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Executive brief

WTO Agreement on Agriculture

1. Background and key issues

While World Trade Organization (WTO) negotiations have little direct impact on the terms of access for ACP exports to EU markets, these being largely covered by the duty-free quota-access provisions of the Everything But Arms (EBA) initiative and interim and full Economic Partnership Agreements (EPAs), the WTO does provide the international framework for both the EU's and the ACP's wider trade relations. This includes rules related to tariffs, the use of export promotion measures and the deployment of domestic support to the agriculture sector. There is therefore a range of issues in the WTO affecting both ACP–EU agricultural trade relations and the value of the preferential market access that ACP countries enjoy.

Developments in the WTO can also have a bearing on ACP members' efforts to promote regional integration and diversify their trading partners. Developments in and around the WTO Agreement on Agriculture have both a direct and an indirect bearing on ACP–EU agricultural trade relations.

> *"WTO negotiations have direct and indirect impacts on the ACP"*

Reviewing developments in the WTO agricultural trade negotiations in 2011–12, it is important to bear in mind the following concerns of ACP stakeholders.

On domestic support:

- securing a real and substantial reduction in the use of domestic support;
- securing the end of *de minimis* support for developed economies;

- ensuring the introduction of disciplines on blue-box support (subsidies or direct payments aimed at limiting agricultural production) at a product-specific level;

On export competition:

- the establishment of a credible end-date for the complete elimination of export subsidies and other equivalent forms of export support, as well as the immediate elimination of export subsidies for cotton;
- provisions on state trading enterprises that allow ACP governments to continue to use such institutions;
- food aid arrangements that accommodate the needs of net food-importing developing countries and food aid recipients;

On market access issues:

- securing full duty-free, quota-free access for least-developed countries (LDCs) to all developed and advanced developing country markets, including for cotton and cotton products;
- comprehensively addressing issues of preference erosion;
- limitations on the tariff concession granted by the EU for sugar and sugar products;
- provisions on a special safeguard mechanism (SSM) to provide effective protection against import surges;

On cotton:

- the establishment of compensatory development assistance programmes for ACP cotton producers;
- securing an immediate reduction and rapid phasing out of coupled payments in the cotton sector;

On price volatility and food security:

- the inclusion of specific measures to address instability in commodity prices;

These concerns provide a benchmark against which to judge developments in the WTO negotiations in 2011–12 from an ACP perspective.

2. Latest developments

The role of agriculture and general concerns

In February 2011, a group of developing countries led by Brazil sought to place agricultural sector issues once more at the centre of the Doha Development Round. At an informal meeting involving Argentina, Brazil, China, India, Mauritius, South Africa, Australia, Canada, the EU, Japan and the United States, a proposal was tabled calling for market opening for key farm products such as beef, pork and poultry, which would go 'beyond levels currently proposed … in return for the greater market access for manufactures sought by the US.' According to the International Centre for Trade and Sustainable Development (ICTSD), this would involve 'capping tariffs or cutting them more deeply than previously proposed', leading to 'a top-up to the agriculture text'. This would see 'greater market access for farm goods … "calibrated" with market opening in other areas'.

According to reports, the exchange once again highlighted the lack of convergence on fundamental perspectives within the negotiations, including around issues of agricultural market access and the trade consequences of farm subsidies.

South Africa's Minister for Trade and Industry argued that the credibility of the global trading system rests on 'addressing the systemic issues … such as cotton and duty-free, quota-free access' for the poorest countries. He stressed the need for a focus on substantive development outcomes, rather than simply an emphasis on concluding the round (see *Agritrade* article 'Agricultural market access remains at heart of WTO deal', 3 April 2011).

> *"The credibility of the global trading system rests on addressing systemic issues"*

In November 2011, developing country representatives expressed concerns about developments within the WTO negotiations process, with suggestions being made that developed countries were seeking to shift the focus of negotiations to so-called 21st century issues (investment, competition policy, energy security and climate change), rather than addressing 'the development commitments previously agreed to', including on issues such as reform of agricultural subsidies (see *Agritrade* article 'Development concerns may be sidelined at WTO Ministerial', 9 December 2011).

Against this background, the move away from a multilateral negotiation process to a process of plurilateral negotiations was seen as symptomatic of efforts to shift the focus of the WTO negotiations away from issues of greatest concern to developing countries.

