lobbying the American government, NGOs stoked public outrage which forced the US to change its policies at the Seattle WTO Ministerial. This led President Clinton issuing an executive order to promote access to AIDS medication and pharmaceutical companies, in an agreement with the UN, to cut the price of drugs by 80 percent in poor countries³⁰.

²⁵ Anon, (2017). Accessed 18 Sep, 2017.

²⁶ Sun 2004

²⁷ WTO; WHO. 2001. "Report of the Workshop on Differential Pricing and Financing of Essential Drugs."

²⁸ Anon, (2017). Accessed 18 Sep, 2017.

²⁹ Sun 2004

³⁰ ibid



Section 3: Country Policies and Possible Solutions

This committee has been gathered to discuss the nature and ethics of pharmaceutical patents and its possible role in helping or hindering large scale health projects. The committee is expected to come to an agreement on what constitutes a national health emergency, when compulsory licensing and parallel imports are acceptable, the corporate responsibility of pharmaceutical companies, and alternative solutions to deal with public health crises that do not require a change in current patent agreements. In order to find a consensus in defining what constitutes a national health emergency, the committee will have to agree on what metrics are used to measure the epidemic, such as how many people need to be infected or how contagious a disease is. Also, what constitutes an essential medicine needs to be defined before compulsory licensing and parallel imports can be applied. For example, should essential medicines be defined by what disease it treats or how effective it is in treating diseases? Holding pharmaceutical companies accountable for their corporate responsibility could consist of pressures and incentives to give away or make accessible essential drugs in public health crises. Examples of these actions could be fines, tax cuts, or government grants for research. The main downfall to this approach is that pharmaceutical companies are private companies that are driven by profit and these pressures and incentives alone will not be enough to absorb the costs of crises involving millions of people. Therefore, while it might lead to pharmaceutical companies to act, this measure alone will be insufficient in solving the problem of health crises.

Other alternative solutions include developed countries giving out more foreign aid, the IMF and World Bank can grant funding and makes sure it is used effectively. Although, it is important to remember that with foreign aid comes a domestic political cost in most countries and politicians are hesitant to give away too much taxpayer money rather than spending it to benefit the tax payer. It is also important to note that most of the countries with health crises also have unstable governments or political situations which might limit their ability to get IMF and World Bank loans. Furthermore, many of them lack the infrastructure, technology, and knowhow to effectively use bank loans and foreign aid in a sustainable way. International cooperation and public research can also help make progress outside of private pharmaceutical companies. However, it is difficult for politicians and countries to agree on which fields and what research to cooperate on and invest in. International cooperation is also faced with the 'freeloader' problem in which countries who contribute nothing also benefit from a healthier society.

Case study 1: US vs Brazil

Similar to the South African case previously mentioned, the United States filed a complaint before the WTO dispute settlement body over Brazil's use of compulsory licensing in its industrial property law in 2001. Brazil's law stipulated that if a patented invention was not in manufacture in Brazil three years after the issuance of the patent, the government could issue a compulsory patent under the TRIPS agreement. Brazil argued that the measure was part of a highly successful program to combat HIV/AIDS that provided antiretroviral drugs free of charge and was in accordance to the TRIPS



agreement.³¹ The United States argued it was a protectionist measure intended to create jobs for Brazilian nationals.³² Brazil and the United States reached a mutually agreed solution outside the WTO dispute settlement procedures. This case demonstrates how developing countries can use the threat of compulsory licensing to negotiate with drug manufacturers for better prices in differential pricing in their country. This case and the South Africa case also demonstrates how a developed country with a lot of pharmaceutical companies and patents like the United States can exert force on weaker developing countries to comply with strict patent regulation³³. The settlement still left broad questions on the flexibility of the TRIPS agreement and the legality of manufacturing requirements in certain countries³⁴.

Case study 2: Anthrax Scare

Following the September 11 attacks, letters laced with Anthrax Spores, a potentially deadly virus, began appearing in the U.S. mail. This led to the death of 5 people and 17 more fell ill in one of the worst biological attacks in U.S. History.³⁵ This led to a scare of further Anthrax attacks and the Canadian government used a compulsory license to produce in Canada one million tablets of Cipro, a drug used to treat anthrax. This overrode the patent of Cipro, held by German company Bayer at the time. The United States threatened to do the same but ended with a compromise arrangement with Bayer.³⁶ The countries were heavily criticized for their hypocritical behavior by the international community for forcing developing countries to adhere to restrictive patent laws in the face of an HIV/AIDS epidemic but threatening to use compulsory licensing to deal with what they perceived as a health emergency. Since there were no cases of Anthrax in Canada at the time, people questioned whether Canada satisfied the national emergency test as set out by the TRIPS agreement.³⁷ This case reestablished the focus on the relationship between patent holders and states and reminded the world that even the most powerful countries were vulnerable to a public health scare in which strict patent law would prove restrictive to action.

As previously mentioned, these unsolved public health crises in developing countries are responsible for millions of deaths amongst young people which destroy communities and widen the inequality between the developed and developing world. Public health crises will continue to be a problem of the future and while the AIDS epidemic has managed to be contained in certain countries, a framework for international cooperation is necessary should an even deadlier and more contagious epidemic arise. For this reason, it is imperative that the delegates come to an agreement which guarantees

³¹ Correa, Dr. Carlos. 2017. *Implications of the Doha Declaration on the TRIPS Agreement and Public Health*. World Health Organization, World Health Organization

³² Zoellick, Robert. 2001. *'Special 301' Report*. USTR, USTR.

³³ Correa 2017

³⁴ Sun 2004

³⁵ FBI. 2017. *Amerithrax or Anthrax Investigation*. <https://www.fbi.gov/history/famous-cases/amerithrax-or-anthrax-investigation>.

³⁶ Correa 2017

³⁷ Dryer, and Micheals. 2001. "Anthrax scare raises awkward Patent questions,," *Financial Times*, October.



health as an international human right and addresses intellectual property in a fair and nuanced way.

Further research

Try and focus on these two questions while doing your research:

1. What are governments, private companies, NGOs, and international organizations already doing to address the problem?
2. Where are areas where developed and developing countries agree on where are areas where developing countries disagree on?

