

Chapter 2

Systemic Issues for the Commonwealth Small States in the Functioning of the World Trade Organization: Options and Proposals

Carolyn Deere Birkbeck

2.1 Introduction

Recurring standstills in the World Trade Organization (WTO) Doha Round of negotiations is rightly spurring debate among the WTO's members and Secretariat, as well as experts and stakeholders, on the future of the organisation.¹ The issues at stake are not new. Amid concerns about the languishing negotiations, WTO members made a collective call at the 2011 WTO Ministerial Conference for the organisation to be improved and its functioning to be strengthened. To date, however, members are yet to make any decisions or provide guidance regarding a process to advance such efforts.

This chapter analyses the systemic issues and challenges that small states face in the multilateral trading system.² To help enable small states³ to participate meaningfully in discussions on WTO reform, it highlights areas of particular importance to them, and presents options and proposals that could be pursued by small state governments and stakeholders.⁴

Neither the WTO nor the debates about its challenges are static. As the intensity of public debate on globalisation waxes and wanes, and the salience of specific trade challenges shifts and evolves, so too has the debate on systemic issues facing the WTO.⁵ Since the WTO's launch in 1995, the issue of institutional reform – whether or not it is needed, in what form it may be needed and through what kind of process it could be delivered – has been an ever-present issue for the organisation and its growing and diverse membership.

Calls from member states and scholars for attention to be paid to 'systemic' challenges facing the WTO have been most acute at specific junctures in its relatively short history, most notably following the Seattle, Cancun and Hong Kong WTO Ministerial Conferences, but also in the face of the ongoing failure of members to conclude the round of negotiations launched by the 2001 Doha Development Agenda (DDA).⁶ Intense public debate at each of these junctures has spurred debates about the organisation's legitimacy⁷ and a number of high-level efforts to focus attention on concerns about systemic challenges facing the WTO.

In 2004, former WTO Director-General Dr Supachai Panitchpakdi commissioned a consultative board of experts, led by Peter Sutherland (former Director-General

of the General Agreement on Tariffs and Trade (GATT) and the WTO),⁸ to present proposals for institutional reform. The Sutherland Report was followed in 2007 by an independent commission supported by Warwick University on ‘the Future of the WTO’.⁹ The view that more attention to other ‘systemic issues’, beyond the challenges facing WTO’s negotiation function, was one of the reasons that WTO members agreed in 2009 to reinstate the practice of holding biennial Ministerial Conferences (as called for in the WTO’s mandate) and to put discussion of ways to strengthen the multilateral trading system on the agenda.¹⁰ Furthermore, in 2012, the WTO Director-General Pascal Lamy commissioned a report from a panel of eminent experts on the future of the global trading system.¹¹

To date, action on institutional reforms and systemic issues has been constrained by differences between and within the membership (and the WTO Secretariat) on priorities and on how best to approach and address these issues, if at all. However, some WTO reforms have proven possible. A number of administrative and informal changes have been made to how the WTO works.¹² There have also been several formal decisions taken by the WTO’s General Council, trade ministers or the WTO Secretariat. Meanwhile, proposals for reform continue to be generated by governments, scholars, civil society and industry groups.¹³

The year 2015 marks the 20th anniversary of the WTO, and members are likely to meet by the end of 2015 for the next biennial WTO Ministerial Conference. Members thus have an important opportunity to forge a way forward not only on the WTO’s negotiating agendas but also on systemic issues and challenges facing the organisation. Given the many challenges that small states face in the international trading system (see Chapter 1), they have a clear interest in negotiating for the substantive content of trade agreements to account for their particular needs, constraints and vulnerabilities.¹⁴ In addition, small states have much to gain by engaging in debates on systemic and institutional reforms at the WTO. They should work to ensure that the particular needs and concerns of the WTO’s smallest members are not neglected, and that the various systemic issues facing the WTO are addressed in ways that ensure they can use and benefit from all of the functions the multilateral trading system (MTS) offers.

For small states, ongoing discussions of systemic issues facing the WTO can and should be harnessed as an opportunity to promote attention to a number of their pressing priorities, including:

- concrete measures to boost their participation in and influence on WTO decision-making and to ensure inclusive, transparent processes that maximise possibilities for effective engagement;
- greater support for building the supply-side capacity needed to benefit from trade opportunities, to meet the high costs of implementing trade agreements and to build the long-term regulatory, institutional and negotiating capacities required to manage their international trade relations;
- greater allocation of WTO’s budget for trade research, statistics and monitoring toward analysis that responds to their needs, while building their local research capacities;

- mechanisms for independent assessment of the potential and actual impacts of WTO rules on national development priorities;
- promotion of ‘development-oriented’ coherence between WTO rule-making and the policy strategies and advice of international organisations and development agencies (such as in regard to debt and finance) upon which small states are particularly reliant for implementing their development strategies;
- assurance that interactions between the WTO and other institutions of global economic governance (such as the G-20 and development co-operation agencies) incorporate a specific focus on the needs of small states;
- boosting transparency and understanding of intersections between WTO agreements and the growing range of preferential trade agreements (PTAs) and regional trade agreements (RTAs), including integration arrangements among small states; and
- exploring ways in which the WTO’s dispute settlement arrangements could help small states to better enforce their trading rights on the global stage.

This chapter analyses systemic issues of particular interest to small states, in regard to eight of the WTO’s institutional functions: (1) regime management, including agenda setting and policy dialogue, internal management of the WTO Secretariat and the functioning of the WTO’s regular committees; (2) negotiation and rule-making, including the principles and processes of negotiations, the ways in which small states and their coalitions are represented and the accession process; (3) dispute settlement; (4) monitoring of treaty implementation and assessment; (5) research and statistics; (6) AfT, capacity-building and technical assistance; (7) outreach and stakeholder engagement; and (8) interface with the broader system of global economic governance as well as RTAs and PTAs, both those in which small states participate and those in which they are left out.

For each of the functions, some of the options that small states could pursue relate specifically to actions that they could call on the WTO Secretariat to take. Others relate to actions that governments could take in their capacity as WTO members, in their role as donors to small states or as members of other international organisations relevant to trade and small states. Some recommendations also relate to the Secretariats of other international organisations and to stakeholders – that is to the wider system of actors that animate the MTS.

2.2 Regime management: options and proposals

This section addresses the WTO’s regime/system management function, including several cross-cutting issues related to the WTO’s regular committees and the internal management of the WTO Secretariat.

2.2.1 Strategic direction and new issues: agenda setting, policy dialogue and deliberation

The importance of a rules-based, multilateral approach to managing world trade to small states is widely accepted. At the heart of debates about systemic issues facing

the MTS, however, are enduring tensions about the underlying mandate and strategic direction of the WTO as the core multilateral trade institution for managing world trade.

Development advocates contend that the core purpose of the WTO is too often misconstrued as one of opening trade; instead they argue that its purpose is one of promoting development alongside the 'global public good' of a rules-based MTS (Mendoza, 2003, Puri 2011). Others insist that the WTO needs to shift away from the traditional mercantilist vision of the GATT to better address goals of sustainable development. Although difficult to resolve, the deeply systemic issue of the WTO's purpose and mandate is important because the varying views and visions that members assert set important contexts for their positions on other issues.

A cross-cutting issue for the WTO is whether or not its institutional structure is adequate for the task of enabling strategic policy oversight of the trading system.¹⁵ There have been numerous proposals for new processes, structures and initiatives to strengthen the WTO's deliberative function, most notably to provide a space for policy debate, problem solving and thinking about long-term strategic direction and challenges facing the multilateral trading system.¹⁶ There also appears to be growing recognition that deliberative spaces within the WTO system are needed to engage political and policy leaders, including new issues (prominent among these are the increasing complexity of non-tariff measures, energy, exchange rates and climate change).¹⁷ Ongoing debates at the WTO on how to address 'new issues' suggest that such venues will be increasingly important for keeping the WTO both dynamic and relevant. Moreover, these debates highlight the important questions of 'who decides' which issues warrant attention from the membership, in what form members can have their say and how to ensure the WTO's weakest members have a voice.

Those keen to foster more high-level policy engagement of national officials, ministers and even leaders in the management of the WTO system have proposed more frequent, annual Ministerial Conferences and also the transformation of some Ministerial Conferences to serve more as policy or strategic summits, such as on a five-yearly basis.¹⁸ Some analysts propose that the WTO should have a management committee or executive board comprising member states to guide negotiations and oversee, among other matters, the budget and management of the WTO Secretariat. Proposals for any kind of formal, smaller group management structure of the WTO negotiations (such as the structure that existed in the latter years of the GATT in the form of the Consultative Group of 18 (CG-18)) quickly encounter political opposition among those fearful that it would enable a sub-set of member states to dominate the WTO. There is, however, growing interest in the formation of a consultative/advisory/strategic body, with an appropriate representative/rotating membership of key countries and coalitions/groups, which could focus on strategic issues for the system as a whole and deliberation on emerging challenges. Proponents advocate that such a group would not focus on specific issues under negotiation or have any decision-making capacities.

There are proposals for re-invigorating the WTO's regular committees, the General Council and Ministerial Conferences through redefinition and/or clarification of

mandates in ways that would better enable policy dialogue/deliberation on policy matters and the strategic direction of the WTO.¹⁹ Indeed, a growing number of experts call for greater opportunities for political deliberation within WTO decision-making (Howse 2002; Pauwelyn 2005).

Others contend that, rather than seek a new space in the WTO for policy deliberations, the WTO may in fact be best suited to 'hard-rule'-making, while deepening co-operation with other international organisations, such as the United Nations Conference on Trade and Development (UNCTAD) and the Organisation for Economic Co-operation and Development (OECD), to offer a joint forum for policy dialogue.

Finally, some analysts also argue that, to effectively integrate development into international trade disciplines, the current institutional apparatus of the WTO needs revision. Options could include upgrading the WTO Committee on Trade and Development (CTD) to the level of a 'Council' and incorporating a more explicit 'development' post at the senior level of the WTO (such as at the Deputy Director-General level), where responsibilities could include working to promote the adequate representation of small states and their interests in decision-making.

2.2.2 Regular committees

Alongside the 'special sessions' of the various WTO Committees that were established to facilitate the Doha Negotiations, the WTO's suite of regular committees continue to be responsible for much of the day-to-day administration of WTO agreements and regular work of the organisation. Their roles include enabling information exchange, dialogue, data collection and notification processes (where WTO members inform each other of national developments), which in turn assist countries in their implementation of WTO agreements (Elsig et al. 2013). Notably, the roles of Committees vary and sometimes involve several different roles. Some Committees are charged with overseeing the notifications requirements embedded in WTO agreements (e.g. countries must notify the Technical Barriers to Trade and Sanitary and Phytosanitary Standards (SPS) Committees respectively on their planned regulatory reforms in the areas of technical standards and sanitary/phytosanitary standards). In some cases, these notifications touch on substantively challenging and highly political issues (e.g. subsidies notifications). Other Committees are more procedural or focused on internal matters (e.g. Budget Committee) and some are charged with exploring policy issues and intersections (e.g. Working Group on Trade and the Transfer of Technology) and the appropriate WTO response. In some instances, the regular committees serve as a forum for the exchange of views and reflection on emerging issues and on best practices, which can lead to the elaboration of new norms or activities for the WTO (Elsig et al. 2013).

In the wake of the stalled Doha Round, there is new interest in strengthening the roles of the WTO's regular committees. For small states, the regime management activities of regular committees, such as monitoring external trade policies and trends (including through notification processes), as well as exchanging views on best practices and emerging topics, are particularly important because small countries

face capacity constraints in conducting such activities themselves. However, the small size of most small state delegations means that they cannot attend, never mind effectively participate in, many of the Committees. With many Committee meetings held each week, and often in parallel, even efforts to pool resources through coalitions do not adequately address the challenges small states face in absorbing extensive background documentation and simply being able to attend the great number of regular committee meetings on top of special sessions and other informal meetings, briefings, training sessions, etc.

There is not, however, always a shared understanding or clarity on the roles of Committees.²⁰ Some Committees achieve little progress on their agenda items, returning repeatedly to the same issues or devoting most of their time to debates on the mandate of the Committee. In some Committees, engagement of the membership is weak. Furthermore, the roles and responsibilities of Chairs are not always sufficiently understood, in which case it is effectively the Secretariat that shepherds the work of the Committee.

There have been calls for greater engagement of relevant non-stake actors with expertise or experience (whether from non-governmental organisations (NGOs), the private sector or academia) and inter-governmental organisations (IGOs) to inject new energy, evidence and analytical insight into some discussions.²¹ Furthermore, some Committees lack the mandate to do any more than encourage countries to notify and report, relying on the motivation of individual members to comply with such commitments. Amid calls for the WTO to better respond to emerging and new issues, there are differences of opinion among the membership about the extent to which regular committees should engage in policy deliberations, particularly where these may have the potential to lead to the elaboration of new norms.

Options for discussion by small states include:

- greater support for efforts by small states to be present and engaged in regular committee work, such as through support for non-resident small state missions in Geneva and for the efforts of small state coalitions/groupings to broaden and deepen their participation in regular committee meetings.
- adoption of a policy on observership of WTO regular committees, including the potential for other IGOs, NGOs and private sector actors to provide technical and expert input.
- improvement of the process of choosing committee Chairs, with a focus on relevant technical knowledge and facilitation skills, ensuring that Chairs receive adequate substantive support and training in meeting management/facilitation where relevant.
- clarification of the mandates of regular committees, including if and how they could be more engaged in deliberative debates and discussions of challenges not already addressed in negotiations (e.g. on new issues such as climate change and trade, exchange rates, food security, global value chains, etc.) or if other mechanisms should be used for such purposes.

- provision of tailored advice to small states (and least-developed countries (LDCs)) on key upcoming issues across regular committees that have particular relevance to their national interests and, where appropriate, short briefings by the Committee Chair or Secretariat on the content of relevant background documentation.

2.2.3 Secretariat and internal management

A further set of proposals on WTO reform address the role, management and resources of the WTO Secretariat – the custodian of the WTO’s agreements.

There has been considerable political discussion about the WTO Secretariat’s relationship with member states, with a particular focus on the importance of Secretariat neutrality. Developing country concerns about impartiality on the part of the Secretariat have arisen in regard to many areas of the WTO’s work, such as in the trade policy review process, the dispute settlement process, the provision of technical assistance and training, and its research agenda. The complaints have focused on alleged Secretariat bias in favour of greater trade liberalisation and/or in favour of the interests of the more powerful member states.²² The Secretariat has many roles with the potential to have an impact on outcomes and perceptions. For instance, as the skills and knowledge of Committee Chairs varies widely, the Secretariat’s scope for influence – whether intentional or inadvertently – can be high. Although some Chairs steward their Committees with minimal backup from the Secretariat, others rely heavily on the Secretariat to prepare their strategy, speaking notes and summaries and to advise them before, during and after Committee meetings (in addition to formal summaries prepared afterwards by the Secretariat). One response from developing countries has been to take a close interest in the process for selection of the WTO’s leadership (particularly its Director-General)²³ and to argue for boosted developing country representation among the WTO’s staff.

A range of other management issues, with similar political dimensions, has arisen with regard to the appropriate structure of the WTO’s senior management. There have been questions, for instance, about the efficacy of having four Deputy Director-Generals. The Deputy Director-General positions are essentially political appointments made by the Director-General, usually of senior former trade diplomats from the WTO’s membership, with consideration of regional representation. Two concerns that have arisen are the weakening of institutional memory, as the incumbents in these positions change on a regular basis, and questions about the qualifications of some political appointees for roles in senior management and political posts. Regarding the role of the WTO’s senior management, some analysts have also argued for deeper consideration of the potential for the WTO’s Director-General and/or senior staff to be selectively involved in the chairing of some negotiations (Ismail and Vickers 2011). Although the Director-General chairs the Doha Round’s Trade Negotiation Committee, representatives of member states chosen by the membership normally chair all other Committees.

Many proposals for strengthening the WTO include some expansion and intensification of the Secretariat’s activities (such as an expanded trade policy review (TPR) process) and potentially also of its staffing and budget. Indeed, since the WTO’s

inception, some have called for the organisation to have greater resources and staff,²⁴ emphasising its relatively small size compared with other international organisations. Member states have, however, been reluctant to boost the Secretariat's substantive role and functions, scope for independent initiative or budget.

Despite its relatively small size, the Secretariat has not been passive. On the contrary, it has undertaken numerous initiatives (such as the AfT initiative) that have ultimately received the support of the members. This has boosted confidence in selectively expanding the Secretariat's scope. Similarly, despite initial reservations about the perceived lack of formal mandate from member states for certain activities, most WTO members concur that the WTO Secretariat's efforts to provide regular monitoring on protectionist measures in the context of the financial crisis have been useful, and there has been wide support for its expanded attention to statistics and support for research in developing countries.

Many of the proposals for expanding WTO's activities with regard to trade and development and to better service the needs of small states would require greater numbers of WTO staff and resources.²⁵ However, rather than a broad-based call for a larger Secretariat, the case for more resources – even for development and small states priorities – should be made on a function-by-function basis, with careful consideration of the appropriate strategy for expanding the WTO's role (Deere Birkbeck 2009a). In some instances, the activities or services that small states need could be better provided jointly with, or by, other actors within and outside the multilateral system. UNCTAD, NGOs and national universities might, for instance, be better vehicles for meeting research needs.

To advance their interests at the WTO, small states could argue for:

- greater representation of their nationals on the WTO staff;
- a review of the effectiveness of the WTO's senior management system (e.g. the practice of political appointment of four Deputy Director-Generals, and the degree to which these Deputy Director-Generals consider the interests of small states);
- more specific services and activities from the WTO Secretariat that respond to particular needs of small states;
- an advisory/consultative body of senior officials to complement the General Council's role, which could provide oversight and strategic direction for the WTO system and its Secretariat on recurring challenges for the organisation, such as ensuring adequate representation of the organisation's smallest and weakest members.

