

## **Appendixes**



## Countries on the UN official list of LDCs that are WTO Members or observers

Angola	Malawi
Bangladesh	Maldives
Benin	Mali
Bhutan*	Mauritania
Burkina Faso	Mozambique
Burundi	Myanmar
Cambodia*	Nepal
Cape Verde*	Niger
Central African Republic	Rwanda
Chad	Samoa*
Congo, Dem. Rep.	São Tomé and Príncipe*
Djibouti	Senegal
Equatorial Guinea*	Sierra Leone
Ethiopia*	Solomon Islands
Gambia	Sudan*
Guinea	Tanzania
Guinea-Bissau	Togo
Haiti	Uganda
Lao PDR*	Vanuatu*
Lesotho	Yemen*
Madagascar	Zambia

\* WTO observer.

LDCs that are not WTO Members or observers are Afghanistan, Comoros, Eritrea, Kiribati, Liberia, Somalia, Timor-Leste, and Tuvalu.

## G-90 countries (ACP, LDC, or African Union) that are WTO Members or observers

Country	Affiliations	Country	Affiliations
Algeria*	AU	Lao PDR*	LDC
Angola	ACP, AU, LDC	Lesotho	ACP, AU, LDC
Antigua and Barbuda	ACP	Madagascar	ACP, AU, LDC
Bahamas*	ACP	Malawi	ACP, AU, LDC
Bangladesh	LDC	Maldives	LDC
Barbados	ACP	Mali	ACP, AU, LDC
Belize	ACP	Mauritania	ACP, AU, LDC
Benin	ACP, AU, LDC	Mauritius	ACP, AU
Bhutan*	LDC	Mozambique	ACP, AU, LDC
Botswana	ACP, AU	Myanmar	LDC
Burkina Faso	ACP, AU, LDC	Namibia	ACP, AU
Burundi	ACP, AU, LDC	Nepal*	LDC
Cambodia*	LDC	Niger	ACP, AU, LDC
Cameroon	ACP, AU	Papua New Guinea	ACP
Cape Verde*	ACP, AU, LDC	Rwanda	AU, LDC
Central African Republic	ACP, AU, LDC	Samoa*	ACP, LDC
Chad	ACP, AU, LDC	São Tomé and Príncipe*	ACP, AU, LDC
Congo	ACP, AU	Senegal	ACP, AU, LDC
Côte d'Ivoire	ACP, AU	Seychelles*	ACP, AU
Congo, Dem. Rep.	ACP, AU, LDC	Sierra Leone	ACP, AU, LDC
Djibouti	ACP, AU, LDC	Solomon Islands	ACP, LDC
Dominica	ACP	St Kitts and Nevis	ACP
Dominican Republic	ACP	St Lucia	ACP
Equatorial Guinea*	ACP, AU, LDC	St Vincent and the Grenadines	ACP
Ethiopia*	ACP, AU, LDC	Sudan*	ACP, AU, LDC
Fiji	ACP	Suriname	ACP

Country	Affiliations	Country	Affiliations
Gabon	ACP, AU	Swaziland	ACP, AU
The Gambia	ACP, AU, LDC	Tanzania	ACP, AU, LDC
Ghana	ACP, AU	Togo	ACP, AU, LDC
Grenada	ACP	Tonga*	ACP
Guinea	ACP, LDC	Trinidad and Tobago	ACP
Guinea Bissau	ACP, AU, LDC	Tunisia	AU
Guyana	ACP	Uganda	ACP, AU, LDC
Haiti	ACP, LDC	Vanuatu*	ACP, LDC
Jamaica	ACP	Yemen*	LDC
Kenya	ACP, AU	Zambia	ACP, AU, LDC
		Zimbabwe	ACP, AU

\* WTO observer.

*Note:* Egypt (AU), South Africa (ACP, AU), and Nigeria (ACP, AU) are not included on this list since they were members of the G-20 at Cancún. Other ACP countries that are not WTO Members or observers are Comoros, Cook Islands, Eritrea, Kiribati, Liberia, Marshall Islands, Federated States of Micronesia, Nauru, Niue, Palau, Somalia, and Tuvalu. Other African Union countries that are not WTO Members or observers are Comoros, Eritrea, Guinea Conakry, Liberia, Libya, Saharawi Arab Democratic Republic, and Somalia.

## OECD members

Austria	Korea, Rep.
Australia	Luxembourg
Belgium	Mexico
Canada	Netherlands
Czech Republic	New Zealand
Denmark	Norway
Finland	Poland
France	Portugal
Germany	Slovak Republic
Greece	Spain
Hungary	Sweden
Iceland	Switzerland
Ireland	Turkey
Italy	United Kingdom
Japan	United States

*Note:* Observers vary according to OECD bodies. Observers to the Trade Committee include Argentina, Brazil, Chile, Hong Kong (China), and Singapore. All OECD members are WTO Members.

## The “poorest developing countries”—some relevant factors

This report uses the term “poorest developing countries” to indicate developing countries that, while not on the UN List of LDCs, still face a wide range of serious development challenges. This appendix does not attempt to define this group in any comprehensive way, but offers some initial thoughts on some of the factors and indicators that might be useful in identifying a group of poorest developing countries.

One basic indicator is gross national income (GNI) per capita, as already used in the WTO Agreement on Subsidies and Countervailing Measures to define the poorest countries as those with a GNI per capita of less than \$1,000. There is also the World Bank list (table A4.1) of low-income and lower middle-income countries (these are countries with GNI per capita of \$735 or less and \$736–\$2,935, respectively). Criticisms have been made, however, of GNI per capita as a sufficient means of differentiating countries.

A first issue from a trade point of view is that the threshold of \$1,000 GNI per capita includes some countries that are relatively dynamic economies and significant exporters. Proposals have thus been made to supplement the income-based indicator with a measure of trade performance, such as the share of manufactured products in total exports (Oyejide 2002).

Another issue is that the GNI per capita includes very large countries. A possibility would thus be to supplement it with the condition that the total GNI of a poorest country should not be larger than 2 percent of the total GNI of all donor countries (Messerlin 2003). This formula would address the particular problem of countries such as India and China, which have very large numbers of poor people, but which have also experienced high growth rates in the last decades and have achieved considerable reductions in the number of people living in extreme poverty.<sup>1</sup> Further, these countries have much larger levels of negotiating capital and domestic reform capacity than many poorest

countries. There is also a political economy problem; their inclusion in the group of poorest developing countries to which the most extensive special and differential treatment would be granted may reduce the willingness of other countries—mostly developed, but perhaps also some developing—to extend more meaningful special and differential treatment.

Another criticism is that some countries, while having a certain level of GDP per capita, are particularly vulnerable to shocks. These tend to be mini-states, or small island states at particular risk of natural disasters, often geographically remote and highly dependent on a narrow range of products. Considerable work has been done by the Commonwealth Secretariat and the World Bank (2000) to identify these small and poor economies—work that could usefully serve as a guide to discussions in the WTO. While a work program on small economies has been launched as part of the Doha agenda, the self-selected group of small economies goes beyond the scope envisioned by the Commonwealth Secretariat and World Bank and is perhaps too broad to be useful.

Finally, purely economic measurements may not be a reliable indicator of countries' actual levels of development and regulatory capacities. A more sophisticated approach would be to create a composite index capturing the economic and institutional factors that WTO Members would be ready to consider as relevant for defining the poorest countries. For the sake of illustration, table A4.2 provides the UNDP human development index (HDI), a composite index that measures a country's average achievements in a range of aspects of development: longevity, knowledge, and standard of living. Longevity is measured by life expectancy at birth (drawn mainly from UN Population Division data); knowledge, by a combination of the adult literacy rate and the combined primary, secondary, and tertiary gross enrollment ratio (based on UNESCO data); and standard of living, by GDP per capita in terms of purchasing power parity with the U.S. dollar (drawn from World Bank data).

For the sake of information, table A4.3 provides a potential list of the WTO Members and observers (as of December 2003) that would meet one of the criteria mentioned above, along with some additional indicators: GNI per capita of less than \$1,000; GNI less than 2 percent of total donor GNI; trade performance; population; farm exports exposure; food security situation; and HDI ranking.

**Table A4.1**  
**WTO Members and observers according to World**  
**Bank income group classifications, 2003**

\* WTO observer.  
 Source: World Bank 2003.

Income group	Sub-Saharan Africa		Asia		Europe and Central Asia		Middle East and North Africa		Americas
	East and Southern Africa	West Africa	East Asia and the Pacific	South Asia	Eastern Europe and Central Asia	Rest of Europe	Middle East	North Africa	
Low income	Angola	Benin	Cambodia*	Bangladesh	Azerbaijan*		Yemen*		Haiti
GNI per capita, \$735 or less	Burundi	Burkina Faso	Indonesia*	Bhutan*	Georgia				Nicaragua
	Congo, Dem. Rep.	Cameroon	Lao PDR	India	Kyrgyz Republic				
	Ethiopia*	Central African Republic	Mongolia	Nepal*	Moldova				
	Kenya	Chad	Myanmar	Pakistan	Tajikistan*				
	Lesotho	Congo, Rep.	Papua New Guinea		Uzbekistan*				
	Madagascar	Côte d'Ivoire	Solomon Islands						
	Malawi	Equatorial Guinea*	Viet Nam*						
	Mozambique	Gambia, The							
	Rwanda	Ghana							
	Sudan*	Guinea							
	Tanzania	Guinea-Bissau							
	Uganda	Mali							
	Zambia	Mauritania							
	Zimbabwe	Niger							
		Nigeria							
		São Tomé and Príncipe*							
		Senegal							
		Sierra Leone							
		Togo							

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**Table A4.1**  
**WTO Members and observers according to World**  
**Bank income group classifications, 2003**  
*(continued)*

Income group	Sub-Saharan Africa		Asia		Europe and Central Asia		Middle East and North Africa		Americas
	East and Southern Africa	West Africa	East Asia and the Pacific	South Asia	Eastern Europe and Central Asia	Rest of Europe	Middle East	North Africa	
<i>Lower middle income</i>	Namibia	Cape Verde*	China	Maldives	Albania	Turkey	Iraq	Algeria*	Bolivia
	South Africa		Fiji	Sri Lanka	Armenia		Jordan	Djibouti	Brazil
	Swaziland		Philippines		Belarus*			Egypt	Colombia
GNI per capita, \$736–\$2,935			Samoa*		Bosnia and Herzegovina*			Morocco	Cuba
			Thailand		Bulgaria			Tunisia	Dominican Rep.
			Tonga*		Kazakhstan*				Ecuador
			Vanuatu*		Macedonia FYR				El Salvador
					Romania				Guatemala
					Russian Federation*				Guyana
					Serbia and Montenegro*				Honduras
					Ukraine*				Jamaica
									Paraguay
									Peru
									St Vincent and the Grenadines
									Suriname
<i>Upper middle income</i>	Botswana	Gabon	Malaysia		Croatia		Lebanon*		Argentina
	Mauritius				Czech Republic		Oman		Belize
	Seychelles*				Estonia		Saudi Arabia*		Chile
GNI per capita, \$2,936–\$9,075					Hungary				Costa Rica
					Latvia				Dominica
					Lithuania				Grenada
					Poland				Mexico
					Slovak Republic				Panama
									St Kitts and Nevis
									St Lucia
									Trinidad and Tobago
									Uruguay
									Venezuela
<b>Subtotal</b>	<b>21</b>	<b>22</b>	<b>16</b>	<b>7</b>	<b>25</b>	<b>1</b>	<b>6</b>	<b>5</b>	<b>30</b>

Income group	Sub-Saharan Africa		Asia		Europe and Central Asia		Middle East and North Africa		Americas
	East and Southern Africa	West Africa	East Asia and the Pacific	South Asia	Eastern Europe and Central Asia	Rest of Europe	Middle East	North Africa	
High income OECD GNI per capita, \$9,076 or more			Australia Japan Korea, Rep. New Zealand			Austria Belgium Denmark Finland France Germany Greece Iceland Ireland Italy Luxembourg Netherlands Norway Portugal Spain Sweden Switzerland United Kingdom			Canada United States
High income non-OECD			Brunei Hong Kong (China) Macao (China) Singapore Taiwan (China)		Slovenia		Bahrain Israel Kuwait Qatar United Arab Emirates	Malta	Antigua and Barbuda Bahamas* Barbados
<b>Subtotal</b>	<b>0</b>		<b>9</b>	<b>0</b>	<b>1</b>	<b>22</b>	<b>5</b>	<b>1</b>	<b>5</b>

**Table A4.2****GDP per capita and Human Development Indicators, 2004**

*GDP per capita (purchasing power parity in 2002 dollars)*

a. Neither WTO Member nor observer.

b. For purposes of calculating HDI, a value of \$40,000 (PPP) was used.

c. Data may refer to another year than that specified.

d. Estimate based on regression.

e. Preliminary World Bank estimate, subject to further revision.

f. No reliable GDP data are available. A rough estimate of GDP was used to build the corresponding HDI.

