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TRADE AND DEVELOPMENT ISSUES IN NON-OECD COUNTRIES

REPORT BY THE RAPPORTEUR

Santiago, Chile, 14-15 June 2001

The attached report contains the personal observations of the Rapporteur, Dr. David Robertson, at the OECD Global Forum on Trade held in Santiago, Chile on 14-15 June 2001. It does not necessarily reflect the views of the OECD or its Member Countries.

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WORKSHOP ON "TRADE AND DEVELOPMENT ISSUES IN NON-OECD COUNTRIES"
REPORT BY THE RAPPORTEUR
Professor David Robertson

1. Our discussions over the two days of the Workshop have provided many insights that can be used to build strategies to shape negotiations to strengthen the multilateral trading system, in ways that will enhance the further integration of developing countries into the global economy. By focusing on the interests and concerns of non-OECD countries in the WTO, the Workshop has identified and clarified some of their key concerns about the multilateral trading system (MTS). Below are my personal observations on the key points that arose during the discussion.

2. Obviously, both OECD and non-OECD countries can reap potentially large benefits from further reform of the WTO. Since the early 1990s, trade with non-Members has grown much faster than trade among OECD members. This trend can be expected to continue in the long term. So improving trade relations between these two groups will bring mutual economic benefits. Intra-trade among non-OECD has grown faster than their total trade, revealing growing interdependence among non- OECD (developing) countries. These trends are important for several reasons:

- Consumers and producers generally stand to benefit from access to imports that bear a lower cost in terms of domestic resources than if they are produced at home. Domestic producers gain as international sourcing increases.
- Competition from imported goods and services disciplines local producers, while exports provide opportunities for allocative efficiency and scale economies.
- For OECD countries, further trade liberalisation will favour skill-intensive industries and services, creating well-paid jobs. Dynamic non-OECD economies import capital equipment and high-tech, intermediate goods from OECD countries that benefit OECD engineering industries, and these countries' demands for infrastructure investment will continue to rise.
- In non-OECD countries, as service sectors are liberalised, attractive new opportunities for trade will arise from international specialisation (e.g. media and information services, software development, education, accountancy and financial services, insurance etc).

3. To achieve these gains from trade, the processes of international consultation and negotiation need to be strengthened. Completion of the Tokyo and Uruguay Rounds of trade negotiations led to broad-based tariff reductions and the easing of some important non-tariff barriers. The establishment of the WTO in 1995 strengthened the permanent institutional mechanisms for resolving trade disputes.

I. Market-Access

4. The first session of the workshop was an in-depth discussion of market access issues. When opening the session, the Chairman suggested that market access still represents the most important source

of trade differences between OECD and non-OECD countries. Non-OECD countries' strongest demands are for more assured and increased access to OECD countries' markets.

5. Non-OECD participants emphasised the following concerns:

- large differences still exist between applied and bound tariffs;
- tariff peaks and tariff escalation practices remain prevalent in products and sectors where developing countries have important export interests (textiles, clothing, footwear and, of course, agriculture);
- trade in some sectors still suffers from failure to bind MFN tariffs.

6. All participants supported a call for all industrial and agricultural tariffs to be included in any future round of multilateral negotiations. There were also calls for improved market access to be complemented by increased efforts in the area of capacity building.

7. Some participants pointed to two main disadvantages in using preferential market access as a means of according a temporary economic advantage. Firstly, that the preferences may induce beneficiaries to specialise in activities in which they will never be competitive, and secondly, that they create vested interests opposed to multilateral trade liberalisation. Inappropriate specialisation may be particularly acute where preferential access entails economic transfers arising from privileged access behind high non-tariff barriers, as has been the case, for example, with certain agricultural preferences. Not only is the reversal of reliance on such high rent transfers likely to prove extremely painful unless it is carefully managed over an extended period, but the preferences themselves have perpetuated mono-cultural dependence rather than promoting diversification of the production base. This observation leads to the conclusion that preference margins can be too high for the long-term good of beneficiaries.