2.3 Negotiation function: options and proposals

Political theory suggests that small states should favour multilateral over bilateral trade negotiations, as the multilateral forums usually offer relatively more formal, transparent negotiating processes and greater potential for collective action among weaker countries, which can boost their ability to mitigate and manage power asymmetries. However, a broad suite of studies has documented the challenges of

effective developing country representation in WTO negotiations,²⁶ particularly for the WTO's smallest and poorest members (Jones 2013).²⁷

Small states have many objectives in WTO negotiations. In some areas, these are aligned with those of other developing countries, but they also have distinct goals and priorities. Some of their priorities include crafting rules that preserve their policy flexibility (such as to support domestic industries and retain customs revenue), obtaining increased access to key export markets, preservation/managed reduction of preference, and AfT. Importantly, for some small states, 'participating' in the global system is an important objective in its own right. Given that small states are often marginalised in decision-making, sometimes merely being present in the room ensures some degree of recognition of their interests. Furthermore, such participation enables small states to understand the negotiations and outcomes, which helps them to implement rules in their domestic economy in harmony with those agreed internationally, and to be aware of the flexibilities they can use. However, powerful states still generally dominate agenda setting and the conclusion of trade rounds. Too often, poor, small and vulnerable countries are marginalised while the 'big players' in global trade negotiations spar.

Four aspects of the WTO's negotiation function warrant particular attention: (1) the principles underpinning WTO negotiations; (2) the processes of negotiation – informal and formal; (3) the representation and effective participation of small states and their coalitions; and (4) the accession process.

2.3.1 WTO negotiation principles

Ongoing debates on how to improve the WTO's negotiation function regularly lead to discussion of the principles at the core of the multilateral trading system, most notably principles of the single undertaking, most-favoured nation (MFN), national treatment, consensus-based decision-making, and special and differential treatment (SDT).

Single undertaking

In the light of the stalemate in the DDA, the 2011 Ministerial statement proposed that governments should pursue 'different negotiating approaches while respecting the principles of transparency and inclusiveness'. It proposed advancing negotiations in those areas where progress can be achieved, such that members might 'reach provisional or definitive agreements based on consensus earlier than the full conclusion of the single undertaking'. As members work to apply this proposal in practice, they encounter considerable variation (and confusion) in how members interpret the term 'single undertaking' and what it means in practice (Wolfe 2009). Some argue that the notion of a single undertaking (meaning that nothing is agreed until everything is agreed) refers to the final suite of agreements to be adopted, whereas others argue that the single undertaking demands that attention be paid to obtaining a 'balance' between the pace of negotiations at every step along the way.

In terms of 'different approaches', key options under discussion include a move towards more variable speed negotiations and/or a variable geometry of rights and

obligations through, for instance, plurilateral and critical mass negotiations (where a sub-group of WTO member states advance with negotiations) and ‘early harvest’ decisions.²⁸ Some proponents suggest that plurilateral approaches need not contradict the single undertaking, arguing that agreements could be put on ‘hold’ until other elements of a single undertaking were completed. The issue is not merely theoretical. Many governments are already in the midst of plurilateral negotiations – both on environmental goods and services and on services.²⁹

For small states, the proposal for new negotiating approaches offers opportunities (such as early harvests on some issues), as well as important risks. One risk is that promises of inclusiveness in the context of new approaches will not be achieved in practice. To date, only a few contributions to this debate have seriously considered the implications of variable geometry for inclusiveness and development, given the WTO’s prior challenges in this respect.³⁰ A second risk is that plurilateral negotiations will leave out many developing countries, which will then later struggle to catch up with regulations and laws, the negotiation of which they were not involved in. A third risk is that the pursuit of plurilateral approaches will mean that small and poor countries will be engaged on only a narrow set of issues (such as discussion of cotton, market access and SDT), whereas the broader systemic and regulatory issues that define the multilateral system will be negotiated by only larger players. Moreover, critics of departure from the single undertaking argue that the challenge of maintaining the development content of the round relies on a single undertaking, and on the sequencing of issues defined in the original Doha Ministerial Declaration for ensuring that attention to development issues is a priority. Finally, pragmatists argue that the single undertaking or similar arrangements that provide the possibility for members to make trade-offs between issue areas and interests will remain a vital part of the politics of concluding trade deals.

For these reasons, most developing countries argue against a retreat from the single undertaking in the context of the Doha Round (although some are more open to this approach in the post-Doha context) (see the discussion on ‘post-Doha options’ below). There does appear, nonetheless, to be growing acceptance that, while the single undertaking remains a core principle, its interpretation and application demand greater clarification.

Consensus

Among international organisations, the WTO is notable for the emphasis its members place on consensus-based decision-making. In principle, the consensus-based procedures of WTO decision-making formally empower all participants by giving them potential veto power, which allows even smaller states to exert more influence on agenda setting and negotiation outcomes. Critics, however, highlight that the consensus principle generates inefficiencies in the negotiation process, for example by enabling one powerful country or groups of weaker players to hold hostage the progress of negotiations. For small states, for instance, the consensus principle enables them to work together and with groups of other countries to block unwelcome elements of negotiations. This possibility is, however, a double-edged

sword, as it also enables single, larger countries to block progress on issues that matter to them. Furthermore, the consensus principle is also something of a mirage in that it can deflect from the power politics that are pervasive in the WTO's informal politics.³¹ On many issues, consensus does not imply that all countries agree, but rather that they have too little power to stop other countries moving ahead or have conceded.

Several responses to these challenges have been proposed.³² One option is for countries to vote to resolve particular negotiation issues, using the WTO's current one-member, one-vote rules for voting (which have been invoked in only a very limited number of cases). Alternatively, Narlikar (2011) suggests that, to ensure that the entire membership has a meaningful say in decision-making, members should combine a critical mass approach with negotiations, together with a voting system that requires a super majority. Another proposal is for the use of an executive board to resolve negotiation deadlocks, whereas others advocate maintaining the consensus-based approach to highly contested aspects of negotiation but allowing voting on more procedural or less significant issues.³³

While recognising that the consensus principle may result in a slower and more difficult process, which in turn can lead to both frustration with the system and greater recourse to RTAs, its supporters argue that it remains the more democratic and inclusive approach in comparison with multilateralism. Ismail and Vickers argue, for instance, that '[n]ot only does consensus force WTO Members to build convergences in their positions and make compromises in the interests of the system as a whole, but it also creates learning opportunities and empowerment for developing and least-developed countries' (2011). Among other points, they emphasise that there is not so much a problem with the 'consensus' principle itself but instead with its application (Ismail and Vickers 2011),³⁴ noting that, in the past, the principle was treated with greater respect. In line with this analysis are proposals that those withholding consensus in WTO negotiations should offer, as the minimum, a verbal or written statement justifying their position with evidence of potential harm. In summary, although the consensus principle remains a common subject of criticism, those close to WTO politics argue that efforts to revise the consensus-based principle would find great difficulty garnering political support.

Special and differential treatment

A core systemic issue for small states in the WTO relates to the nature and operationalisation of the concept of SDT as a core principle for multilateral rule-making. For small states, appealing for more effective operationalisation of the principle of SDT throughout the WTO's agreements and work is a central part of their negotiating strategy.³⁵ The principle of SDT has, for instance, allowed small states to articulate and advance their trade priorities. They also place considerable emphasis on negotiations with the aim of clarifying and implementing SDT provisions. However, there is considerable dissatisfaction among developing countries with the operationalisation of the SDT principle in existing trade agreements and in the process of trade negotiations (Mitchell and Voon 2009; Stevens 2003).

Whereas some analysts have argued that SDT should focus simply on delaying deadlines for developing countries to implement WTO agreements (Srinivasan 1998, 2002, 2004), most developing countries insist on a more substantive approach (e.g. involving variations in the obligations themselves and elements such as a principle of non-reciprocal obligations for LDCs). Some development advocates call for recasting the SDT principle in the language of 'hard law' and for SDT to be locked into WTO commitments so that they are 'legally enforceable, predictable, and therefore more beneficial...' (Kaushik and Mukibi 2011). There are also calls to implement the 'right to development' in international law, including through SDT at the WTO (Chimni 2011).

Although there have long been some 28 agreement-specific SDT proposals under discussion in the Doha negotiations (in Annex C of the draft Cancun text), many of the poorest countries remain unconvinced that these will provide meaningful benefits.³⁶ Moreover, these efforts come in the context of scepticism about the potential for current approaches to SDT to address underlying tensions in today's negotiating environment – both where emerging developing countries and developed countries spar over whether or not their claims for SDT and 'policy space' are legitimate, and where poorer developing countries contest some claims for SDT by larger developing countries.³⁷

Some development advocates call for a new 'positive' SDT agenda that focuses less on broad categories of countries (e.g. LDCs, developing countries) and more on the specific needs of individual countries. This agenda includes proposals for 'à la carte' SDT that would be needs-based and tailor-made for particular countries by topic and for developing country sub-groups (such as small vulnerable economies (SVEs), landlocked developing countries and specific issue-based coalitions) (Melendez-Ortiz and Biswas 2011). The criteria to qualify for SDT by topic or issue could be set by WTO Committees, and then countries could self-designate. Developing country opponents to such proposals, however, argue that maintaining the broad-based collective identity of developing countries is critical to achieving the political power needed to achieve outcomes in negotiations and that fragmentation among developing countries on issues such as SDT would diminish that power. It may, however, be possible to have an approach to SDT that combines both approaches, with solidarity among large groups of developing countries on certain key principles of negotiations and an *à la carte* approach to specific negotiating issues. Although there is no accepted norm in international trade negotiations for differentiating countries on the basis of smallness or vulnerability, the needs-based *à la carte* approach might yield similar results.

MFN and national treatment

The principles of MFN and national treatment have long formed cornerstones of WTO negotiations. There is broad consensus on the enduring principle of national treatment (which calls on members to give equal treatment to foreign and national actors in regard to trade policy, i.e. not to discriminate between domestic and foreign producers).

In the context of the languishing Doha Round, however, some analysts ask if the MFN principle has outlived its usefulness, particularly in a world where much

trade is plurilateral or under preferential terms. According to the MFN principle embedded in WTO agreements, countries cannot normally discriminate between their trading partners. If countries grant a trade concession to one country (such as a lower customs duty rate for one of their products), they have to do the same for all other WTO members. (Notably, the preferential trade arrangements that many small states trade under occur against the MFN principle.)

Growing interest in plurilateral negotiations has spurred debate on whether or not the agreements that emerge should be applied on an MFN basis. Whereas results of the current plurilateral negotiations at the WTO on environmental goods are intended to apply on an MFN basis, some WTO members are pursuing a plurilateral agreement on services, which is initially being negotiated outside the WTO with the intention that it will be applied on a non-MFN basis (albeit with a view to eventual multilateralisation in the WTO system). Already the WTO's existing plurilateral Agreement on Government Procurement is applied on a non-MFN basis. The implication of non-MFN plurilateral agreements is that the benefits of such agreements would extend to only the parties to the agreements and not to all other WTO members. Even amid discussion of MFN/non-MFN plurilateral agreements, the wider view appears to be that MFN must remain a core principle of the WTO and that greater understanding of its role/relevance, both historically and currently, is needed.

Post-Doha options

Several proposals have been offered for how to improve the WTO negotiating function post Doha. There are, for instance, proposals for moving away from all encompassing 'rounds' of negotiations on an ever-increasing number of subjects to more *à la carte* negotiations. In this spirit, some propose revisiting the mandate of the WTO regular committees so that the WTO can serve as a permanent negotiating forum, whereby negotiations would be prioritised and addressed as new topics arise. There also appears to be greater sympathy for pursuing plurilateral agreements in the post-Doha world (i.e. once the Doha Round is concluded).

To ensure consistency with multilateralism, Rodríguez and Wilke (2011) propose the following guidelines for plurilateral approaches: (1) requiring the WTO Ministerial Conference or the General Council to launch the negotiations (a green light to proceed), thereby implying a collective decision by all WTO members; (2) establishing criteria for the determination of what constitutes a critical mass on a case-by-case basis, taking into account the political and economic position of individual countries; (3) providing for particular 'opt out' options for WTO members in negotiation clauses, which means that acceding members to a plurilateral agreement could accept or reject certain elements later; and (4) applying all agreements on an MFN basis. Further proposals focus on the importance of the process of plurilateral negotiations, insisting that they should be undertaken with the broader WTO membership and framework in mind; as such, all members should be able to observe and have a voice in the negotiations, and principles such as SDT should be incorporated into negotiations. Some proponents also argue that calls for moving ahead with specific plurilateral negotiations should be evaluated by their merits (rather than by quantitative criteria such as that the countries involved must represent a certain percentage of trade in the sector concerned).

An alternative proposal considers ways in which the processes through which governments seek to cooperate may need to vary depending on the subject matter in question; whereas negotiations on tariff liberalisation may call for processes that facilitate competitive bargaining, efforts to forge greater transparency, harmonisation or cooperation on 'inside-the-border' regulatory measures might be better suited to processes that emphasise dialogue, exchange and institutional support. The regulatory goal may vary – it could be regulatory convergence/harmonisation or greater transparency of differences between heterogeneous regulatory systems. Some argue that negotiations on regulatory matters ought to be designed to focus on guidelines and best practices rather than on hard law, and that such dialogue may be better suited to non-WTO forums such as UNCTAD or the OECD. 'New issues' might be better addressed within the WTO but in a deliberative/policy dialogue format, with possible collaboration from other relevant international organisations.

Options for discussion by small states include calling for:

- an agreement on an approach and specific timeline by which the WTO members will finalise proposals for making a broader range of SDT proposals more precise, effective and operational, and on the establishment of an SDT monitoring mechanism;
- a new approach to SDT that combines existing categories of developing countries with a more issue-specific needs-based approach;
- affirmation of the importance of the WTO's MFN principle and consensus principle;
- a post-Doha dialogue among members on the approach to negotiations, including options for variable geometry and a permanent negotiating forum as an alternative to negotiation Rounds.

2.3.2 Negotiating process: formal and informal

Since the mid-2000s, there has been growing attention given to the rising participation of developing countries and their coalitions in WTO negotiations, as well as to the fairness, transparency and inclusiveness of the WTO decision-making processes.³⁸ As the prominence of developing country coalitions and emerging developing countries in international trade negotiations mounts, their strategies and performance are also a topic of increasing interest.³⁹ Scholars and experts have set forth a variety of lessons for developing countries, as well as proposals and strategies for bolstering the impact of their coalitions.⁴⁰ Alongside studies on how to strengthen small states and their coalitions are numerous proposals for better management of the WTO negotiating process – most notably, the scope, complexity and asymmetric power dynamics of negotiations.⁴¹

Although the Doha Round is notable for the increasing participation of large developing economies in the inner circle of WTO negotiations, weak and small countries often remain absent; they cannot take for granted the support of other developing countries in advancing their particular interests across the WTO's

functions (Deere Birkbeck and Jones 2012). Small states have worked to address some of these challenges by making greater use of coalitions. The process of negotiations – both formal and informal – has also evolved in ways that address important elements of exclusion, most notably by widening the representation and participation of coalitions in some of the key informal processes.

Although the growing use of coalitions by developing countries has altered the ‘atmospherics’ of trade negotiations, for many of the poorest and weakest countries, the reality is one of exclusion from key negotiating processes. Indeed, some critics argue that optimism about the rise of coalitions at the WTO is giving unwarranted legitimacy to a negotiating process that remains fundamentally flawed in terms of opportunities for effective representation and participation by small and weak countries. Four sets of persistent challenges exist: (1) structural power asymmetries shape negotiations; (2) resource, power and organisational constraints; (3) perceptions on the part of small states that they are operating under a high level of threat from large states, reducing their expectations of influence (Jones et al. 2010); and (4) the persistence of informal small group meetings within and outside the WTO, and the formal structure/sequencing of negotiations and modalities. A particular concern for small and poor states is that negotiations are increasingly divided into two tiers, in which small and poor countries are engaged in negotiations on only a narrow set of issues, such as discussion of cotton, market access and SDT, whereas the broader systemic and regulatory issues that define the multilateral system are negotiated by larger players.

It is widely agreed that there is little prospect that the WTO will ever reach agreements with all its members in a room and, as such, some small group processes are inevitable. In this regard, two areas for attention are the composition of small groups and the transparency of their deliberations. On the composition of small groups, the WTO Director-General has considerable flexibility as regards who is invited to small group meetings, as do other governments and Chairs that host such meetings. Although flexibility is indeed important for the negotiation process, and smaller numbers can improve efficiency, the risk is that the most powerful countries will negotiate in smaller groups, resulting in decisions that they are then able to impose on the excluded countries. Whereas closed consultations previously included only a handful of developing countries on an individual basis, there are now greater efforts to engage relevant coalition representatives, at least in the more ‘formal’ of informal negotiations (such as green rooms held within the WTO Secretariat and hosted by the WTO Director-General). However, beyond green rooms, many countries and coalitions remain excluded from the myriad of other informal negotiation processes or are not able to participate effectively when they are invited.

As regards the transparency of the deliberations of small groups, the benefits to small states of increased inclusion of their coalitions at key moments of the negotiating process also depends on the internal co-ordination and politics of those coalitions. The benefits of inclusion are eroded, for instance, if members of relevant coalitions are not properly consulted, informed and briefed by their representatives. Although many coalitions are making efforts to improve their internal communication strategies and

information dissemination (Patel 2007), the transparency and co-ordination within those coalitions that small states participate in remain imperfect. The result is that, even if a coalition is included in green rooms, some individual members may still feel inadequately represented.

In regard to the structure and sequencing of negotiations, small states have long complained about their difficulties participating in a proliferating and overlapping suite of WTO meetings, particularly given the complexity of topics in question. Even in the regular negotiating work of the WTO in Geneva, small states cannot follow all the subjects of the Doha Round simultaneously alongside the organisation's regular work. Concerns have been particularly acute during Ministerial Conferences where intensive negotiations have occurred. The prominence of concerns about the negotiating process at Ministerial Conferences has faded somewhat from attention largely because there has been no 'negotiating' agenda at any Ministerial Conference since 2005, but attention on this issue is likely to re-emerge when Ministerial Conferences are again used as a negotiating venue. A key challenge here will be for members to learn from and build on the experience of past Ministerial Conferences. Given the high turnover of delegates across national missions to the WTO, however, much of the relevant 'institutional memory' erodes over time. The task of retaining the lessons from the past will thus require explicit attention from members, the Secretariat and external experts alike.