Two reports that were tabled in 2011 throw some light on this debate. The first dealt with the benefits from a Doha deal based on what is already 'on the table'. The second was the agricultural component of the WTO Secretariat EU trade policy review.

The benefits of picking up what is on the table

A World Bank publication in 2011 entitled 'Unfinished business? The WTO's Doha Development Agenda' sought to set out the state of play in the negotiations and the possible benefits of concluding the round on the basis of what is already agreed. It argued that negotiators faced what it described as a 'trilemma' – namely whether 'to implement all or part of the draft agreements as they stand today; to modify them substantially; or to dump Doha and start afresh'. The publication maintained that 'after allowing for flexibilities such as for sensitive and special products', the existing proposals would 'cut applied tariffs on agricultural and non-agricultural (NAMA) goods by around 20 percent', with trade gains being generated of at least US$160 billion per annum. This was seen as a very conservative estimate, since by reducing uncertainties over actual tariffs to be applied, additional trade would be generated. However, it was noted that limiting the duty-free, quota-free market access offer for LDCs by even as little as 3% of tariff lines 'would sharply reduce the value of this market access'.

Specifically with regard to agriculture, the analysis noted that tabled proposals included a commitment to 'abolition of export subsidies and sharp reductions in maximum levels of domestic support, especially in the EU and the USA'. On the sensitive issue of special safeguard mechanisms, the analysis maintained that 'quantity and price triggers could both reduce market access and increase the instability of world and domestic markets.'

In terms of emerging issues, the analysis argued that the absence of effective disciplines on export restrictions 'hurt the confidence of importers that world markets would be a reliable source of food supplies'. This in turn carries implications for the use of trade policy tools in food deficit- and drought-affected surplus producers. The World Bank analysis called for stronger 'disciplines on both import and export restrictions', as well as measures to deal with 'both food security and price insulation issues', maintaining that this integrated approach 'could lead to a more desirable negotiated outcome'.

This World Bank analysis needs to be seen in the light of the G20 statement, which stated: 'it is clear that we will not complete the [Doha Development Agenda] if we continue to conduct negotiations as we have in the past', and of the consequent call for 'fresh, credible approaches to furthering negotiations' (see *Agritrade* article 'World Bank review of unfinished business in the WTO negotiations', 9 December 2011).

WTO Secretariat findings on the trade effects of EU common agricultural policy (CAP) measures

The WTO Secretariat's review of the EU's trade policy was published in July 2011. The review, while acknowledging the substantial changes brought about by the EU's CAP reforms, sought to place the ongoing process of CAP reform in context. It noted that 'support to agriculture … remains considerable in both absolute and relative terms' at 'just over €100 billion' in 2009, equivalent to one-third of the value of EU production. The WTO analysis noted that since 2000/01, EU 'Green Box support has increased nearly threefold, to €62.6 billion, while Blue and Amber Box support have both declined by three-quarters, to about €5.2 billion and €12.4 billion respectively'. This gives rise to accusations of 'box shifting' from developing country producers. The analysis highlighted the scale of EU production and hence its major role in global food and agricultural product trade. It noted that in this context the agricultural policies of the EU 'can have a significant impact on other countries … whose economies depend on agriculture.'

> *"EU policies have a significant impact on agriculture-dependent ACP economies"*

The continued use of coupled payments in the cotton sector and the evolving use of intervention purchases towards a purely 'safety-net' function were highlighted. However, figures cited reveal that in crisis situations (e.g. the 2009 EU dairy farmers' milk crisis), intervention ceilings are extensively breached, carrying important implications for future trade flows (for example, EU skimmed-milk powder/SMP exports increased 64% in 2010 and a further 29% in 2011, with exports to the West African markets of Nigeria and Ghana increasing 69% and 72% respectively in 2010).

The WTO analysis noted the 90% reduction in export subsidy expenditures since the 1990s, as the gap between EU and world market prices closed. However, the EU retains the right to use export subsidies in 20 product groups, with support actively extended in 10 of these product groups. According to the WTO, 'the application of export subsidies can exacerbate swings in world prices and change the terms of trade to the detriment of other exporters.'

