

POLITICKÉ VEDY / POLITICAL SCIENCES

Časopis pre politológiu, najnovšie dejiny, medzinárodné vzťahy, bezpečnostné štúdiá / Journal for Political Sciences, Modern History, International Relations, security studies

URL časopisu / URL of the journal: <http://www.fpvmv.umb.sk/politickevedy>

Autor(i) / Author(s): Jusko Radoslav
Článok / Article: The State of Doha Round Multilateral Trade Negotiations and the Position of the European Union / Stav multilaterálnych obchodných rokovaní v Doha a pozícia Európskej únie
Vydavateľ / Publisher: Fakulta politických vied a medzinárodných vzťahov – UMB Banská Bystrica / Faculty of Political Sciences and International Relations – UMB Banská Bystrica

Odporúčaná forma citácie článku / Recommended form for quotation of the article:

JUSKO, R. 2011. The State of Doha Round Multilateral Trade Negotiations and the Position of the European Union. In *Politické vedy*. [online]. Roč. 14, č. 4, 2011. ISSN 1338 – 5623, s. 85 – 97. Dostupné na internete: [http://www.fpvmv.umb.sk/userfiles/file/4_2011/jusko\(1\).pdf](http://www.fpvmv.umb.sk/userfiles/file/4_2011/jusko(1).pdf).

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THE STATE OF DOHA ROUND MULTILATERAL TRADE NEGOTIATIONS AND THE POSITIONS OF THE EUROPEAN UNION¹

Radoslav Jusko*

RESUME

The Doha round of multilateral trade negotiations, if completed, will become the longest round in the history of multilateral trade negotiations. Since 2011 it is possible to identify efforts to revitalise negotiations, whereby actual situation differs from the one in 2008, when negotiations collapsed for the last time. Current agricultural prices may help facilitate compromise in the area of the agricultural negotiations; on the other hand the European Union and the United States require a compromise in the area of sectoral negotiations as a condition sine qua non conclusion of the negotiations. Above average unilateral trade liberalisation of developing countries in these sectors justifies demands of the European Union and the United States for a specific approach in this area for ambitious outcomes of the negotiations. The article describes contemporary state of negotiations with emphasis on the positions of the European Union.

Key words: The Doha multilateral trade negotiations, sectoral negotiations, WTO, the European Union

Introduction

In 2011, the Doha multilateral trade negotiations will be celebrating ten years of their existence, by which, if they are completed, they will become the longest-running round of negotiations on reducing trade barriers in international trade in history. In July 2008, it appeared that a final agreement could have been reached. Considering the limited progress and ambitions of the negotiations, most analysts note that the financial crisis has led to a diversion from the efforts to find a compromise and try to end the ongoing negotiations. Consequently, as indicated by **Kessie**, two schools of thought in the area of the future of the multilateral negotiations at Doha developed. The first group argues

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¹ This paper was written as part of the IGA č. F2/24/2010 research project.

that the crisis provided an opportunity to make significant progress in negotiations with the assumption that countries will not be willing to jeopardise the fragile economic recovery and want to support the global economy, as well as limit the adoption of protectionist measures. The second group claims that the crisis will limit the support for further liberalisation and encourage countries to take measures incompatible with the WTO obligations to promote economic reconstruction of their countries (Kessie, 2011, p. 403-404). This will lead to a diversion from multilateral negotiations and will cause reaching the compromise more difficult.

Similarly, the financial crisis has led to shifts in how potential benefits of the output of the negotiations of certain players are viewed. In general, the initial objective of the negotiations was to achieve new market openings in the cross section of the agenda of negotiations. For example, following the risk of potential diversion from multilateral liberalisation, the World Bank also supports an agreement which will not lead to significant new market approaches, but whose main contribution will be an increase in predictability in international trade (Hoekman, 2009). It is in this light that it views the most recent draft of December 2008. On the other hand, the European Union and the United States are trying to "hold on" to the original target, which is at present visible in the stance of the European Union in the area of sectoral negotiations.

Some observers say in connection with the change in the most critical area of negotiations from agriculture to sectoral negotiations that what is happening is only a prolongation of the negotiations' agony, since they no longer correspond to current needs, and that it is necessary to admit the failure of the negotiations. In view of this, a number of risks that this situation could mean are pointed out. **Evenett** and **Baldwin** argue that this situation would lead to another wave of regionalism, which would not operate as a complement to multilateral liberalisation, but as its substitute (Baldwin, 2011, p. 5). **Messerlin** states that such a failure would increase the likelihood of an introduction of gradual protectionist measures (Messerlin, 2011, p. 71-72). What is further noted is potential weakening of the role of the WTO and its dispute settlement system (Kleinmann, 2011, p. 8).