Some further aspects of the negotiating process for which reform proposals have been offered include the role of Chairs in negotiations and the process of WTO Ministerial meetings; the role of the WTO Secretariat in negotiations; and the relationship between ongoing negotiations in special sessions and the regular work of WTO Committees.⁴² Some analysts, for instance, propose that greater intervention and leadership on the part of the Secretariat with well-defined parameters is possible.⁴³

In regard to the WTO negotiating process, small states could call for:

- discussions on reform of the WTO's negotiating processes to focus on balancing of three competing demands: greater efficiency, inclusiveness and legitimacy (Ismail and Vickers 2011). These three considerations are particularly important, given that any agreement reached at the WTO must ultimately be ratified and implemented by governments at the national level, where concerns about inclusiveness and legitimacy often emerge.
- improved transparency of green room meetings and small group consultations, such as through a fuller briefing of what has occurred in meetings by the WTO Secretariat and by their coalition representatives, and clear guidelines for all negotiating Chairs on the composition of the green room and other small group meetings. Without the imposition of formal procedural rules that might prove counterproductive, well-conceived guidelines could help to ensure that, where subjects are of key interest to particular countries or have a direct impact on poor countries (even if they are not the major trading powers or actors in that area), such countries are invited.

- more careful sequencing and predictability of WTO negotiations and briefings by the WTO Secretariat to enable maximum participation by small states on priority areas of interest. This would facilitate being able to move beyond broad political statements to concrete positions and fall-back positions on negotiating issues. Small states could call for the introduction of a norm of 'time out' in the midst of negotiations, particularly at WTO Ministerial Conferences, to enable back and forth consultations between coalitions and their representatives.
- improved transparency of WTO negotiations (e.g. by publishing summary records of all meetings and key points of negotiating drafts on the WTO website without delay), which would better enable national stakeholders to approach their own governments for explanations and to offer suggestions (Kaukab 2011).
- adoption of a code of conduct to provide clearer guidance on the selection and conduct of the Chairs of WTO negotiations, including ensuring adequate representation of small states and their coalitions.

2.3.3 Representation and effective participation of small states and their coalitions

The influence of the WTO's smallest members on the outcome of negotiations also continues to be impeded by a lack of clarity on the part of many such countries about their negotiating interests and underlying institutional weaknesses, and by several systemic constraining characteristics of WTO negotiation processes.⁴⁴ On a positive note, small states have projected their voice more assertively, acquired more visibility and drawn more attention to their concerns in WTO negotiations over the past decade, particularly through coalition building and more specific articulation of their interests and demands. This is reflected in the fact that many draft Doha negotiating texts recognise the need to take account of the diversity in the needs and capabilities of members, specifically through differentiated proposed treatment of various groups of countries, including SVEs (Deere Birkbeck and Jones 2012).⁴⁵

At the WTO, small states are, nonetheless, making efforts to work together, most notably through the SVEs in the WTO's CTD (special session) and other negotiating bodies. This approach has yielded some important successes, such as the establishment of a Work Programme on Small Economies.⁴⁶ The Doha Declaration mandates the General Council to examine the problems facing small economies and to make recommendations on the trade-related measures that could improve their integration into the multilateral trading system, without creating a separate category of WTO members. Furthermore, the WTO General Council agreed in 2002 that the question of small economies would be a standing agenda item of the General Council; that the CTD would hold dedicated sessions on this question and report regularly to the General Council; and that the relevant subsidiary bodies will be asked by the General Council to frame responses to the trade-related issues identified in the CTD. Furthermore, the 2005 Hong Kong Ministerial Declaration contains several references to small economies; in paragraph 41, it instructs the CTD in a dedicated session to continue its work and monitor progress of the proposals by small economies in the WTO's negotiating groups and other bodies.

Small states participate in a number of coalitions and groups in the WTO; some of these are based on regional identity (the African, Caribbean and Pacific group of states (ACP), the African Group, the Caribbean Community Secretariat (CARICOM) and the Organization of Eastern Caribbean States (OECS)), whereas others are based on shared characteristics (the SVE and LDC groups). Small states have also participated in broad coalitions of developing countries such as the G-90 and the G-110, and some have joined issue-based coalitions such as the Cotton 4,⁴⁷ Friends of Fish and the G-20 in the effort to have their voices heard and interests taken into account. However, although issue-based coalitions can also be an effective vehicle for negotiations, they tend to be under-utilised by small states.

Coalitions are useful for small states in several ways (Deere Birkbeck and Jones 2012). First, coalitions can help countries to build negotiating positions, where their understanding of issues might otherwise be weak. Second, participation in coalitions can expand the representation of countries, as their interests can be represented in multiple places. The SVE group, for instance, designates focal point co-ordinators that follow particular issues and attend issue-specific meetings on their behalf. In some instances, countries have joined coalitions simply to ensure that their specific interests are heard by that coalition (Deere Birkbeck and Harbour 2011). Third, coalitions can help build convergence among the WTO membership. Fourth, the growing use of coalitions has improved the transparency of the WTO's 'green room' processes (as it enables an expanded representation of small states through their coalitions).

To boost the effectiveness of small state engagement in coalitions and the credibility of those coalitions in the eyes of negotiating partners, a number of proposals have already been made, including for improving the internal workings of coalitions (e.g. strengthening internal management, including on principles for representation of coalition members; mechanisms for internal transparency and consultations; institutionalised co-ordination; and selection of leadership),⁴⁸ boosting negotiating strategies and tactics, strengthening accountability and oversight of delegated representatives of the group and more careful management of lobbyists engaged by small states to assist them in negotiations (Laurent 2011).

Given their resource constraints, a pressing strategic issue for small and poor WTO members is not just whether or not to join coalitions, but how to use their participation in coalitions strategically and to ensure that coalitions are tactically successful. Rather than relying only on regional and characteristic-based groupings, countries should give greater consideration to where and how their interests might be served by complementing this engagement with participation in issue-based coalitions and alliances with key regional powers (Deere Birkbeck and Harbour, 2011).

A final matter related to small state coalitions relates to strategic decisions about the scope and membership of the key small state coalition, the SVE group. Some small state negotiators argue that the SVE group's decision to expand from 'small island developing states' to a 'small vulnerable economies' group has undermined its effectiveness. There are concerns that the expansion of the coalition to include non-island states made the meaning of 'smallness' in the context of some non-island states

difficult to define and defend. Although the decision to increase group membership can boost political weight within the context of WTO negotiations, where the membership is too extensive, other WTO members could contest it. Furthermore, there are concerns that the range of competing interests within the group may make concessions from other WTO members to the group more costly. However, the successes of the SVE group to date can be attributed at least partly to the flexible definition of the group, which means that the actual composition of the SVE group is different in various negotiating areas. As such, it can be argued that enlarging the group and making the composition of the group flexible has been a tactical move that has helped the group acquire recognition, as well as special and tailored treatment in different negotiating areas, including:

- greater organisational and substantive support by the Secretariat to coalitions of small and poor countries (including small state-specific research and analysis, facilitating/enabling co-ordination within coalitions, Secretariat briefings where relevant and web presence).
- more leadership from the WTO Director-General, Deputy Director-Generals and Secretariat staff to help enable small states and their coalitions to boost the degree and efficiency of their engagement with the organisation. This could include more systematic efforts by the WTO Secretariat to facilitate the flow of objective information (such as through briefings and factual information from the Secretariat, or by hosting discussions with stakeholders and experts) on the status and process of negotiations, and the implications for small states of proposals under discussion.
- financial provision in the WTO's regular budget for the representation of all WTO members should be central to the accountability and credibility of the WTO. That is, the representation of small states at the WTO should not be left to a country's own financial resources or to the unpredictable generosity of individual WTO members that may provide assistance. Small states with a demonstrated commitment to achieving an effective presence in Geneva should be able to formally approach the WTO to complement the national financial resources they can afford to invest. They could also call for the establishment of travel funds, as many other international organisations have, to facilitate the participation of technical experts from small and poor countries to participate in relevant committees and meetings.
- a commitment from members that small states and their coalitions should be more reliably represented in WTO decision-making, including green rooms and other informal meetings.
- greater use by the WTO Secretariat of webcasts and video conferences to increase the participation of those small states that cannot afford to station experts in Geneva.
- further support from donors and other IGOs for the Commonwealth's Small States Office in Geneva.

2.3.4 Accession process

The fourth and final systemic aspect of trade negotiations relates to the WTO's accession process. Among the 24 countries in the process of accession, small states include The Bahamas, Bhutan, Comoros, Equatorial Guinea, Seychelles and São Tomé and Príncipe, three of which are LDCs and two of which are Commonwealth member countries (The Bahamas and Seychelles). The challenges that developing countries face in the WTO accession process have yielded a number of studies and numerous recommendations for reform.⁴⁹ The complex and time-consuming process of WTO accession is particularly problematic for small states, upon which it can place excessive substantive demands, particularly when they are also LDCs. Several small states, such as Samoa, negotiated their accession for more than a decade. Bhutan's negotiation has lasted that long and is still ongoing. Whereas small states may be able to harness coalitions to advance their interests in broader negotiations, in the case of accession, they stand alone.

Core concerns about the WTO accession process relate to the length and complexity of negotiations, power asymmetries in negotiations and the difficulties accession countries face with implementation of accession agreements where commitments undertaken by some acceding countries are unrealistically high. More recent entrants often find themselves worse off than countries that are already members owing to pressures to take on more onerous commitments than incumbent members of similar levels of development, and because they have to accede to WTO agreements that other members negotiated before their entry into the system. The 'WTO-plus' conditions that form part of most WTO accession deals risk creating a 'two-tier' WTO membership. They also challenge the GATT principle of non-discrimination and add to the obstacles facing WTO negotiations (as some new members already hold 'hard feelings', as they believe they have undertaken 'too much' in their accession deals). Furthermore, Imboden (2012) notes that the accession focuses on the demands of incumbent WTO members rather than on helping to advance the trade reforms that are most important for the acceding country's development. He also notes that 'bilateral accession negotiations are the most difficult and least predictable part of most accession processes...[wherein] Members can force the acceding country to accept any of their requests or to forego accession' (Imboden 2012).

Although some efforts to improve the accession process have been made (e.g. WTO members adopted guidelines on LDC accessions in 2002, with the aim of expediting their accession process and making it less onerous), the task of promoting greater clarity, simplicity and speed for countries in the accession process remains a work in progress. Demands for improvements in the LDC accession guidelines spurred a decision at the 2011 Ministerial Conference to agree on benchmarks that could help guide LDC accessions.⁵⁰ The decision, adopted in July 2012, addresses five issues: benchmarks on goods, benchmarks on services, transparency in accession negotiations, SDT and transition periods, and technical assistance. It also provides some concrete guidelines to operationalise the notion of 'restraint' when seeking commitment from acceding LDCs. However, as the implementation of the decision is an ongoing matter, its contribution to greater fairness in accession outcomes remains

to be seen. Furthermore, the decision applies only to LDCs and thus not to all small states that are in the accession process.

Options that small states could consider advancing include calling for:

- simplified and more transparent accession procedures for small states that remain in the accession process (e.g. WTO 2010b),
- a multilateral process that facilitates agreement on those bilateral issues between existing members and acceding states that unduly postpone accession and that limit the scope for excessive demands on small states;
- enhanced institutional mechanisms to ‘provide acceding countries with the opportunity to express their views on the process and periodic progress reports on accessions to the General Council’ (WTO 2010b:11);
- the definition of transition periods for acceding small states to be given early in the negotiation process;
- greater technical support and capacity-building for small states at all stages of the WTO accession process. In addition, the creation of a multilateral technical assistance programme for each acceding small state to increase the transparency and co-ordination of aid is required; and
- assurance that technical assistance action plans for countries contain commitments that ensure the country has the means to implement the various activities foreseen and agreed upon (Imboden 2012).

2.4 Dispute settlement function: options and proposals

As the challenges that small states face in using and benefiting from the WTO dispute settlement system are addressed in Chapter 3,⁵¹ only a brief summary of issues and options is offered here.

In principle, the existence of the WTO’s dispute settlement mechanism is a major benefit to small states, as it provides an objective judicial mechanism ostensibly divorced from power politics. However, developed countries and a relatively small group of larger developing countries have dominated the use of the WTO’s dispute settlement system. Since early 2013, Antigua and Barbuda was the only small state to have been a complainant in a WTO dispute (in a case against the USA), and Trinidad and Tobago was the only small state to have been a respondent (in a case launched by Costa Rica) (Jackson 2012). A number of small states have nonetheless participated as third parties in one or more disputes.

While they have rarely been complainants or respondents, small states can be affected adversely or positively by disputes among other WTO members. For instance, a successful WTO complaint brought by several Latin American countries and the USA forced the European Union (EU) to abandon its preferential treatment of bananas imported from some countries, such as St Lucia, for which bananas are a principal export. A further issue for small states relates to their ability to ensure that larger trading partners adhere to any rulings that do emerge from the Dispute Settlement Understanding (DSU) process.

The most commonly cited constraints to the use of the DSU by small states are the significant human and financial costs of mounting a case; shortages of legal capacity to pursue and sustain engagement in a case; inadequate resources to invest in the scientific or technical expertise pertinent to advancing their case; and limited government and private sector capacity to survey foreign markets to identify violations of WTO rules that harm their interests and potential cases that they could beneficially pursue. Some small states also perceive a threat that they will face informal bilateral pressures to resolve cases through mutual settlement (many WTO disputes are resolved through mutual settlement rather than rulings) and to concede to unfair settlement terms. There is also some debate about the degree to which small states have the capacity to retaliate, with some analysts arguing for greater optimism in lieu of overly negative perceptions (see Chapter 3 and Nottage 2012).⁵²

At the 2001 Doha Ministerial Conference, WTO members agreed to improve and clarify the DSU. Subsequent negotiations are ongoing in special sessions of the Dispute Settlement Body. Although these negotiations have not yielded concrete outcomes, they have generated proposals from WTO members on a number of issues, some of which address particular issues of concern for small states, such as proposals on enhancing third-party rights; enhancing compensation as a remedy; strengthening notification requirements for mutually agreed solutions; strengthening SDT for developing countries at various stages of the proceedings; and modified procedures for retaliation, including collective retaliation or enhanced surveillance of retaliation.⁵³

Options that small states could consider advancing to boost the responsiveness of the DSU to their needs and address their challenges of participation include calling for:

- greater support and training for small states on the use of mediation and alternative processes for resolving disputes, the DSU's arbitration provisions and other provisions that enable the WTO Director-General to use his or her 'good offices' to assist countries to settle disputes;
- analysis and dialogue on the case for creating a 'small claims' procedure within the WTO and on the possibility of compensation as a remedy;⁵⁴
- boosted financial contributions to the Advisory Centre on WTO Law (ACWL) to increase its ability to respond to small states' needs for assistance and to reduce its membership fees for small states that are not LDCs (which receive the ACWL's services for free);
- greater support for building legal capacity for WTO disputes within small states, including financial support for acquiring scientific or technical expertise where relevant. This should include assistance to help countries address pre- or post-litigation constraints or the associated perceptions and fears with regard to political pressure;
- increases in the legal capacity of small states and their familiarity with the DSU process by boosting training and information for small states on the arrangements and potential benefits of participating more frequently as third parties in disputes;

- boosted awareness in small states for governments and stakeholders of what proceedings involve, through continued efforts to make the public aspects of WTO dispute proceedings more transparent, such as through webcasting;
- boosted capacity of small states to monitor and analyse the sources of violations of WTO commitments that harm their economic interests, including of industries and small and medium-sized businesses.

2.5 Treaty administration, monitoring and assessment functions: options and proposals

The monitoring of trade policies is a key component of treaty administration and of the management of the WTO system. For the smallest and poorest WTO members, monitoring mechanisms have an important role in addressing their limited resources and capacity for surveillance.⁵⁵ Small states, for instance, need advance warning of changes in the trade policies or barriers of major trading partners, analyses of the impact of those changes and information that helps them resist pressures to ‘over-comply’ with their commitments and to promote compliance by rich countries with their obligations (Ghosh 2010).

The WTO has several different monitoring processes and transparency provisions within its agreements, and their number has grown since the WTO was established. The monitoring function is served by, for instance, the day-to-day activities of the WTO Secretariat, members themselves (in the form of self-reporting through notification requirements embedded in some WTO agreements (such as for subsidies)), institutionalised surveillance mechanisms such as the TPR mechanism (which has been operating since 1989 and periodically reviews the trade policies of all WTO members) and discussions and monitoring activities of the WTO’s regular committees.