> *"The EU retains the right to use export subsidies in 20 product groups"*

Most-favoured nation (MFN) agricultural tariffs remain relatively high – on average 15.2%, compared to 4.1% for non-agricultural products. Within the EU agricultural tariff regime there are a large number of non-*ad valorem* tariffs, some specific duties, some compound duties and some mixed duties, as well as seasonal tariffs (particularly for fresh fruit and vegetables), and in 2009 there were no less than 114 separate tariff-rate quotas (TRQs). The EU thus maintains a sophisticated range of tariff protection measures that can be deployed to protect sensitive agricultural products.

"The EU retains 114 TRQs"

The analysis also highlighted how 'in response to fluctuations in world prices, the EU has, within the limits of its bound tariffs, changed its MFN applied tariffs'. Duties have been set at zero for 'durum wheat and high quality soft wheat since 1 July 2010; maize since 17 August 2010; and sorghum and rye since 19 October 2010'. In addition, in February 2011, the Commission suspended the 'in-quota tariff for low and medium quality soft wheat and feed barley … until end-June 2011'.

These mechanisms enable the EC to manage EU cereal markets in the light of fluctuating global prices. They provide protection to EU producers when needed, and access for EU consumers to international supplies when required. The WTO Secretariat points out, however, that 'such changes in duties in response to world market prices can reduce predictability and exacerbate fluctuations in world market prices.'

Beyond these measures, the EU retains the right to use special agricultural safeguard arrangements for 539 tariff lines (out of a total of 1,998 agricultural tariff lines). While the use of these tools has been more limited than this implies, the EC does use price-based special safeguard measures 'for chicken, turkey, and sugar products almost continuously', while the EU 'has calculated trigger volumes for fruit and vegetables on a regular basis'.

"The EU retains the right to use special agricultural safeguard arrangements for 539 tariff lines"

Overall, while acknowledging that CAP reforms have 'improved transparency and reduced trade and production distortions', the WTO notes that 'in total, during the ten years to 2009, taxpayers and consumers in the EU have transferred nearly €1 trillion to agricultural producers …, which represents a high level of support and keeps production and exports higher,

"After 20 years of reform the CAP continues to have negative effects"

and imports lower, than would otherwise be the case'. As a consequence, after 20 years of reform the CAP 'continues to have negative effects both within and outside the EU' (see *Agritrade* article 'Agricultural dimensions of the WTO EU trade policy review', 30 August 2011).

Food security concerns and the debate on disciplining export restrictions

The November 2011 report of the UN Human Rights Council's Special Rapporteur on the Right to Food provoked considerable debate on the role of international trade rules in promoting food security, a major source of concern to ACP governments following the 2008 food price crisis. The WTO Secretariat took issue with the report's contention that 'existing WTO rules do not offer a favourable policy framework for the realization of the Right to Food'. This involved both a rejection of the general contention that 'there is not enough room for developing countries to deal with food security issues' as a result of WTO rules, and set out a range of specific points dealing with the use of trade policy tools and domestic support measures.

The WTO Secretariat argued that the adoption of measures aimed at 'insulating a market from the rest of the world through quantitative restrictions on imports is not only WTO-inconsistent … but also economically inefficient'. Nevertheless, it was pointed out that WTO rules do not prohibit the use of TRQs and other trade policy tools

"WTO rules do not prohibit the use of TRQs and other trade policy tools"

– they simply seek to regulate and discipline their use. The WTO Secretariat maintained that restricting trade in food in the face of rising import bills was a dangerous course of action. More specifically, WTO Director-General Pascal Lamy questioned 'the report's recommendations on interventions aimed at insulating domestic from international markets'. He argued that '[while] policy tools like public stockholding for food security purposes, tariff rate quotas, safeguard measures or the use of marketing boards can indeed be legitimate tools, under some circumstances…. If used improperly, these actions can introduce distortions and undermine economic efficiency, exacerbating the negative impacts on poor consumers of high food prices.' He went on to support the G20 inter-agency report's contention that 'policies that distort production and trade in agricultural commodities potentially impede the achievement of long-run food security' (see *Agritrade* article 'The WTO responds to issues on agricultural trade policy tools and food security', 23 January 2012).