Source: UNDP 2004a.

HDI rank	Country	GDP per capita (PPP) 2002
<i>High human development</i>		
1	Norway	36,600
2	Sweden	26,050
3	Australia	28,260
4	Canada	29,480
5	Netherlands	29,100
6	Belgium	27,570
7	Iceland	29,750
8	United States	35,750
9	Japan	26,940
10	Ireland	36,360
11	Switzerland	30,010
12	United Kingdom	26,150
13	Finland	26,190
14	Austria	29,220
15	Luxembourg	61,190 <sup>b</sup>
16	France	26,920
17	Denmark	30,940
18	New Zealand	21,740
19	Germany	27,100
20	Spain	21,460
21	Italy	26,430
22	Israel	19,530
23	Hong Kong (China)	26,910
24	Greece	18,720
25	Singapore	24,040
<i>Medium human development</i>		
26	Portugal	18,280
27	Slovenia	18,540
28	Korea, Rep.	16,950
29	Barbados	15,290
30	Cyprus	18,360 <sup>c</sup>
31	Malta	17,640
32	Czech Republic	15,780
33	Brunei Darussalam	19,210 <sup>c</sup>
34	Argentina	10,880
35	Seychelles	18,232 <sup>d, e</sup>
36	Estonia	12,260
37	Poland	10,560
38	Hungary	13,400
39	St Kitts and Nevis	12,420

HDI rank	Country	GDP per capita (PPP) 2002
<i>Medium human development</i>		
40	Bahrain	17,170
41	Lithuania	10,320
42	Slovakia	12,840
43	Chile	9,820
44	Kuwait	16,240 <sup>d</sup>
45	Costa Rica	8,840 <sup>d</sup>
46	Uruguay	7,830
47	Qatar	19,844 <sup>c</sup>
48	Croatia	10,240
49	United Arab Emirates	22,420 <sup>c, d</sup>
50	Latvia	9,210
51	Bahamas	17,280 <sup>c</sup>
52	Cuba	5,259 <sup>c</sup>
53	Mexico	8,970
54	Trinidad and Tobago	9,430
55	Antigua and Barbuda	10,920
56	Bulgaria	7,130
57	Russian Federation	8,230
58	Libya	7,570
59	Malaysia	9,120
60	FYR Macedonia	6,470
61	Panama	6 170
62	Belarus	5,520
63	Tonga	6,850 <sup>d</sup>
64	Mauritius	10,810
65	Albania	4,830
66	Bosnia and Herzegovina	5,970
67	Suriname	6,590 <sup>d, e</sup>
68	Venezuela	5,380
69	Romania	6,560
70	Ukraine	4,870
71	Saint Lucia	5,300
72	Brazil	7,770
73	Colombia	6,370 <sup>d</sup>
74	Oman	13,340
75	Samoa (Western)	5,600 <sup>d</sup>
76	Thailand	7,010
77	Saudi Arabia	12,650 <sup>d</sup>
78	Kazakhstan	5,870
79	Jamaica	3,980

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**Table A4.2**  
**GDP per capita and**  
**Human Development**  
**Indicators, 2004**  
*(continued)*

HDI rank	Country	GDP per capita (PPP) 2002
<i>Medium human development</i>		
80	Lebanon	4,360
81	Fiji	5,440
82	Armenia	3,120
83	Philippines	4,170
84	Maldives	4,798 <sup>c, d, e</sup>
85	Peru	5,010
86	Turkmenistan	4,300 <sup>c</sup>
87	St Vincent and the Grenadines	5,460
88	Turkey	6,390
89	Paraguay	4,610 <sup>d</sup>
90	Jordan	4,220
91	Azerbaijan	3,210
92	Tunisia	6,760
93	Grenada	7,280
94	China	4,580
95	Dominica	5,640
96	Sri Lanka	3,570
97	Georgia	2,260
98	Dominican Republic	6,640 <sup>d</sup>
99	Belize	6,080
100	Ecuador	3,580
101	Iran	6,690
102	Occupied Palestinian Territories	<sup>f</sup>
103	El Salvador	4,890 <sup>d</sup>
104	Guyana	4,260 <sup>d</sup>
105	Cape Verde	5,000 <sup>d</sup>
106	Syria	3,620
107	Uzbekistan	1,670
108	Algeria	5,760 <sup>d</sup>
109	Equatorial Guinea	30,130 <sup>c, d</sup>
110	Kyrgyzstan	1,620
111	Indonesia	3,230
112	Viet Nam	2,300
113	Moldova	1,470
114	Bolivia	2,460
115	Honduras	2,600 <sup>d</sup>
116	Tajikistan	980
117	Mongolia	1,710
118	Nicaragua	2,470 <sup>d</sup>
119	South Africa	10,070 <sup>d</sup>

HDI rank	Country	GDP per capita (PPP) 2002
<i>Medium human development</i>		
120	Egypt	3,810
121	Guatemala	4,080 <sup>d</sup>
122	Gabon	6,590
123	São Tomé and Príncipe	1,317 <sup>c</sup>
124	Solomon Islands	1,590 <sup>d</sup>
125	Morocco	3,810
126	Namibia	6,210 <sup>d</sup>
127	India	2,670 <sup>d</sup>
128	Botswana	8,170
129	Vanuatu	2,890 <sup>d</sup>
130	Cambodia	2,060 <sup>d</sup>
131	Ghana	2,130 <sup>d</sup>
132	Myanmar	1 027
133	Papua New Guinea	2,270 <sup>d</sup>
134	Bhutan	1,969 <sup>c</sup>
135	Lao PDR	1,720
136	Comoros	1,690 <sup>d</sup>
137	Swaziland	4,550
138	Bangladesh	1,700
139	Sudan	1,820 <sup>d</sup>
140	Nepal	1,370
141	Cameroon	2,000
<i>Low human development</i>		
142	Pakistan	1,940
143	Togo	1,480 <sup>d</sup>
144	Congo	980
145	Lesotho	2,420 <sup>d</sup>
146	Uganda	1,390 <sup>d</sup>
147	Zimbabwe	2,400 <sup>c</sup>
148	Kenya	1,020
149	Yemen	870
150	Madagascar	740
151	Nigeria	860
152	Mauritania	2,220
153	Haiti	1,610
154	Djibouti	1,990
155	Gambia	1,690
156	Eritrea	890
157	Senegal	1,580
158	Timor-Leste	f

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**Table A4.2**  
**GDP per capita and**  
**Human Development**  
**Indicators, 2004**  
*(continued)*

HDI rank	Country	GDP per capita (PPP) 2002
<i>Low human development</i>		
159	Rwanda	1,270
160	Guinea	2,100
161	Benin	1,070
162	Tanzania	580
163	Côte d'Ivoire	1,520
164	Zambia	840
165	Malawi	580
166	Angola	2,130
167	Chad	1,020
168	Congo, Dem. Rep.	650
169	Central African Republic	1,170
170	Ethiopia	780
171	Mozambique	1,050
172	Guinea-Bissau	710
173	Burundi	630
174	Mali	930
175	Burkina Faso	1,100
176	Niger	800
177	Sierra Leone	520
Developing countries		4,054
Least Developed Countries		1,307
Arab States		5,069
East Asia and the Pacific		4,768
Latin America and the Caribbean		7,223
South Asia		2,658
Sub-Saharan Africa		1,790
Central and Eastern Europe and CIS		7,192
OECD		24,904
High-income OECD		29,000
High human development		24,806
Medium human development		4,269
Low human development		1,184
High income		28,741
Middle income		5,908
Low income		2,149
World		7,804

**Table A4.3**  
**The poorest developing countries, with GNP per capita less than \$1,000 a year**

\* Net food-importing developing countries defined by the Uruguay Round.

a. AG: African Group; LDC: Least Developed Countries; LMG: Like-Minded Group.

b. GNI: Gross national income; CER: at current exchange rates; PPP: exchange rates at purchasing power parity.

c. Share of exports by the poorest countries of farm products enjoying OECD domestic support.

d. From 1 (the highest security risk) to 12 (the lowest security risk).

e. Excluding China and India.

f. For most OECD countries, tariffs on farm products do not reflect the totality of protection (see text).

Source: World Bank 2003c; WTO 2004f; Hoekman, Mattoo, and English 2002; Hoekman, Ng, and Clairreaga 2002; Diaz-Bonilla, Thomas, and Robinson 2003.