Primary sources

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2323529/>

https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm

<http://docplayer.net/6761941-The-road-to-doha-and-beyond-some-reflections-on-the-trips-agreement-and-public-health.html>

<http://www.unaids.org/en/resources/presscentre/featurestories/2012/june/20120601tripsftas>

<http://www.who.int/bulletin/volumes/84/5/news10506/en/>



Topic 2: Free Trade

Section 1: Background

Special Treatment

Post 1970's the world's economic order became one focused around "free trade". Following the collapse of the Soviet Union and the end of the cold war this movement, known as the Washington consensus, became the most popular form of fiscal policy. The idea was that by limiting the national barriers for entry by foreign nations, each country would eventually start producing products in which they have a comparative advantage, thereby maximizing global efficiency. Ronald Regan's administration, helped by the 70's debt crises, championed this idea and made it the modus operandi for the good part of two decades the rest of the world followed the US. The 80's and 90's saw a decrease in global inequality but an increase in inequality in the Western world. However, by the late 90's economic growth in the developing world was slowing down, and Asia was hit by one of the worst financial crises in its history. Furthermore, oil prices meant that developing countries needed more help from the developed world and they grew increasingly skeptical about free trade and its benefits. As a result, this topic is being discussed to decrease the difference between the developed world and the developing world. In order to maintain their economic growth, developed countries need to make sure developing countries don't abandon the idea of free trade and the Doha Round seeks to come to a consensus on how to continue free trade in a manner that is more equitable.

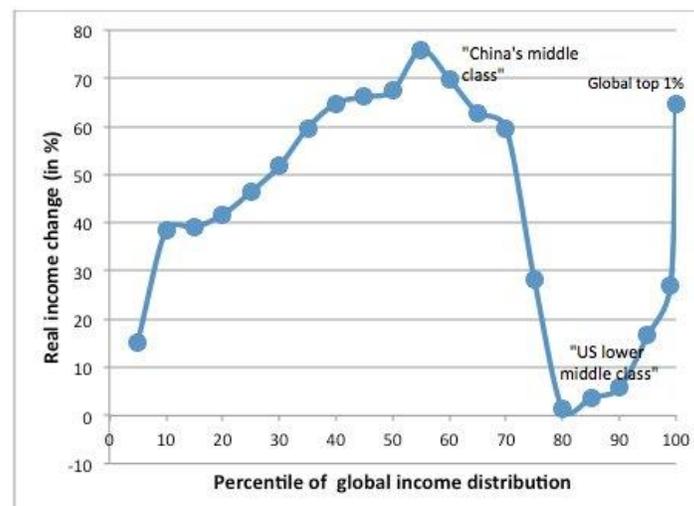


Figure 1: Global income Growth with relation to income inequality ³⁸

Another thing that greatly affected the world in the late 90's and early 2000's is the emergence of very centrist politics. Traditionally parties in democratic countries would be easily divided into liberal and conservative ones, however, with time the post

³⁸ Milanovic, Branko. "Winners of Globalization: The Rich and The Chinese Middle Class. Losers: The American Middle Class." The Huffington Post. January 21, 2014. Accessed September 11, 2017. http://www.huffingtonpost.com/branko-milanovic/winners-of-globalization-_b_4603454.html.



war world started reaching a consensus and economic policy became very consistent throughout the governments of opposing parties. People like Bill Clinton championed free trade and sold it to the developing world as a way to develop their economies. Progress was slow and the 90's didn't witness the same drop in the global inequality as the previous decades and developing countries grew weary of free trade. One of the aims of the Doha rounds is to come up with more equitable growth strategies that may even in some way contradict free trade. Essentially this problem is centred around economic inequality. The growth of democracy and free press meant that the rulers of the developing world are increasingly reliant on the appeasement of their constituents and as such have an incentive to make progress more visible. Countries now need to reach an agreement on how to better spread the benefits of free trade and how to make sure globalization is inclusive and isn't just a way of making the rich richer and the poor poorer.

Countries like the United States and Belgium have imposed measures to curb free trade recently, Belgium for the import of rice that comes from developing countries and the United States on steel plates from India. This has created tension where the developing countries feel as if the WTO helps developed countries legitimize their own policies while making it impossible for the developing countries to help their trade balance.

While there are many things that the world can do to make free trade better for developing countries, initially the three most important issues to discuss are; fishing policies, anti-dumping policies and subsidies. Discussed later, these issues involved regional and global power structures which had greatly been changed after the break-up of the Soviet Union. With South Asia and South-East Asia becoming more and more relevant to global politics they demanded to be treated better. While there are many caveats to the discussion that is to be held, the essence of it is to try and make a more equal world and how to achieve inclusive growth.

Fishing Policies

In 1998, it was estimated that the dollar value for all of the world's fishing subsidies was around \$15 billion.³⁹ This has likely risen in the years since. Even though nearly every country that has a coast has a fishing industry, only a few countries actually subsidize the industry. Developing countries have taken issue with some developed countries who subsidize their industries so much that it's making it impossible for other countries to compete globally.⁴⁰ Subsequently, developing countries suffer as they have the least propensity to provide subsidies and often rely heavily on the revenue earned by exporting fish. Furthermore, fishing in developed countries is often done using more modern methods, increasing the amount of fish being harvested and drowning out smaller countries even further.⁴¹

³⁹ Summalia. "A bottom-up re-estimation of global fisheries subsidies." Accessed September 11, 2017. fisheries.sites.olt.ubc.ca/files/2017/05/Bottom-Up_Re-estimation_Sumalia_2010.pdf.

⁴⁰ Ibid

⁴¹ Ibid



Another interesting aspect of this debate is the fact that countries do not agree on what constitutes a subsidy. Does making fuel for ships cheaper make it a subsidy? Is reducing the cost of electricity used in the freezing and processing of Seafood a subsidy? Before reaching any conclusion about how to move further in democratizing the global fisheries, delegates need to come up with a consensus on how to define and accurately measure subsidies.

It is also at the end of the day an environmental problem. While most countries have laws that make it only legal to catch fish in certain times of the year and only in certain areas, some countries do not, or have very loose laws. Japan is an example of a country with extremely loose fishing laws that some say have enabled it to grow its fisheries while damaging the global fish population.⁴² Most countries also ban the fishing of endangered species. That being said countries like Japan allow for the fishing of all species, and is the only country that still allows whaling.⁴³ The global fisheries are a shared product, what one country does affects everyone.

Anti-Dumping policy

An Anti-Dumping policy is when a country disallows the imports of certain goods that undercut local goods in quality or price. If the imported goods are better, more people prefer to buy them. However, if a country has the resources to produce a lot of that same good then what can happen is that it exports that good so much that the local market in the foreign country is essentially just made up of only that imported good. This has a bad effect on the balance of payment of any country and can lead to monetary problems. Anti-Dumping policies usually take the form of barriers to trade, either by introducing tariffs, quotas or anything else that impacts how much a certain country can export to another.