In recent years, further mechanisms have been created, most notably to monitor regional trade agreements and food safety standards. There are also improved mechanisms for monitoring AfT, such as the Global Reviews of AfT and the expansion of the TPR’s scope, enabling some countries to self-nominate for monitoring of AfT flows. There have also been improvements to reporting mechanisms called for by developing countries.⁵⁶ At the insistence of developing countries, for instance, the CTD, rather than the Committee on RTAs (CRTA), is the forum for reviewing RTAs among developing countries. In regard to SPS measures, developing countries secured provisions, calling on developed countries to advise on how new standards they adopt would offer SDT to developing countries. On the SPS front, for instance, notifying members are expected to mention how their policies would affect others. In the case of RTAs, however, there has been strong opposition to assessments of their impact on the WTO system. Notably, beyond the WTO, there are a growing number of efforts to provide information on trade measures, flows and policies, including by UNCTAD and online databases of protection measures created by independent stakeholder initiatives.⁵⁷

Only a few studies analyse the WTO’s monitoring function from a development perspective (e.g. Ghosh 2008; Qureshi 1990).⁵⁸ These highlight that, on the procedural

front, participation in TPR meetings is dominated by a handful of WTO members. The TPR process is more actively used by developed than developing countries (such as through submission of advance questions to countries), meaning that the direction of peer pressure flows more against the latter. At present, the smallest countries participate only minimally in discussions of the performance of other WTO members and, even when their own country is discussed, many governments do not participate at a high level. In many cases, small states are reviewed as part of a broader economic community, such as the OECS, rather than individually. At present, the TPR process does not facilitate inputs or allow participation from non-state actors. Furthermore, TPRs are too infrequent (every four years for developing countries and less frequently for LDCs) to serve as a dynamic tool for policy dialogue.⁵⁹

On the substantive front, the TPR process does not currently aim to make an assessment of the impacts of WTO agreements on development. Critics argue that the TPR's focus on compliance with WTO does too little to help countries explore how they can better take advantage of the MTS, identify what additional support they need or reinforce development-oriented national trade policy-making. At present, TPR reports often do not describe or analyse the most contentious trade policies of members or include detailed analysis of key provisions of RTAs to which the country belongs, or give any indication of the implications of this. There are many proposals for harnessing the TPR as a tool for integrating development and other dimensions into trade policy-making (ranging from environment to labour, gender and human rights considerations). These recommendations also have a procedural element, as they include a call for stronger roles for other international organisations, experts and stakeholders in the TPR process (Deere Birkbeck 2009a).

From a political perspective, the call for more timely, compliance-oriented information and impact analysis from the TPR will face several hurdles. First, the WTO Secretariat faces constraints on its mandate to investigate and evaluate the policies of its members. Second, developing countries fear that greater transparency and more analytical reports could target their policies more than those of the rich. They have also resisted proposals to increase peer pressure and institutionalise follow-up to the TPR for fear that this may work against them, as they may be less able to use transparency mechanisms to coax changes on the part of developed countries. Larger developing countries, some of which already use their own resources for external monitoring, may prefer to maintain the status quo. Poorer countries regrettably remain largely disengaged from the TPR process and these related debates.

In addition to debate on strengthening the WTO's monitoring function, small states could benefit from incorporating greater assessment and evaluation of the impacts of existing and proposed WTO agreements into the WTO's governance arrangements, either through the TPR as noted above or through a new mechanism at the WTO. There are also proposals for an ombudsperson function in the WTO, such as one that could receive complaints from stakeholders about development impacts as a way of boosting WTO transparency and accountability (Pena 2011).

The push for *ex ante* and *ex post* assessments of the impacts of trade liberalisation and rules is not new. It has already spurred numerous efforts to devise methodologies

and pilot studies for the assessment of trade impacts on development, sustainable development, the environment, gender, poverty, human rights and labour. The United Nations Environment Programme (UNEP) as well as the EU, the USA and Canada have carried out environmental or sustainability impact assessments of trade negotiations. Some development advocates have also called for a more coherent approach that links assessments of the impacts of WTO agreements on developing countries with studies of impacts of International Monetary Fund (IMF) and World Bank conditionalities on developing countries (Chimni 2011).

For small states, the incorporation of a new function within the WTO that could take up a range of these kinds of assessments, independently or with others, could help address challenges they face in terms of gathering evidence and persuading other WTO members of the challenges they face and opportunities they require in the global trading system.

In summary, options that small states could consider in regard to the WTO's monitoring (and possible assessment) function include calling for:

- increasing representation of small states as formal discussants for the TPRs of other countries and to pose questions relevant to their economies in TPR meetings;
- boosting of the political profile and usefulness of TPRs to national trade policy-making processes and dialogue through, for instance:
 - greater emphasis on high-level representation by member states at TPRs;
 - increased media coverage of reviews; and
 - using the TPR process to foster input from and dialogue with researchers and stakeholders at the national level on the direction and impacts of trade reforms (Deere Birkbeck 2009a);
- analysis of the processes of national trade policy-making in TPRs (Ostry 2002, 2004);
- inclusion of a review of developed country implementation of their development commitments to developing countries, in terms of both trade rules and provision of trade-related capacity-building, in the TPRs;
- linking of the TPR process more closely to the assessment of adjustment costs arising from the implementation of WTO rules and thus to their capacity-building needs and appropriate legal obligations for provision of assistance by other members (see Luke and Bernal 2011);
- improvement of the co-ordination between the various WTO divisions in the production of TPR reports to boost quality of analysis, and also with the World Bank, IMF, United Nations (UN) agencies such as UNCTAD, regional development banks and national research institutions to increase analysis of the intersection of trade with other relevant policies in the TPRs;
- introduction of TPR 'follow-up' documents to show responses to concerns raised in TPR meetings (see also Ghosh 2008, 2010); and

- beyond the WTO, support of greater engagement and initiatives by non-state actors in monitoring to boost the timeliness of trade-related information in the face of slow institutional and self-reporting.

With regard to boosting the availability of information and analysis in the assessment of the impacts on small states of various WTO agreements and negotiation proposals, small states could propose that:

- an assessment or evaluation function be added to the WTO system to review the effects of actual and proposed trade rules against objectives such as sustainable development and employment, and to identify national trade-related hurdles that impede their realisation. Such a function could take place under the auspices of the WTO CTD, the General Council or the Ministerial Conference. Given political fears about the potential for links to dispute settlement proceedings, such a function should be separate to the peer review/transparency function of the TPR but could feed into it. To ensure independence and impartiality, it could be implemented for member states by a network of independent research institutions or think tanks.
- an ombudsperson function be defined within the WTO's institutional structure that could receive complaints from stakeholders within WTO members and initiate independent investigations of alleged negative impacts of WTO agreements (Pena 2011).

2.6 Research and statistics function: options and proposals

For small states, shortfalls in information flows and analytical capacity on trade rules and policies are significant problems. Although most small states have access to some national trade data, they rarely have the analytical capacity to properly assess economic impacts of potential changes in trade rules or the trade-offs of different trade policy options. They also lack the data and human resource capacity to monitor changes in trade laws and policies among their trading partners, and analyse their impacts. Even where small states have relevant information and impact assessments, they face challenges in translating these into concrete negotiating positions.

In terms of processes for research and analysis, small states vary in their links to international networks of expertise, whether in the NGO, IGO or academic community. In some cases, small states rely on their negotiating partners for information on their negotiating options and potential impacts, including through the provision of consultants to assist them. Short-term interventions such as studies by external consultants or international organisations may sometimes be useful, but these do not address the broader need to support the development of analytical capacity within countries among researchers and analysts who are more familiar with the local economy. Furthermore, the work of external consultants is not always tailored to the needs of small states, and is sometimes biased towards the interests of donors.

In terms of content, small states have an interest in calling for more country-level research on the relationship between trade policies/rules and their broader national

development strategies and circumstances; more practical, detailed negotiation-relevant analysis of their specific interests on particular subjects of WTO negotiations; greater information and analysis on the implications of RTAs and PTAs; and greater assessment of impacts and potential impacts of trade rules and policies on small states. They also have a shared interest with other developing countries in wanting greater support for gathering and compiling trade statistics and other relevant data in their countries.

Progress towards the kinds of research and policy outputs that small states need will rely on improvements in the WTO's capacity to gather, make available and analyse trade data and statistics. This in turn will demand support for countries to gather and report data, and also to rethink the methodologies of some aspects of data collection. A key practical challenge for negotiations is, for instance, how to determine the origins of products that are combinations of components from many countries and how to determine where along the production chain value is added. (The WTO Secretariat, which together with the OECD has launched a database measuring trade in value added, is now taking on part of the task of gathering data on the value-added dimension of trade flows.⁶⁰) The WTO has also launched an Integrated Trade Intelligence Portal (I-TIP) to build transparency on non-tariff measures.⁶¹

Although there appears to be at least implicit support from many members of the WTO Secretariat's growing body of research, there is a need to also consider the appropriate role and scale of the WTO Secretariat's research function in addressing the research and statistical needs of small states, and how best to build research capacity beyond the WTO Secretariat.

Options that small states could pursue include:

- Boosting the role of their governments and researchers in setting the WTO research agenda and having greater ownership of the research process.
- Calling for region- and country-level research regarding trade interests and practical, detailed negotiation-relevant analysis of their specific interests on particular subjects of WTO negotiations.⁶²
- More studies that assess impacts, develop policy options and propose negotiating positions through processes that are clearly linked to broader national processes of devising their development strategies.
- Calling for greater resources and support for long-term institutional research and analytical capacity within universities, research institutes and NGOs within small states.
- Exploring ways to build relationships between the WTO and small state government officials and researchers to enable them to use the databases and knowledge within the Secretariat.
- Enhancing support for independent research and policy analysis conducted by organisations such as UNCTAD, the International Trade Centre (ITC) and the Commonwealth Secretariat, as well as think tanks, research centres and NGOs.

2.7 Aid for Trade, capacity-building and technical assistance function: options and proposals

For small states, capacity-building is a critical systemic issue, as it has a fundamental bearing on their participation in the WTO (see Chapter 5). The ability of such countries to benefit from the WTO system depends on greater supply-side capacity and building the institutional and regulatory framework needed to implement and benefit from international rules. This in turn is linked to their broader needs for development co-operation and their ability to secure adequate support from bilateral and multilateral donors. Small states are also heavily reliant on external assistance to support their engagement in the WTO system.

The WTO is involved in several initiatives to provide trade-related capacity-building to developing countries. Most prominent among these is the WTO's AfT initiative.⁶³ AfT includes assistance to countries for building productive capacity and economic infrastructure, for trade-related adjustment and to support action on trade policy and regulations.⁶⁴ For developing countries, the inclusion of AfT discussions in multilateral trade talks and the creation of a mechanism for monitoring AfT flows have been important achievements alongside the DDA.⁶⁵

In addition, the WTO is engaged in some of the capacity-building conducted by the ITC and UNCTAD – although its role and relationship with each institution vary. The WTO hosts the Enhanced Integrated Framework (EIF), which is the main mechanism through which LDCs, many of which are small states, access AfT.⁶⁶ Similarly, the WTO participates in the Standards and Trade Development Facility, a joint initiative of the Food and Agriculture Organization (FAO), the WTO, the World Bank, the World Health Organization (WHO), the World Organisation for Animal Health (OIE) and others, which is relevant to AfT in that it works to support developing countries to build capacity to implement SPS standards. It acts as a co-ordinating and financing mechanism and monitors aid flows at an operational, issue-specific level.⁶⁷

Furthermore, the WTO has its own technical assistance and training activities and programmes, which are considered core elements of the development dimension of the multilateral trading system, as confirmed by ministers at Doha in 2001. Within the WTO Secretariat, trade-related technical assistance is co-ordinated by the Institute for Training and Technical Cooperation (ITTC),⁶⁸ based on the technical assistance and training plans. The CTD⁶⁹ is the regular body overseeing all of the trade-related technical assistance activities. Although there has been one external review,⁷⁰ these activities attract relatively little external attention, but are nonetheless significant, as they tend to focus on policy and regulatory issues and on training on the interpretation/implementation of WTO rules and negotiation issues.

However, there are many critical assessments of the content and flows of Aid for Trade, and a number of proposals to enhance its effectiveness.⁷¹ Although few analysts refute the importance of AfT, critical development advocates insist that the provision of such assistance must not be a quid pro quo to reward developing countries for

agreeing to include new issues in trade negotiations or for accepting bad trade deals.⁷² They also caution that engagement in the AfT discussion should not absorb the WTO delegations of small states to the extent that it distracts their limited resources from engaging in negotiations. Further concerns are that, overall, AfT flows fall well below political commitments and that flows are not always 'additional' to existing assistance. Furthermore, small states have expressed concerns that too few AfT resources have flowed towards trade-related adjustment, and support on matters of trade policy and regulations is also inadequate.⁷³

To address the challenges facing AfT, it is important to acknowledge important difficulties at the national level. Most small states struggle to co-ordinate the diversity of individual providers of trade-related assistance to their countries. Governments often need assistance in devising how best to use available resources to their advantage; for instance, helping them to better assess their needs, formulate effective projects, negotiate with donors, utilise resources productively, ensure regional co-ordination and co-ordinate among ministries and with stakeholders.

At the international level, 'institutional' aspects of AfT that warrant attention are the difficulties that small states can experience in determining how best to access resources; there is no single point of access, identified process or set of criteria for beneficiaries to follow in order to tap into the AfT commitments of bilateral and multilateral donors. There is also relatively little attention paid by donors to regional integration efforts that are the basis of the engagement of many small states in the multilateral system.

Further concerns that are of particular relevance to small states relate to inadequate monitoring and evaluation of AfT, weak engagement of non-government stakeholders and poor links between trade-related assistance and broader development co-operation upon which most small states rely heavily. Across the AfT arena, many training and technical assistance initiatives continue to come under criticism for focusing on 'delivering' project outputs and for a bias towards supporting the commercial interests of donor countries or meeting the administrative criteria and procedures of donors in lieu of the needs and ownership of receiving countries (Imboden 2012). The quality and independence of assistance is a vital consideration for highly aid-dependent small states, particularly when provided bilaterally, as substantive tensions can arise between donors and recipients on the interpretation and implementation of contentious WTO norms.

In the area of Aid for Trade, options for addressing 'systemic' issues for consideration by small states include calling for:

- greater attention to the specific needs of small states, and a fuller role in the planning and management of the AfT programmes (Laurent 2011);
- greater transparency and clarity in terms of how countries can best access available Aid for Trade resources;
- improved processes and mechanisms for monitoring the effectiveness of AfT and the accountability of donors for the overall level and quality of AfT to ensure that

developed countries comply with their commitments to provide resources and that credible information is available to all WTO members;

- establishing stronger links between AfT and national development and poverty reduction strategies. Small states should be prepared to offer advice on the appropriate role of the Bretton Woods Institutions, regional development banks and other international organisations in AfT, as well as their critical assessment of the niche and comparative advantages of the EIF, UNCTAD, the ITC and the development banks in the provision of trade-related capacity-building and AfT; and
- boosting of the role of South–South co-operation in AfT and greater use of regional economic communities in distribution of AfT (Luke and Bernal 2011), including through support of regional AfT facilities. The use of regional facilities could give regional integration efforts much-needed momentum and, if appropriately designed, could provide national stakeholders with more transparent and responsive vehicles to access financial support;
- greater donor support in the areas of ‘trade-related adjustment’ and ‘policy and regulatory reform’, which aims to improve the ability of developing countries to formulate trade policy, participate in negotiations and implement trade rules. This includes support for nationally relevant research, development-oriented training and advice on the negotiation and implementation of agreements, legal capacity to engage in the WTO DSU process, and monitoring of trade policies and laws in other member states (including for violations of WTO commitments).

With regard to the WTO Secretariat’s training and technical assistance, small states could consider calling for:

- more specific, dedicated training and technical assistance for small states given their specific needs and specificities, particularly with regard to negotiations and implementation of WTO commitments;
- greater emphasis by the Secretariat on facilitating the access of small states to independent analysis with regard to their interests and opportunities in the trading system;
- more regular external assessment of the collective impact of WTO assistance on small states;
- support for small state delegations for representation in Geneva through the WTO’s regular budget; and
- more systematic ‘back up’ support by the WTO Secretariat for small state engagement in WTO negotiations and the accession process.

A number of cross-cutting options could also be considered, including:

- Greater donor support for multilateral capacity-building initiatives, such as the EIF or the programmes of UNCTAD, in preference over their bilateral programmes (Deere et al. 2007). They could also call for exploration of new mechanisms that would enable recipients to select their preferred providers of assistance from the

‘market place’ of potential donors. This could include boosting the proportion of technical assistance that is channelled through independent third parties that have no direct stake in the outcome of trade negotiations, such as the Commonwealth Secretariat, UNCTAD and regional development banks.

- Greater donor support for national stakeholder forums and consultations on trade policy in small states and consultations during negotiations. This should include promotion of a greater role for local, non-governmental actors with a durable presence in developing countries as recipients and providers of capacity-building, including research centres, think tanks and civil society groups.
- Greater support for the representation of small states (such as for travel for national negotiators and experts to relevant negotiations) and their coalitions (such as through support for the ACP Secretariat and Offices of the Commonwealth Secretariat in Geneva).
- Greater focus on support that is long term and predictable, which provides governments with a higher degree of autonomy to hire and retain experts of their choosing on a long-term basis.

2.8 Outreach and stakeholder engagement: options and proposals

A final aspect of the ‘regime’ management function of the WTO relates to its outreach to and engagement of other international organisations and stakeholders, ranging from parliamentarians and NGOs to the private sector and academics.⁷⁴

Small states have a particularly strong interest in boosting opportunities for non-government stakeholders in the trade policy-making process, at both the national and the international level. It is well established that input from stakeholders is vital for countries to develop robust trade policy objectives to pursue at the international level. Given shortfalls in government capacity, small states can particularly benefit from informed input from national stakeholders. This in turn requires opportunities for national stakeholders to monitor and understand the dynamics of WTO negotiations, to analyse what is at stake for them and to communicate with relevant government officials about public concerns, economic priorities and expectations. More broadly, the WTO’s processes for outreach to and engagement with non-government stakeholders have an impact on the perceptions of the WTO’s public accountability and legitimacy, which can have an impact on the likelihood that national parliaments and stakeholders will support and implement agreements reached by small state negotiators.⁷⁵

Small states would also benefit from greater opportunities for a wider range of relevant international organisations to provide or share information in WTO negotiations, or to better understand the WTO’s rules and dynamics, including organisations such as the Commonwealth Secretariat, UN development organisations and regional development banks, which are very active in their countries in regard to national economic development. However, at present, the WTO membership has not extended observership of its Committees to all relevant international organisations.

For small states, discussions of WTO reform are an opportunity to ensure adequate routine mechanisms and processes for constructive engagement of stakeholders – whether from parliaments, unions, NGOs, academia or the business sector – in ways that feed into national and international decision-making processes. In this endeavour, they would not be alone. As the Doha Round languishes, a range of WTO members and the Secretariat have noted the need for more effective measures to ensure the engagement of capitals, businesses and stakeholders in the WTO negotiation process, as well as in the WTO system more broadly.