Country	Coalition(s) joined <sup>a</sup>	Population (millions)	GNI per capita <sup>b</sup>		Average tariff rates in 2002 (%)			Farm exports exposure <sup>c</sup>	Food security risk <sup>d</sup>
			CER	PPP	Agriculture	Manufactures	All goods		
Ethiopia	AG,LDC	64.0	100	660			16.3		1
Burundi	AG,LDC	7.0	110	580			7.4	72.8	1
Sierra Leone	AG,LDC	5.0	130	480			21.0	6.6	1
Korea, Dem. Rep.		22.0	150						
Liberia	LDC	3.0	150						1
Eritrea	LDC	4.0	170	960					1
Malawi	AG,LDC	10.0	170	600	15.6	15.7	15.7	75.7	1
Guinea-Bissau	AG,LDC	1.0	180	710				39.8	1
Niger	AG,LDC	11.0	180	740			18.3	17.2	1
Tajikistan		6.0	180	1,090					2
Chad	AG,LDC	8.0	200	870	17.0	15.5	15.8	82.5	1
Burkina Faso	AG,LDC	11.0	210	970	37.0	29.1	31.1	75.5	1
Mozambique	AG,LDC	18.0	210	800	16.9	15.3	16.9	0.0	1
Somalia	LDC	9.0	210				23.2		1
Rwanda	AG,LDC	9.0	230	930	58.0	31.1	34.8	59.0	1
Mali	AG,LDC	11.0	240	780	16.1	10.4	11.2	84.5	1
Nepal	LDC	23.0	240	1,370	12.9	18.9	17.7		1
Madagascar	AG,LDC	16.0	250	820	6.4	6.9	6.8	26.6	1
Cambodia	LDC	12.0	260	1,440			35.0		1

**Table A4.3**  
**The poorest developing countries, with**  
**GNP per capita less than \$1,000 a year**  
*(continued)*

Country	Coalition(s) joined <sup>a</sup>	Population (millions)	GNI per capita <sup>b</sup>		Average tariff rates in 2002 (%)			Food security risk <sup>d</sup>	
			CER	PPP	Agriculture	Manufactures	All goods		Farm exports exposure <sup>c</sup>
Congo, Dem. Rep.	AG,LDC	51.0	260	765	18.0	17.5	17.6	10.6	1
Nigeria	AG,LMG	127.0	260	800	23.0	24.0	23.4	1.8	5
Kyrgyz Republic		5.0	270	2,540				24.1	5
Myanmar	LDC	48.0	270	1,027	8.9	5.1	5.7	23.6	6
Tanzania	AG,LDC,LMG	34.0	270	520	17.4	16.2	16.1		1
Central African Rep.	AG,LDC	4.0	280	1,160	7.6	6.8	7.0	24.8	1
Angola	AG,LDC	13.0	290	1,180				0.3	1
Laos PDR	LDC	5.0	290	1,540					3
São Tomé and Príncipe	AG,LDC	0.1	290	1,792					
Togo	AG,LDC	5.0	290	1,410	13.6	13.3	13.3	42.5	3
Afghanistan	LDC	27.0	300						1
Uganda	AG,LDC,LMG	22.0	300	1,210	23.7	11.6	13.2	63.3	1
Zambia	AG,LDC	10.0	300	750	15.9	13.0	13.6	8.1	3
Sudan	AG,LDC	31.0	310	1,520			24.0	60.1	4
Gambia	AG,LDC	1.0	340	1,620			13.6	11.0	1
Ghana	AG	19.0	340	1,910	20.1	14.1	15.0	32.4	3
Kenya	AG,LMG	30.0	350	1,010	16.7	18.2	18.0	48.7	1*
Uzbekistan		25.0	360	2,360					5
Bangladesh	LDC	131.0	370	1,590	21.4	22.5	22.2	2.2	1
Benin	AG,LDC	6.0	370	980	13.7	12.8	13.1	84.7	4
Mauritania	AG,LDC	3.0	370	1,630			20.3	1.2	4
Yemen	LDC	18.0	370	770			20.0		1

Country	Coalition(s) joined <sup>a</sup>	Population (millions)	GNI per capita <sup>b</sup>		Average tariff rates in 2002 (%)			Farm exports exposure <sup>c</sup>	Food security risk <sup>d</sup>
			CER	PPP	Agriculture	Manufactures	All goods		
Comoros	LDC	0.6	380	1,590			0.1	1	
Mongolia		2.0	390	1,760		8.2	12.0	2	
Viet Nam		79.0	390	2,000	21.5	14.4	15.1	3	
Moldova		4.0	400	2,230	11.2	4.9	6.7	8	
Nicaragua		5.0	400	2,080	16.4	10.3	11.0	2	
Pakistan	LMG	138.0	440	1,860	42.7	46.9	46.5	4*	
Guinea	AG,LDC	7.0	450	1,930	16.6	16.3	16.4	1	
India	LMG	1,016.0	450	2,340	30.5	32.4	32.2	3	
Zimbabwe	AG,LMG	13.0	460	2,550	27.0	21.7	22.2	59.3	
Senegal	AG,LDC	10.0	490	1,480	13.5	12.1	12.3	7.6	
Cuba	LMG	11.0	500		9.7	10.9	10.7	50.7	
Haiti	LDC	8.0	510	1,470			10.0	12.2	
Armenia		4.0	520	2,580					
Congo	AG	3.0	570	570			15.7	1.1	
Indonesia	LMG	210.0	570	2,830	11.9	10.7	10.9	2.8	
Cameroon	AG	15.0	580	1,590	24.3	17.8	18.1	24.7	
Lesotho	AG,LDC	2.0	580	2,590			17.4		
Bhutan	LDC	0.8	590	1,440					
Azerbaijan		8.0	600	2,740					
Côte d'Ivoire	AG	16.0	600	1,500	21.2	18.8	19.2	48.7	
Solomon Islands	LDC	0.4	620	1,710	32.8	22.3	22.7	9.1	
Georgia		5.0	630	2,680				2	

**Table A4.3**  
**The poorest developing countries, with**  
**GNP per capita less than \$1,000 a year**  
*(continued)*

Country	Coalition(s) joined <sup>a</sup>	Population (millions)	GNI per capita <sup>b</sup>		Average tariff rates in 2002 (%)			Farm exports exposure <sup>c</sup>	Food security risk <sup>d</sup>
			CER	PPP	Agriculture	Manufactures	All goods		
Papua New Guinea		5.0	700	2,180	24.6	8.0	8.8	15.1	3
Ukraine		50.0	700	3,700	15.7	7.5	10.0		10
Turkmenistan		5.0	750	3,800					
Equatorial Guinea	AG,LDC	0.5	800	5,600					
China		1,262.0	840	3,920	16.5	16.9	16.8	1.9	6
Sri Lanka	LMG	19.0	850	3,460	23.8	19.1	20.0	2.1	3
Guyana		0.8	860	3,670			10.4	33.1	5
Honduras	LMG	6.0	860	2,400	12.2	7.5	8.1	43.9	2*
Djibouti	AG,LDC	0.6	880	2,377				9.5	2
Syria		16.0	940	3,340			21.0		7
Serbia and Montenegro		11.0	940				11.8		
Kiribati	LDC	0.1	950						4
Bolivia		8.0	990	2,360	10.0	8.9	9.7	11.3	3
Poorest developing countries <sup>e</sup>		1,529	396	1,689	19.3	15.6	16.5	29.3	2.5
China and India		2,278	666	3,216	23.5	24.7	24.5	5.2	4.5
Middle income developing countries		1,339	3,257	7,345	16.3	10.8	12.1	15.6	6.4
OECD countries		851	28,335	27,878	7.3 <sup>f</sup>	4.0	5.0	4.0	10.5

## A brief explanation of the structure and operation of the GATS

The General Agreement on Trade in Services (GATS) applies to all services supplied on a commercial basis.<sup>1</sup> It excludes most air transport services as well as services supplied in the exercise of governmental authority (defined as services supplied neither on a commercial basis nor in competition with one or more service suppliers).

The agreement includes both rules and a framework for countries to make commitments to open particular service sectors to foreign suppliers. These market-opening commitments are referred to as “specific commitments” and set out the service sectors in which foreign suppliers will be permitted and the conditions under which they will be permitted to supply services.

Accordingly, the GATS is divided in two parts. The first part of the GATS consists of general obligations, as well as some obligations that apply only where commitments for particular sectors are made. An example of a general obligation is the most favored nation or MFN requirement, which requires WTO Members to treat all other WTO Members as well as they treat their most favored nation. That is, treatment offered to one country must be extended to all other Members.

Some transparency requirements are also general obligations, such as the requirement to publish or otherwise make publicly available at the national level all relevant measures of general application that pertain to the agreement. Other transparency requirements apply only where a commitment has been made, such as the requirement to notify other WTO Members through the WTO Council for Trade in Services of any new or changed laws that significantly affect trade in services covered by a commitment.<sup>2</sup> Another example of these types of obligations is the requirement that, in sectors where specific commitments are undertaken, measures of a general application affecting trade in services be administered in a reasonable, objective, and impartial manner (Article VI.1).

The second part of the GATS sets out the framework under which countries decide which service sectors they want to allow foreign suppliers to enter, and under what conditions. The commitments made under this framework are referred to as “specific commitments.” The commitments undertaken by each WTO Member are contained in individual schedules of commitments, which are annexed to the GATS.

For the purposes of making commitments, a list of 12 service sectors and around 160 subsectors was developed. The Services Sectoral Classification List (MTN.GNS.W/120, known as “W/120”) includes cross-references to the Provisional United Nations Central Product Classification (Provisional CPC). While its use was not obligatory, many WTO Members used W/120 in making their GATS-specific commitments.

### **What are modes of supply?**

As a further tool for making market-opening commitments, the GATS also sets out four possible modes, or ways, in which services can be traded between WTO Members. Mode 1 (cross-border supply) is where the service crosses the border (a Malaysian architect faxes a plan to a client in Thailand). Mode 2 (consumption abroad) is where the service is consumed in the territory of the service supplier (a Thai tourist goes to Malaysia for a holiday). Mode 3 (commercial presence) is where the service supplier establishes a commercial presence in another WTO Member to provide the service (a Malaysian architecture firm opens a branch in Thailand). Mode 4 (presence of natural persons) is where an individual service supplier moves temporarily to another WTO Member for the purposes of supplying a service (a Malaysian architect visits Thailand for six months to supervise construction of the building she designed).

### ***Who is covered by mode 4?***

Generally, mode 4 is seen as covering:

- Business visitors.
- Contractual service suppliers, either individuals or employees of foreign companies who have obtained a contract to supply services to clients in the host country.
- Intracorporate transferees: persons employed abroad by foreign companies established in the host country.

There is a difference of view among WTO Members about whether mode 4 covers foreign employees of domestic companies, as opposed to persons providing services to those companies on a contract basis. The wording of the agreement seems to cover only foreign employees of foreign firms established in another Member, and some WTO Members argue that foreigners working for host-country companies would fall under GATS mode 4 if they worked on a contractual basis as independent suppliers for a locally owned firm, but would not necessarily seem to be covered if they were employees of that firm.

However, other Members argue that employees of domestic firms are included and note that a number of GATS commitments actually refer to short-term employment (these commitments also form an integral part of the GATS). This situation is further complicated by the fact that some WTO Members deem almost all types of foreign temporary workers to be employees for the purposes of bringing them under domestic labor law (with implications for their wages, conditions, and social protection).

Mode 4 covers only temporary movement. While temporary is not defined under the GATS, permanent migration is explicitly excluded. In practice, most WTO Members' commitments under mode 4 range from up to 3 months (as for business visitors) to up to 5 years (as for intracorporate transferees, generally limited to 2–5 years).

Mode 4 also applies only to service suppliers. However, it is not always easy to know what constitutes the supply of a service. For example, should fruit pickers be viewed as temporary agricultural laborers (outside the scope of mode 4) or as suppliers of fruit-picking services? Equally, tasks performed on a fee or contract basis, without ownership of the inputs or outputs, are sometimes deemed to be services, even when they would appear to be technically manufacturing in nature. For example, a factory that receives a roll of fabric and a contract to sew 300 shirts is a supplier of tailoring services, whereas a factory that owns the cloth and produces 300 shirts, which it then sells under its own mark, is a textile manufacturer. In a world where production chains are being broken down into a series of outsourced activities, there is some debate over the extent to which activities previously classified as manufacturing can now be broken down into, and classified as, services.

Technically, mode 4 includes service suppliers at all skill levels, but in practice WTO Members' commitments have been generally limited to the higher skilled—managers, executives, specialists—though these terms are generally not further defined.

While there is no single, clear definition of mode 4, a useful approach might be to consider both duration and purpose of stay. That is, mode 4 service suppliers:

- Gain entry for a specific purpose (to fulfill a service contract as self-employed or an employee of a service supplier).
- Are normally confined to one sector (as opposed to workers who enter under general migration or asylum programs who can move between sectors).
- Are temporary (they are neither migrating on a permanent basis nor seeking entry to the labor market).