Part of the reason why the developed world saw strong growth in the 90's was because while internationally they supported free trade, they often employed protectionist policies when it suited them much of it was aimed at the manufacturing sector as the less developed countries could now make the same product for cheaper due to cheaper labour costs. So, while western products were freely exported to countries those countries often faced hurdles in exporting their own products to the west. Most of the developed countries had implemented anti-dumping policies, and continued to flood their own exports in developing countries, putting pressure on the developing countries industries and often crowding out local firms.

Before the Doha rounds the WTO followed a very vague protocol of identifying and persecuting states that conducting anti-dumping measures.⁴⁴ As a result, many states started enforcing anti-dumping laws to make trade more favourable for them even when

⁴² Ibid

⁴³ Ibid

⁴⁴ Staff, Investopedia. "Anti-Dumping Duty." Investopedia. June 03, 2016. Accessed October 17, 2017.



they weren't needed.⁴⁵ Initially, mostly western countries engaged in anti-dumping policies, however, more recently countries like India and China also have enforced such laws.⁴⁶ Developing countries feel as if more developed countries are taking undue advantage of this law and being hypocritical in its implementation. Less developed countries are seeking to, at the very least, codify WTO policy on anti-dumping measures so that they can take action even against larger countries.

Currently the WTO enters negotiations when a complaint is filed.⁴⁷ There is no formal framework for the negotiations and often any punishment is unenforceable as it is usually settled bilaterally.⁴⁸ Less developed countries are seeking to amend the WTO laws so that they may actually be an enforceable punishment for anti-dumping policies. However, it is not as black and white as it may seem, as countries will need to agree on what constitutes anti-dumping policies, when are they reasonable and what should be the punishment if a country were to violate the WTO protocol. Additionally, some countries have their own trade agreements with one another, meaning the WTO will need to take into consideration bilateral and multilateral agreements.

Subsidies and countervailing measures

Subsidies are, very broadly speaking, any incentives given to local industries by national governments to help them produce a certain product. If a country helps its industries produce goods, then the trade of that good would not be "free trade". Members of the WTO often aren't allowed to unjustly provide subsidies, distorting free trade by providing subsidies just so that they are able to sell their countries product even though another country might be better at making that product, as they might drive business away from more efficient methods of production. This debate centres on the fact that there is no one definition for what entails a subsidy. Is reducing the price of oil and electricity a subsidy to manufacturers or is it to drive down the cost of living and to help improve living standards? The WTO has no power to make governments change their services to citizens and as such even identifying a subsidy can often be a long and arduous process.

This problem is made more complex by the fact that developed countries have a greater capability to subsidize their products since their governments can spend more. Furthermore, developed countries tend to be bigger markets since people have higher incomes. This means that a developing country often cannot afford to enter trade arguments since they simply cannot afford to lose the exports and foreign exchange earned from them.

The rise of countries like China and India have also posed a new challenge to economies in the west. The huge supply of labour in these countries means that unless the developed countries heavily subsidize their industries they simply cannot match the low

⁴⁵ ibid

⁴⁶ ibid

⁴⁷ "Introduction to the WTO dispute settlement system." World Trade Organization | Disputes. 2017. Accessed October 16, 2017.

⁴⁸ Ibid



cost of production in these countries. This has led to jobs being outsourced, while products are now cheaper and people have greater access to things like cars and TVs. It has also meant that the developed world has seen a sharp decline in traditional manufacturing jobs. Governments have responded by subsidizing products to slow down the loss of jobs. A good example of this is the Federal Agriculture Improvement and Reform Act of 1996 which helped farmers by introducing direct government purchases even though the country could import those same products for cheaper from elsewhere.⁴⁹

Some of the problems a country could face while employing subsidies is coordination and information. This is when a government starts a subsidy on a certain product and other countries as a result put up countervailing measures then the money used for that subsidy will be essentially wasted and might better be spent elsewhere. This is a bigger problem for less developed countries since they have less leverage in any negotiation. Countries need to identify what kind of subsidies will be tolerated and what kind of subsidies will actually benefit their economy.

Broadly speaking, there are three main sub topics that need to be addressed by this committee when discussing subsidies and countervailing measures. Prohibited subsidies, Actionable Subsidies and export credits. Prohibited subsidies, as the name suggests are subsidies that are not allowed in any circumstances by any WTO member. This would include measures that countries believe go against the principles of the WTO and against free trade in general. Actionable subsidies are subsidies that can, in certain circumstances, result in action by the WTO. These would be more specific policies that often have other effects on the economy as well and might be inadvertently subsidizing exports. Export credits are a way that certain economies can counter subsidies that are put in place by other countries. These are incentives, both monetary and non-monetary, given to foreign buyers for buying local.

Section 2: Past Actions

The WTO has mediated in multiple disputes and uses a complaint system whereby countries can lodge complaints and the accused country has to defend its actions. A great example for the use of this system is the USA, which has been involved in many disputes ranging from the import of steel to agricultural products. It is interesting to note that some of their disputes have involved countries that have historically been trading partners or close allies. For example, the US on 10th November 2000 filed a complaint with the WTO about Germany and its dumping of stainless steel products in the US.⁵⁰

⁴⁹ Meyers, William H. "Summary of the 1996 Farm Bill: The Federal Agriculture Improvement and Reform (FAIR) Act of 1996." Iowa State University |Digital Repository . August 25, 2015. Accessed October 16, 2017.

⁵⁰ Nienaber, Michael. "Germany urges EU to file WTO complaint against U.S. in steel row." Reuters. March 31, 2017. Accessed October 16, 2017.



One of the most recent cases that characterizes the struggle the WTO has been facing recently is the Brazil-Canadian Aircraft Dispute of 1998.⁵¹ Embraer, a Brazilian aircraft manufacturer was in direct competition with Bombardier, a Canadian aircraft manufacturer.⁵² Both alleged that their rivals were receiving illegal funding from their governments that were distorting the market.⁵³ This case is important because it not only involves an industry that employs a large number of people but it also involves a developed country and a rapidly developing country and is seen as a litmus tests of how the WTO will treat cases involving developing countries. Embraer received incentives on exports by the governments and as a result was able to give rebates to potential buyers equal to more than a million dollars, in what was called the Proex program.⁵⁴ Bombardier, on the other hand, received money from the Canadian government to further its research from Technology Partnership Canada (TPC) and received loans from the Canada Accounts buyers program.⁵⁵ After failed company to company negotiations the governments of Brazil and Canada logged formal complaints with the WTO claiming that the other country was infringing on the principles of free trade by distorting the market.⁵⁶