The paper characterises the current problematic areas in the Doha Round of multilateral trade negotiations, with the emphasis on the attitudes of the European Union.

Conditions for the negotiations' recovery

In 2011 it is possible to observe the first broad efforts to re-launch the negotiations. **Pascal Lamy's** proposal to divide the agenda into three "packages" of different priorities, namely: i) issues related to the least developed countries, e.g. a duty-free and quota-free access to markets, the issue of trade in cotton; ii) agenda with a significant development component; and iii) agriculture, NAMA, services, and TRIPS suggests that the positions in the key areas included in the third package did not approximate in comparison with 2008. This is also confirmed by the incongruity in the possibility of the acceptance of the commitments in relation to the least developed countries before the overall completion of the negotiations. The United States as well as the European Union also links this issue to the requirements to provide similar benefits by developing countries (Statement by Ambassador Angelos Pangratis, 2011). Similarly, the European Union's proposal on sectoral negotiations as part of NAMA, in which it indicated that an agreement in this area is crucial (condition) for the progress in the negotiations, also confirmed this characteristic.

On the other hand, the current situation is different in several aspects to that in 2008. The break-up of negotiations on the issue of Special Safeguard Mechanism (SSM) in July 2008, when developing countries, primarily India and China, required an option to protect their agricultural producers from imports in the form of temporary duties, is currently somewhat undermined by higher prices of agricultural crops. This situation reduces the importance of protection against cheap foreign imports. Furthermore, it appears that there is a change of attitude of the European Union, which was widely regarded as an advocate of the acceptance of even a less ambitious output of negotiations towards a stronger pressure to gain new market access for non-agricultural goods through sectoral talks. The change in approach can be further supported by efforts to promote European economy, which will be adversely affected by developments in Greece and possibly in other countries.

The economic recession also demonstrated the importance of certain measures such as export taxes that may be applied by less advanced economies in order to limit export, and which have been excluded from the negotiations (the EU's proposal in this area was excluded from the modalities draft concerning NAMA in December 2008). It is likely that the European Union will in response to this development encourage the re-incorporation of this and

other tools applied during the financial crisis into the negotiations.

Opinions on the impact of the forthcoming presidential elections in the U.S. and the management exchange in China differ. One position assumes that an agreement will be possible only after the presidential elections and that reaching an agreement before the elections is unrealistic, while its opponents (e.g. **Baldwin**) argue that if an agreement is not reached before the elections, there will be significant delays with the following risks associated with them. The presented proposal for the distribution of the agenda into "packages" in context of **Baldwin's** view shows that reaching an agreement in 2011 is rather less likely.

Another aspect is the Lisbon Treaty in the European Union, which introduced several changes in relation to the EU's trade policy. Trade policy should be seen as an integral part of external relations; from this a greater pressure to promote "non-trade conditions" can be expected, such as the respect for human rights in trade agreements negotiated by the Union. Similarly, the European Commission Communication of July 2010 stated that a multilateral investment agreement (Communication from the Commission, 2010) is also to be considered. It further increases the European Parliament's powers in relation to the adoption of trade agreements that are subject to co-decision procedure. Only a marginal influence of these changes can be expected in relation to the multilateral Doha negotiations.

State of negotiations in different areas

The issues related to agriculture are considered to be the most developed area of the key negotiations. The most crucial among unresolved parts in this area of negotiations is the SSM. As reported by **David Walker** in April 2011, at present there is a failure to find a mechanism capable of addressing the situation of growth of "at risk" imports for domestic producers without at the same time negatively affecting demand-pulled imports. **Walker** also noted that in recent years the agenda has been more focused on analytical debate rather than aimed toward the efforts to find a relevant mechanism (Negotiating Group on Agriculture, 2011). The European Union and the United States regard the proposal in this area as a relatively flexible option for developing countries to apply trade restriction measures. This position is also held by some developing countries (Paraguay, Argentina, Costa Rica), which fear that too much flexibility could be restrictive for trade among developing countries. The G-33 countries,

main proponents of this flexibility, defended their position in their report arguing that „most developing countries, for various reasons, are not in a position to frequently use the SSG even though the necessary technical conditions may be met. Based on ... the usage of the SSG, it can be safely predicted that developing countries will not be "trigger happy" while using the SSM as a mere breach of the trigger cannot be presumed to mean invocation of the measure"(Refocusing Discussion on the Special Safeguard Mechanism, 2010, p. 4). In view of this being a high priority area for India and China, which also argue that the proposed mechanism protects 600, respectively 700 million farmers in these countries, it is more likely that the final agreement will include only small adjustments to the trigger mechanisms (quantitatively and price based) and to the coverage of goods in comparison to the proposal of December 2008. Although, as already mentioned, the European Union takes a negative attitude towards this flexibility, it is less strict when compared to the stance of the United States.