Prospects for the LDC package

In the course of 2011, in the face of a lack of progress in the overall WTO negotiations, discussions began over the possibility of a mini-deal addressing the needs of LDCs. It was initially proposed that it could focus on:

- a resolution of the cotton issue;
- duty-free, quota-free access for LDCs to all developed and advanced developing country markets;
- an aid-for-trade package to help LDCs overcome non-tariff barriers to their exports.

It was argued the delivery of an LDC package could change the mood of the negotiations, generating 'some kind of new spirit'. Subsequently WTO Director-General Lamy spoke of including improved rules of origin, and a services waiver for LDCs.

The emergence of the LDC package followed calls from Director-General Lamy for a 'three-lane approach' to the Doha Development Round:

- a 'fast lane' consisting of the LDC package;
- a 'middle lane' consisting of LDC-plus issues that are near maturity and maintain the development focus; and
- a 'slow lane' consisting of 'outstanding issues such as agriculture, services, and non-agricultural market access'.

According to ICTSD, 'while agreeing to Lamy's proposal, members insisted that the principle of a "single undertaking" – in which "nothing is agreed until everything is agreed" – should remain under this new plan.' However, 'early harvest' measures could then be 'implemented on a provisional or a definitive basis' (see *Agritrade* article 'LDC needs should be accorded priority under Doha "Plan B"', 5 July 2011).

However, from the outset it was clear that including cotton in the LDC package would be difficult, with the US insisting that all cotton support programmes of WTO members be discussed, notably those of China and India. Consequently, Mr Lamy suggested that parties should limit their ambitions on cotton issues in order to take 'a step forward'.

China, India, Egypt and South Africa stood behind the LDC-only package, supported by the LDCs and the G90 group of developing countries. However, other WTO members sought to bring other issues to the table as part of the proposed December mini-deal, complicating the process of achieving consensus (see *Agritrade* article 'Prospects for agreement on LDC package reviewed', 6 September 2011).

Prospects for progress on cotton issues

For the ACP group, addressing the concerns of African cotton producers is being taken as the litmus test for the success or failure of the Doha Development Round. In January 2011, the ACP had called for an 'immediate' resumption of negotiations on cotton subsidies at the WTO, castigating the US for maintaining support measures and its approach to addressing cotton issues in the WTO.

Particular concerns were expressed over the bilateral deal between the USA and Brazil to avert WTO-authorised sanctions following the conclusion of a WTO panel in favour of Brazil. Under this bilateral agreement, an annual US$147.3 million in technical assistance was extended to Brazilian cotton farmers. The ACP deplored the 'exceptional situation where a WTO member is avoiding bringing its trade policy into compliance with its obligations towards the Organisation in return for a payment made towards the producers of one other member only.' The ACP maintained that the deal only served to 'reinforce inequality in treatment' (see *Agritrade* article 'Cotton and the reassertion of ACP concerns in the Doha process', 1 March 2012).

This reflected wider ACP concerns that issues that were accorded a high priority by the ACP would fall by the wayside in the final push by major developed and advanced developing countries for the finalisation of a Doha Round agreement. The US–Brazil cotton deal was seen as indicative of what could happen within the wider WTO negotiations process. From the ACP perspective, this trend had already become apparent in the December 2009 Geneva banana deal.

In November 2011 the C4 group of African cotton-producing countries – Benin, Burkina Faso, Chad and Mali – published a proposal that 'the US and EU should freeze trade-distorting support for cotton at current historically low levels', which was discussed in Geneva.

> *"The US and EU should freeze trade-distorting support for cotton at current historically low levels"*

Given the low levels of cotton sector payments linked to high prices, it was thought that applying a 'standstill principle' to current subsidy levels could offer a way out of the impasse in negotiation. However, there was no consensus on even this interim step, given the perceived difficulties of selling such a US-focused deal in Washington. This was despite the perceived budgetary pressures confronting the US which it was thought could generate some impetus for reform.

The C4 proposal also reiterated the group's long-standing demand, first endorsed at the Hong Kong WTO Ministerial meeting, for a prioritisation of more ambitious subsidy cuts in the cotton sector (see *Agritrade* article 'C4 countries table "standstill principle" proposal in WTO', 7 January 2012).