Brazil needed to prove that the subsidy was under the exemptions for developing countries agreed by the WTO. Canada needed to prove that it wasn't providing discounted interest rates to Bombardier and any discount was something that was normal in all countries. In 1999 the WTO decided that Brazils Proex program was illegal as it did not think Brazil met the conditions necessary to make it a developing country.⁵⁷ It also found Canada's actions, both the TPC and the Canada Accounts buyers program, to be a form of subsidy that was distorting the international market.⁵⁸

Currently, Canada is demanding that Brazil pay damages in excess of 7 billion CAD for the sales that they allegedly stole from Bombardier⁵⁹. The arbiters report has granted Canada around \$ 250 million in reactionary tariffs for Brazilian exports. Brazil is expected to challenge this in the courts again.⁶⁰

This is an example of how the WTO is ineffective in reaching solutions. The lack of clear guidelines and an ad hoc procedure means that some disputes are never resolved or in fact can start affecting larger markets and through that thousands of jobs. Another caveat to this dispute is the fact that it is very difficult for the WTO to impose any verdict since even though it found both countries to be in the wrong, none of the previously mentioned domestic programs have closed. This case highlights the fragility of the

⁵¹ "Note on WTO Disputes: Five Major Cases Case Solution and Analysis, HBS Case Study Solution & Harvard Case Analysis." Caseism. September 20, 2016. Accessed September 11, 2017. <https://caseism.com/note-on-wto-disputes-five-major-cases-case-solution-82839>.

⁵² Ibid

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid



current system and is exactly why the WTO needs to reform its justice system in order to stay relevant and credible.

Generally, there are two very important aspects to any policy discussion about free trade. Firstly, there are regional deals such as NAFTA and the European Union. Secondly, there are global agreements such as the stipulations of entering the WTO. It is also important to note that bilateral agreements are mostly between friendly nations, are very rarely ever broken, and even when they are there is close to no way to enforce them. WTO membership has proved to be an important motivator for countries to conform to the global economic system, as doing so gives countries access to wider global markets and a mechanism for defending their economies against larger countries. China is a notable example of a country that has had trouble entering the WTO because of its protectionist policies. That is essentially where the WTO's power is held, every country wants the benefit of being a part of the WTO and no country is too big to challenge its authority.

Section 3: Possible solutions

Countries need to address the definition of certain policies, when they need to be applied and what repercussions certain countries may face if they violate the laws laid down by the WTO. The WTO, as it stands now, is often accused of being ineffective and made to benefit developed countries more. The concept of the WTO only works when most countries are not only a part of it but also actively take part in its activities.

Free trade might seem to be very fair, however, in the past two decades a lot of poorer countries have suffered under the ambit of free trade. Some economists argue that development in the developing world has come about not because of free trade but despite of free trade.

The World Trade Organization needs to adapt with changes in domestic policies. By and large most developed countries follow similar directions when it comes to economic policies because they need to adapt to benefit from the economic doctrine of the west. In the 80's free market and neo conservative economic theory dominated policy, the turn of the century has seen a resurgence of post-world war Keynesian economics and this committee in essence needs to bring the WTO into the 21st century.

This committee is divided amongst economic lines. The more developed countries generally have similar views and are in favour of the WTO working in the way that it has been. Developing countries such as India and Brazil now have increasingly strong cases and leverage to make the WTO more developing friendly. To know which side of the argument a country is on, delegates need to understand what their countries economy is dependent on. If a country is dependent on its exports of fish and does so without broad subsidies then that country would be in favour of disallowing fishing subsidies and so on and so forth.



Section 4: Further Research

Since this problem is, at the end of the day, an economic one, any solutions need to be practical and, in a broad sense, more than just ideological. All governments in the world, will prioritize their own wellbeing. To that end, every representative in this committee needs to make sure that whatever is being proposed benefits themselves while still keeping true to the principle of free trade. When proposing solutions in this committee it is imperative that countries do so keeping in mind that it has to be practical and that it has to be within the aims of the WTO. It is highly recommended that countries have a good understanding of what the WTO can do and about their own countries responsibilities and policy.



Topic 3: Agricultural Trade Liberalization

Section 1: The place of agriculture in multilateral negotiations

Agriculture plays a strategic role for many countries, as it is a significant contributor to the prosperity of advanced nations and is a key industry for the process of development in lower developing countries (LDCs). However, as trade continues to grow, both developed and developing countries have adopted diverging positions on the extent to which agricultural trade should be opened. Developed countries have been accused of adopting discriminatory practices, such as subsidizing their agricultural industries and maintaining high tariffs for imports.⁶¹ Some developing nations have called for a more level playing field, so that they may use their comparative advantage in agricultural production.

In 1947, General Agreement on Tariffs and Trade (GATT) was created as framework to regulate international trade and stimulate international commerce. Along with the World Bank and the International Monetary Fund (IMF) it dealt with matters of international finance.

The objective of the GATT was to expand international trade by gradually reducing barriers to trade.⁶² The most important principles underlying the agreement were:

- Non-discrimination or the most favoured nation principle (MFN): Countries cannot normally discriminate between their trading partners, for example by granting a special favour to only one partner.
- Reciprocity: Parties have rights (for example, access to markets of other trading partners), but also have the obligation to reciprocate these with trade concessions.
- Transparency
- Tariff reduction: Tariffs are customs duties that give a price advantage to local goods over imported goods.⁶³ They were the main form of trade protection when the GATT was established.

Agricultural trade is a contentious issue that was left off of the agenda in early multilateral trade negotiations of the GATT. Countries agreed that agriculture was a unique sector that could not be treated like other sectors because of its implications for national food security.⁶⁴ Thus, it was accorded special treatment and was exempted from certain GATT rules, albeit under certain conditions. Quantitative import restrictions,

⁶¹ "Chapter 1: An overview of the negotiations on agriculture," *The implications of the Uruguay Round Agreement on Agriculture for developing countries*, FAO, accessed July 28, 2017, <http://www.fao.org/docrep/004/w7814e/w7814e04.htm>

⁶² "Principles of the trading system," *World Trade Organization*, accessed August 15, 2017, https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm

⁶³ "Tariffs," *World Trade Organization*, accessed August 15, 2017, accessed August 15, 2017, https://www.wto.org/english/tratop_e/tariffs_e/tariffs_e.htm

⁶⁴ R. Sharma, "Agriculture in the GATT: A Historical Account," *FAO*, accessed July 28, 2017, <http://www.fao.org/docrep/003/x7352e/x7352e04.htm>.



export subsidies and other protectionist measures could be used for agricultural commodities, albeit under certain conditions.⁶⁵ This provided loopholes that were exploited by many countries that were primarily concerned with agricultural production to feed their growing population in the aftermath of World War II.⁶⁶ Governments in many developed countries used price support and import barriers, which expanded domestic production of agricultural goods and, as a result, increased their market share. Local products replaced imports, causing large surpluses and a depression of world market prices to uncompetitively low levels.⁶⁷ Countries that don't subsidize their agricultural production are essentially shut out of world markets, devastating their local economies.⁶⁸

These interventions distorted agricultural production by changing the patterns of production away from comparative advantage. A country has comparative advantage if it can produce something at a lower cost than anyone else.⁶⁹ This economic principle is important in international trade because it lays out the case that all countries benefit from specializing in the good they are best at producing and trading with their partners for other goods.⁷⁰ Thus, when governments in developed countries give high levels of support to their farmers, developing countries with a comparative advantage in agriculture are unable to produce as much as they would have and are deprived of substantial revenues.