### **How does the GATS operate?**

The GATS covers the rules and framework for making a commitment to open particular services to foreign suppliers.

**Table A5.1**  
**Summary of**  
**mode 4 coverage**

Included	Excluded	Differences of view exist
Temporary movement (temporary is undefined)	Permanent migration (residence, citizenship, or employment on a permanent basis)	
Related to the supply of services	Persons working in nonservice sectors, such as agriculture or manufacturing	Scope of activities included in “services incidental to agriculture” (such as temporary agricultural workers or suppliers of fruit-picking services) or “services incidental to manufacturing”
All skill levels (but in practice commitments to date are limited to the highly skilled)		
Foreign employees of foreign companies established in the host country	Domestic (nationals of the host country) employees of foreign companies established in the host country	Foreign employees of domestic companies
Business visitors, intracorporate transferees, contractual service suppliers (self-employed or as employee of a foreign service supplier)	Persons seeking to enter the employment market	

***What is a commitment?***

GATS commitments are guaranteed minimum treatment offered to other WTO Members; countries are always free to offer better treatment if they wish, but they cannot offer worse. Commitments are binding—that is, they cannot be changed without paying compensation to other Members (this takes the form of a commitment for access in another area of equal value to the one being changed or withdrawn). Commitments are also on an MFN basis—that is, the access offered is open to suppliers from all other WTO Members.

Commitments can be made for each sector or subsector and, within this, for each mode of supply. For example, under “legal services,” commitments can be made for “foreign legal consultants,” with some access granted under mode 3 and mode 4, but not mode 1. Alternatively, commitments can be made “horizontally,” covering a single mode of supply across all sectors listed in the schedule. Horizontal commitments apply to all sectors listed in the schedule unless otherwise clearly specified at the sectoral level (for example, a Member’s schedule specifies that its horizontal mode 4 commitment does not apply to legal services).<sup>3</sup>

***What are market access and national treatment?***

For each service sector or subsector, and for each mode of supply within that, countries make commitments to the level of “market access” and “national treatment” they will offer. Read together, market access and national treatment commitments inform a foreign supplier about the access they will have to the

WTO Member's market and any special conditions that will apply to them as foreigners. In making commitments, a WTO Member has three main choices:

- A commitment to provide full market access or national treatment for a particular mode—that is, to maintain no restrictions—indicated in the schedule by “none.”
- No commitment to provide anything on national treatment and/or market access for a particular mode, indicated by “unbound” (no bound commitment undertaken).
- Partial commitments for market access or national treatment, with the remaining restrictions listed in the schedule.

There are six types of restrictions on access to their markets for a given service that WTO Members need to list in their commitment if they want to use them. These restrictions can apply to both nationals and foreigners or only to foreigners. These market access restrictions are:

- Restrictions on the number of service suppliers, including in the form of monopolies or exclusive service suppliers.
- Restrictions on the total value of service transactions or assets.
- Restrictions on the total number of service operations or the total quantity of service output.
- Restrictions on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ.
- Restrictions on or requirements for certain types of legal entity or joint venture for the supply of a service.
- Limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

National treatment means that foreign services and service suppliers are granted treatment no less favorable than that accorded to like national services and service suppliers. This can mean formally identical or formally different treatment—the key requirement is that it does not modify the conditions of competition in favor of services or service suppliers who are nationals instead of foreigners. National treatment can also cover both *de jure* and *de facto* discrimination—that is, even if a measure applies to foreigners and nationals it may still be discriminatory if its effect is to discriminate against foreign suppliers. However, national treatment does not require a Member to compensate for any inherent competitive disadvantage that results from the foreign character of the relevant service or service suppliers.

A key consideration in national treatment is whether the services or service suppliers are “like.” The GATS, like other WTO agreements, does not define “like,” and panels under the WTO dispute settlement system have tended to approach the issue of “likeness” on a case-by-case basis, taking into account, *inter alia*, consumer perceptions of the degree to which a particular good is like, and its substitutability.

WTO Members are free to make no commitment on national treatment or to provide partial national treatment if they list the measures they maintain that discriminate in favor of nationals in their schedule. Unlike market access, there is no specific list of the types of measures that have to be scheduled; Members must judge whether a measure breaches national treatment and therefore should be scheduled. A measure may not be considered discriminatory if it is genuinely open to both nationals and foreigners to fulfill it. For example, a requirement for a degree of proficiency in a certain language need not be discriminatory if it is genuinely possible for foreigners to be able to learn the language and achieve the required level of proficiency. Examples of the types of measures that would need to be listed in the schedule as limitations on national treatment include eligibility for subsidies reserved to nationals and the ability to lease or own land reserved to nationals.

***What are the options in making commitments?***

Contrary to perception, the GATS does not force privatization of any services. Whether to allow private—or foreign—provision of services remains a purely national decision. The GATS comes into play only once countries have decided to permit foreign private supply in their market and is concerned only with the treatment of foreign providers. The GATS also does not impede countries' ability to regulate the supply of services within their territories. GATS commitments cover only market access and measures that discriminate in favor of nationals. Countries retain flexibility to introduce any new regulatory measures that apply equally to foreigners and nationals, if these are transparent and on an MFN basis.

In making commitments, WTO Members have a number of choices:

- They can exclude an entire sector (health services) or parts of a sector (everything other than general nursing) from their commitments. WTO Members are free to define the sector as they wish—they can refer to a list developed for the GATS negotiations (the Services Sectoral Classification List), or to the United Nations Central Product Classification to which this GATS list refers, or they can use their own definitions.
- They can exclude some modes of supply. For example, a WTO Member may decide to permit its nationals to study abroad (mode 2) but not permit foreign universities to establish in its territory (mode 3).
- They can place limits on the “market access” they offer (for example, they can limit the number and type of foreign computer professionals and the activities in which they can engage).
- They can discriminate against foreign providers in favor of nationals (say, by placing additional conditions or requirements on foreign computer professionals, or restricting some activities or benefits to national computer professionals).
- They can discriminate among foreign suppliers (that is, they can give better treatment to suppliers from some countries) if they have an

MFN exemption for the relevant service. WTO Members had a one-off opportunity to claim exemptions from MFN at the time they joined the GATS.<sup>4</sup> Members that are party to regional trade agreements can also discriminate in favor of other members of those agreements.

- They can commit to providing less access than they currently actually provide (for example, a member may commit in the GATS to allowing 40,000 foreign professionals to provide services temporarily each year, but may in practice under its national law allow 100,000 foreign professionals to enter). Because a commitment is a binding guarantee of minimum treatment, WTO Members often commit to less than they currently offer to leave themselves room to maneuver (say, to change the national law to drop the number from 100,000 to 50,000). Many current GATS commitments represent significantly less openness than actually exists in the member concerned.
- They can commit to liberalize at a chosen future date to give themselves time to ensure that the necessary regulatory frameworks are in place (for example, they can commit to allowing foreign lawyers to work in their territory, but only from 2010). These are known as precommitments.
- Developing countries have added flexibility to liberalize fewer sectors and to attach conditions to access offered. And other members should facilitate their participation in trade, including liberalizing modes and sectors of interest to them, and should establish special contact points to provide information to developing country service suppliers.

### **The GATS negotiating process**

The GATS negotiating process includes general negotiating proposals by WTO Members and request-offer negotiations.

#### ***Phase one: general negotiating proposals***

In the first phase of the negotiations—roughly between their commencement on January 1, 2000, and the WTO Ministerial in Doha in 2002—a number of members tabled general proposals outlining their interests in the services negotiations. More than 120 proposals were tabled in all, and are available online at [www.wto.org](http://www.wto.org).

#### ***Phase two: requests and offers***

*Requests.* Under request-offer negotiations, each WTO Member submits requests to its trading partners. These requests can be made to other members individually or to groups of members. While some countries tailor their requests to specific trading partners, others have submitted nearly identical general requests to a number of countries. Requests can take the form of:

- A request for the trading partner to make commitments in a new sector (a sector not already included in its schedule).

- A request to remove an existing restriction or to reduce its level of restrictiveness (for example, if a member has a foreign equity limitation of 49 percent in a given sector, another WTO Member may request that limit to be removed altogether—that 100 percent equity be allowed—or that it be raised to 75 percent).
- A request to remove an existing MFN exemption.
- A request to make an additional commitment in its schedule covering particular regulatory practices aimed at making sure that liberalization is effective. For example, additional commitments were used in the negotiations on telecommunications for countries to commit to providing an independent regulator for the sector.

Requests are communicated directly between the WTO Members concerned, not through the WTO Secretariat, so there is no central collection point for requests. It is thus not possible to know the exact number of requests or to have an overview of their content. Some WTO Members have made their requests—or summaries of their requests—public, but others have chosen not to. It is the decision of individual WTO Members whether to make their initial requests public.

*Offers.* In the next stage, WTO Members submit offers in response to all the requests they have received. Members usually prepare a single offer in response to all requests received. They may choose not to offer anything in response to some requests, or not to satisfy all points in some requests, and they are free to do so. The choice of what to offer is a decision of each WTO Member. Some members have already indicated that they will not be making requests or offers on particular sectors (notably, health and education) in the current round of negotiations.

For the sake of clarity, WTO Members have submitted their initial offers in the form of a revision to their existing schedule of commitments, with changes indicated in strike-out and bold.

While requests are addressed bilaterally to negotiating partners, offers are traditionally circulated multilaterally (to all WTO Members). This is because, under the MFN rule, access offered to one WTO Member is automatically offered to all WTO Members. Given this, the offer is shown to all WTO Members, and even Members that did not initially make any requests can consult and negotiate with a Member that has submitted an offer. Equally, some Members may choose not to submit their own requests, judging that their interests are covered by others' requests and knowing that whatever those other Members manage to negotiate in terms of access will automatically be extended to them under the MFN rule.

The submission of offers can also trigger further requests, including by countries that had not yet submitted requests, and then the process continues and becomes a succession of requests and offers. As with most types of negotiations, initial requests can be ambitious and initial offers more minimal, with a compromise emerging in the process of negotiation.

## The unfinished rules agenda under the GATS

The GATS is an unfinished agreement, with key areas left outstanding at the end of the Uruguay Round. These mainly concern general disciplines, or rules, covering four areas: a possible emergency safeguard (Article X); government procurement (Article XIII); possible disciplines on trade-distorting subsidies (Article XV); and possible disciplines on certain types of domestic regulation (Article VI.4). These negotiations are all due to be concluded prior to the conclusion of the negotiations on specific commitments.

### **Emergency safeguard negotiations (Article X)**

A safeguard is a mechanism that allows WTO Members to temporarily suspend their commitments in the event of unforeseen and negative consequences for domestic suppliers. While such mechanisms exist for goods trade, there is currently no safeguard for services. GATS Article X mandates negotiations on the question of an emergency safeguard. Negotiations have been under way since 1996, but the original deadline has been extended several times.

Progress in the negotiations has been slow because of differences of view among WTO Members on the desirability of a safeguard and because of technical and conceptual difficulties in developing a safeguard for services. The nature and coverage of any safeguard mechanism is still to be determined. A number of developing countries have indicated that the quality of their offers will be influenced by whether or not any commitments they ultimately undertake would have access to an emergency safeguard.