However, at present, the WTO differs from many other international organisations in that it lacks a process for accreditation of non-government actors, whether civil society or private sector, to observe and/or input into its regular activities.⁷⁶ Similarly, the WTO's regular committees and negotiating processes are not open to stakeholder or expert observation, except where such organisations or individuals are part of national delegations. Stakeholders must thus rely on conventional lobbying techniques to influence governments; briefing papers, press statements and informal meetings to provide factual input or advice; and second-hand journalist, WTO or delegate reports to garner information on the substance and nuances of discussions that occur.

Options that small states should consider supporting include:

- opening WTO regular committees to observation by relevant IGOs;
- opening WTO regular committees to stakeholder observation where discussions on technical issues or experiences are occurring and where external experts are well poised to offer input and advice;
- involving stakeholder organisations in their WTO delegations and in meetings related to their national/regional TPRs;
- deeper consideration by the WTO membership of routine mechanisms and processes for constructive engagement of stakeholders – whether from parliaments, unions, NGOs, academia or the business sector – in the WTO's regular committees, and related initiatives and work. This discussion would be greatly facilitated by taking a function-by-function approach, rather than, for instance, by focusing on only the WTO's negotiation function.

2.9 Interface with global economic governance: options and proposals

A final set of systemic issues for small states vis-à-vis the WTO system concern the complex relationship between trade policy and broader development strategy in the context of debates on the broad architecture of global economic governance.⁷⁷ The proliferation of RTAs and PTAs, and other regional integration arrangements, continues and rightly spurs growing attention to the question of their implications for the multilateral trading system and small states.⁷⁸ Co-ordination between the WTO and other actors in the international system for the pursuit of sustainable development goals is a further core systemic challenge relevant to small states.

2.9.1 Trade in the context of development strategy and institutions

Small states have long emphasised the need for stronger alignment of the WTO with development goals.⁷⁹ This in turn is closely linked to wider debates about appropriate national economic policies in the global economy, and differences in views among appropriate economic strategies and paradigms with regard to policies on investment, trade, industrial policy and government spending. For small states, the core government priority is to address pressing national economic and social development challenges; trade policy is seen as one component of a bigger policy package that includes monetary and fiscal policies and financial deregulation. Together, these policies can condition trade dynamics and play a much more important part than trade in shaping the economic forces that affect their societies. Notably, most small states rely heavily, and even more so than many other developing countries, on development assistance from donors and an array of international institutions to finance many aspects of their government activity, the implementation of their development strategies, and also debt relief.

Given their distinct position in the global economy, small states thus have a particularly high interest in greater coherence between the many global institutions and policies charged with managing intersecting macroeconomic issues (i.e. on trade, finance, debt and development).⁸⁰ The impact of the global financial crisis on trade has spurred new emphasis on the importance of global co-operation to ensure predictable financing for developing country exports, whether through commercial banks, bilateral export credit and risk management facilities, or multilateral organisations.⁸¹ In regard to the WTO, small states have clear reasons for working to ensure that the WTO's role and position in global economic governance promotes their interests, including through attention to the WTO's relationship with other agencies within the multilateral trading system, such as UNCTAD and the ITC; the broader UN system and its post-2015 Development Agenda and the Sustainable Development Goals (SDGs); the Bretton Woods Institutions and development banks active at the intersection of trade, debt and finance;⁸² the G-20 process; and bilateral, regional and plurilateral trade agreements and integration arrangements.

Alongside calls for more coherent global economic governance are calls for better placing of the WTO in the context of the suite of international arrangements and commitments to address social issues, human rights, culture and environmental challenges, including those with major economic implications such as systems for managing climate change (Stilwell 2009). There are, however, many challenges to constructive, coherent interaction and co-ordination among the multiplicity of other institutions and rules affecting trade and sustainable development.⁸³ Many proposals have been advanced, some of which remain relevant even after several decades.⁸⁴ Notably, the WTO Secretariat has made increasing efforts to collaborate at the technical level with other international organisations, particularly with regard to monitoring Aid for Trade and protectionist measures (with the OECD), and with UNEP, the WHO and the International Labour Organization (ILO) on specific studies on the intersection of trade rules and the environment, health and employment.⁸⁵

Examples of options that small states could consider advancing include calling for:

- clarification of the role of the WTO vis-à-vis other international institutions and its relationship with them on specific issues and activities that collectively impact on the ability of small states to pursue their economic and social policies;
- recommendations for interactions among the WTO, the UN, international financial institutions and regional development banks to focus on development priorities;
- assurance of the possibility for observership of WTO processes by all relevant international organisations;
- a more holistic and coherent approach by the WTO, UN and international financial institutions, as well as emerging global economic forums such as the G-20 – and their member states – to global economic integration from a development perspective (e.g. in trade, financial, environmental and technology governance systems);
- a greater voice and participation of small states across international organisations and particularly in regard to their co-ordination and collaboration;
- greater deference to the UN as the most representative forum for global economic decision-making (Puri 2011). This could include bolstering the role of the UN and UNCTAD in efforts to achieve more effective, coherent and development-enhancing co-ordination of global economic policy, and as the repository of development-focused knowledge and experience. A further proposal is for a UN Global Economic Coordination Council as a more democratic alternative to the G-20 process. It would be established at a level equivalent to the UN Security Council, to be charged with independent international analysis, supported intellectually through contributions and participation from all the relevant global institutions and members of the UN Secretariat and the WTO (UN 2009b);
- a mechanism for ensuring greater representation of small states' interests in the G-20 process;
- greater attention to improving arrangements for South–South regional integration and trade co-operation (Bernal et al. 2004), in particular by strengthening UNCTAD's role in promoting South–South trade through its Global System of Trade Preferences among Developing Countries (GSTP);
- boosted member state engagement in the WTO's Committee on Development and its Working Groups on Trade, Debt and Finance, and on Technology Transfer, to promote a more integrated approach to trade policy-making and other macroeconomic and sustainable development strategies;
- improved co-ordination among international organisations on their monitoring activities to boost accountability across regimes to international commitments.

2.9.2 Beyond the WTO: RTAs, PTAs and bilateral agreements

Most small states are involved in a number of international trade arrangements beyond the WTO, whether RTAs, bilateral free trade agreements (FTAs), PTAs or regional economic integration arrangements. Notably, many small states conduct the majority of their trade through RTAs or PTAs. Moreover, the number of regional and plurilateral agreements among the WTO membership as a whole is increasing. Since early 2013, over 500 RTAs had been notified to the WTO. Recent examples include the negotiations for a Trans-Pacific Partnership Agreement and for a Transatlantic Trade and Investment Partnership between the EU and the USA, as well as negotiations among countries such as Korea, China and Japan.

For small states, the focus of major trading partners on regional and bilateral FTAs (considered by many powerful states as more efficient processes for liberalisation) has a number of implications. First, compared with a multilateral setting, where coalition building can bolster their individual power, small states are usually at a greater disadvantage in a smaller group setting because their individual and collective negotiating power is weaker. For small states, the asymmetries of FTA negotiations with more powerful countries (such as those in the EU) are cited as examples of the unfairness of global trade arrangements and the pressures they face to sign trade deals that may undermine their ability to promote development (Heidrich and Tussie 2009).⁸⁶ Many countries submit to deals that they acknowledge are unfair, conceding with strategic grounds that the economic costs may be offset by the benefits of stronger political relations with particular trading partners and boosted development and military assistance. Negotiations between the EU and ACP countries to conclude Economic Partnership Agreements continue to spur considerable controversy owing to concerns about the relationship between such preferential arrangements and WTO rules, and also owing to concerns about the asymmetric strength of the countries involved and the push by the EU for agreements that go beyond market access to include regulatory measures (Bilal and Grynberg 2007; Erasmus 2009; Faber and Orbie 2009). Furthermore, preferential market access programmes (such as the US General System of Preferences and the African Growth and African Opportunity Act) also attract criticism on matters such as their complex rules of origin (which in practice diminish the level of market access actually achieved).

Second, the engagement of small states in RTAs and PTAs, and the fact that much of their trade occurs under their rules (rather than WTO rules), also raises a systemic challenge in regard to dispute settlement because it means they are less able to turn to the WTO's DSU to resolve disputes where they arise and enforce their rights. In that regard, small states have much less security and predictability with respect to trade rules than other players in the trading system.

Notably, many small states express support for greater regional integration as a complement or alternative to multilateral co-operation. Beyond FTAs with developed countries, small states participate in a growing number of bilateral trade agreements as well as regional co-operative arrangements (such as the Association of Southeast Asian Nations (ASEAN)) and economic unions with varying degrees of institutionalisation, such as the West African Economic and Monetary Union

(WAEMU), the Common Market for Eastern and Southern Africa (COMESA) and the South Asian Association for Regional Cooperation (SAARC). Many small states are also part of regional integration initiatives, including the OECS and CARICOM, or regional co-operation initiatives such as the Pacific Islands Forum.

Most small states appreciate the importance of better management of the intersection of RTAs and the WTO. However, existing efforts within the WTO system to increase the transparency of FTAs do not thus far address the need that small states have for better analysis of the range of agreements and their implications, particularly regarding their compatibility with WTO agreements. In 2006, for instance, members reached an agreement to create a transparency mechanism for regional trade agreements, which sets out requirements for WTO members that are signatories to RTA to notify the CRTA of information regarding the signing and implementation of agreements (including information on the agreements scope, rules of origin requirements and tariff concessions, as well as import data). A further initiative is the WTO Secretariat's launch of I-TIP, an online database that provides information on RTAs and PTAs.⁸⁷ There has not been consensus among WTO members on what part WTO processes could or should play in enabling critical scrutiny or potential censure of such agreements.

Options that small states could consider advancing include calling for:

- guidelines on transparency of RTA and PTA negotiation processes, the incorporation of multilateral principles (such as SDT) in such agreements, and rules of origin requirements in RTAs and PTAs;
- greater analysis by the CRTA and WTO Secretariat through mechanisms to better capture and analyse the content and implications of RTAs in addition to existing mechanisms that gather and promote information flow about them;
- extended Aid for Trade to support the functioning and effectiveness of Small State Regional Integration Efforts and institutions, through boosted provision of Aid for Trade through regional economic communities as one way to boost their effectiveness. This would help support a system of 'open regionalism', that is, strong regional institutions respectful of a rules-based global order (O'Campo 2011).

2.10 Conclusion

In 2015, the forthcoming WTO Ministerial Conference and the 20th anniversary of the WTO are opportunities that small states can seize to boost the responsiveness of the WTO to their needs. Building on the options and recommendations set out in this paper and elsewhere, the lead up to the 2015 Ministerial Conference is a time for ministers from small states to clearly articulate their priorities on systemic issues and to work together with other groups, both developed and developing, to advance these. At the Ministerial Conference and beyond, they should call for members to embark on political processes that would enable progress on institutional improvements and strengthening of the WTO that would benefit the system as a whole, with a special emphasis on the particular needs of small states.

Many WTO members already concur on the need for processes – both formal and informal – to discuss proposals for reform and strengthening of the WTO, as well as the post-Doha agenda for the organisation (WTO 2009b).⁸⁸ Although some reform advocates prefer to postpone such discussions for fear of distracting political attention from the Doha Round, others recommend that a systematic process of intergovernmental reflection can and should be delinked from the substantive agenda and day-to-day processes of the WTO. Members could, for instance, create a standing body to review the functioning of the multilateral trading system, in effect institutionalising the process of thinking about the WTO's future (Meléndez-Ortiz and Biswas 2011). Alternatively, discussion of reforms could be advanced through a new senior officials body at the WTO (a revamped CG-18), Ministerial Conferences, a Leaders Summit or the WTO General Council. Informal dialogue among members is also a viable concurrent approach that small states could pursue.

Notes

- 1 See, for instance, Melendez et al. (2012). For an example of news reports, see www.theguardian.com/world/2014/aug/01/wto-future-doubt-india-blocks-deal (accessed 28 January 2014). In mid-October 2014, the WTO Director-General began urgent 'crisis' talks among members on how to advance the stalled negotiations. See Jones (2014a, 2014b).
- 2 This chapter does not aim to address the challenges that small states face when organising themselves at the national/regional level to devise and advance their trade policy objectives at the international level (see Jones et al. 2011). It also does not aim to address the substance of the Doha Round of WTO negotiations. A longer version of this paper has been published by Deere Birkbeck (2015).
- 3 In analysing small states, this study adopts the lists of small states identified by the Commonwealth Secretariat and World Bank (2000). (See Annex 1 to this book for a list of Commonwealth small states that are WTO members.)
- 4 For a review of the key debates on the WTO's systemic challenges and institutional reforms to date, see Deere Birkbeck (2015). For a review of the extensive range of proposals already on the table, see Deere Birkbeck and Monagle (2009).
- 5 Compare, for instance, the table of contents of the volume edited by Krueger (1998) to that of Steger (2009a) and Cottier and Elsig (2011).
- 6 See Bluestein (2009), Bohne (2010), Cottier and Elsig (2011) Hoekman (2012), Hufbauer and Schott (2012), Steger (2009a, 2009b), Steger and Shpilkovskaya (2009), TWN et al. (2003), Action Aid et al. (2000) and Oxfam International et al. (2001), EC Directorate-General for Trade (2005).
- 7 Elsig (2007a), Ricupero (2001) and Third World Network (1999).
- 8 See Consultative Board (2004). The initiative was preceded by earlier efforts within the GATT system, such as the Leutwiler Report (Leutwiler et al. 1985). The Sutherland Report spurred two journal special issues in which scholars debated the analysis and recommendations of the report. See, for instance, Pauwelyn (2005) and Wolfe (2005). Two former WTO Directors-Generals have also published articles or books with their reflections (e.g. Moore 2003, 2004; Sutherland 2005).
- 9 See Warwick Commission (2007). The Warwick Commission proposed a number of institutional changes at the WTO, including increasing the size of the WTO Secretariat, expanding the powers of the Director-General and revising the process for reaching new trade deals.
- 10 See Deere Birkbeck (2009b) and WTO (2001, 2009c, 2009d).
- 11 See www.wto.org/english/thewto_e/dg_e/dft_panel_e/dft_e.htm (accessed 2 February 2014).
- 12 See Deere Birkbeck and Monagle (2009), Croome (1999), Gallagher (2005), van Grastek (2013) and WTO (2007a, 2007b). Also see Petersmann (2005a, 2005b) and Cottier (2007).
- 13 At the 2009, 2011 and 2013 WTO Ministerial Conferences, for instance, member states articulated a number of priorities for strengthening the WTO, including greater fairness and efficiency in

the WTO's accession process; strengthening the WTO's monitoring process; reinvigorating the functioning of the WTO's regular committees; and improving the delivery of Aid for Trade. See, for instance, WTO (2009a, 2009c, 2009d).

- 14 Structural constraints that small states face in negotiations include power asymmetries, the rules and procedures of trade negotiations, and weak capacity to enforce their rights in international markets, as well as a prevailing discourses and ideas in trade negotiations that generally favour the interests of larger players (see Jones et al. 2011). For more on the challenges facing small states in international trade, see Bora et al. (2005) and Smith (2009).
- 15 See, for instance, Evenett (2008) and Low (2009a).
- 16 Specific proposals include bolstering the regularity and purpose of the Ministerial Conference; boosting the role of ministers and political leaders in the work of the WTO; reviewing the mandate of the Director-General and Secretariat; and reinforcing the role and operations of the General Council (see Deere Birkbeck and Monagle 2009). See also Deere Birkbeck (2012).
- 17 See, for instance, Stoler (2012) and WTO (2012).
- 18 The CG-18 group was created in 1975 by the GATT's contracting parties. It became a permanent body in 1979 and held its last meeting in 1987 as the Uruguay Round negotiations were taking off. The focus of the group was to engage responsible senior officials from capitals in a small but representative group of 18 countries. It met two to four times per year. Its purpose was to be an issue-oriented consultative body rather than to address management issues. However, GATT contracting parties that were not members of the group were not able to either attend or receive documents. The CG-18 did not take any decision but rather made recommendations to the entire membership (Blackhurst 2001).
- 19 Evenett (2008).
- 20 For differing views on this question, see Lang and Scott (2009) and Steinberg (2009).
- 21 For discussion of public participation in the WTO, see Bonzon (2014).
- 22 See Elsig (2007a, 2007b, 2010).
- 23 South Centre (2005).
- 24 Blackhurst (1998) and Steger (2009a).
- 25 Lee (2011) also argues that the WTO Advisory Centre on WTO Law should also be supported by the WTO's regular budget.
- 26 Ismail (2008, 2009a, 2009b, 2009c), Jawara and Kwa (2003), Odell (2010), Panke (2012a, 2012b) and Wilkinson (2006a, 2009a, 2009b). For analyses that seek to draw lessons from other international organisations, see Alvarez-Jimenez (2009).
- 27 Beyond the WTO, the challenges small states also face in bilateral and regional processes is well documented (such as for Free Trade Agreements with the USA and Economic Partnership Agreements with the EU) (Erasmus 2009; Bilal and Grynberg 2007).
- 28 WEF (2014), WTO (2011), Hoekman (2014a, 2014b), Hoekman and Mavroidis (2013, 2014), and Jones (2014a, 2014b). Also see Lawrence (2006) on the case for 'club' agreements.
- 29 Hoekman and Mavroidis (2014).
- 30 For proposals on the topic of the single undertaking and variable geometry, see Cornford (2004), Cottier (2007), Cottier and Takenoshita (2003), Draper (2010), Gallagher and Stoler (2009), Lanoszka (2008), Low (2009a, 2009b), Patel (2003) and Rodriguez Mendoza and Wilke (2011).
- 31 For views on power politics at the WTO, see Goldstein (2002, 2009), Steinberg (2002), Jawara and Kwa (2003), Jones (2009), Kim (2010), and Narlikar and Wilkinson (2004).
- 32 See, for instance, Cottier (2003, 2006, 2009), Ehlermann and Ehring (2005), Elsig (2007a, 2009), Elsig and Cottier (2011), MacMillan (2010) and Van Grassek and Sauvé (2006).
- 33 See Cottier (2009).
- 34 They attribute the ongoing difficulties concluding the Doha Round to a combination of factors, including the hangover of previous asymmetries in negotiating outcomes, substantive divergences of interests among key trading partners and the challenges of domestic politics within major players. A similar point is also made in Consultative Board 2004.
- 35 See, for instance, African Group (2000), CAFOD et al. (2002), Consumers International (2000), Kaukab et al. (2004), Khor (2006), Ismail (2008, 2009c), UK Parliament (2003), Stiglitz and Charlton (2005) and Wilkinson (2006b).