Direct support to farmers in countries belonging to the Organisation for Economic Co-operation and Development (OECD) added up to around US\$235 billion, accounting for 90% of trade-distorting domestic support and export subsidies reported to the WTO.⁷¹ Members of the OECD are generally high-income countries in which only 5% of the labour force is employed in agriculture, and only 2% of their gross domestic product (GDP) is attributed to this sector. In low income countries, agriculture provides work for 70% of the labour force and contributes 36% to their GDP.⁷² According to the World Bank, farms subsidies in developed countries cost farmers in developing countries more than US\$30 billion a year. Other estimates double this figure. Using models and data analysis, the OECD concluded:

“First, the potential gains from agricultural trade reform are large. Second, agriculture accounts for a substantial share of the total potential gains from

⁶⁵ Ibid

⁶⁶ “Agriculture: Introduction,” *WTO*, accessed July 28, 2017, https://www.wto.org/english/tratop_e/agric_e/ag_intro01_intro_e.htm

⁶⁷ Ibid

⁶⁸ Max Borders, H. Sterling Burnett, “Farm Subsidies: Devastating the World’s Poor and the Environment,” *National Center for Policy Analysis*, last modified March 24, 2006, <https://owl.english.purdue.edu/owl/resource/717/05/>

⁶⁹ “Comparative Advantage,” *Library of Economics and Liberty*, accessed August 15, 2017, <http://www.econlib.org/library/Topics/Details/comparativeadvantage.html>

⁷⁰ “Comparative Advantage,” *Investopedia*, accessed August 15, 2017, <http://www.investopedia.com/terms/c/comparativeadvantage.asp>

⁷¹ “Subsidies, food imports and tariffs key issues for developing countries,” *FAO Newsroom Focus*, accessed July 29, 2017, <http://www.fao.org/english/newsroom/focus/2003/wto2.htm>

⁷² Ibid.



*economy-wide trade reforms. Third, most countries are likely to benefit... Fourth, developing countries would be major beneficiaries (OECD 2002)."*⁷³

As noted above, the major beneficiaries of agricultural trade liberalization would be poor developing countries. According to the 1999 UNCTAD Trade and Development Report, access to developed countries' markets can potentially raise the export revenue of developing countries by some \$700 billion annually. Thus, access to these markets is essential to developing countries' economic development.

Agricultural negotiations have the potential to redefine the terms of competition between highly-capitalised, large-scale agricultural systems of industrialized countries and smallholder agriculture systems of poor countries. With around two-thirds of all people surviving on less than \$1 living in rural areas, changes in international agricultural trade policy is crucial in the eradication of poverty and food insecurity⁷⁴. According to the Food and Agriculture Organization (FAO), "agriculture accounts for a large share of gross domestic product (GDP), employs a large proportion of the economically active population, and represents a major source of foreign exchange and supplies the bulk of basic foods"⁷⁵. Although the profile of international poverty is increasingly urban, studies predict that the rural share of poverty will remain above 50% for the next thirty years.

Some studies show that farm subsidies also have a negative impact on small farmers in developed countries.⁷⁶ In Europe, the common agricultural policy (CAP), a system of subsidies created in 1962, has been criticized for only benefiting the largest farmers and agribusinesses. The European Commission calculated that 78% of European farmers receive less than 5000 euros per year in direct aid.⁷⁷ According to Oxfam, "by concentrating subsidies in the hands of the riches agricultural landowners, EU agricultural policies are hastening the demise of smallholder agriculture in Europe". The active rural population in countries such as Spain and Italy has been reduced to one-fifth of its number in the 1950s.⁷⁸ As such, it is essential that the rules-based global trade system in agriculture works to benefit the poor, both in developed and developing nations.

Section 2: Agricultural trade in the Uruguay Round

Trade barriers were a major a source of international tension and disputes over agricultural trade. Sixty percent of disputes submitted to the GATT's settlement process

⁷³ Alex F. McCalla, "Liberalizing Agricultural Trade: Will it Ever be a Reality?" *Journal of Agricultural and Resource Economics* 28, no. 3 (2003): 419-434.

⁷⁴ Ibid.

⁷⁵ Ibid

⁷⁶ "Stop the Dumping! How EU Agricultural Subsidies Are Damaging Livelihoods in the Developing World," *OXFAM Briefing Paper*, accessed July 25, https://www.iatp.org/files/Stop_the_Dumping_How_EU_Agricultural_Subsidies.htm

⁷⁷ Ibid

⁷⁸ Ibid



between 1980 and 1990 were related to agriculture⁷⁹. Prior to 1995, GATT rules on agricultural trade were limited and often ineffective. Agricultural products were exempted from most rules applying to other goods, allowing countries to use measures that were not permitted in other sectors, such as export subsidies⁸⁰.

In the Kennedy and Tokyo rounds, agriculture negotiations deadlocked and the topic was finally pulled from the table. When the Uruguay Round began in 1986, the US and the Cairns Group, a coalition of agricultural exporting countries committed to achieving free agricultural trade, insisted on “substantial progressive reduction in agricultural support and protection.”⁸¹ This led to an agricultural agreement, the Uruguay Round Agreement on Agriculture (AoA) that was embedded into the WTO. The AoA provides international rules governing agricultural trade and production, with commitments to three pillar areas⁸²:

- **Market access:** Quantitative restrictions, such as quotas, prohibitions, licensing requirements, were converted to tariffs and bound (countries committed not to increase rates in the future). Although tariffs were subject to reduction, agricultural tariffs still remained high and protection increased for agricultural products perceived as being most politically sensitive.
- **Domestic support:** Forms of support were classified according to their levels of trade distortion. Trade distorting measures include price supports or subsidies related to production quantity. Members of the WTO have commonly agreed on limits for supports with minimal support being allowed, and have expressed their commitment to further reduce subsidies.
- **Export assistance:** The AoA regulated export subsidies, which affect both agricultural exporting and importing countries. Export subsidies reduce prices and make it difficult for exporters to compete. Though lower import prices benefit importers in the short-run, subsidies are detrimental to agricultural development in the long-run⁸³.