### **Government procurement (Article XIII)**

Government procurement is defined in the GATS as “the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services

for commercial sale.” It is not subject to MFN (WTO Members are not bound to treat all other WTO Members equally), and commitments on market access and national treatment in a sector do not cover government procurement.

GATS Article XIII mandates negotiations on government procurement in services within two years of the entry into force of the WTO Agreement (within two years of January 1, 1995). However, to date there has been relatively limited interest in these negotiations for a number of reasons, including the greater priority placed by a number of WTO Members on concluding the safeguard negotiations and the parallel efforts to develop a multilateral agreement on transparency in government procurement applying to both goods and services.

### **Subsidies (Article XV)**

There are currently no specific disciplines on subsidies under the GATS (although discriminatory subsidies should be scheduled as limitations on national treatment where specific commitments are made), and understanding of the issue is still at an early stage. This is reflected in the language of Article XV, which states that members recognize that, in certain circumstances, subsidies may have distortive effects on trade in services. Article XV mandates members to enter negotiations with a view to developing the necessary multilateral disciplines to avoid such trade-distortive effects of subsidies.

Article XV does not condemn subsidies. Indeed, it notes that the negotiations shall recognize the role of subsidies in relation to the development programs of developing countries and take into account the needs of members, particularly developing countries, for flexibility in this area.

Article XV also mandates that members shall exchange information concerning all subsidies related to trade in services that they provide to their domestic service suppliers. In 1996 a questionnaire asked WTO Members to identify any subsidies they thought were relevant. However, the survey has had relatively few responses, in part because members have experienced difficulty in identifying what might constitute a subsidy, and a subsidy with trade-distortive effects, in services.

### **Certain types of domestic regulation (Article VI.4)**

Article VI.4 mandates the development of any necessary disciplines to ensure that nondiscriminatory measures (which are not restrictions on market access) relating to qualification requirements and procedures, technical standards, and licensing requirements do not constitute unnecessary barriers to trade in services. That is, these measures should be:

- Based on objective and transparent criteria, such as competence and ability to supply the service.
- Not more burdensome than necessary to ensure the quality of the service.
- In the case of licensing procedures, not in themselves a restriction on the supply of a service.

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These disciplines do not exist yet. Progress on Article VI.4 has been very slow and there are different views among WTO Members on the sort of disciplines that should be developed. Some Members argue that any disciplines should focus on increasing transparency and that any “necessity test” is itself not necessary. These Members have expressed concern that a necessity test could allow other WTO Members to “second-guess” the decisions of national regulators. However, others argue that other WTO Members should be free to challenge requirements they feel are unnecessarily trade-restrictive and be able to suggest other—equally effective and reasonably available but less trade-restrictive—ways of achieving the same objective.

## Summary of preference margins by country for agricultural products, 2003

Country	Harmonized System chapter	Preference margin (%)	Product descriptions
Australia	05	5	Products of animal origin, not elsewhere specified or included
	07	5	Edible vegetables and certain roots and tubers
	08	5	Edible fruit and nuts; peel of citrus fruit or melons
	11	5	Products of the milling industry; malt; starches; insulin; wheat gluten
	12	5	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder
	13	5	Vegetable plaiting materials; vegetable products not elsewhere specified or included
	17	5	Sugars and sugar confectionery
	19	5	Preparations of cereals, flour, starch, or milk; pastry cooks' products
	20	5	Preparations of vegetables, fruit, nuts or other parts of plants
	22	5	Beverages, spirits and vinegar
Canada	02	11	Meat and edible meat offal
	04	11	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included
	06	12.5–16	Live trees and other plants; bulbs, roots, and the like; cut flowers and ornamental foliage
	07	11–19.6	Edible vegetables and certain roots and tubers
	08	12.5	Edible fruit and nuts; peel of citrus fruit or melons

Country	Harmonized System chapter	Preference margin (%)	Product descriptions
<b>Canada</b> <i>(continued)</i>	15	11	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes
	16	12.5	Preparations of meat
	17	12.5	Sugars and sugar confectionery
	19	14.5	Preparations of cereals, flour, starch, or milk; pastry cooks' products
	20	11.5–17	Preparations of vegetables, fruit, nuts, or other parts of plants
	21	12.5	Miscellaneous edible preparations
	22	16	Beverages, spirits and vinegar
	24	12.5–13	Tobacco and manufactured tobacco substitutes
<b>European Union</b>	20	24–40	Preparations of vegetables, fruit, nuts, or other parts of plants
	22	32	Beverages, spirits and vinegar
	24	26–74.9	Tobacco and manufactured tobacco. Substitutes
<b>United States</b>	04	19–25.0	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included
	07	20–24.3	Edible vegetables and certain roots and tubers
	08	28–29.8	Edible fruit and nuts; peel of citrus fruit or melons
	15	18–19.1	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes
	17	18.3	Sugars and sugar confectionery
	20	22.4–29.8	Preparations of vegetables, fruit, nuts, or other parts of plants
	21	20–30.6	Miscellaneous edible preparations
	22	35	Beverages, spirits and vinegar
	24	18.1–46.9	Tobacco and manufactured tobacco substitutes

Source: WTO 2003a.

## WTO disputes with developing country complainants

	<b>WTO dispute number</b>	<b>Disputes title</b>	<b>Year</b>	<b>Complainant</b>	<b>Respondent</b>
1	1	Prohibition of imports of polyethylene and polypropylene	1995	Singapore	Malaysia
2	2	Standards for reformulated and conventional gasoline	1995	Venezuela	U.S.
3	4	Standards for reformulated and conventional gasoline	1995	Brazil	U.S.
4	12	Trade description of scallops	1995	Peru	EC
5	14	Trade description of scallops	1995	Chile	EC
6	16	Importation, sale, and distribution of bananas	1995	Guatemala	EC
7	16	Importation, sale, and distribution of bananas	1995	Honduras	EC
8	16	Importation, sale, and distribution of bananas	1995	Mexico	EC
9	17	Import duties on rice	1995	Thailand	EC
10	19	Import regime for automobiles	1995	India	Poland
11	22	Measures affecting desiccated coconut	1995	Philippines	Brazil
12	23	Antidumping investigation concerning certain oil country tubular goods	1996	Mexico	Venezuela
13	24	Quantitative restrictions on Costa Rican underwear	1996	Costa Rica	U.S.
14	25	Implementation of Uruguay Round commitments concerning rice	1996	Uruguay	EC
15	27	Regime for the importation, sale, and distribution of bananas	1996	Ecuador	EC
16	27	Regime for the importation, sale, and distribution of bananas	1996	Guatemala	EC
17	27	Regime for the importation, sale, and distribution of bananas	1996	Honduras	EC

	<b>WTO dispute number</b>	<b>Disputes title</b>	<b>Year</b>	<b>Complainant</b>	<b>Respondent</b>
18	27	Regime for the importation, sale, and distribution of bananas	1996	Mexico	EC
19	29	Restrictions on imports of textile and clothing products	1996	Hong Kong (China)	Turkey
20	30	Measures affected desiccated coconut and coconut milk powder	1996	Sri Lanka	Brazil
21	32	Measures affecting imports of women's and girls' wool coats	1996	India	U.S.
22	33	Measures affecting imports of woven wool shirts and blouses	1996	India	U.S.
23	34	Restrictions on imports of textile and clothing products	1996	India	Turkey
24	35	Export subsidies in respect of agricultural products	1996	Argentina	Hungary
25	35	Export subsidies in respect of agricultural products	1996	Thailand	Hungary
26	47	Restrictions on imports of textile and clothing products	1996	Thailand	Turkey
27	49	Antidumping investigation on fresh and chilled tomatoes from Mexico	1996	Mexico	U.S.
28	58	Import prohibition of shrimp and shrimp products	1996	India	U.S.
29	58	Import prohibition of shrimp and shrimp products	1996	Malaysia	U.S.
30	58	Import prohibition of shrimp and shrimp products	1996	Pakistan	U.S.
31	58	Import prohibition of shrimp and shrimp products	1996	Thailand	U.S.
32	60	Antidumping investigation on imports of portland cement from Mexico	1996	Mexico	Guatemala
33	61	Import prohibition of certain shrimp and shrimp products	1996	Philippines	U.S.
34	69	Measures affecting importation of certain poultry products	1997	Brazil	EC
35	70	Measures affecting the export of civilian aircraft	1997	Brazil	Canada
36	71	Measures affecting the export of civilian aircraft	1997	Brazil	Canada
37	78	Safeguard measure against imports of broom and corn brooms	1997	Colombia	U.S.
38	89	Imposition of antidumping duties on imports of color television receivers from the Republic of Korea	1997	Korea, Rep.	U.S.
39	96	Quantitative restrictions on imports of agricultural textile and industrial products	1997	EC	India
40	97	Countervailing duty investigation of imports of salmon from Chile	1997	Chile	U.S.
41	99	Antidumping duty on dynamic random access memory semiconductors (DRAMS of one megabyte or above) originating from the Republic of Korea	1997	Korea, Rep.	U.S.

	<b>WTO dispute number</b>	<b>Disputes title</b>	<b>Year</b>	<b>Complainant</b>	<b>Respondent</b>
42	105	Regime for the importation, sale, and distribution of bananas	1997	Panama	EC
43	111	Tariff rate quota for imports of groundnuts	1998	Argentina	U.S.
44	112	Countervailing duty investigation against imports of buses from Brazil	1998	Brazil	Peru
45	122	Antidumping duties on angles, shapes, and sections of iron or nonalloy steel and H-beams	1998	Poland	Thailand
46	123	Safeguard measures on imports of footwear	1998	Indonesia	Argentina
47	134	Measures affecting import duties on rice	1998	India	EC
48	140	Antidumping measures on imports of unbleached cotton fabrics from India	1998	India	EC
49	141	Antidumping measures on imports of cotton-type bed-linen from India	1998	India	EC
50	143	Measure affecting import duty on wheat from Hungary	1998	Hungary	Slovak Rep.
51	148	Measure affecting import duty on wheat from Hungary	1998	Hungary	Czech Rep.
52	154	Measures affecting differential and favorable treatment of coffee	1998	Brazil	EC
53	156	Definitive antidumping measure regarding grey Portland cement from Mexico	1999	Mexico	Guatemala
54	158	Regime for the importation, sale, and distribution of bananas (II)	1999	Guatemala	EC
55	158	Regime for the importation, sale, and distribution of bananas (II)	1999	Mexico	EC
56	158	Regime for the importation, sale, and distribution of bananas (II)	1999	Panama	EC
57	158	Regime for the importation, sale, and distribution of bananas (II)	1999	Honduras	EC
58	158	Regime for the importation, sale, and distribution of bananas (II)	1999	Ecuador	EC
59	159	Safeguard measure on imports of steel products	1999	Czech Rep.	Hungary
60	168	Antidumping duties on import of certain pharmaceutical products from India	1999	India	South Africa
61	179	Antidumping measures on stainless steel plate in coils and stainless steel sheet and strip from the Republic of Korea	1999	Korea, Rep.	U.S.
62	181	Safeguard measure on imports of plain polyester filaments from Thailand	1999	Thailand	Colombia
63	182	Provisional antidumping measure on cement from Mexico	1999	Mexico	Ecuador
64	185	Antidumping measures on pasta from Costa Rica	1999	Costa Rica	Trinidad and Tobago