8. The Workshop showed a realistic attitude towards protection of the *agriculture* sector. Industrial tariffs benefited from more than 40 years of GATT tariff negotiations before the Uruguay Round, whereas agriculture was subject to negotiations for the first time during the Uruguay Round. Many non-OECD economies still depend on agricultural exports. While some participants emphasised the *multifunctionality* aspects of agriculture, non-OECD commodity exporters pointed out that invocation of this principle excluded them from many OECD markets. Tariffs are only one instrument of protection in the agricultural sector; less transparent instruments such as subsidies, tariff quotas, food security and safety and environmental protection, are more difficult for exporters to overcome.

9. The majority of non-OECD participants argued that the question of agriculture must be tackled in the new Round. One target should be to ban highly distorting export subsidies.

10. One excuse for OECD agricultural programmes is to support *rural populations*. Yet non-OECD agricultural sectors also have poor rural producers to consider and the environmental damage they cause by bad husbandry leads to desertification, soil loss, salination etc. Some non-OECD countries dependent on agricultural exports suffer economy-wide costs in the face of increased protectionism. Rich developed countries will always feed their populations. Developing countries, however, need access to overseas markets to survive and to produce efficiently for their domestic markets.

Services

11. Although OECD countries dominate global trade and investment in services, non-OECD countries are often more specialised in – and dependent on – services exports as a source of foreign exchange earnings. In most instances, this reflects the importance of tourism and transportation-related activities. However, a growing number of non-OECD countries are becoming large exporters of data processing, “back-office” services and a burgeoning range of information and software development services; the so-called “new economy.” The potential to exploit recent and emerging technological developments allows cross-border trade in services by specialising in narrow slices of the value chain.

12. Today's inter-connected economy influences more than productivity growth. It makes knowledge the key factor of production. Finance and telecommunications are creating the reality of a global infrastructure for services' markets. This infrastructure facilitates the adjustment and redeployment of old industries and the development of new ones. It is the key to allowing non-OECD countries to narrow the gap. Non-OECD participants consider the absence of these key sectors presents a major barrier to the development of their service industries.

13. It was broadly acknowledged at the workshop that the multilateral liberalisation of trade in services is more difficult to achieve than for merchandise trade. The characteristics of services and the regulatory nature of measures restricting trade and investment in the sector lend themselves less readily to reciprocal trading of market access “concessions.” The challenge for non-OECD countries is to develop negotiating modalities that allow governments to use the GATS as a complementary means of pursuing necessary domestic reforms, while at the same time improving their access to foreign markets.

14. Some potential tradeoffs for negotiations on services were identified. For example, non-OECD countries declared an interest in seeking commitments in the area of national social and medical insurance regimes, to allow patients to undergo medical treatment abroad. Liberalisation of “Mode 4” (temporary movement of natural persons) offers a potential area for commercially meaningful tradeoffs. Although traditionally a sensitive policy area in many OECD countries, labour mobility is one issue where incremental progress could be made in the context of the GATS negotiations. It is also an area where opposition within OECD countries is not monolithic — there are many “user” industries that would benefit from more liberal regimes for temporary access for workers. Coalitions might be formed with such industries to change the *status quo*.

II. Rules and Disciplines of the WTO

15. These topics overlap with non-tariff barriers (NTBs). It is evident that NTBs are particularly difficult to define and their impacts are difficult to quantify. NTBs have expanded over time from simple border measures to include new “behind the border” measures. NTBs include technical barriers to trade (TBT), sanitary and phytosanitary measures (SPS) (i.e. quarantine regulations), testing and certification requirements, rules of origin, customs valuation practices, intellectual property rights, government procurement, etc.

16. One country may see an NTB where another sees a legitimate regulation. Compiling an exhaustive or definitive list is difficult. Many Uruguay Round agreements introduced a new complication; allowance for risk. Quarantine, food safety, genetically modified foods, etc. depend on assessments of risk. The probability of a disease or pest invading an economy may be remote but, in some cases, such an event may destroy an industry or create health problems. In other cases, of course, it may be curable, though costly. This adds a new dimension to traditional considerations associated with tariff liberalisation.

17. Many participants observed that while the WTO is getting more legalistic, the need for economic surveillance is increasing. To the extent that tariffs are replaced by NTBs, the resulting trading environment becomes less transparent.