Though the Uruguay Round made significant progress in bringing agriculture under the WTO, little actual reduction in trade barriers was accomplished. Distortions to agricultural production and trade remained high. Developed countries often violated rules and failed to open their markets to developing countries’ exports. The terms of

⁷⁹ “Chapter 1: An overview of the negotiations on agriculture,” *The implications of the Uruguay Round Agreement on Agriculture for developing countries*, FAO, accessed July 28, 2017, <http://www.fao.org/docrep/004/w7814e/w7814e04.htm>

⁸⁰ Ibid

⁸¹ P. Lynn Kennedy, Won W. Koo, Mary A. Marchant, “Key Issues and Challenges for the 1999 World Trade Organization Agriculture round,” *American Journal of Agricultural Economics* 81, no. 5 (1999): 1134-1141.

⁸² P. Lynn Kennedy, Won W. Koo, Mary A. Marchant, “Key Issues and Challenges for the 1999 World Trade Organization Agriculture round,” *American Journal of Agricultural Economics* 81, no. 5 (1999): 1134-1141.

⁸³ Ibid



competition between developing and developed countries' agricultural systems are largely dictated by the support systems operating in developed countries' agriculture.⁸⁴ Agricultural subsidies in high-income countries, some amounting to \$250 billion annually, threaten the livelihood of poor farmers in the developing world who are unable to compete with subsidized imports.⁸⁵ In the EU, support levels are equivalent to one third of the value of output, and up to one fifth in the US.⁸⁶ The EU and the US account for more than 85% of the total agricultural subsidies in the world. Import tariffs in Northern markets remained highest in sectors where developing countries could be competitive, including agricultural products and textiles.⁸⁷ According to Zimbabwean Industry and Commerce Minister, Nathan Shamuyarira, "it is an undisputed fact that the general experience of developing countries like Zimbabwe in the implementation of the Uruguay Round agreements has been disappointing... In fact, the economic situations of our countries have in many cases deteriorated".⁸⁸ The resentment of developing countries was further exacerbated at the Seattle Ministerial Conference in 1999 when most were excluded from "green room talks", private consultations with only a select group of mostly industrialized countries. Clement Rohee, Foreign Minister of Guyana, said, "we from developing countries were invited to this meeting and asked to participate, but then treated like delinquents".⁸⁹ The conference was also marred by large demonstrations and deadlocks, resulting in the failure to launch a new round of multilateral trade negotiations⁹⁰.

Section 3: Sub-issues in agricultural trade and Bloc Positions

Preferential treatment

Developing countries are given special rights under WTO provisions. These provisions are called special and differential treatment (SDT), which can include longer periods allowed for implementing agreements and commitments, measures to increase trading opportunities and capacity building to handle disputes and implement technical standards.⁹¹ Developing countries currently depend on preferential treatment and agreements to access the protected agricultural markets in Europe, North America and Japan. There are four main preferential arrangements: the Generalized System of Preferences (GSP) under the WTO, the ACP-EU Cotonou Arrangement, the United

⁸⁴ Alex F. McCalla, "Liberalizing Agricultural Trade: Will it Ever be a Reality?" *Journal of Agricultural and Resource Economics* 28, no. 3 (2003): 419-434.

⁸⁵ Ibid

⁸⁶ Kevin Watkins, "WTO Negotiations on Agriculture: Problems and Ways Ahead," *University of Victoria*, (2004)

⁸⁷ Ibid

⁸⁸ Michael Fleshman, "WTO impasse in Seattle spotlights inequities of global trading system," *UN Africa Recovery* 13, no.4 (1999): 1.

⁸⁹ Robert Piggot, "WTO tarnished by Seattle failure," *BBC News*, last modified December 4, 1999, http://news.bbc.co.uk/2/hi/special_report/1999/11/99/battle_for_free_trade/549794.stm.

⁹⁰ Ibid

⁹¹ "Special and differential treatment," *World Trade Organization*, accessed July 29 2017, https://www.wto.org/english/tratop_e/dev_e/dev_special_differential_provisions_e.htm



States Trade and Development Act of 2000 and the Everything but Arms Initiative of the EU⁹².

SDT provisions have also been incorporated into the AoA. However, the experience regarding certain provisions was mixed. Most provisions lumped the developing countries into a single group, without taking into consideration their varying levels of export and import or the diversity of their agricultural sectors.⁹³ According to the FAO, a true development round of negotiations on agricultural trade should to address the different needs and concerns of developing countries, especially those facing the greatest food insecurity.⁹⁴

Regionalism

Regional trade agreements (RTAs) have started to play an important role in the global trading system. According to the FAO, nearly all WTO members are parties to at least one RTA, some of them belonging to ten or more. More than 225 RTAs have been notified to the GATT/WTO since 1948.⁹⁵ Countries form free trade areas to expand trade volumes between RTA member countries while maintaining protection from the rest of the world. RTAs may also stimulate foreign investment and technology transfer among trading partners.

The proliferation of RTAs raises the concern over their compatibility with the multilateral trading system of the WTO. Proponents of RTAs argue that they promote free trade by including more countries as RTAs expand.⁹⁶ The increased participation of countries in various agreements minimizes trade distortion. If resources are shifted from inefficient domestic suppliers to more efficient producers in the region, there is trade creation.

However, RTAs also discriminate against countries that are not part of the agreement by providing lower tariffs vis-à-vis regional trading partners. Though RTAs generally contribute to more trade creation than trade diversion, some argue that they are not necessarily welcome. These critics suggest that the spread of RTAs has undermined multilateral negotiations at the WTO, and has contributed to its many years of deadlock especially when it comes to agriculture.⁹⁷ Some recently concluded RTAs are competing with multilateralism as an avenue for agricultural trade liberalization.⁹⁸ For example, the North American Free Trade Agreement (NAFTA) between the United States, Canada and Mexico and the Mercado Comun del Sur (Mercosur) between Argentina, Brazil,

⁹² Ibid

⁹³ "Special and differential treatment of developing countries in agricultural trade," *FAO Corporate Document Repository*, accessed July 26, <http://www.fao.org/docrep/005/Y3733E/y3733e0c.htm>

⁹⁴ Ibid

⁹⁵ Caroline Freund, and Emanuel Ornelas, "Regional trade agreements: Blessing or burden?" *VOX EU*, last modified June 2, 2010, <http://voxeu.org/article/regional-trade-agreements-blessing-or-burden>

⁹⁶ Ibid

⁹⁷ Jason H. Grant, and Dayton M. Lambert, "Regionalism in World Agricultural Trade: Lessons from Gravity Model Estimation," *Purdue University Department of Agricultural Economics*, (2005).