- 36 While debate on SDT continues, in December 2013, the Bali Ministerial Conference established a mechanism to review and analyse the implementation of special and differential treatment provisions. See www.wto.org/english/tratop_e/devel_e/dev_special_differential_provisions_e.htm (accessed 28 January 2014).
- 37 See, for instance, Hoekman (2005).
- 38 Jawara and Kwa (2003), Narlikar (2001, 2002, 2004), Nordstrom (2002) and Rolland (2007, 2010).
- 39 See Deere Birkbeck and Harbourd (2011), Kahler and Odell (1989), Narlikar (2003), Narlikar and Odell (2006), Patel (2007) and Yu (2008).
- 40 See Das (2002), Odell and Ortiz Mena (2005), Odell (2006), Tussie and Glover (1993), Tussie and Lengyel (2002) and Wilkinson (2006a).
- 41 The analysis in the remainder of this section draws from Deere Birkbeck and Jones (2012).
- 42 On the appropriate role of the WTO Secretariat, see South Centre (2002, 2003, 2008).
- 43 As discussed in Elsig (2007a, 2007b, 2009).
- 44 See, for instance, Jones et al. (2010) and Page (2003).
- 45 See Kaukab (2011), CUTS International (2009a, 2009b), Gallagher et al. (2005), Jones et al. (2010), Halle and Wolfe (2007) and Saner (2010).
- 46 See www.wto.org/english/tratop_e/devel_e/dev_wkprog_smallleco_e.htm (accessed 14 January 2014).
- 47 See, for instance, FairTrade Campaign (2010).
- 48 In many cases, greater investment in the working relationships among delegates is needed to ensure smooth intra- and inter-group co-ordination, particularly given the high turnover of delegates for some countries.
- 49 Adhikari and Dahal (2003), Charveriat and Kirkbride (2003), Primo Braga and Cattaneo (2009, 2011) and Imboden (2012).
- 50 See WTO/COMTD/LDC/19.
- 51 See Nottage (2012). See also Deere Birkbeck (2015), for a more detailed discussion, and Bartels (2012) and Bohanes and Garza (2012).
- 52 Nottage also argues that the limited use of the dispute settlement system by many of the smaller developing countries may also be because the trade preferences of greatest importance to them are often provided under preferential trading arrangements, rather than WTO rules.
- 53 The review has also taken up the issue of external transparency – what kind of access the public might have to panel proceedings or their input into the procedure by means of amicus curiae briefs – and how to deal with dormant cases.
- 54 See Mercurio (2009) and Nordström and Shaffer (2008).
- 55 Ghosh (2008) observes that this capacity may grow as countries trade more, particularly if the emphasis of capacity-building shifts from not only self-evaluations but also to monitoring foreign trade barriers.
- 56 Other procedural innovations include earlier submissions of factual presentations in the case of RTA monitoring and longer comment periods for SPS notifications.
- 57 The 2008–2009 global economic crisis spurred renewed interest in a strengthened role for the WTO in monitoring trade policies and imbalances to help avert protectionist pressures (Baldwin and Evenett 2009; Lamy 2007; Mavroidis 1991, 1992; Wolfe 2010). See, for instance, the work of the Global Subsidies Initiative (monitoring subsidies by WTO members) at www.globalsubsidies.org, and of the Global Trade Alert (monitoring protectionism) at www.globaltradealert.org (accessed November 2014).
- 58 For recent proposals on ways to improve the TPR, see Chaisse and Matsushita (2013).
- 59 As noted by Elsig et al. (2013), there are several proposals to widen the TPR's mandate (e.g. Chaisse and Matsushita 2013; Abu-Ghazaleh 2013), engage more stakeholders in the TPR process (Hoekman 2012), take a greater stance on the performance of countries (e.g. Kessing 1998; Zarhnt 2009) or promote wide discussion of the reports within countries (Zahrnt 2009). A number of options have also been put forward to boost the participation of developing countries and the substantive benefits of the process for them (Laird and Valdés 2012).
- 60 http://stats.oecd.org/Index.aspx?DataSetCode=TIVA_OECD_WTO
- 61 www.wto.org/english/res_e/status_e/itip_e.htm

- 62 See also Tussie (2009), Tussie and Lengyel (2002) and Francois (2001).
- 63 See WTO (2006).
- 64 WTO (2010a, 2010b)
- 65 www.wto.org/english/news_e/sppl_e/sppl262_e.htm
- 66 www.wto.org/english/tratop_e/devel_e/a4t_e/enhance_if_e.htm (accessed 28 January 2014).
- 67 www.standardsfacility.org (accessed 28 January 2014).
- 68 www.wto.org/english/tratop_e/devel_e/teccop_e/ittc_e.htm (accessed 28 January 2014).
- 69 www.wto.org/english/tratop_e/devel_e/d3ctte_e.htm (accessed 28 January 2014).
- 70 CUTS et al. (2006).
- 71 CUTS et al. (2006), Deere (2005), DFID (2001), ICTSD and IISD (2003), OECD (2001), UNECA (2009), Urpelainen (2009), and WTO and OECD (2009).
- 72 Njinkeu and Cameron (2008), Tandon (2004).
- 73 www.wto.org/english/tratop_e/devel_e/a4t_e/4th_AFT_Summary_Report_side_events_E_v4.pdf (accessed 28 January 2014).
- 74 On the engagement of parliaments, see Hilf (2003) and Shaffer (2004a).
- 75 See, for instance, Charnovitz (2000), Esty (1998) and Marceau and Pedersen (1999).
- 76 For early analyses of the WTO's engagement with civil society, see Esty (1998), Charnovitz (2000), Halle (2007) and Oxfam (2000).
- 77 See, for instance, Akyuz (2009) and Peet (2009).
- 78 See, for instance, Bhagwati (2008), Low et al. (1999) and Tanijuchi (2007).
- 79 Together, these concerns have spurred efforts to enshrine the principles of SDT and of 'policy space' into the governance arrangements that impact global trade, whether at the bilateral, regional or multilateral level (Rodrik 2001; Qureshi 2009, and RIS 2007),
- 80 Akyüz (2004, 2009), Khor (2001), Rhagavan (2000), Rodrik (2001), Peet (2009), Puri (2011), South Centre (2009), UNDP (2005, 2009), UNCTAD (2010), and UN (2009a, 2009b).
- 81 Abreu (2009).
- 82 For views on this matter, see Auboin (2007) and Bello (2000).
- 83 See Meléndez-Ortiz and Biswas (2011) and Stilwell (2009).
- 84 See, for instance, Raghavan (1997), Deere Birkbeck and Meléndez-Ortiz (2009), Deere Birkbeck (2011), Hoekman (2001), Mattoo and Subramaniam (2009).
- 85 See, for instance, WTO and ILO (2009), WTO and UNEP (2009), and WTO and WHO (2002).
- 86 For instance, although developing countries successfully negotiated concession in the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and public health, many have found that bilateral FTAs undermine their ability to use such flexibilities (Abbott 2004).
- 87 www.wto.org/english/res_e/statis_e/itip_e.htm.
- 88 See, for instance, Dadush (2009), Deere Birkbeck (2009a), Draper (2010) and WEF (2010, 2014).

References

- Abbott, F (2004), *The Doha Declaration on the Trips Agreement and Public Health and the Contradictory Trend in Bilateral and Regional Free Trade Agreements*, QUINO, Geneva.
- Abu-Ghazaleh, T (2013), 'WTO at the Crossroads: a Report on the Imperative of a WTO Reform Agenda', available at: www.wto.org/english/thewto_e/dg_e/dft_panel_e/report_talal_abu_janv13_e.pdf (accessed 22 July 2015).
- Action Aid, CAFOD, Christian Aid, Consumers International, FIELD, Oxfam, RSPB and WDM (2000). 'Recommendations for Ways Forward on Institutional Reform of the World Trade Organization', available at: http://trade.ec.europa.eu/doclib/docs/2005/april/tradoc_122163.pdf (accessed 22 July 2015).
- Adhikari, R and N Dahal (2003), *LDCs' Accession to the WTO: Learning from the Cases of Nepal, Cambodia and Vanuatu*, South Asia Watch on Trade, Economics and Environment (SAWTEE), Kathmandu.

- African Group (2000), *The View of the African Group on Enhancing the Internal Transparency and the Effective Participation of all Members of the World Trade Organization*, Office of the Organization of African Unity, Geneva.
- Akyüz, Y (2004), 'Some Observations on the Question of Coherence and Development', TWN Briefing Paper 24, Third World Network, Penang.
- Akyüz, Y (2009), *The Role of the United Nations in Global Economic Governance*, South Centre, Geneva.
- Alvarez-Jiménez, A (2009), 'Improvements to the WTO Decision-making Process: Lessons from the International Monetary Fund and the World Bank', in Steger, D (Ed.), *Redesigning the World Trade Organization for the Twenty First Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI), Wilfrid Laurier University Press, Waterloo, Canada.
- Alessandrini, D (2010), 'Developing Countries and the Multilateral Trade Regime: The Failure and Promise of the WTOs' Development Mission (Studies in International Trade Law)', Hart Publishing, Oxford.
- Auboin, M (2007), 'Fulfilling the Marrakesh Mandate on Coherence: Ten Years of Cooperation between the WTO, IMF and World Bank', WTO Discussion Paper No. 13, WTO, Geneva.
- Bacchus, J (2004), 'A few thoughts on legitimacy, democracy and the WTO', *Journal of International Economic Law*, Vol. 7, pp. 667–673.
- Baldwin, R and S Evenett (Eds) (2009), *The Collapse of Global Trade, Murky Protectionism, and the Crisis: Recommendations for the G20*, Centre for Economic Policy Research (CEPR), London.
- Baldwin, R and P Low (Eds) (2009), *Multilateralizing Regionalism Challenges for the Global Trading System*, Cambridge University Press, Cambridge, UK.
- Bartels, L (2012), 'WTO Dispute Settlement Understanding (DSU) Proposals to Enhance the Participation of Commonwealth Small States and LDCs in the WTO DSU System', Commonwealth Secretariat Paper, London.
- Bello, W (2000), *Why Reform of the WTO is the Wrong Agenda*, Four Essays on Four Institutions: WTO, UNCTAD, IMF and the World Bank. Focus on the Global South, Bangkok.
- Bernal, L, R Kaukab, S Musungu and V Yu (2004), *South-South Cooperation in the Multilateral Trading System: Cancun and Beyond*, Trade-Related Agenda, Development and Equity Working Papers 21, South Centre, Geneva.
- Bhagwati, J (2008), *Termites in the Trading System: How Preferential Trade Agreements Undermine Free Trade*, Oxford University Press, Oxford.
- Bilal, S and R Grynberg (Eds) (2007), *Navigating New Waters: A Reader on ACP-EU Trade Relations*, Commonwealth Secretariat, London.
- Blackhurst, R (1998), 'The capacity of the WTO to fulfil Its mandate', in Krueger, A (Ed.), *The WTO as an International Organization*, University of Chicago Press, Chicago, pp. 31–58.
- Blackhurst, R (2001), 'Reforming WTO decision making: lessons from Singapore and Seattle', in Gunther, K and B Speyer (Eds), *The World Trade Organisation Millennium Round: Freer Trade in the Twenty-First Century*, Routledge, London, pp. 295–310.

- Bluestein, P (2009), *Misadventures of the Most Favored Nation: Clashing Egos, Inflated Ambitions and the Great Shambles of the World Trade System*, Public Affairs, New York.
- Bohanes, J and F Garza (2012), 'Going beyond stereotypes: participation of developing countries in WTO dispute settlement', *Journal of Trade, Law and Development*, Vol. 4, pp. 45–124.
- Bohne, E (2010), *The World Trade Organization: Institutional Development and Reform*, Palgrave MacMillan, Basingstoke.
- Bonzon, Y (2014), *Public Participation and Legitimacy in the WTO*, Cambridge University Press, Cambridge, UK.
- Bora, B, R Grynberg and M Razzaque (2005), 'Marginalisation of LDCs and Small Vulnerable States in World Trade', Economic Paper 71, Commonwealth Secretariat, London.
- Bown, C and B Hoekman (2005), 'WTO dispute settlement and the missing developing country cases: engaging the private sector', *Journal of International Economic Law*, Vol. 8, pp. 861–890.
- CAFOD et al., (2002), A Genuine Development Agenda for the Doha Round of WTO Negotiations, Joint Agency Statement on the Doha Development Round signed by CAFOD, Save the Children, Oxfam, Action Aid, World Vision, Christian Aid, The Fairtrade Foundation, Traidcraft, ITDG and World Development Movement, available at: http://www.ukabc.org/doha_dev_round.htm (accessed 22 July 2015).
- Chaisse, J and M Matsushita (2013), 'Maintaining the WTO's supremacy in the international trade order – a proposal to refine and revise the role of the trade policy review mechanism', *Journal of International Economic Law*, Vol. 16, pp. 1–28.
- Charnovitz, S (2000), 'Opening the WTO to non-governmental interests', *Fordham International Law Journal*, Vol. 24, pp. 173–216.
- Charveriat, C and M Kirkbride (2003), *Cambodia's Accession to the WTO: How the Law of the Jungle is Applied to One of the World's Poorest Countries*, Oxfam International, Oxford, UK.
- Chimni, B (2011), 'The WTO, Democracy, Development: A View from the South', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 261–301.
- Commonwealth Secretariat and World Bank (2000), *Small States: Meeting Challenges in the Global Economy*, Report of the Commonwealth Secretariat/World Bank Joint Task Force on Small States, London.
- Consultative Board (2004), *The Future of the WTO: Addressing Institutional Changes in the New Millennium*, World Trade Organization, Geneva.
- Consumers International (2000), 'The Way Forward for the Multilateral Trading System', Trade and Economics Briefing Paper 1, Consumers International, London.
- Cornford, A (2004), 'Variable Geometry for the WTO: Concept and Precedents', UNCTAD Discussion Paper No. 17, UNCTAD, Geneva.
- Cottier, T (2006), 'From Progressive Liberalization to Progressive Regulation in WTO Law', *Journal of International Economic Law*, 9(4): 779–821.

- Cottier, T (2007), 'Preparing for structural reform in the WTO', *Journal of International Economic Law*, Vol. 10, pp. 497–508.
- Cottier, T (2009), 'A two tier approach to WTO decision making', in Steger, D (Ed.), *Redesigning the World Trade Organization for the Twenty-first Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI) Wilfrid Laurier Press, Waterloo, Canada, pp. 43–66.
- Cottier, T and M Elsig (Eds) (2011), *Governing the World Trade Organization: Past, Present and Beyond Doha*, Cambridge University Press, Cambridge, UK.
- Cottier, T and S Takenoshita (2003), 'The balance of power in WTO decision-making: towards weighted voting in legislative response', *Aussenwirtschaft*, Vol. 58, pp. 171–214.
- Croome, J (1999), *Reshaping the World Trading System*, 2nd edn., World Trade Organization, Geneva.
- CUTS FLACSO and NSI (2006), *Strategic Review of WTO-provided TRTA Activities: Final Report*. Consumer Unity & Trust Society, Latin American School of Social Sciences (FLACSO), and the North-South Institute, available at: <http://www.diplomatie.be/en/pdf/trta.pdf> (accessed 22 July 2015).
- CUTS International (2009a), *Towards More Inclusive Trade Policy Making: Process and Role of Stakeholders in Select African Countries*. Consumer Unity & Trust Society (CUTS) International, Jaipur, India.
- CUTS International (2009b), *Improving Ownership Through Inclusive Trade Policy Making Processes: Lessons from Africa*. Consumer Unity & Trust Society (CUTS) International, Jaipur, India.
- Dadush, U (2009), 'WTO reform: the time to start is now', in *Policy Brief – September*. Carnegie Endowment for International Peace (CEIP), Carnegie Endowment for International Peace (CEIP): Washington, DC.
- Das, B (2002), *Strengthening Developing Countries in the WTO*, Third World Network, Penang.
- Das, B (2007), 'The Multilateral Trading System: The Need for Basic Reform', TWN Briefing Paper 42, Third World Network, Penang.
- De Paiva Abreu, M (2009), 'The G20 Agenda, trade and the developing world', in Deere Birkbeck, C and R Meléndez-Ortiz (Eds), *Rebuilding Trade: Proposals for a Fairer, More Sustainable Future*, International Centre for Trade and Sustainable Development and the Global Economic Governance Programme, Geneva and Oxford.
- Deere Birkbeck, C (2009a), 'Reinvigorating debate on WTO reform: the contours of a functional and normative approach to analyzing the WTO system', in Steger, D (Ed.), *Redesigning the World Trade Organization for the Twenty-first Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI): Wilfrid Laurier University Press, Waterloo, Canada, pp. 11–41.
- Deere Birkbeck, C (2009b), 'From crisis management to sustainable development: why we need a ministerial conference this year', in Deere Birkbeck, C and R Meléndez-Ortiz (Eds), *Rebuilding Global Trade: Proposals for a Fairer, More Sustainable Future*, International Centre for Trade and Sustainable Development