The reduction of subsidies on cotton designed primarily to reduce them in the United States also remains an unresolved area. Given that this area is highly prioritised by a group of smaller developing countries (the so-called Cotton - 4), this area should not be essential to achieve any final agreement. In this area of negotiations, the European Union has been criticising the proposal for disproportionate reduction of subsidies in the "amber box" after exceeding the limit in the "blue box" in a 2-to-1 ratio, which would increase the pressure to reduce subsidies. The issue of cotton is relevant for the European Union for its relatively significant production in Greece and Spain. Similarly, it is rather less likely that this area could be further liberalised in the spirit of the attitude of the United States, which, as stated by **Bhala**, conditioned any further reductions of subsidies by reduction of tariffs in this area in China (Bhala, 2009, p. 73).

Among other unresolved areas, however generally not considered essential to reach the agreement, is the area of tariff ceilings and the creation of new quotas. There is a dispute in the area of tariff ceilings whether the amount of duties outside of "sensitive products" may be greater than 100%. The EU has no strong stance in this field, but it is inclined towards an opinion that the ceiling for tariffs of 100% should not touch the "sensitive products". In the quota issue, the subject of disagreement is what products may be designated as sensitive by countries. The United States and Brazil have preferred an alternative in which only those products that had been protected by quotas before the Doha multilateral trade negotiations could be identified as sensitive, whereas India

and China preferred an option in which there was no limit to designate a product as sensitive. This opinion is also favoured by the European Union. The possibility of higher flexibility in labeling products as sensitive products would allow a product to be included in the system of increased protection when needed. Developed countries were concerned that this flexibility might become a subject of abuse by less developed countries.

Currently the most controversial area of the negotiations is the area of sectoral talks. The aim of sectoral negotiations is significant reduction, even elimination of duties on all products in the economic sector among a particular group of member countries.² Developed countries have aimed at gaining a stronger market access for these key areas through the negotiations. From their point of view, the draft on NAMA brought limited reduction of actual applied tariff rates, which was also the consequence of the exemptions from full application of the Swiss formula in a number of large developing economies (primarily China, Argentina, and Venezuela). Although the Hong Kong Ministerial Declaration in 2005 defined that participation in these negotiations should be on a voluntary basis (Doha Work Programme, 2005, par. 16), the United States and the European Union have demanded that China, India and Brazil participate in at least two sectors. A high priority has been given to chemicals (in 2010 it represented approximately 16% of the U.S. total exports), and electronics. These countries took a negative stance towards further liberalisation in various sectors. They argued that the request was not directed at other major developing countries such as Indonesia, Mexico or Korea. Further arguments stated that the proposed range of sectors was very wide, and also that sectoral talks should not be a prerequisite to achieving a final agreement. Another argument was that the agreement in a single sector would have significant effects on developing countries (Bhala, 2009, p. 87-88). As stated by **Pascal Lamy** in his report of April 2011, there is still fundamental incongruence in the attitudes of China, India and Brazil in comparison to developed countries that are not looking for expanded market access through these negotiations (Report by the Director-General on his consultations on sectoral NAMA negotiations, 2011, par. 8). The most negative attitude towards

² In the course of the Doha multilateral trade negotiations, negotiations in 14 sectors have been proposed: automotive and related parts; bicycles and related parts; chemicals; electronics/electrical products; fish and fish products; forest products; gems and jewellery; hand tools; industrial machinery; open access to enhanced health care; raw materials; sports equipment; toys; and textiles, clothing and footwear.

sectoral negotiations has been presented by Brazil's Ambassador **Roberto Azevedo** by saying that *"If this view prevails then we're not entering the end-game, we're reaching the end of the game,"* (Big gaps threaten Doha trade deal, 2011). Since 2009, it is possible to identify the efforts to increase flexibility in sectoral talks. Based on a Canadian proposal, the negotiations run on a "vertical" basis, i.e. differently in the individual sectors. The "horizontal" approach that has been applied until then presumed finding an invaried frame of compromise for all sectors discussed. Similarly, an April 2011 proposal of the European Union included greater flexibility in relation to developing countries. The proposal presupposed that in the key sectors of chemicals, electronics and electrical products and industrial machinery developing countries will not have to eliminate tariffs on all products compared to developed countries.