⁹⁸ Ibid



Paraguay and Uruguay have liberalized trade in most agricultural products at a faster pace than the Agreement on Agriculture (AoA). According to the FAO, “if the WTO negotiations stall, it seems likely that these countries would put greater efforts into their regional integration plans”.⁹⁹

Environmental concerns

According to the Food and Agriculture Organization, international trade may affect sustainable agricultural and rural development in two ways. First, trade may encourage production activities to shift from places where the environment is less sustainable to places where it is more sustainable or vice versa. The geographical separation of consumption and production shifts the incidence of environmental effects from one country to another¹⁰⁰. This is of international concern particularly if affected countries unilaterally implement environmental policies that increase the costs to producers. This may then cause increases in world trade prices, which would affect all countries.

Second, increased trade liberalization changes the pattern and level of world consumption, production and income. Countries exploiting their comparative advantage can enjoy higher levels of consumption and production, which influences the way resources are used and protected¹⁰¹. Environmental policy also affects world trade because it has an impact on the supply and demand of commodities.

As economic and environmental interests collide, new issues and concerns are raised in global trade politics. In 1992, the United Nations Conference on Environment and Development (UNCED) outlined a work programme on trade and the environment, from which the OECD established a set of guidelines to encourage member governments to work towards policies that benefit both. In 1994, it was agreed that a committee on trade and the environment would be set within the WTO¹⁰². Environmental issues put pressure on developing countries that face both the need to increase incomes and to reduce environmental damage¹⁰³. The Committee on Trade and Environment (CTE) has the mandate to identify the relationship between trade and environmental measures to promote sustainable development, and make recommendations to improve the multilateral trade system as required¹⁰⁴.

Though the committee has made several proposals, it suffers from a number of limitations. First of all, because the WTO is an organization whose primary mission is to advance trade liberalization, it lacks the capacity to fully deal with complex

⁹⁹ “Agricultural trade, trade policies and the global food system,” *FAO* (1995)

¹⁰⁰ *Ibid*

¹⁰¹ *Ibid*

¹⁰² “Items on the CTE’s Work Programme.” *WTO*. Accessed August 25, 2017.

https://www.wto.org/english/tratop_e/envir_e/cte00_e.htm

¹⁰³ Tarasofsky, Richard G. “The WTO Committee on Trade and Environment: Is it making a Difference?” (1999); *Max Planck Yearbook of United Nations Law* 471-488

¹⁰⁴ Tarasofsky, Richard G. “The WTO Committee on Trade and Environment: Is it making a Difference?” (1999); *Max Planck Yearbook of United Nations Law* 471-488



environmental matters¹⁰⁵. The CTE has also not yet addressed the measures relating to processing and production methods, which are at the heart of the environmental agenda. Furthermore, the divide between developed and developing countries in the committee undermines its effectiveness. There is the perception among nations of developing world that the higher-income countries have failed to implement provisions of financial and technical assistance to allow developing countries to meet the costs from global environmental issues¹⁰⁶.

United States and European Union

International agricultural markets and trade issues have a significant impact on American agricultural production, of which approximately 20% is exported. The US has adopted an agenda which includes the elimination of export subsidies and the expansion of market access.

The Common Agricultural Policy (CAP) Reform highlights the EU's priority areas for agriculture: environmental sustainability, increased competitiveness in domestic and foreign markets, and the protection of farmers' livelihoods. Recently, the EU has shown less resistance than before to movements to liberalize trade, as it faces the prospective budgetary strain of the CAP caused by EU expansion into Eastern Europe.¹⁰⁷ In September 1997, the WTO ruled against the EU's banana import regime, concluding that it unfairly restricted entry of US and Latin American bananas to the EU. Under the Lome Convention (later replaced by the Cotonou Agreement), the EU is committed to promoting trade with its former colonies in Africa, the Caribbean and the Pacific¹⁰⁸. In light of the banana ruling, the issue of preferential treatment will likely require more concessions for an agreement to be achieved.

Though the US and the EU have reaffirmed their commitment to a fairer, market-oriented multilateral agricultural trading system, their agricultural subsidies still remain high. Western policy makers justify agricultural support by invoking social equity objectives, but subsidies are usually directed towards large producers and agribusiness interests.¹⁰⁹ It is argued that current support patterns in developed nations are not only harmful for the poor in developing countries, but also for distribution in subsiding countries¹¹⁰.

Agricultural policies in developed nations fail to meet their own objectives, yet they are difficult to reform. According to Jonathan Brooks from the Directorate for Agriculture, Food and Fisheries at the Organization for Economic Co-operation and

¹⁰⁵ Ibid

¹⁰⁶ Ibid

¹⁰⁷ McCalla, Alex F. "Liberalizing Agricultural Trade: Will it Ever be a Reality?" *Journal of Agricultural and Resource Economics* 28, no. 3 (2003): 419-434.

¹⁰⁸ Patrick Barkham, "The banana wars explained," *The Guardian*, last modified March 5 1999, <https://www.theguardian.com/world/1999/mar/05/eu.wto3>

¹⁰⁹ Watkins, Kevin. "WTO Negotiations on Agriculture: Problems and Ways Ahead." *University of Victoria*. (2004)

¹¹⁰ Ibid



Development (OECD), “there is a gap between the officially articulated objectives of agricultural policy, and the implicit priorities of policymakers, who often feel obliged to respond to political imperatives”¹¹¹. The competitive process in OECD countries puts pressure on smaller, less efficient farmers, increasing their incentives to seek government support. Furthermore, with a smaller size of the agricultural constituency, farmers in developed nations have fewer incentives to free-ride, i.e. when individuals face little to no incentive to bear the cost of an action, preferring to wait and enjoy a good.¹¹² Thus, agricultural producers in developed nations constitute a strong, politically active lobby that make it difficult for governments to truly commit to agricultural trade reforms.¹¹³

Cairns Group

The Cairns Group’s primary objective is to achieve a market-oriented agricultural trading system, thus supporting the elimination of all trade-distorting subsidies, the growth of market access, the removal of non-tariff barriers and the expansion of tariff-rate-quotas. The group advocates for a level playing field for trade in agricultural and non-agricultural products.