- and the Global Economic Governance Programme, Geneva and Oxford, pp. 16–18.
- Deere Birkbeck, C (2011), ‘Development-oriented perspectives on global trade governance: a summary of proposals for making global trade governance work for development’ in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 579–666.
- Deere Birkbeck, C (2012), ‘The future of the WTO: governing trade for a fairer, more sustainable future’, in Meléndez-Ortiz, R, C Bellmann and M Rodriguez Mendoza (Eds), *The Future and the WTO: Confronting the Challenges. A Collection of Short Essays*, ICTSD, Geneva, pp. 119–129.
- Deere Birkbeck, C (2015), ‘Systemic Issues for Commonwealth Small States in the Current Functioning of the WTO’, Commonwealth Secretariat Trade Policy Discussion Paper 2015/3, Commonwealth Secretariat, London.
- Deere Birkbeck, C and M Harbourd (2011), ‘Developing Country Coalitions at the WTO: Lessons on Effectiveness’, GEG Working Paper, Global Economic Governance Programme 2011/63, University College, Oxford.
- Deere Birkbeck, C and E Jones (2012), ‘Beyond the Eighth Ministerial Conference on the WTO: A Forward Looking Agenda for Development’, GEG Working Paper 2012/69, Global Economic Governance Programme, Oxford.
- Deere Birkbeck, C and R Melendez-Ortiz (Eds) (2009), *Rebuilding Global Trade: Proposals for a Fairer, More Sustainable Future*, International Centre for Trade and Sustainable Development and the Global Economic Governance Programme, Geneva and Oxford.
- Deere Birkbeck, C and C Monagle (2009), *Strengthening Multilateralism: A Mapping of Proposals on WTO Reform and Global Trade Governance*, International Centre for Trade and Sustainable Development (ICTSD), and Global Economic Governance Programme, Geneva and Oxford.
- Deere, C (2005), International Trade Technical Assistance and Capacity Building. Human Development Report Office Occasional Paper 2005/5, United Nations Development Program, New York.
- Deere, C, M Patel and A Ghosh (2007), ‘A Governance Audit of the WTO: Roundtable Discussion on Making Global Trade Work for Development’, Paper presented at WTO Public Forum, October, Geneva. Global Economic Governance Programme.
- DFID (2001), ‘Building Capacity for Trade’, in *Trade Matters: Eliminating World Poverty*. Department for International Development, London.
- Draper, P (2010), ‘Whither the Multilateral Trading System? Implications for (South) Africa’, SAIIA Occasional Paper 64, July. The South African Institute of International Affairs, available at: http://www.saiia.org.za/doc_download/81-whither-the-multilateral-trading-system-implications-for-south-africa (accessed 22 July 2015).
- EC Directorate-General for Trade (2003), *Reflection Paper on WTO Organisational Improvements*, 29 October, European Commission, Brussels.
- Ehlermann, C-D and L Ehling (2005), ‘Decision-making in the world trade organisation: is the consensus practice of the world trade organisation adequate

- for making, revising and implementing rules on international trade?', *Journal of International Economic Law*, Vol. 8, pp. 51–75.
- Elsig, M (2007a), 'The world trade organization's legitimacy crisis: what does the beast look like?', *Journal of World Trade*, Vol. 41, pp. 75–98.
- Elsig, M (2007b), 'The World Trade Organization's Bureaucrats: Runaway Agents or Master's Servants', NCCR Working Paper 2007/19, available at: http://phase1.nccrtrade.org/images/stories/publications/IP2/MElsig_NCCRWP_Agency.pdf (accessed 15 July 2015).
- Elsig, M (2009), 'WTO decision-making: can we get a little help from the secretariat and the critical mass?' in Steger, D (Ed.), *Redesigning the World Trade Organization for the Twenty-first Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI), Wilfrid Laurier University Press, Waterloo, Canada, pp. 67–90.
- Elsig, M (2010), 'The world trade organization at work: performance in a member-driven milieu', *The Review of International Organizations*, Vol. 5, pp. 345–363.
- Elsig, M and T Cottier (2011), 'Reforming the WTO: the decision-making triangle revisited', in Cottier, T and M Elsig (Eds), *Governing the World Trade Organization: Past, Present and Beyond Doha*, Cambridge University Press, Cambridge, UK.
- Elsig, M, J Eckhardt and M Illiuteanu (2013), 'Functioning of the WTO: Mapping the Challenges and Asking Hard Questions', Background Paper for ICTSD-WTI Expert Group Meeting – E15 Initiative, 28 February to 1 March 2013, available at: http://e15initiative.org/wp-content/uploads/2014/12/E15_WTO_BP_Elsig.pdf (accessed 15 July 2015).
- Erasmus, G (2009), 'Accommodating Developing Countries in the WTO: From Mega-Debates to Economic Partnership Agreements', in Steger, DP (Ed), *Redesigning the World Trade Organization for the Twenty-first Century*, Wilfrid Laurier University Press, Waterloo, Canada, pp 363–389
- Esty, D (1998), 'Non-governmental organisations at the world trade organization: cooperation, competition or exclusion', *Journal of International Economic Law*, Vol. 1, pp. 123–148.
- Evenett, S (2008), 'Aid-for-Trade and the "Missing Middle" of the WTO', Working Paper 2008–25, University of St. Gallen Law & Economics, available at: <http://ssrn.com/abstract=1315222> (accessed 15 July 2015).
- Faber, G and J Orbie (2009), *Beyond Market Access for Economic Development: EU-Africa Relations in Transition*, Routledge, London.
- Fairtrade Campaign. (2010), *The Great Cotton Stitch-Up: A Fairtrade Foundation Report*, Fairtrade Foundation, London.
- Francois, J (2001), 'Maximising the benefits of the trade policy review mechanism for developing countries', in Hoekman, B and W Martin (Eds), *Developing Countries and the WTO: A Pro-Active Agenda*, Blackwell, Oxford, pp. 147–165.
- Gallagher, P (2005), *The First Ten Years of the WTO: 1995–2005*, Cambridge University Press, Cambridge, UK.
- Gallagher, P and A Stoler (2009), 'Critical mass as an alternative framework for multilateral trade negotiations', *Global Governance*, Vol. 15, pp. 375–392.
- Gallagher, P, P Low and A Stoler (Eds) (2005), *Managing the Challenges of WTO Participation: 45 Case Studies*, Cambridge University Press, Cambridge, UK.

- Ghosh, A (2008), 'Information Gaps, Information Systems, and the WTO's Trade Policy Review Mechanism' GEG Working Paper 2008/40, Global Economic Governance Programme, University College, Oxford.
- Ghosh, A (2010), 'Developing countries in the WTO trade policy review mechanism', *World Trade Review*, Vol. 9, pp. 419–455.
- Halle, M (2007), 'Catching up with the slowest: NGO accreditation at the WTO', *Bridges Monthly*, Vol. 11 pp. 20–22.
- Halle, M and R Wolfe (2007), *Process Matters: Sustainable Development and Domestic Trade Transparency*, International Institute for Sustainable Development, Geneva.
- Heidrich, P and D Tussie (2009), 'Regional Trade Agreements and the WTO: The Gyrating Gears of Interdependence' in Steger, DP (Eds), *Redesigning the World Trade Organization for the Twenty-first Century*, Wilfrid Laurier University Press, Waterloo, Canada, pp. 417–437.
- Hilf, M (2003), *How Can Parliamentary Participation in WTO Rule-Making and Democratic Control be Made More Effective in the WTO?*, University of Hamburg, Hamburg.
- Hoekman, B (2001), 'Strengthening the global trade architecture for development: the post Doha Agenda', *World Trade Review*, Vol. 1, pp. 23–46.
- Hoekman, B (2005), 'Operationalizing the Concept of Policy Space in the WTO: Beyond Special and Differential Treatment' *Journal of International Economic Law* 8(2): 405–424.
- Hoekman, B (2012), 'Proposals for WTO reform: a synthesis and assessment', in Narlikar, A, M Daunton and RM Stern (Eds), *Oxford Handbook on the World Trade Organization*, Oxford University Press, Oxford.
- Hoekman, B and P Mavroidis (2013), 'WTO "à la carte" or WTO "menu du jour"? Assessing the case for plurilateral agreements', Robert Schuman Centre for Advanced Studies Working Paper 2013/58, European University Institute, available at http://cadmus.eui.eu/bitstream/handle/1814/27611/RSCAS_2013_58.pdf?sequence=1 (accessed 15 July 2015).
- Hoekman, B (2014a), 'Sustaining multilateral trade cooperation in a multipolar world economy', *Review of International Organizations*, June 2014, Vol. 9, Issue 2, pp. 241–260.
- Hoekman, B (2014b), 'Supply Chains, Mega-Regionals and Multilateralism: A Road Map for the WTO', London: CEPR Press.
- Hoekman, B and P Mavroidis (2014), 'Members only: Embracing diversity in the WTO', 16 July 2014, available at: www.voxeu.org/article/members-only-embracing-diversity-wto (accessed 14 November 2014).
- Howse, R (2002), 'From politics to technocracy-and back again: the fate of the multilateral trading regime', *The American Journal of International Law*, Vol. 96, pp. 94–117.
- Hufbauer, GC and JJ Schott (2012), 'Will the World Trade Organization Enjoy a Bright Future?', Peterson Institute for International Economics Policy Brief, Number PB12-11, May 2012, available at: <http://www.iie.com/publications/pb/pb12-11.pdf> (accessed 15 July 2015).
- Imboden, N (2012), 'The accession of least developed countries to the World Trade Organization', *The Future and the WTO: Confronting the Challenges*. A

- Collection of Short Essays, ICTSD Programme on Global Economic Policy and Institutions, Geneva, pp. 88–95.
- Ismail, F (2008), 'An Assessment of the Sixth WTO Hong Kong Ministerial Conference from a Development Perspective.' In Hohmann, H (Ed.) *Agreeing and Implementing the Doha Round of the WTO*, Cambridge University Press, Cambridge, UK.
- Ismail, F (2009a), 'The role of the chair in the WTO negotiations. from the potsdam collapse in June 2007 to July 2008', *Journal of World Trade*, Vol. 43, pp. 1145–1171.
- Ismail, F (2009b), 'Reforming the world trade organization', *World Economics*, Vol. 10, pp. 109–146.
- Ismail, F (2009c), *Reforming the World Trade Organization: Developing Countries in the Doha Round*. CUTS/FES, Geneva.
- Ismail, F and B Vickers (2011), 'Towards fair and inclusive decision-making in WTO negotiations', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 461–485.
- Jackson, S (2012), 'Small states and compliance bargaining in the WTO: an analysis of the Antigua-US gambling services case', *Cambridge Review of International Affairs*, Vol. 25, pp. 467–485.
- Jawara, F and A Kwa (2003), *Behind the Scenes at the WTO: The Real World of International Trade Negotiations*, Zed Books, London.
- Jones, E (2013), *Negotiating Against the Odds*, Palgrave MacMillan, Commonwealth Secretariat, London.
- Jones, E (2014a), 'Which Way Forward for the WTO? The Plurilaterals Debate', Background Note, 14 February, Global Economic Governance Programme, Oxford.
- Jones, E (2014b), 'The WTO's Reform Crisis', 30 October 2014, BSG Blog, available at: <https://blogs.bsg.ox.ac.uk/2014/10/30/the-wtos-reform-crisis/> (accessed 28 January 2014).
- Jones, E, C Deere Birkbeck and N Woods (2010), *Manoeuvring at the Margins: Constraints Faced by Small States in International Trade Relations*, Commonwealth Secretariat, London.
- Jones, K (2009), *The Doha Blues: Institutional Crises and Reform at the WTO*, Oxford University Press, Oxford.
- Kahler, M and J Odell (1989), 'Developing Country Coalition-Building and International Trade Negotiations', in Whalley, J (Ed.) *Trade Policy and the Developing World*, Michigan, University of Michigan Press.
- Kaukab, R, A La Vina and V Yu (2004), 'From Cancun to Hong Kong: Lessons from the Fifth Ministerial Conference of the World Trade Organization' TRADE Working Paper 20, South Centre, Geneva.
- Kaukab, R (2011), 'Inclusive trade governance: participation of stakeholders from the national to the multilateral level', in Deere Birkbeck, C (Ed.) *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.
- Kaushik, A and J Mukiibi (2011), 'LDC priorities for improved global trade governance', *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.

- Keane, J and C Melamed (2014), 'Trade and the post-2015 Agenda: From Millennium Development Goals to Sustainable Development Goals', ODI Discussion Paper, June 2014, Briefing 89, ODI, London.
- Keesing, D (1998), *Improving Trade Policy Review in the World Trade Organisation*, Peterson Institute for Economics, Policy Analyses in International Economics, Washington, DC.
- Khor, M (2001), 'Present Problems and Future Shape of the Multilateral Trading System', TWN Briefing Paper 2, Third World Network, Penang
- Khor, M (2002), *The WTO, the Post-Doha Agenda and the Future of the Trade System: A Development Perspective*, Third World Network, Penang.
- Khor, M (2006), 'An Assessment of the WTO's Hong Kong Ministerial, December 2005', TWN Briefing Paper 29, Third World Network, Penang.
- Kim, S (2010), *Power and the Governance of Global Trade: From the GATT to the WTO*, Cornell University Press, Ithaca.
- Krueger, A (Ed.) (1998), *The WTO as an International Organization*. Chicago University Press, Chicago.
- Laird, S and R Valdés. (2012), 'The Trade Policy Review Mechanism', in Narlikar, A, M Daunton and RM Stern (Eds) 2012, *Oxford Handbook on the World Trade Organization*, Oxford University Press, Oxford, pp. 463–482.
- Lamy, P (2007). 'Monitoring and Surveillance: The Rising Agenda of the WTO' *Address to Georgetown University Law Centre*, Washington, DC, 22 October.
- Lang, A and J Scott (2009), 'The hidden world of WTO governance', *European Journal of International Law*, Vol. 20, pp. 575–614.
- Lanoszka, A (2008), 'The promises of multilateralism and the Hazards of "single Undertaking": the breakdown of decision making within the WTO', *Michigan State Journal of International Law*, Vol. 16, pp. 654–675.
- Laurent, E (2011), 'Priorities for small states in global trade governance', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 204–230.
- Lawrence, R (2006), 'Rulemaking amidst growing diversity: a Club-of-Club approach to WTO reform and new issue selection', *Journal of World Trade*, Vol. 35, pp. 575–602.
- Lee, Y (2011), 'Reclaiming development in the world trading system (revisited): proposals for reform of WTO governance', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.
- Leutwiler, F, B Bradley, P Gyllenhammar, G de Lacharrière, I Patel, M Simonsen and S Djojohadikusumo (1985), *Trade Policies for a Better Future: Proposals for Action*, GATT, Geneva.
- Low, P (2009a), 'WTO Decision Making for the Future', Paper presented at Thinking Ahead on International Trade (TAIT) Inaugural Conference, 17 to 18 September, Geneva.
- Low, P (2009b), 'Potential future functions of the world trade organization', *Global Governance*, Vol. 15, pp. 327–334.

- Low, P, MR Mendoza and B Kotschwar (Eds) (1999), *Trade Rules in the Making: Multilateral and Regional Trade Arrangements*, Brookings Institution Press, Washington, DC.
- Luke, D and L Bernal (2011), 'Rethinking the governance of Aid for Trade', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 352–393.
- Marceau, G and P Pedersen (1999), 'Is the WTO open and transparent? a discussion of the relationship of the WTO with non-governmental organisations and Civil society's claims for more transparency and public participation', *Journal of World Trade*, Vol. 33, pp. 5–9.
- Mattoo, A and A Subramanian (2009), 'From Doha to the next bretton woods', *Foreign Affairs*, Vol. January, pp. 15–26
- Mavroidis, P (1991–1992), 'Surveillance Schemes: The GATT's New Trade Policy Review Mechanism', *Michigan Journal of International Law* 13(2): 374–414.
- McMillan, E (2010), 'Doha Decision-Making: Implications of the Consensus and Single-Undertaking Principles for Developing Countries', *Commonwealth Trade Hot Topics*, 71, Commonwealth Secretariat, London.
- Meléndez-Ortiz, R and T Biswas (2011), 'Trade governance and sustainable development', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 100–134.
- Meléndez-Ortiz, R, C Bellmann and R Mendoza (Eds) (2012), *The Future and the WTO: Confronting the Challenges; A Collection of Short Essays*, International Centre for Trade and Sustainable Development, Geneva.
- Mendoza, R (2003), 'The multilateral trade regime: a global public good for all?', in Kaul, I, P Conceição, K Le Goulven and R Mendoza (Eds), *Providing Global Public Goods: Managing Globalization*, Oxford University Press, New York.
- Mercurio, B (2009), 'Why compensation cannot replace trade retaliation in the WTO dispute settlement understanding', *World Trade Review*, Vol. 8, pp. 315–338.
- Moore, M (2003), *A World Without Walls: Freedom, Development, Free Trade and Global Governance*, Cambridge University Press, Cambridge, UK.
- Moore, M (Ed.) (2004), *Doha and Beyond: The Future of the Multilateral Trading System*, Cambridge University Press, Cambridge, UK.
- Narlikar, A (2001), 'WTO decision-making processes and developing countries', TRADE Working Paper 11, South Centre, Geneva.
- Narlikar, A (2002), 'The politics of participation: decision-making processes and developing countries in the World Trade Organisation', *Commonwealth Round Table*, Vol. 364, pp. 171–185.
- Narlikar, A (2003), *International Trade and Developing Countries: Bargaining Coalitions in the GATT and WTO*, Routledge, London.
- Narlikar, A (2004), 'The ministerial process and power dynamics in the World Trade Organization: understanding failure from Seattle to Cancún', *New Political Economy*, Vol. 9, pp. 413–428.
- Narlikar, A (2011), 'Adapting to new power balances: institutional reform in the WTO', in Cottier, T and M Elsig (Eds), *Governing the World Trade Organization: Past, Present and Beyond Doha*, Cambridge University Press, Cambridge, UK.