Similarly, greater flexibility which would however undermine the original concept of sectoral negotiations was proposed by China. Her proposal was based on a division of individual products into different baskets, while developing countries would set the coverage of products in different baskets. The first basket of zero tariffs would only concern developed countries. In the second basket, developed and developing countries would reduce tariffs more sharply than under the proposed formula. In the third basket, developing countries would reduce tariffs, provided that developed countries eliminate theirs. The fourth basket would deal with flexibilities for developing countries (Ambassador Punke's Statement on the Doha Negotiations, 2011). Although this proposal is acceptable for developed countries in a limited way, it indicates China's willingness to negotiate in this area.

A negative view of the potential outcome of the negotiations was also expressed by the least developed countries, which suggested that the products covered by preferences should be unconditionally excluded from the sectoral negotiations (Big gaps still Remain in Doha talks, 2011). It can be assumed that this proposal was primarily motivated by fear of erosion of preferences in the areas that are not crucial for the sectoral negotiations (especially in textiles and clothing, fish and fish products), but where this group of countries has considerably relevant interests. The need to maintain some degree of preferences for the least developed countries is also accepted by developed countries, and has also been expressed by the European Union in its proposal. With regard to the objective of the negotiations, maintaining preferences appears more likely in the relation of the least developed to developing countries than in the relation to developed countries where it is more likely that

duties will be largely eliminated.

Another slight shift in this area is an effort to increase transparency in negotiations. In his report in 2010, the head of the negotiating group on market access **Luzius Wasescha** expressed doubts about transparency in this area (Negotiating Group on Market Access, 2010). **Pascal Lamy's** independent report of April 2011 on the negotiations in this area was in a way a reaction to this report. Increasing transparency in bilateral and plurilateral negotiations is also supported by the European Union.

The opinions on the importance of reaching an agreement in this area vary. It is generally accepted that without achieving some form of an agreement, successful completion of negotiations will not be possible. On the other hand, for example, **Evenett** argues that there are very large differences between individual countries and at the same time states that the proposed formula will lead to significant reduction of tariff peaks in major developing countries (Baldwin, 2011, p. 57). From his perspective, a specific approach in these negotiations is not necessary to achieve the ambitious outcome of negotiations. A similar attitude has also been taken by the World Bank, which presented a proposal to include in the output of negotiations an agreement, according to which countries would enter the sectoral talks after the completion of the Doha multilateral trade negotiations (Hoekman, 2009, p. 24).

As Table 1 shows there are significant differences between major developing countries in bound as well as applied tariff rates. China's significant difference in bound tariffs in comparison to other developing countries listed is the result of the obligations resulting from its accession to the WTO. The general relative difference in applied and bound tariffs in the most important areas of sectoral negotiations is higher than in the whole portfolio of non-agricultural goods (excluding China and India in the area of electronics). Unilateral tariff reductions in these sectors are relatively higher. This shows that the impact of the proposed formula to reduce bound tariff in these sectors would be less significant than in NAMA as whole. This characteristic is important for the attitude of developed countries and their requirements for a specific liberalisation in these sectors.

Table 1: Bound and applied tariffs in selected tariffs and selected sectoral negotiations

		Brazil	China	India	Indonesia	Mexico	EU	USA
Non-agricultural products	Bound tariffs	30,70%	9,20%	34,40%	35,5%	34,9%	3,90%	3,3%
	Applied tariffs	14,10%	8,70%	10,10%	6,6%	9,9%	4,00%	3,3%
Chemicals	Bound tariffs	21,0%	7,1%	43,2%	38,0%	34,8%	4,6%	2,7%
	Applied tariffs	8,3%	6,9%	8,2%	5,1%	2,6%	4,6%	2,7%
Industrial machinery	Bound tariffs	32,2%	8,5%	29,0%	36,3%	35,2%	1,6%	1,2%
	Applied tariffs	12,5%	8,4%	7,4%	2,0%	3,1%	1,7%	1,2%
Electronics	Bound tariffs	32,3%	8,7%	23,9%	28,6%	35,0%	2,2%	1,5%
	Applied tariffs	13,9%	8,6%	7,8%	5,1%	3,6%	2,6%	1,6%

Source: Non-agricultural products according to the WTO World Trade Profiles 2010, the remainder are the author's own calculation based on WTO Tariff Download Facility data.