Developing nations

As previously noted, reforms to international trade policy have not delivered the promised benefits to developing nations. In the eyes of the developing world, developed countries have been negligent when it comes to their commitments towards liberalization. In order to encourage the participation of developed countries, market access must be improved and concessions should be made to correct violations of previous agreements.

Sub-Saharan Africa

The agricultural sector contributes to around a third of Sub-Saharan countries’ GDP and employs more than two-thirds of its economically active population. Agricultural output in the region has been following a downward trend in the last decades; from a peak in 1975, per capita production had declined 20 percent by 1993.¹¹⁴ However, favourable factors including a better external environment, stronger agricultural commodity prices, easing of certain war situations and progress in the stabilization and liberalization of the economy means a greater outlook for the region.¹¹⁵ In order to curb food shortages and encourage local production, governments have introduced duties on imported products. Nevertheless, sub-Saharan Africa still faces many constraints, such as civil strife, drought, and the lack of efficiency in operations

¹¹¹ Jonathan Brooks, “Why is agricultural policy still so difficult to reform?” *Seminar on Political Economy Aspects of Policy Coherence, OECD* (2003)

¹¹² Tejvan Pettinger, “Free Rider Problem,” *Economics Help*, accessed August 25, 2017, <http://www.economicshelp.org/blog/glossary/free-rider-problem/>

¹¹³ Jonathan Brooks, “Why is agricultural policy still so difficult to reform?” *Seminar on Political Economy Aspects of Policy Coherence, OECD* (2003)

¹¹⁴ “The State of Food and Agriculture, 1995.” *FAO* (1995).

¹¹⁵ *Ibid*



caused by financial, administrative, and infrastructural limitations.¹¹⁶ For example, the implementation of economic reforms has been partial and fragmented in certain countries, mainly due to recurring crises and political difficulty in maintaining a consistent framework¹¹⁷.

Near East and North African

Agricultural performance in this region varies among individual countries. Its agricultural resource base, however, is subject to a number of common constraints, including the low and erratic rainfall which causes high variability in crop production and the lack of adequate physical and institutional structures in rural areas.¹¹⁸ The region is heavily dependent on imports to meet its food needs. Countries have been hit by depressed oil prices, a weak dollar and rises in commodity prices. However, many nations have reduced their macroeconomic imbalances and diversified their economies through sound economic policies and economic reforms¹¹⁹.

Asia and the Pacific

Though the share of agriculture in GDP has declined from 30 percent in the mid-1980s to around 20 percent in 1995, agriculture is still a driving economic force and a major employer in many Asian countries. More than 65 percent of the region's inhabitants live in rural areas and half of the economically active population is employed in agriculture¹²⁰. Asia is the world's fastest-growing market for agricultural imports due to increasing domestic demand. However, countries in the region must continue their process of economic adjustment to improve resource efficiency and promote investment in agriculture¹²¹.

Latin America and the Caribbean

In recent years, market forces, rather than government intervention through agricultural policies, have been allowed to determine resource allocation and price formation. One of the goals of liberalization in South America is to diversify exports for non-traditional products, which are more buoyant than more traditional products like coffee or bananas¹²². However, records of agricultural production suggest that the region still faces difficulties in overcoming the crisis in the sector that began in the early 1980s. Recent economic recessions and currency devaluation in many Latin American countries influenced the prices of domestic and imported goods. Attempts were made to create a regional free-trade zone. Intra-regional trade liberalization was most successful among three countries, Honduras, Guatemala and El Salvador which signed the Central

¹¹⁶ Ibid.

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Ibid

¹²⁰ Ibid

¹²¹ Ibid

¹²² Ibid



American Free Trade Agreement in 1993¹²³. Despite this significant step, the existence of alternatives routes to trade promotion such as bilateral agreements weaken the movement towards regional integration.

SECTION 4: Opportunities and Challenges

The FAO invited a number of international agencies and agricultural trade experts who were tasked to identify issues of concern for both developed and developing countries, and develop analytical tools and ways to deal with them. Developing nations were found to have common ground on three issues:

1. Leveling the playing field in agriculture in terms of reducing the disparity between developed and developing countries in the use of support and protection;
2. Improved access to markets for products of export interest to developing countries; and
3. Special and differential treatment (SDT) to allow developing countries to pursue their agricultural development objectives¹²⁴.

The fundamental objective of special differential treatment (SDT) should be to encourage developing countries to participate more fully in the world trading system and to ensure that they share more fully in the benefits of trade. With regards to this specific issue, member states should determine which countries are eligible for different types of SDT and how to balance SDT's effects on tariff levels, domestic prices and production, and world prices and trade flows.¹²⁵

Questions to consider

1. What are the advantages and disadvantages of resolving agricultural trade issues through the WTO? What role does regionalism play in a multilateral system?
2. What are the consequences of giving developing countries a larger amount of preferential treatment? Do developed countries have a responsibility towards developed nations?
3. How do sectors and lobby groups influence developed countries' agricultural policy? How does it impact developed countries' foreign policy?
4. Can agricultural trade liberalization negatively impact some developing countries? How will local farmers adapt to a changing international trade environment?

¹²³ "The State of Food and Agriculture, 1995." *FAO* (1995).

¹²⁴ "Chapter 1: An overview of the negotiations on agriculture," *The implications of the Uruguay Round Agreement on Agriculture for developing countries*, *FAO*, accessed July 28, 2017, <http://www.fao.org/docrep/004/w7814e/w7814e04.htm>

¹²⁵ "Chapter 1: An overview of the negotiations on agriculture," *The implications of the Uruguay Round Agreement on Agriculture for developing countries*, *FAO*, accessed July 28, 2017, <http://www.fao.org/docrep/004/w7814e/w7814e04.htm>



5. How can environmental recommendations be effectively implemented in the WTO negotiations?
6. How can developing nations align their national goals with those of the international community? How do political, financial and other constraints undermine their implementation of new economic reforms?

Further Research

1. “The WTO agreements series: Agriculture” (WTO)
https://www.wto.org/english/res_e/booksp_e/agric_agreement_series_2.pdf
2. “Environment, Trade and SARD: Concepts, Issues and Tools” (FAO)
<http://www.fao.org/docrep/x2775e/X2775E06.htm>
3. “Agricultural Trade Barriers, Trade Negotiations, and the Interests of Developing Countries” (UNCTAD) <http://www.fao.org/docrep/x2775e/X2775E06.htm>
4. “Agriculture, Trade and Food Security: Issues and Options” (FAO)
<http://www.fao.org/docrep/003/X4829e/X4829e00.htm>



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