- Narlikar, A and J Odell (2006), 'The Strict Distributive Strategy for a Bargaining Coalition: The Like Minded Group in the World Trade Organisation, 1998–2001.' In Odell, J (Ed.) *Negotiating Trade: Developing Countries in the WTO and NAFTA*, Cambridge University Press, Cambridge, UK.
- Narlikar, A and R Wilkinson (2004), 'Collapse and the WTO: A Cancún post-mortem', *Third World Quarterly*, Vol. 25, pp. 447–460.
- Njinkeu, D and H Cameron (2008), *Aid for Trade and Development*, Cambridge University Press, Cambridge, UK.
- Nordström, H (2002), 'Participation of Developing Countries in the WTO - New Evidence Based on the 2003 Official Records', National Board of Trade, Sweden.
- Nordström, H and G Shaffer (2008), 'Justice in the WTO – the case for small claims procedures', *World Trade Review*, Vol. 7, pp. 587–640.
- Nottage, H (2012), 'David versus Goliath: an evaluation of the participation of Commonwealth States and least-developed countries in WTO dispute settlement and an analysis of the constraints they face', Commonwealth Secretariat Paper, London.
- Ocampo, J (2011), 'Globalisation, development and democracy', *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.
- Odell, J (2006), *Negotiating Trade: Developing Countries in the WTO and NAFTA*, Cambridge University Press, Cambridge, UK.
- Odell, J (2010), 'Negotiating from weakness in international trade relations', *Journal of World Trade*, Vol. 44, pp. 546–566.
- Odell, J and A Ortiz Mena (2005), 'How to Negotiate Over Trade: A Summary of New Research for Developing Countries' *Working Paper 113*, Centro de Investigación y Docencias Económicas, Mexico.
- OECD (2001), *The DAC Guidelines – Strengthening Trade Capacity for Development*, Organisation for Economic Co-operation and Development, Paris
- Ostry, S (2002), 'The world trading system: in dire need of reform?', presentation given at the Canadians in Europe Conference hosted by the Centre for European Studies, Brussels, August, available at: www.utoronto.ca/cis/ostry/docs_pdf/World_Trade_Reform.doc (accessed April 2009).
- Ostry (2004), 'External Transparency: The Policy Process at the National Level of the Two Level Game.' In Moore, M (Ed.), *Doha and Beyond: The Future of the Multilateral Trading System*, Cambridge University Press, Cambridge, UK.
- Oxfam (2000), *Institutional Reform of the WTO*, Oxfam Great Britain, Oxford.
- Oxfam International, WWF, CIEL, IATP, ActionAid and Friends of the Earth (2001), 'Joint NGO Open Letter on Institutional Reforms in the WTO', October, available at: www.ciel.org/Publications/Reform.pdf (accessed 28 November 2014).
- Page, S (2003), 'Developing countries: victims or participants – their changing roles in international negotiations', ODI Working Paper, Overseas Development Institute, London.
- Panke, D (2012a), 'Dwarfs in international negotiations: how small states make their voices heard', *Cambridge Review of International Affairs*, Vol. 25, pp. 313–328.
- Panke, D (2012b), 'Small states in multilateral negotiations: what have we learned', *Cambridge Review of International Affairs*, Vol. 25, pp. 387–398.

- Patel, C (2003), 'Single undertaking: a straitjacket or variable geometry?', TRADE Working Paper 15, South Centre, Geneva.
- Patel, M (2007), 'New faces in the green room: developing country coalitions and decision making in the WTO', Working Paper 2007/33, Global Economic Governance Programme, University College, Oxford.
- Pauwelyn, J (2005), 'The Sutherland report: a missed opportunity for genuine debate on trade, globalization and reforming the WTO', *Journal of International Economic Law*, Vol. 8, pp. 329–346.
- Peet, R (2009), *Unholy Trinity: The IMF, the World Bank and the WTO*, Zed Books, London.
- Pena, F (2011), 'Why not an ombudsperson at the WTO? A proposal for debate', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK, pp. 442–458.
- Petersmann, E (2005a), 'Addressing institutional challenges to the WTO in the new millennium: A longer-term perspective', *Journal of International Economic Law*, Vol. 8, pp. 647–665.
- Petersmann, E (Ed.) (2005b), *Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance*, Oxford University Press, Oxford.
- Primo Braga, C and O Cattaneo (2009), 'Introduction', in Primo Braga, C and O Cattaneo (Eds), *The WTO and Accession Countries*, Edward Elgar Publishing, Cheltenham.
- Primo Braga, C and O Cattaneo (2011), 'Global trade governance and development: the WTO accession conundrum', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.
- Puri, L (2011), 'Trade, development and the UN Millennium development goals: the United Nations in the governance of world trade', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.
- Qureshi, A (1990), 'The new GATT trade policy review mechanism: an exercise in transparency or "enforcement"?', *Journal of World Trade*, Vol. 24, pp. 147–160.
- Qureshi, A (2009), 'International trade for development: the WTO as a development institution?', *Journal of World Trade*, Vol. 43, pp. 173–188.
- Raghavan, C (1997), 'A new trade order in a world of disorder?', in Griesgraber, J and B Gunter (Eds), *World Trade: Toward Fair and Free Trade in the Twenty-first Century*, Vol. V of Rethinking Bretton Woods Series, Pluto Press, London and Chicago.
- Ricupero, R (2001), 'Rebuilding Confidence in the Multilateral Trading System: Closing the "Legitimacy Gap."' In Sampson, G (Ed.) *The Role of the World Trade Organization in Global Governance*, United Nations University Press, Tokyo.
- RIS (2007), *World Trade and Development Report 2007: Building a Development-Friendly World Trading System*, Oxford University Press, New Delhi
- Rodriguez, M and M Wilke (2011), 'Revising the single undertaking: towards a more balanced approach to WTO negotiations', in Deere Birkbeck, C (Ed.), *Making Global Trade Governance Work for Development: Perspectives and Priorities from Developing Countries*, Cambridge University Press, Cambridge, UK.

- Rodrik, D (2001), 'The Global Governance of Trade – As If Development Really Mattered' *Background Paper for Trade and Sustainable Human Development Project*, United Nations Development Program, New York
- Rolland, S (2007), 'Developing Country Coalitions at the WTO: In Search of Legal Support' *Harvard International Law Journal* 48(2): 483.
- Rolland, S (2010), 'Redesigning the Negotiation Process at the WTO', *Journal of International Economic Law* 13: 65–110.
- Saner, R (2010), *Trade Policy Governance Through Inter-ministerial Coordination: A Source Book for Trade Officials and Trade & Development Experts*, RoL Publications, Dodrecht
- Shaffer, G (2004), 'Parliamentary Oversight of WTO Rule Making: the Political and Normative Contexts', *Journal of International Economic Law* 7(3): 629.
- Smith, R (2009), *WTO Doha Round: Small Economies and Their Interests*, Trade Hot Topics, Issue 55, Commonwealth Secretariat.
- South Centre (2002), 'Process Issues in the WTO: State of Play November 2002', *South Centre Analytical Note*. Geneva: South Centre.
- South Centre (2003), 'Suggestions on Procedural Options Based on the 1996 WTO Rules of Procedure for Sessions of the Ministerial Conference with Respect to Some Issues', *South Centre Analytical Note*. Geneva: South Centre.
- South Centre (2005), 'Selection of the WTO Director-General: Some Points to Consider', South Centre Analytical Note, January 2005.
- South Centre (2008), 'Some Thoughts on Process of the On-Going WTO Mini-Ministerial Negotiations of July 2008', Geneva: South Centre.
- South Centre (2009), *South Perspectives - Trade and Finance Linkages for Promoting Development*, South Centre, Geneva.
- Srinivasan, T (1998), *Developing Countries and the Multilateral Trading System*, Westview: Boulder.
- Srinivasan, T (2002), 'Developing Countries and the Multilateral Trading System After Doha' Economic Growth Centre Discussion Paper No. 842. February, Yale University.
- Srinivasan, T (2004), 'The Future of the Global Trading System: Doha Round, Cancún Ministerial and Beyond' Unpublished paper, April. Available at: <http://www.econ.yale.edu/~srinivas/>
- Steger, D (Ed.) (2009a), *Redesigning the World Trade Organization for the Twenty-first Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI), Wilfrid Laurier University Press, Waterloo, Canada.
- Steger, D (2009b), 'Why institutional reform of the WTO is necessary', in Steger, D (Ed.), *Redesigning the World Trade Organization for the Twenty-first Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI), Wilfrid Laurier University Press, Waterloo, Canada.
- Steger, D and N Shpilkovskaya (2009), 'Internal management of the WTO: room for improvement', in Steger, D (Ed.), *Redesigning the World Trade Organization for the Twenty-first Century*, International Development Research Centre (IDRC) and the Centre for International Governance Innovation (CIGI), Wilfrid Laurier University Press, Waterloo, Canada.

- Steinberg, R (2002), 'In the shadow of law or power? consensus-based bargaining and outcomes in the GATT/WTO', *International Organization*, Vol. 56, pp. 339–374.
- Steinberg, R (2009), 'The hidden world of WTO governance: a reply to Andrew Lang and Joanne scott', *European Journal of International Law*, Vol. 20, pp. 1063–1071.
- Stevens, C (2003), 'The Future of Special and Differential Treatment (SDT) for Developing Countries in the WTO', IDS Working Paper 163, Institute of Development Studies, Brighton.
- Stiglitz, J and A Charlton (2005), *Fair Trade for All*, Oxford University Press, Oxford.
- Stilwell, M (2009), 'Improving Institutional Coherence: Managing Interplay Between Trade and Climate Change', Working Paper No. 2009/49, Global Economic Governance Programme, University College, Oxford.
- Stoler, AL (2012), 'Addressing 21st century "WTO-plus" issues in the multilateral trading system', in Meléndez-Ortiz, R, C Bellmann and M Rodriguez Mendoza (Eds), *The Future and the WTO: Confronting the Challenges. A Collection of Short Essays*, ICTSD, Geneva.
- Sutherland, P (2004), *The Future of the WTO*, World Trade Organization, Geneva.
- Sutherland, P (2005), 'The world trade organization at ten years', *World Trade Review*, Vol. 4, pp. 341–354.
- Tandon, Y (2004), 'Technical Assistance as a Political Instrument.' In *The Reality of Trade: The WTO and Developing Countries*, The North-South Institute, Ottawa.
- Taniguchi, Y, A Yanovich and J Bohanes (2007), *The WTO in the 21st Century: Dispute Settlement, Negotiations and Regionalism in Asia*, WTO and Cambridge University Press, Geneva/Cambridge, UK.
- Third World Network (TWN) (1999), 'Transparency, Participation and Legitimacy of the WTO', Statement of the Third World Network at the WTO Symposium on Trade and Environment and Trade and Development, 15–18 March, Geneva.
- Third World Network (TWN) (2001), 'The Multilateral Trading System: A Development Perspective', Background Paper for Trade and Sustainable Human Development Project, Bureau for Development Policy, United Nations Development Programme, New York.
- Third World Network, Oxfam International, Public Services International, WWF International, The Center for International Environmental Law, Focus on the Global South, The Institute for Agriculture and Trade Policy, The Africa Trade Network, The International General and Trade Network and the Tebtebba International Centre for Indigenous Peoples' Rights (2003), 'Memorandum on the Need to Improve Internal Transparency and Participation in the WTO', 13 July 2003, available at: http://ciel.org/Publications/Cancun_21July03_Memo.pdf (accessed 15 July 2015).
- Tussie, D (Ed.) (2009), *The Politics of Trade. The Role of Research in Trade Policy and Negotiation. Studies in International Institutional Dynamics*, Republic of Letters Publishing, The Netherlands. Lynne Reinner, Boulder, CO.
- Tussie, D and D Glover (1993), *The Developing Countries in World Trade: Policies and Bargaining Strategies*. Boulder, Lynne Reinner.
- Tussie, D and M Lengyel (2002), 'Developing countries: turning participation into influence', in Hoekman, B, A Mattoo and P English (Eds), *Development, Trade, and the WTO: A Handbook*, World Bank, Washington, DC.

- UK Parliament (2003), 'Trade and Development at the WTO: Learning the Lessons of Cancun to Revive a Genuine Development Round' International Development Committee Session 2003–4, First Report. UK Parliament, London.
- UN (2009a), 'Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development' General Assembly Resolution A/63/L.75, New York: United Nations.
- UN (2009b), *Recommendations by the Commission of Experts of the President of the United Nations General Assembly on Reforms of the International Monetary and Financial System, 21 September*, United Nations, New York.
- UNCTAD (2010), 'The LDC Report 2010: Towards a New International Development Architecture for LDCs', UNCTAD, Geneva.
- UNDP (2005), *International Cooperation at a Cross Roads: Aid, Trade and Security in an Unequal World in Human Development Report 2005*, UNDP, New York.
- UNDP (2009), *Trade for Poverty Reduction: The Role of Trade in Poverty Reduction Strategy Papers*, UNDP, New York.
- UNECA (2009), *Global Review on Aid for Trade 2009: Issues and State of Implementation in Africa*, UNECA, Addis Ababa.
- Urpelainen, J (2009), 'Political-Economic Problems in Trade Capacity Building', *The Review of International Organizations* 4(4): 329–59.
- Van Grassek, and P Sauvé (2006), 'The Consistency of WTO Rules: Can the Single Undertaking Be Squared With Variable Geometry?' *Journal of International Economic Law* 9, pp. 837–864.
- VanGrassek, G (2013), *The History and Future of the WTO*, World Trade Organization: Geneva.
- The Warwick Commission (2007), 'The Multilateral Trade Regime: Which Way Forward?', The University of Warwick, available at: http://www2.warwick.ac.uk/research/warwickcommission/worldtrade/report/uw_warcomm_tradereport_07.pdf (accessed 15 July 2015).
- WEF (2010), *WEF Global Redesign Summit Report*, Geneva: World Economic Forum.
- WEF (2014), *Mega-regional Trade Agreements Game-Changers or Costly Distractions for the World Trading System?*, Global Agenda Council on Trade and Foreign Direct Investment, WEF, Geneva.
- Wilkinson, R (2006a), *The WTO: Crisis and the Governance of Global Trade*, Routledge, Oxford.
- Wilkinson, R (2006b), 'The WTO in Hong Kong: What it Really Means for the Doha Development Agenda' *New Political Economy* 11(2): 291–304.
- Wilkinson, R (2009a), 'The Problematic of Trade and Development Beyond the Doha Round', *Journal of International Trade and Diplomacy* 3(1).
- Wilkinson, R (2009b), 'Language, Power and Multilateral Trade Negotiations', *Review of International Political Economy*, 16(4): 597–561.
- Wolfe, R (2005), 'Decision-Making and Transparency in the 'Medieval' WTO: Does the Sutherland Report Have the Right Prescription?', *Journal of International Economic Law*, Vol. 8, Issue 3, pp. 631–645.
- Wolfe, R (2009), 'The WTO Single Undertaking as Negotiating Technique and Constitutive Metaphor', *Journal of International Economic Law* 12: 835–858.

- Wolfe, R (2010), 'Did the Protectionist Dog Bark? Transparency, Accountability, and the WTO During the Global Crisis' *Paper prepared for the Annual Meeting of ISA-Canada with the Canadian Political Science Association*. 1 June, available at: <http://www.cpsa-acsp.ca/papers-2010/Wolfe.pdf> (accessed 22 July 2015).
- WTO (2001), *Communication from India on behalf of the Like-minded Group*, WTO, Geneva.
- WTO (2006), *Recommendations of the Task Force on Aid for Trade*. WT/AID FOR TRADE/1 WTO, Geneva.
- WTO (2007a), *Six Decades of Multilateral Trade Cooperation: What Have We Learnt?*, World Trade Report 2007, WTO, Geneva.
- WTO (2007b), *World Trade Report: Sixty Years of the Multilateral Trading System: Achievements and Challenges*, WTO, Geneva.
- WTO (2009a), *Strengthening the WTO: Communication from Australia, Brazil, Canada, China, Hong Kong China, European Communities, India, Japan, Korea, Malaysia, Mauritius, Mexico, Norway, South Africa, Switzerland, Turkey, United States and Uruguay*, WT/MIN(09)/W/1, 16 October, WTO, Geneva.
- WTO (2009b), *Strengthening the WTO: Communication from India*, WT/GC/W/605, 3 July, WTO, Geneva.
- WTO (2009c), *Appointment of the Director-General. Statement of the Director-General, General Council, Job (09)/39*, 29 April, WTO, Geneva.
- WTO (2009d), *Seventh Ministerial Conference – Chairman's Summary*, WT/MIN(09)/18, 2 December, WTO, Geneva.
- WTO (2010a), *Monitoring Aid for Trade at the Global Level, Committee on Aid for Trade*, JOB/DEV/3, WTO, Geneva.
- WTO (2010b), *WTO Accessions: 2009 Annual Report by the Director General*, WT/ACC/13, WTO, Geneva.
- WTO (2011), *The WTO and Preferential Trade Agreements: From Co-existence to Coherence*, World Trade Report 2011, WTO, Geneva.
- WTO (2012), *Trade and Public Policies: A Closer Look at Non-Tariff Measures in the 21st Century*, World Trade Report 2012, WTO, Geneva.
- WTO (2013), *Fourth Global Review of Aid for Trade 2013: Summary Report*, WTO, Geneva.
- WTO and ILO (2009), *Globalization and Informal Jobs in Developing Countries*, WTO and ILO, Geneva.
- WTO and OECD (2009), *Aid for Trade at a Glance 2009: Maintaining Momentum*, WTO/OECD, Geneva/Paris.
- WTO and UNEP (2009), *Trade and Climate Change: WTO-UNEP Report*. WTO and UNEP, Geneva.
- WTO and WHO (2002), *WTO Agreements and Public Health*. Geneva: WTO and WHO.
- Yu, V (2008), *Unity in Diversity: Governance Adaptation in Multilateral Trade Institutions Through South-South Coalition-building*, South Centre, Geneva.
- Zahrnt, V (2009), 'The WTO's Trade Policy Review Mechanism: How to Create Political Will for Liberalization?', ECIPE Working Paper 11/2009, Brussels: ECIPE.
- CUTS International, *Improving Ownership through Inclusive Trade Policy making Processes: Lessons from Africa*, Consumer Unity & Trust Society (CUTS) International, Jaipur, India.