18. It was noted that faithful implementation of existing WTO disciplines on NTBs would substantially reduce their number. In some cases, such as investment (TRIMs) and trade facilitation, changes to current disciplines are still necessary. In other instances, new disciplines are called for. Then for other issues, bilateral or plurilateral rules may be more relevant (government procurement, competition policy).

19. *Antidumping* duties were mentioned by many non-OECD speakers. Some defenders of these contingency measures argued that they were responses to “unfair” trade practices and are already subject to WTO rules. They considered that it would be premature to re-open the debate on anti-dumping rules.

20. Non-OECD participants, however, regarded anti-dumping as an inequitable measure that seriously disadvantages small country suppliers. The legal costs of anti-dumping actions are usually prohibitive; determination of dumping margins are a “legal art” rather than scientific, because it is a flexible measure; embargoes on goods subject to anti-dumping complaints can destroy supplying firms. Anti-dumping remains controversial.

21. On countervailing duties, some called for improvements to the WTO *Subsidies* agreement. The application of the new *Safeguards* agreement was also raised as a threat to textiles and clothing exports to OECD, when the Agreement on Textiles and Clothing is fully implemented in 2005. It could replace the expiring MFA restrictions.

22. Developing countries, especially the least developed countries, explained they need assistance to understand and implement existing agreements such as SPS, TBT, customs valuation, trade-related intellectual property protection (TRIPs) etc. Many also lack the capacity to implement certain WTO-sanctioned contingency measures, such as safeguards.

23. The WTO is not a standards setting body but the Uruguay Round Agreements require acceptance of decisions from WIPO, ISO, Codex, etc. Many developing countries do not participate in such bodies and lack resources to do so.

24. While the discussion of rules focused on “new issues,” such as standards and trade facilitation, there was broad agreement that “trade and core labour standards” is not an appropriate issue for negotiation in the WTO. The non-OECD representatives regarded the Declaration of the Singapore Ministerial meeting (1996) – allocating responsibility for this issue to the ILO – as remaining valid and appropriate.

III. Special and Differential treatment

25. Many non-OECD participants, and some from OECD, voiced their support for continued application of “special and differential” (S&D) treatment for developing countries. Others questioned S&D treatment as a tool of development. Experience since the Tokyo Round suggests that S&D handicaps development, and for OECD countries it provides an excuse to take trade policy actions that restrict access for developing countries’ exports of agricultural products, textiles and clothing.

26. S&D provisions have multiplied under WTO agreements, which has caused confusion among developing countries because interpreting articles in the agreements requires scarce expertise. Originally,

S&D under GATT provisions related to preferential market access and special protection under the rules. In the Uruguay Round, however, S&D treatment was introduced with transition periods for the implementation of agreements (TRIMs, TRIPs, etc), which required more flexibility in the interpretation.

27. This new complexity has led many non-OECD countries, especially least developed countries, to seek technical and financial assistance to facilitate implementation of agreements. While acknowledging the need for this, OECD countries have been slow to make funds available and the WTO does not have any budget allocation for such assistance.

28. Some middle-income, non-OECD countries face demands for them to provide least developed countries with S&D treatment. This 'tiering' of preferences would further complicate trade relations, and increase applications of rules of origin to imports.

29. Some OECD representatives suggested that principles for the application of S&D treatment would be necessary if additional complications were not to arise in a new round of trade negotiations. Too much flexibility in the provisions of different agreements would exacerbate the complex operation of S&D. Non-OECD representatives were divided over S&D treatment. Some saw advantages in preferences. Others regard S&D and its complexities as playing into the hands of OECD protectionist interests in the areas of textiles and clothing, and agriculture.

30. It is evident that preferences and S&D treatment have severely weakened the principles of non-discrimination, reciprocity and transparency on which the GATT system was founded. As the Chairman noted, progress in the WTO system depends on the commitment of the members, and this will be demonstrated in the way S&D and 'graduation' from S&D provisions, and funding for trade-capacity development are dealt with.

IV. The Contribution of Development Co-operation

31. The importance of capacity building for trade was stressed at all sessions of the Workshop, as a means to incorporate non-OECD economies more fully into the multilateral trading system.