	<b>WTO dispute number</b>	<b>Disputes title</b>	<b>Year</b>	<b>Complainant</b>	<b>Respondent</b>
65	187	Provisional antidumping measure on imports of macaroni and spaghetti from Costa Rica	2000	Costa Rica	Trinidad and Tobago
66	188	Measures affecting imports from Honduras and Colombia	2000	Colombia	Nicaragua
67	190	Transitional safeguard measures on certain imports of woven fabrics of cotton and cotton mixtures originating in Brazil	2000	Brazil	Argentina
68	191	Definitive antidumping measure on cement from Mexico	2000	Mexico	Ecuador
69	192	Transitional safeguard measure on combed cotton yarn from Pakistan	2000	Pakistan	U.S.
70	201	Measures affecting imports from Honduras and Colombia	2000	Honduras	Nicaragua
71	202	Definitive safeguard measures on imports of circular welded carbon quality pipe from the Republic of Korea	2000	Korea, Rep.	U.S.
72	205	Import prohibition on canned tuna with soybean oil	2000	Thailand	Egypt
73	206	Antidumping and countervailing measures on steel plate from India	2000	India	U.S.
74	207	Price band system and safeguard measures relating to certain agricultural products	2000	Argentina	Chile
75	208	Antidumping duty on steel and iron pipe fittings	2000	Brazil	Turkey
76	209	Measures affecting soluble coffee	2000	Brazil	EC
77	211	Definitive antidumping measures on rebar from Turkey	2000	Turkey	Egypt
78	215	Antidumping measures regarding polypropylene resins from the Republic of Korea	2000	Korea, Rep.	Philippines
79	216	Provisional antidumping measure on electric transformers	2001	Brazil	Mexico
80	217	Continued Dumping and Subsidy Offset Act of 2000	2001	Brazil	U.S.
81	217	Continued Dumping and Subsidy Offset Act of 2000	2001	Chile	U.S.
82	217	Continued Dumping and Subsidy Offset Act of 2000	2001	India	U.S.
83	217	Continued Dumping and Subsidy Offset Act of 2000	2001	Indonesia	U.S.
84	217	Continued Dumping and Subsidy Offset Act of 2000	2001	Korea, Rep.	U.S.
85	217	Continued Dumping and Subsidy Offset Act of 2000	2001	Thailand	U.S.
86	218	Countervailing duties on certain carbon steel products from Brazil	2001	Brazil	U.S.
87	219	Antidumping duties on malleable cast iron tube or pipe fittings from Brazil	2001	Brazil	EC

	<b>WTO dispute number</b>	<b>Disputes title</b>	<b>Year</b>	<b>Complainant</b>	<b>Respondent</b>
88	220	Price band system and safeguard measures relating to certain agricultural products	2001	Guatemala	Chile
89	222	Export credits and loan guarantees for regional aircraft	2001	Brazil	Canada
90	224	U.S. Patents Code	2001	Brazil	U.S.
91	226	Provisional safeguard measure on mixed edible oils	2001	Argentina	Chile
92	227	Taxes on cigarettes	2001	Chile	Peru
93	228	Safeguard measures on sugar	2001	Colombia	Chile
94	229	Antidumping duties on jute bags from India	2001	India	Brazil
95	230	Safeguard measures and modification of schedules for sugar	2001	Colombia	Chile
96	231	Trade description of sardines	2001	Peru	EC
97	232	Measures affecting the import of matches	2001	Chile	Mexico
98	233	Measures affecting the import of pharmaceutical products	2001	India	Argentina
99	234	Continued Dumping and Subsidy Offset Act of 2000	2001	Mexico	U.S.
100	235	Safeguard measure on imports of sugar	2001	Poland	Slovak Rep.
101	237	Certain import procedures for fresh fruit	2001	Ecuador	Turkey
102	238	Definitive safeguard measures on imports of preserved peaches	2001	Chile	Argentina
103	239	Certain measures regarding antidumping methodology	2001	Brazil	U.S.
104	240	Import prohibition on wheat and wheat flour	2001	Hungary	Romania
105	241	Definitive antidumping duties on poultry from Brazil	2001	Brazil	Argentina
106	242	Generalized System of Preferences	2001	Thailand	EC
107	243	Rules of origin for textiles and apparel products	2002	India	U.S.
108	246	Conditions for granting tariff preferences to developing countries	2002	India	EC
109	250	Equalizing excise tax imposed by Florida on processed orange and grapefruit products	2002	Brazil	U.S.
110	251	Definitive safeguard measures on imports of certain steel products	2002	Korea, Rep.	U.S.
111	252	Definitive safeguard measures on imports of certain steel products	2002	China	U.S.
112	255	Tax treatment on certain imported products	2002	Chile	Peru
113	256	Import ban on pet food from Hungary	2002	Hungary	Turkey

	<b>WTO dispute number</b>	<b>Disputes title</b>	<b>Year</b>	<b>Complainant</b>	<b>Respondent</b>
114	259	Definitive safeguard measures on imports of certain steel products	2002	Brazil	U.S.
115	261	Tax treatment on certain products	2002	Chile	Uruguay
116	263	Measures affecting imports of wine	2002	Argentina	EC
117	266	Export subsidies on sugar	2002	Brazil	EC
118	267	Subsidies on upland cotton	2002	Brazil	U.S.
119	268	Sunset review of antidumping measures on oil country tubular goods from Argentina	2002	Argentina	U.S.
120	269	Customs classification of frozen boneless chicken	2002	Brazil	EC
121	270	Certain measures affecting the importation of fresh fruit and vegetables	2002	Philippines	Australia
122	271	Certain measures affecting the importation of fresh pineapple	2002	Philippines	Australia
123	272	Provisional antidumping duties on vegetable oils from Argentina	2002	Argentina	Peru
124	274	Definitive safeguard measures on imports of certain steel products	2002	Taiwan (China)	U.S.

Source: Horn and Mavroidis 2003.

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## Notes

### Chapter 1

1. For a good overview, see Anderson (2004).
2. This estimate is based on the following assumptions: developed country agricultural tariffs of no more than 10 percent and a target average of 5 percent; with tariffs on manufactures to no more than 5 percent and a target average of 1 percent; developing country ceiling of 15 percent and a target average of 10 percent for agriculture, with a ceiling of 10 percent and a target average of 5 percent for manufacturing; complete elimination of export subsidies, specific tariffs, tariff-rate quotas, and antidumping penalties.
3. The concept of nonreciprocity was first established in Part IV of the GATT in 1964, exempting developing country contracting parties from making reciprocal tariff concessions.
4. Both the Uruguay Round Agreement on Agriculture and the GATS mandated the start of further market access negotiations by January 1, 2000.
5. “Modalities” refers to the approach, or methodology, to be followed in negotiations on expanded market access and subsidy reductions. Commonly, WTO Members have used formulas, where, for example, they agree to reduce subsidies on  $x$  percent of products by  $y$  percent, and to cut tariffs on  $b$  percent of products by  $c$  percent.
6. For a useful overview of the proposals and discussions at the Cancún Ministerial, see UNCTAD (2003e).
7. The G-20 comprised Argentina, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, India, Mexico, Pakistan, Paraguay, Peru, the Philippines, South Africa, Thailand, and Venezuela. El Salvador left the group during the Cancún Ministerial, while Indonesia and Nigeria joined. Egypt and Kenya were not formal members but supported the G-20’s position. Some countries later left the grouping—Colombia, Costa Rica, Ecuador, Guatemala, and Peru—while Tanzania and Zimbabwe have joined.
8. Members of the Cairns Group are Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Indonesia, Malaysia, New Zealand, Paraguay, the Philippines, South Africa, Thailand, and Uruguay.
9. The G-33 comprises Antigua and Barbuda, Barbados, Belize, Botswana, Cuba, Dominican Republic, Grenada, Guyana, Haiti, Honduras, Indonesia, Jamaica, Kenya,

Mauritius, Mongolia, Nicaragua, Nigeria, Pakistan, Panama, Peru, the Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Tanzania, Trinidad and Tobago, Turkey, Uganda, Venezuela, Zambia, and Zimbabwe.

10. Under these arrangements, products from these countries enter developed country markets at tariffs lower than those applying to all other WTO Members, including many other developing countries. The higher the initial protection (tariff) in the developed country market for a particular product, the greater the practical value of the preference (see chapter 7).

11. A list of members of these groupings that are members or observers of the WTO is in appendix 2.

12. See WTO (2004d). See also UNCTAD (2004d) and the report of the United Nations Secretary-General to the 59th General Assembly on trade and development. The account in this section draws upon ICTSD Bridges July–August 2004. Details of the outcomes on individual issues are discussed in the body of the report and are not repeated at length here.

13. Trade promotion authority (TPA)—or “fast track”—confers upon the U.S. president the authority to negotiate international trade agreements and submit them to Congress under a procedural understanding that the agreements will be voted up or down, without amendment and within a certain time frame. TPA provides countries negotiating agreements with the U.S. with certainty that their carefully negotiated outcomes will not be renegotiated in the U.S. Congress, potentially undermining the balance reached. The current TPA, granted in August 2002, is due to expire on June 1, 2005, unless it is extended until June 1, 2007. An extension will be granted unless either the House of Representatives or the Senate adopts an “extension disapproval resolution.”

### Chapter 3

1. In fact, decoupling was not completely new. The pre-2003 CAP regime already had a decoupling component in cereals in the (admittedly limited) sense that area-based subsidies were not crop-specific so that farmers could change the production mix between the various kinds of cereals with no consequences in terms of subsidies. This was not the case for the head-based subsidies (specific to beef, cows, suckling cows, sheep, and so on) but these subsidies were constrained by ceilings on the number entitled to receive subsidies.

2. There is a tiny decline (less than 1 percent) of the current intervention price in cereals due to a change in a procedural rule (a 50 percent cut in monthly increments).

3. Only one major livestock (beef) may face a less insignificant price change (6 percent) if all the EU 15 member states use the full possibility of decoupling (minimal decoupling would bring only a roughly 1 percent price change) (FAPRI 2003; OECD 2004b).

4. No other new measure of importance has been taken for the other dairy products. The price of another key dairy product (skimmed milk powder) will be reduced by 15 percent as agreed in the so-called “Agenda 2000.” The target price for milk will be abolished, but milk quotas will be maintained until the 2014–15, and increased by 0.5 percent in 2006, 2007, and 2008, as agreed in Agenda 2000.

5. These OECD estimates of the impact of the 2003 reform do not change much when one compares maximum and minimum decoupling.

6. Under this agreement, global trade in clothing was subject to quotas negotiated between countries. The Uruguay Round Agreement on Textiles and Clothing gradually phases out this system of quotas by January 1, 2005. See chapter 5.

7. Compared with the pre-2003 CAP, the 2003 reform is projected to have a substantial positive welfare impact on the new members, but a (very modest) negative impact on the welfare of the rest of world (Jensen and Frandsen 2003).

8. A further issue, liberalization and food safety, is discussed in chapter 6, which looks at the Agreement on Sanitary and Phytosanitary Measures from the perspective of developing countries.

9. The relatively high average level of food security (4.6) for net-food-importing developing countries suggests that the list reflects the negotiating skills of some countries more than the reality. This experience suggests that WTO negotiators should refrain from generating subgroups of loosely defined countries during negotiations.

10. Barbados, Botswana, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Indonesia, Israel, Malaysia, Morocco, Namibia, Nicaragua, Panama, the Philippines, the Republic of Korea, South Africa, Thailand, Tunisia, and Uruguay.

11. Under the UAA special safeguard, additional duties can be triggered automatically if import volumes rise above a certain level, or if prices fall below a certain level, and the importing country does not need to show that import increases have seriously injured its producers.