As Table 2 shows, the proportion of bound and applied tariff peaks, for which **Evenett** considers applied tariffs above 15% (Balwin, 2011, p. 56), varies considerably between individual countries. In accordance with **Evenett**, it can be stated that the commitment of tariff peaks in these sectors with the exception of China is generally above the average level of NAMA. It follows that the impact of the proposed formula for elimination of tariff peaks would be above average particularly in those sectors. The relative proportion of applied tariffs above 15%, with the exception of Brazil in the field of electronics and Indonesia in the field of chemicals, is under the overall proportion in the area of NAMA. Based on this characteristic, it can be rather said that a relatively greater reduction of bound tariff peaks would have an impact on the reduction of applied tariff peaks to a lesser extent.

Table 2: Proportion of bound and applied tariffs above 15 % in selected sectors

		Brazil	China	India	Indonesia	Mexico	EU	USA
Non-agricultural products	Bound tariffs	96,5%	13,4%	66,3%	88,6%	99,2%	0,9%	2,4%
	Applied tariffs	39,0%	11,6%	7,2%	1,9%	22,7%	1,1%	2,6%
Chemicals	Bound tariffs	93,0%	3,6%	98,7%	99,8%	99,2%	0,0%	0,0%
	Applied tariffs	9,5%	2,6%	2,6%	3,1%	0,3%	0,0%	0,0%
Industrial machinery	Bound tariffs	98,4%	2,3%	97,2%	97,9%	100,0%	0,0%	0,0%
	Applied tariffs	7,4%	2,1%	0,0%	0,0%	0,7%	0,0%	0,0%
Electronics	Bound tariffs	99,0%	14,9%	66,1%	76,0%	100,0%	0,0%	0,0%
	Applied tariffs	46,2%	13,9%	0,0%	0,0%	2,0%	0,0%	0,0%

Source: Non-agricultural products according to the WTO World Trade Profiles 2010, the remainder are the author's own calculation based on WTO Tariff Download Facility data.

Both of these characteristics rather confirm the need for a more specific approach in these sectors in order to achieve new ways of accessing markets comparable to an average access obtained by applying the proposed coefficients of the Swiss formula. This justifies the requirements of the European Union and the United States for a specific approach. At the same time, higher levels of unilateral liberalisation in developing countries may support the view that these countries might be willing to accept further reduction of trade barriers in these sectors more easily.

Another unresolved area is services, representing the least developed area of the negotiations, although it is stated that this area contains significant potential.³ According to **Hufbauer**, it is due to the fact that countries agreed at an informal ministerial meeting that the negotiations in this area will not be fully opened before an agreement on agriculture and NAMA has been made (Hufbauer, 2010, p. 37). Given that developed countries will only accept an outcome bringing new approaches to markets, the failure to break this concept

³ The World Bank estimated the total benefits for developing countries in the area of liberalisation of trade in services at 1073 billion USD. For details, see WB Global Economic Prospects and the Developing Countries, 2002, p.172. Hettel and Keeney estimated the benefits of full liberalisation of trade in services at 150 billion USD against 56 billion USD in the liberalisation of trade in agricultural products. For details, see Hertel, 2005.

will have a negative impact on the negotiations.

Conclusion

The current state of negotiations does not indicate that the talks could be completed in 2011. Sectoral talks have become the most controversial area of negotiations, since also the European Union conditions the completion of the negotiations by reaching an agreement in this area. As mentioned above, the most important sectors in this area are generally above average in terms of unilateral liberalisation. This rather authorises the requirements of developed countries for a specific approach to trade liberalisation in these segments in order to achieve ambitious outcome of negotiations. The positive aspect in this area is the shaping-up of tendencies towards greater flexibility, namely the individual approach in each sector. If they were supplemented by a re-evaluation of the objectives of the negotiations, not towards the complete elimination of tariffs in developing countries, but in the direction of a stricter application of coefficients within the Swiss formula, they could become the path towards the completion of the negotiations. Similarly, a breakthrough in the approach to the negotiations in services – where, as the report by **Fernando de Mateo** states (Negotiating Group on Trade in Services, 2011), limited progress meaning that the negotiations were no longer bound to reach results in the area of agriculture and NAMA has been made – could be another positive step towards the successful completion of the negotiations. Acquiring a more significant access to markets of developing countries in this area could "blunt" the claims in the area of sectoral talks. The opening of certain questions related to agriculture which the developed countries practically consider closed could have a similar effect on developing economies.

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