Overall, with the Doha negotiations stalled, prospects for substantive reform of US cotton subsidies continue to look bleak. In the meantime African cotton producers continue to look at what steps can be taken to enhance producer earnings within existing supply chains (e.g. by improving yields, reducing costs and enhancing marketing, including through a greater focus on fair-trade, organic and speciality labels) (see *Agritrade* article 'Fair-trade cotton to boost cotton production in West and Central Africa', 5 July 2011).

Outcome of the 8th WTO Ministerial meeting

The eighth WTO Ministerial meeting, held from 15–17 December 2011, failed to break the log-jam in the Doha negotiations, as was expected. Of the ACP countries, Vanuatu had its application for WTO membership agreed prior to the meeting, and Samoa's membership was formally approved at the meeting.

The Ministerial meeting did touch on issues of relevance to ACP policy makers. Some level of Ministerial endorsement was given to the November 2011 appeal from the G20 Heads of Government that WTO members should avoid imposing export restrictions on food aid purchased by the World Food Programme. This was in parallel to a statement from the Chair of the meeting, reflecting support among some ministers for a WTO 'work programme' on trade and food price volatility, and its impact on LDCs and net food-importing developing countries. However, none of these commitments are binding, but constitute best-endeavour commitments of a range of members.

In addition, as Mr Lamy acknowledged when briefing journalists, African cotton exporters had received some new commitments on market access and development assistance which 'were not previously part of the landscape' (see *Agritrade* article 'WTO Ministerial: a forum for small trade concessions', 16 January 2012). Most notable in this regard was the technical agreement between the C4 group and China. Under this agreement, China is to 'provide machinery, expertise and materials in a bid to increase and improve the quality of local production'. The Chinese commerce minister, Chen Deming, suggested that this was 'a step towards outsourcing production to Africa', declaring that 'in [the] longer term, we may relocate some of the textile and apparel industry into Africa'. The agreement was presented as part of China's support for the WTO 'aid for trade' programme.

Chinese companies have become engaged in cotton production and processing in a number of West African countries, and China is now a major export market for West African cotton, importing some eight times the value of West African cotton exports to the EU. However, some analysts maintain that Chinese companies still prefer US cotton, which is of a guaranteed quality and cheaper. Other analysts suggest that the timing of the agreement may well have been designed to deflect criticisms of Chinese cotton subsidy policy (see *Agritrade* article 'C4 and China agree cooperation deal on fringes of the WTO Ministerial', 24 February 2012).

3. Implications for the ACP

Maintaining the development focus

A critical issue for ACP governments is maintaining the focus on development issues in the Doha Round and, more specifically, maintaining a focus on those development issues of greatest concern to the ACP.

> *"A critical issue for ACP governments is maintaining the focus on development issues"*

This is particularly important, as while issues such as enhanced agricultural market access for developing countries in general may well eventually form part of an overall deal, it is vital that this be accompanied by a comprehensive programme of measures to address ACP concerns over preference erosion. This could take one of three forms:

- building ACP preference erosion concerns into tariff elimination commitments;
- developing new policy tools to assist ACP exporters in successfully trading in a post-preference erosion era;

- establishing flanking measures for production and trade adjustment.

The vital issue for the ACP is ensuring that their underlying concerns are not sidelined. This could in part be addressed by the launch of specific targeted initiatives alongside the WTO process, to try to promote progress on key issues of concern. Such initiatives might include:

- pushing for the unilateral adoption of duty-free, quota-free access for LDCs by all WTO members that were supportive of a mini-LDC package during the 2011 discussions; or
- launching a dialogue process with the EU on ensuring that the use of evolving CAP policy tools does not undermine specific national and regional sector development strategies (e.g. since 2010, EU SMP exports to West Africa have increased dramatically following safety-net intervention purchases in 2009, with the suggestion being made that this is disrupting the functioning of local milk supply chains – for more details see *Agritrade* 'Executive Brief: Dairy sector', 2011). This would be consistent with the EU's legally enshrined commitment to ensuring policy coherence for development.

There are already some examples of such initiatives, for example the WAEMU cotton initiative, which lobbies for reform of US and EU cotton sector policies, and the December C4 agreement with China on cotton sector cooperation. The launch of similar flanking initiatives in the coming years, designed to keep the focus on ACP demands in the WTO negotiations, could serve to ensure that ACP concerns are not sidelined in the push to finally conclude the Doha Development Round.