12. The EU and the U.S. may indeed try to make a good deal for themselves by trading concessions on these subsidies now (which are losing importance because of increasing world prices in any case) for valuable concessions in other topics.

13. Consumption subsidies are already available under the WTO, but providing them through producer subsidies for goods that are barely traded is generally not permitted because developing countries registered no farm subsidies during the Uruguay Round and are bound by a commitment not to increase subsidies above historical levels. The delivery of such subsidies through producers may be desirable for reasons of administrative simplicity.

## Chapter 4

1. The WTO Services Sectoral Classification List (MTN.GNS/W120—known as “W/120”) used for the GATS negotiations identifies 12 main service sectors and more than 160 subsectors: business services (including a range of professional services), construction services, communication services (including telecommunications and audiovisual services), distribution services, education, environmental services, financial services, health and social services, personal and recreational services, and tourism and transport services (including air, maritime, rail, and road).

2. These figures are derived from the balance of payments, which covers transactions between residents and nonresidents and thus excludes important services flows under GATS commercial presence and, to some extent, mode 4. Balance of payments categories for services also differ from, and are less detailed than, the GATS sectoral classifications.

3. An explanation of the structure and operation of the GATS and GATS negotiations is in appendix 5.

4. Under the GATS, WTO Members can choose which service sectors to open and under what conditions. Commitments are guaranteed minimum treatment—a WTO Member who has made a commitment for a given service is free to offer better treatment at any time, but it cannot offer worse. Commitments need not reflect the level and type of access currently provided—a WTO Member may commit to less liberal access to have room to maneuver. (See appendix 5.)

5. While this is a general pattern, in certain sectors (such as cross-border trade in financial services audiovisual services) developing or least developed countries have undertaken more liberal commitments than developed countries (World Bank 2002).

6. As noted in the introduction, in contrast to the GATT, nondiscrimination is not an absolute obligation under the GATS. WTO Members had a one-off opportunity to list

exemptions from MFN at the time they joined the agreement. They can also limit national treatment (appendix 5).

7. The EU (extra-EU trade) is the number one services exporter and accounts for 27.1 percent of the global market. The U.S. is second, with 21.5 percent, and Japan third, at 5.3 percent. Other developed countries in the top 10 are Canada (number 6 at 3.1 percent) and Switzerland (number 7 at 2.4 percent).

8. There is currently no consensus among WTO Members on whether services delivered over electronic networks are covered by GATS mode 1 (cross-border trade) or mode 2 (consumption abroad). Given that mode 2 commitments tend to be more liberal than mode 1, the distinction is not without significance.

9. While mode 4 is limited to temporary movement by persons supplying services, remittance figures include money sent home from workers in manufacturing and agriculture and by permanent migrants. Further, remittance figures do not include money sent by persons who have been abroad for less than one year, while these people can fall under mode 4. Remittance figures may thus both underestimate and overestimate mode 4 trade. No breakdown between mode 4 and other remittances is currently possible from existing data.

10. Mode 4 often cuts across several existing visa categories, and relevant numbers are hidden within larger aggregates. Definitions of relevant categories in visa schemes vary between countries.

11. Data collection is limited to a few countries. In 2000–01, 5,967 non-EU nurses were admitted to the U.K. Nursing and Midwifery Council. Leading sources were the Philippines (3,396) and South Africa (1,086) (UKCC 2002). In the U.S., 3.9 percent of registered nurses were trained abroad, with the major sources being the Philippines (43 percent), Canada (16.1 percent), the United Kingdom (7.8 percent), and India (9.6 percent). In 2001, 13,536 Philippine nurses left for foreign jobs (OECD 2002d).

12. Germany's Green Card program aimed to recruit 20,000 non-EU ICT specialists, with a university degree in an ICT-related field for a promised annual salary of €51,000, on five-year permits. In January 2003, 60,000 applications had been received and 13,600 cards issued. The program ended in July 2003. ICT professionals have now been removed from the UK Shortage Occupation List, which allows for accelerated recruitment of foreign workers (OECD 2004a).

13. Temporary programs for seasonal workers, primarily in agriculture, have expanded considerably. In the UK, seasonal workers in agriculture numbered 25,000 in 2003; in Germany the figure was 278,000, and in Switzerland 55,000 (2001 figure). However, in the U.S., the numbers of seasonal agricultural workers (H2A visas) fell in 2001 (OECD 2004a).

14. This section draws upon McKinsey Global Institute (2003); "India's plan to beat the off-shoring backlash," *Financial Times*, 27 January 2004; Mattoo and Wunsch (2004).

15. These balance-of-payments figures for business services do not capture the full value of trade in outsourced services and should be treated as an approximation.

16. Privatization here refers to the entry of private sector finance—which may be domestic or foreign—while liberalization refers to the entry of foreign providers. In many developing countries the processes are simultaneous, as foreigners may be the largest available source of private capital.

17. Some important work is already under way. In addition to discussions of assessment of trade in services held as part of the negotiations at the WTO, a number of international organizations are also beginning systematic research into developing country experience with services liberalization. See, in particular, UNCTAD 2004a.

18. In 26 American and Asian economies, telecommunications markets with competition were the only ones that consistently increased employment levels, while two-thirds of the countries with monopolies saw considerable declines in their telecommunications workforce (Petrazzini and Lovelock 1996). Competition can also increase employment in the incumbent—the Indian incumbent operator expanded its workforce over 1996–2000 as competition forced it to improve its marketing strategy, expand its network, and open thousands of public call offices all over India (World Bank 2002).

19. In the long run, increased returns to acquiring skills may encourage greater education and training, including through government provision (Winters 2003).

20. For example, it is estimated that about half of those admitted under the temporary high-skilled worker program remain in the U.S. as permanent residents (Lowell 2001). However, only a relatively small proportion of UK work permit holders seem to settle permanently—in 1998, 3,160 work permit holders settled, yet approximately 70,000–80,000 work permits are approved each year (United Kingdom Home Office 2001).

21. These sorts of provisions are included in the agreements between Ecuador and Spain and the Canadian Commonwealth, Caribbean, and Mexican Seasonal Agricultural Worker Programme.

22. A proposed scheme between the Dutch and Polish ministers of health aims to prepare Polish nurses to be employed within the Dutch healthcare system for a maximum period of two years and to facilitate their return and reintegration into the Polish system after their return (OECD, IOM, World Bank 2004).

23. See WTO document S/CSS/W/12, dated 24 November 2000.

24. The GATS already requires establishment of enquiry points at the national level. However, these are single points for all services and, for that reason, have not been very effective in providing timely and specific information.

25. This is a form of the negative-list approach—where all services are deemed to be liberalized unless explicitly specified otherwise—which is increasingly used for services in RTAs. By contrast, the GATS uses a positive-list approach, where only those sectors explicitly included in the commitments are liberalized and no commitments are undertaken for sectors not included.

26. Equally, some OECD countries are not seeking commitments from Least Developed Countries in the current round, while others have simply made a general request that they consider market opening in a range of sectors.

27. It must be acknowledged that the absence of GATS commitments may affect the ability of the poorest developing countries to attract FDI, by reducing the certainty for foreign investors that government policy will not be subject to rapid change. However, this is likely to be only one factor in investment decisions in the poorest developing countries.

28. For example, the U.S., Korea, and Estonia specify that their commitments on sewerage services are limited to services purchased by private industry, while the EU has listed a general carve-out for public utilities.

29. Under these arrangements a private supplier builds and operates the facilities, which are then transferred back to the government after a defined period.

30. This uses three broad categories according to the kind of economic activity undertaken: pollution management group; cleaner technologies and products group; and resources management group (OECD 2001c).

31. This proposes two categories: environmental infrastructure services—such as water supply, wastewater treatment, and solid waste management; and noninfrastructure, commercial environmental services—such as air and water pollution control, including river restoration and remediation and clean-up of soil. The latter also includes services that

are necessary as direct inputs, such as consulting, design and engineering, construction and installation, analysis and monitoring, and certification services (UNCTAD 2003a).

## Chapter 5

1. WTO Members bind—that is, they commit to providing—tariffs at a certain level (such as 20 percent) for products identified using the Harmonized System of tariff lines, which classifies products at a range of levels of detail. A tariff binding means that a Member cannot raise the tariff above that level without paying compensation to affected trading partners. WTO Members often give themselves room to maneuver by committing to a bound rate (say, 20 percent) higher than the rate actually applied (say, 10 percent). Bindings can also be phased in, with reductions occurring over a number of years in order to reach the final bound level by a fixed date.

2. Note that these are all MFN tariffs; some middle-income and poorest developing countries may have reduced their tariffs further in the context of preferential trade agreements. However, such access is obviously not available to all other WTO Members, including all other developing countries.

3. These tariffs are zero for LDCs in the EU, U.S., and Canada; however, developing countries pay the MFN tariff.

4. Tariffs on cocoa exports have been eliminated for LDCs under the EU's Everything But Arms initiative, but this does not apply to large exporters such as Ghana and Côte d'Ivoire (UNCTAD 2003c).

5. Other developed countries, such as Australia, had unilaterally renounced the use of textile quotas.

6. Under the ATC, products are referred to as being "integrated," that is, they are brought under GATT rules, under which quotas are prohibited.

7. While this table includes agricultural exports, almost three-quarters of total LDC exports are accounted for by fuels, apparel, precious stones, and fish and fish products (WTO 2003a).

8. Whalley (2002) notes that tariffs, applying only to trade flows (the difference between domestic production and consumption), are narrowly based, compared with taxes applied to production or consumption taxes. Further, the distortions created by trade taxes render them inferior to other fiscal policy instruments.

9. Again, it is important to distinguish among markets for textiles—which include fibers, fabrics, and clothing. Developing countries are important exporters of natural fibers, but much textile production is capital-intensive and located in developed countries. While high-end clothing can be capital-intensive and congregate in clusters in developed countries (Emilia Romagna in Italy), the bulk of clothing remains labor-intensive and located in developed countries.

10. Other winners could be developing country exporters of natural fibers (Pakistan, South Africa) as demand expands. Agricultural subsidy reform could increase their gains (OECD forthcoming).

11. The vertical specialization index reveals the extent of international production networks in the industry by measuring the share of foreign value added in exports.

12. Calls for additional protection need to be seen in light of the fact that several developed countries still numbered among the dominant textiles and clothing exporters in 2002 (Kyvik Nordås 2004).

13. It should be noted that the Dominican Republic and El Salvador receive preferential access into the U.S. market under CAFTA, as does Mauritius into the EU under the

Cotonou Agreement. Pakistan receives preferential access into the EU related to efforts in combating drug trafficking.

14. This agreement was concluded subsequent to the round at the Singapore Ministerial Conference in 1996. There are currently 61 parties to the agreement, accounting for more than 95 percent of world trade in information technology products.

## Chapter 6

1. Of the transition economies, Poland has been the major initiator (11 cases), followed by the Czech Republic (3 cases), with Slovenia and Bulgaria initiating 1 case each.

2. It should be noted that “voluntary” export restraints are banned under WTO rules.

3. The International Accreditation Forum (IAF), the International Laboratory Accreditation Cooperation (ILAC), and the ISO Committee on Conformity Assessment (ISO CASCO) are heading up a comprehensive initiative to develop international guidelines and standards to provide a foundation for communicating procedural requirements and for demonstrating competence. The IAF and ILAC are also developing mutual recognition agreements.