32. The DAC background paper situates trade capacity building in the broader context of comprehensive development strategies and poverty reduction, and emphasises the importance of participatory and locally-owned approaches to capacity building and technical assistance. It also underlines the importance of a trade development strategy to strengthen trade institutions by reforming import regimes, adding value and diversifying exports, and attracting foreign investment to non-OECD economies. Financial and technical support for these objectives will contribute to economic development and promote developing countries' integration into the global economy.

33. As the session Chairman remarked, the new DAC Guidelines stress the importance of mainstreaming trade in comprehensive development frameworks and poverty-reduction strategies. Trade policy reforms will have a greater impact on development if they are part of a broader effort at economic reforms and institution building. This is the rationale behind the Integrated Framework for Trade-related Assistance for Least Developed Countries.

34. Least-developed countries often lack not only the capacity to implement existing WTO agreements, but may also fail to recognise their interests in new negotiations. The capacity-building approach, therefore, is directly relevant to the failure of many S&D provisions accorded in several Uruguay Round agreements, because extended transition periods for implementation alone are not enough. Real resources are required to educate and explain those commitments undertaken during negotiations.

OECD members, through the DAC and the WTO High-Level Symposium on Trade and Development (1999), have acknowledged the need for technical assistance and capacity building. As occurred with the Integrated Framework for least developed countries (1997), OECD countries have been reluctant to commit funds either via their executive roles in the international financial institutions or their own bilateral ODA programs. Until financial support is forthcoming, the trade capacity-building proposal will achieve little. Yet a new round of multilateral trade negotiations depends on the participation of all WTO members, and especially the adoption of special arrangements on implementation and participation of non-OECD (developing) countries. To be successful, the governments of these countries need to understand the commitments they make in the negotiations and their capacity to implement new agreements.

35. The common element in “capacity development” and “S&D” treatment in various WTO provisions is inadequate administrative and institutional structures, and lack of technical experience, which impede reform processes and economic adjustment. Only political stability, time and experience, an effective trade policy process, coupled with the development of domestic economic stability can overcome these deficiencies. It remains to be seen whether the OECD members recognise -and act upon, the importance of sustaining non-OECD countries’ participation in multilateral negotiations

Conclusion

36. I hope my observations have done justice to the crucial areas you have identified that have to be dealt with to establish an open, equitable, global trading system. The record of trade liberalisation over the past 50 years is undeniable, but reviewing distortions arising from general preferences, special and differential treatment, preferential trade agreements, discrimination by product, etc. does give one pause to reflect on whether the multilateral system is non-discriminatory and transparent.

37. In several areas, our discussions revealed that the political economy of trade policy still dominates thinking about trade. Vested interests in the status quo allow inequities to continue and potential benefits to be ignored.

- Despite progress in technology and transport, and globalisation of many industrial markets, agriculture is still considered to be different from other sectors. Why?
- Preferential market access can hamper multilateral trade liberalisation as it creates vested interests that arouse opposition to MFN liberalisation (consistent with the familiar infant industry argument for protection).
- Tariffs are still significant, even though many NTBs are more pernicious and need more effort to disentangle.

38. Nationalism also comes into trade policy calculations, even though for forty years change and structural adjustment have been revealed as the path of development.

39. The immediate challenge is agreeing an agenda for the new multilateral round – though the path of autonomous liberalisation is still open. A successful WTO round will depend on full participation by developing countries (all non-OECD). Achieving internal transparency for negotiations is the only way these governments can explain outcomes at home and understand the commitments they have made.

40. Benefits accrue to those with courage to liberalise, that is the conclusion to be drawn from the trade and tariff studies. The complexity of many issues discussed here shows that technical and financial support is necessary to sustain capacity building programmes for developing countries. This will influence the next stages of trade liberalisation.

41. The starting point for advancing the global agenda of trade liberalisation in Doha in November does not look auspicious and this discussion has established that the problems are getting tougher and more complex. The remaining barriers comprise a mix of hard core protection of vital national interests, such as farming, and other measures supported by powerful lobbies. On top of which many new issues are being proposed for inclusion on the negotiating agenda, most of which were not raised at the workshop. But the many differences exposed at the Workshop indicate that large gaps have to be narrowed to get a comprehensive new trade round under way. In throwing light on these issues the Workshop has served a valuable purpose.

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Trade and Development Issues in Non-OECD countries
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