Moving ahead with an LDC package

Discussions in 2011 highlighted the support of China, India, Egypt, South Africa and the wider G90 group of developing countries for an LDC-only package. In this context, and in the light of the unilateral action taken by the EU nearly a decade ago to grant duty-free, quota-free access to LDCs under the unilateral 'Everything but arms' initiative, there would appear to be a need for a concerted LDC initiative to persuade those WTO members supporting of an LDC package to move ahead unilaterally with the granting of full duty-free, quota-free access to LDCs. This could build on existing unilateral initiatives not only on duty-free, quota-free issues but also on cotton issues (treatment of coupled cotton payments under the 2013 round of CAP reforms). This could serve to increase pressure on those WTO members resistant to the conclusion of a stand-alone LDC package.

Making better use of permitted WTO tools

The WTO EU trade policy review and the exchange around the November 2011 report on 'the Right to Food' both highlighted that current WTO rules seek to regulate and discipline the use of trade policy tools, and do not involve outright prohibition of their use.

> *"ACP governments need to make better use of permitted WTO tools"*

A key policy challenge facing ACP governments in this respect would appear to be the establishment of national and regional trade policy frameworks that allow the proper use of available WTO-compatible trade policy tools as an integral part of broader strategies to exploit acquired comparative advantage, limit inefficiencies and enhance food security. At the regional level, this could give rise to a policy framework that promotes the use of permitted tools in a more consistent, transparent and accountable manner.

This framework could in part draw on the EU's experience of the sophisticated use of agricultural trade policy tools to manage increased global price volatility and insulate domestic producers from the worst effects of cyclical downturns. However, the elaboration and use of such tools would need to take into account both market and institutional realities in the ACP, including the often imperfect functioning of markets and real institutional, human and financial capacity constraints.

Such a policy framework would also need to take into account the existing realities and consequences of policy measures adopted in major OECD economies, whose production and trading activities dominate many global food and agricultural markets. In this context, the analysis of the ICTSD paper of November 2010 on 'Food security, price volatility and trade' noted: 'measures taken by countries to try to reduce volatility in their domestic markets may exacerbate price volatility in world markets, by transferring outside the national markets the necessary price and quantity adjustments.' This would appear to have occurred as a consequence of the EU's use of safety-net measures in response to the 2009 dairy crisis. This saw a major surge in exports of SMP in 2010, 2011 and into 2012, with disproportionate increases in exports to ACP markets in West Africa (see *Agritrade* 'Executive Brief: Dairy sector', 2012 forthcoming).

Local dairy sector activists have argued that the increased exports of EU SMP can undermine the structural development of local milk and dairy supply chains. These realities of post-export subsidy measures, in a period of heightened global price volatility, are something that national policy makers and WTO negotiators have yet to get to grips with.

This suggests a need for major agricultural exporters like to the EU to recognise the changing nature of the external effects of the deployment of evolving CAP tools and to develop mechanisms for addressing any adverse effects on developing countries which may arise.

Initiatives to address wider ACP concerns over the external effects of the evolving CAP may serve to ease ACP concerns and facilitate negotiations in the WTO context. While the adoption of bilateral initiatives to address particular concerns generally follows on from WTO panel rulings (e.g. US cotton-related initiatives towards Brazil and the EU Geneva banana deal), proactive initiatives to address potential problem areas could form part of a 'fresh and credible' approach to issues still outstanding in the Doha Development Round.

Food security and disciplines on export restrictions

Any WTO discussion is likely to focus on disciplining export restrictions rather than their outright prohibition. In this case, the issue becomes the specific disciplines to be imposed and the need to retain special and differential treatment for drought-prone, food-deficit developing countries.

An additional point relates to the need for a regional approach to the regulation of the use of export restrictions, given the move towards customs unions and free-trade areas across the ACP. Any WTO disciplines on export restrictions should seek to support the elaboration of such regional approaches.

Furthermore, any restrictions on the use of export restrictions by governments of small, drought-prone, traditionally food-insecure countries need to recognise the overriding importance attached to food security issues by the governments concerned. This suggests a need for the elaboration of flanking policies and specific measures around any WTO disciplines on export restrictions. This issue could usefully be taken up in the working party on trade and food price volatility proposed at the 8th WTO Ministerial meeting in December 2011.

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About this update

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