4. The examples in the box are drawn from more detailed OECD case studies on the impact of environmental standards on market access that are available at <http://webdomino1.oecd.org/comnet/ech/tradeandenv.nsf>. Useful UNCTAD case studies are available at [http://r0.unctad.org/trade\\_env/test1/openF1.htm](http://r0.unctad.org/trade_env/test1/openF1.htm).

5. The problem is not simply entry into developed country markets. Poor information and lack of transparency as to standards and testing also hinder trade between developing countries.

6. Though government regulations relating to both product and process attributes are covered by the SPS and TBT Agreements, some countries have argued that where the process attributes are unrelated to the product attributes (that is, some aspect of the production process that has no impact on the composition of the final product) their coverage would imply a major intrusion by trade rules into domestic regulatory territory.

7. Some developing countries have proposed that a standard only be recognized as “international” under the SPS Agreement if a minimum percentage of countries have participated in its development and it has been adopted by consensus. Some commentators have queried whether this would ultimately be in these countries’ interests, given that this additional stringency is likely to result in fewer international standards and thus a proliferation of the differing national standards—which the SPS Agreement was partially designed to address (Jensen 2002).

8. Of the 18 SPS dispute settlement cases, only 4 involve developing countries: 2 as a defendant (EC-India import restrictions 2002–07, U.S.-Mexico restrictions on live swine); 1 as a complainant (India-EC import duties on rice); and 1 as both parties (Thailand-Egypt restrictions on canned tuna).

9. Proposals to increase the effectiveness of the provisions in the TBT and SPS Agreements requiring increased assistance are discussed in chapter 11.

10. This section draws upon Josling (2003), World Bank (2003a), DFID (2002), and Rotherham (2003).

## Chapter 7

1. India recently brought a dispute against an EU preference scheme arguing that, while the Enabling Clause permitted discrimination between developed and developing countries for the purposes of providing preferential access to the latter, it did not permit

discrimination among developing countries. The EU countered that the Enabling Clause was an exception to MFN and therefore nondiscrimination obligations did not apply. The Panel agreed with India (WTO 2003e). However, the Appellate Body found that the Enabling Clause is an exception to MFN, and that differentiation is not discrimination to the extent that it is assessed according to an objective standard (see WTO 2004e).

2. In this way preferences also differ from preferential free trade agreements (FTAs) where market access is offered among signatories on a reciprocal basis. Further, FTAs must cover “substantially all trade,” while preferences can be limited in their product coverage. FTAs are discussed further in chapter 13. However, as discussed below, the foregoing does not imply there is no “conditionality.” In practice preference schemes have often been conditional on “performance standards” by the beneficiary countries.

3. AGOA also seems to have served as a catalyst for the general expansion of other, dutiable textile and apparel exports from Africa (Garay and Cornejo 2002).

4. Cumulation allows inputs from specified countries to be treated as coming from the preference-receiving countries (inputs from other countries in a given grouping can be used without changing the origin of the product).

5. Preferences under the Cotonou (ACP) conventions are an exception, because that is a formal treaty that constrains unilateral actions.

6. Chapter 3 on agriculture notes that the value of preferences can be less than assumed, as developing countries gaining preferential access to the protected market find themselves trying to compete against heavily subsidised domestic producers in a glutted market.

7. For recent proposals for an adjustment facility tied to the implementation of a Doha Round set of reforms, see Commonwealth Secretariat (2004), Hoekman (2004), Page and Kleen (2004), and Winters (2004a).

8. These include, for example, increased funding for multilateral risk insurance agencies to partially cover noncommercial risk in LDCs; standard noncommercial risk insurance policies for LDCs; pooling the capacity of noncommercial risk insurers from developed countries in specific public-private partnerships in developing countries; project-related subsidies to cover noncommercial risks (Mistry and Olesen 2003).

9. See Rodriguez-Clare (2004), Hoekman and Javorcik (2004), and Hoekman, Maskus, and Saggi (2004) for more discussion.

## Chapter 8

1. There have been a number of analyses and suggestions developed in the literature on criteria to be used to determine inclusion of subjects on the WTO agenda. Stiglitz and Charlton (2004) argue that issues should be included on the agenda of a development round only if they score highly on three criteria: the relevance of the issue to trade flows; its development friendliness; and the existence of a rationale for collective action. See Finger (2002), Maskus (2002), and Bagwell and Staiger (2003) for additional argument and suggestions.

## Chapter 9

1. For example, national enforcement (or nonenforcement) of antitrust laws could impede effective market entry (contestability of the market) by foreign suppliers. That is, private business practices (abuse of dominance) might nullify the expected benefits of negotiated trade liberalization commitments. However, market access concerns were largely abandoned in the course of the WTO discussions—see Hoekman and Saggi (2004) for a fuller discussion.

2. All of the excluded Singapore issues have been the subject of analyses that use these criteria. See World Bank (2003a) on investment; Evenett (2003) on transparency in

government procurement; Hoekman and Saggi (2004) on competition policy; and Maskus (2000), Winters (2003), and Stiglitz and Carleton (2004) on all three.

3. The existing plurilateral Agreement on Government Procurement covers both market access and transparency. The transparency provisions mainly emphasize publication of tenders and notification of regulations to the WTO; *ex post* norms are relatively weak. This agreement currently has 26 members: Austria, Belgium, Canada, Denmark, EU, Finland, France, Germany, Greece, Hong Kong (China), Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, the Republic of Korea, Singapore, Spain, Sweden, Switzerland, the United Kingdom, and the U.S. China, Iceland, the Kyrgyz Republic, Latvia, Panama, and Taiwan (China) are negotiating accession, in some cases as part of WTO accession, but the current membership is limited to high-income countries.

4. The WCO's International Convention on the Simplification and Harmonization of Customs Procedures—the Kyoto Convention—comprises a set of principles and 31 annexes that lay out standards and best practices for customs procedures and related arrangements.

5. “Concessions” are something of a misnomer, as what is being exchanged are things that it is in a country's own interest to do in any event.

## Chapter 10

1. On the negotiating history of the TRIPS Agreement, see UNCTAD and ITCSD (2003).

2. While TRIPS essentially codified a number of preexisting treaties of the World Intellectual Property Organization (WIPO), there are important differences between the WIPO Paris Convention on Industrial Property and TRIPS. Unlike TRIPS, the WIPO treaty allows countries considerable discretion to exempt a range of subject matter from patent protection, and many countries had excluded inventions relating to public health. The Paris Convention also affords governments greater flexibility in requiring the compulsory license of patents. Not all countries were signatories to the Paris Convention (Lehman 2002).

3. For a more detailed analysis of these provisions, see UNCTAD-ICTSD (2003).

4. This section draws on Brown (2003).

5. This option is not wholly unrealistic, however. The Indian drugmaker Cipla is currently exploring the possibility of investing in Bangladesh, precisely to take advantage of Bangladesh being an LDC and not subject to the 2005 deadline.

6. See *Dispute between European Communities and its Member States and Canada: Patent Protection of Pharmaceutical Products*, WT/DSB114/R, dated 17 March 2000.

7. The Doha Declaration referred to a very precise problem—the “difficulty in making effective use of compulsory licensing under the TRIPS Agreement.”

8. These are Hong Kong (China); Israel; Kuwait; Macao (China); Mexico; Qatar; the Republic of Korea; Singapore; Taiwan (China); Turkey; and United Arab Emirates.

9. Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the U.K., and the U.S.

10. For a detailed analysis of the Canadian and U.S. practice of compulsory licensing, see Reichman and Hasenzahl (2002a, 2002b) and UNCTAD-ICTSD (2003).

11. There is a clear market failure for drugs in developing countries. The hope that IPR protection would provide a financial incentive to drug firms to invest in drugs for tropical diseases has not materialized; during the last decade, research and development for developing country diseases has declined rather than increased. In 1975–99 only 1 percent of 1,191 new drugs approved for marketing were specifically indicated for a tropical disease. Poor countries do not constitute a market capable of inducing patent-driven investment

(Lehman 2002). The global market for pharmaceuticals was estimated at \$406 billion in 2002, with the U.S., EU, and Japan accounting for 80 percent of this market and the rest of the world combined for only 20 percent (IMS Health 2001).

12. Escudero (2001) points out that wines have even stronger protection than spirits through protection against homonymous indications (TRIPS Article 23.3).

13. This section draws extensively on Maskus (2003).

14. See Maskus (2000) for evidence in Lebanon and Maskus, Dougherty, and Mertha (1998) for China.

15. Put in more technical terms, firms availing themselves of a GI may have incentives to cheat on its reputation individually, with a joint “prisoner’s dilemma” outcome of eroded quality over time. The evident solution to this free-riding is a coordinated strategy within producer coalitions or associations that provides implicit or explicit punishments to defectors. Such associations may themselves be exclusionary, of course.

## Chapter 11

1. The ability to provide such subsidies is of course constrained by lack of resources within countries. The need for assistance to help developing countries manage adjustment is discussed in chapter 12.

2. It should be noted, however, that Nepal, in its protocol of accession to the WTO, secured a commitment from Japan to provide technical assistance on the implementation of the TBT Agreement. WTO Members also committed to provide Nepal with technical assistance for the implementation of the SPS, TRIPS, and Customs Valuation Agreements.

3. The absence of requests for assistance under the existing TBT provisions should be analyzed and better understood in this regard. One reason is likely to be that governments know there are very few if any resources available and therefore approach bilateral donors directly.

4. <http://www.standardsfacility.org/>.

5. See, for example, Stevens (2002, 2003), Prowse (2002), Wang and Winters (1999), Hoekman, Michalopoulos, and Winters (2003), Hoekman (2004), Messerlin (2003), Mattoo and Subramanian (2004), and Page and Kleen (2004).

## Chapter 12

1. For example, the International Task Force on Commodity Risk Management seeks to establish market-based price insurance schemes that would reduce the price risk that farmers (especially the poor) have to shoulder in exporting cash crops.

2. See Anderson (2004) for a review of the estimates in the literature.

3. This section draws on Jha (2003).

## Chapter 13

1. Many countries have reformed their trade well before they joined FTAs: Mexico, Argentina, Brazil, and Turkey are salient examples (Foroutan 1998). Many African FTA members, and some in Latin America, have not reformed. And plenty of countries have reformed without joining FTAs: Chile (in the 1970s and 1980s), the Republic of Korea, Indonesia, and China (Schiff and Winters 2003).

## Appendix 4

1. China’s average real GDP growth between 1991 and 2000 is estimated at 10.1 percent, India’s at 5.5 percent (World Bank 2003).

**Appendix 5**

1. This appendix draws on Nielson and Taglioni (2003) and Nielson (forthcoming). Material on the request-offer negotiations is adapted from the WTO website.

2. The Council for Trade in Services includes representatives of all WTO Members. It normally meets around four times a year. The WTO Secretariat serves as the Secretariat to the Council and its subsidiary bodies: the Working Party on Domestic Regulation; the Committee on Financial Services; the Working Party on GATS Rules; and the Committee on Specific Commitments.

3. A WTO Member's mode 4 commitments relate to the acceptance of foreign service suppliers into its territory, not the sending of its own nationals abroad as service suppliers. Similarly, mode 2 commitments relate to the movement of its own nationals abroad to consume services, not the acceptance of foreign consumers into its territory.

4. There are currently about 425 MFN exemptions notified by WTO Members, around half reflecting bilateral or plurilateral agreements among WTO Members.

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