

T.C.
DOKUZ EYLÜL UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
INTERNATIONAL RELATIONS PROGRAM
MASTER’S THESIS

DEVELOPING STATES AND THE WTO
AFTER DOHA ROUND:
RISING PROTECTIONISM?

Özgenur SELÇUK GÖKKAYA

Supervisor
Assoc. Prof. Dr. Elif UZGÖREN

İZMİR - 2023

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THESIS APPROVAL PAGE



DECLARATION

I hereby declare that this master's thesis titled as “Developing States and the WTO after Doha Round: Rising Protectionism?” has been written by myself in accordance with the academic rules and ethical conduct. I also declare that all materials benefited in this thesis consist of the mentioned resources in the reference list. I verify all these with my honour.

05/10/2023

Özgenur SELÇUK GÖKKAYA

ABSTRACT

Master's Thesis

Developing States and the WTO after Doha Round: Rising Protectionism?

Özgenur SELÇUK GÖKKAYA

Dokuz Eylül University

Graduate School of Social Sciences

Department of International Relations

International Relations Program

After the liberal discourse of the 20th century, the 2000s has witnessed deep discussions on the rise of trade protectionism. 2008 is regarded as the year when this protectionist trend was on rise, because, the impact of financial crisis has blended with the failure of Doha Round in 2008.

In the literature, the rise of trade protectionism after 2008 is widely discussed. Differently, this thesis observes the behavior of developing states after Doha Round 2008 in particular. In this context, I analyze the WTO membership of developing states until the Round through historical perspective. Furthermore, I assess the trade tendencies of developing states after the Round. In this purpose, this thesis discusses the political stance of selected developing states, and then evaluates trade policies of them. With this regard, I argue that developing states joined to the WTO to have a voice in international trade negotiations and to have developmental outcome from them. However, with the failure of Doha Round 2008, this hope has diminished. Nevertheless, I also argue that developing states did not diverge from the WTO or its liberal provisions. However, after a brief discussion on the impact of contemporary issues on international trade, I come to a conclusion that the WTO is not capable of responding quickly and efficiently to current crisis, thus there is a need to reform the WTO.

Keywords: WTO, developing states, trade protectionism, Doha Round

ÖZET

Yüksek Lisans Tezi

Doha Zirvesi Sonrası Gelişmekte Olan Ülkeler ve DTÖ: Yükselen Korumacılık?

Özgenur SELÇUK GÖKKAYA

Dokuz Eylül Üniversitesi

Sosyal Bilimler Enstitüsü

Uluslararası İlişkiler Anabilim Dalı

Uluslararası İlişkiler Yüksek Lisans Programı

20. yüzyılın liberal söyleminden sonra, 2000ler ticari korumacılığın yükselişi üzerine derin tartışmalara şahit olmuştur. Finansal kriz ve 2008 Doha Zirvesi'nin çöküşü nedeniyle, 2008 söz konusu korumacılığın yükselişe geçtiği yıl olarak görülmektedir.

Literatürde 2008 sonrası ticari korumacılığın yükselişi çokça tartışılmıştır. Bu tezde farklı olarak, özellikle gelişmekte olan ülkelerin 2008 Doha Zirvesi sonrasındaki davranışları incelenmiştir. Bu kapsamda, Zirve'ye kadar olan tarihsel süreçte, gelişmekte olan ülkelerin DTÖ üyeliği analiz edilmiştir. Ayrıca, Zirve sonrasında gelişmekte olan ülkelerin ticari eğilimlerini ölçülmüştür. Bu amaçla, gelişmekte olan seçili ülkelerin resmi açıklamaları ve ticaret politikaları incelenmiştir. Bu doğrultuda, gelişmekte olan ülkelerin uluslararası ticaret müzakerelerine katılmak ve söz konusu müzakerelerden kalkınmaya yönelik sonuçlar almak için DTÖ'ye üye olduğu iddia edilmiştir. Ancak, 2008 Doha Zirvesi'nin çöküşüyle bu umudun azaldığı vurgulanmıştır. Bununla birlikte, gelişmekte olan ülkelerin DTÖ ve onun liberal düzenlemelerinden sapmadığı iddia edilmiştir. Öte yandan, güncel konuların uluslararası ticarete etkileri üzerine yapılan kısa bir inceleme ile DTÖ'nün güncel krizlere hızlı ve etkili bir şekilde tepki veremediği ve bu nedenle DTÖ'nün yenilenmesi gerektiği sonucuna varılmıştır.

Anahtar kelimeler: DTÖ, gelişmekte olan ülkeler, ticari korumacılık, Doha Zirvesi

**DEVELOPING STATES AND THE WTO AFTER DOHA ROUND:
RISING PROTECTIONISM?**

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ABBREVIATIONS

AMS	Aggregate Measurement of Support
APEC	Asia-Pacific Economic Cooperation
BRICS	Brazil, Russia, India, China, South Africa
CBD	Convention on Biodiversity
C4	Cotton 4
DDA	Doha Development Agenda
DSB	Dispute Settlement Body
DSM	Dispute Settlement Mechanism
EC	European Community
EEC	European Economic Community
FDI	Foreign Direct Investments
FTAs	Free Trade Areas
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GSC	Global Supply Chain
GSP	Generalized System of Preferences
GVC	Global Value Chain
G4	Group of Four
G6	Group of Six
G7	Group of Seven
G8	Group of Eight
G20	Group of Twenty
IBSA	India Brazil South Africa
IF	Integrated Framework
IMF	International Monetary Fund
IO	International Organization
ITO	International Trade Organization
IUU	Illegal Unreported and Unregulated
JITAP	Joint Integrated Technical Assistance Programme
LDC	Least Developed Countries

LIBOR	London Interbank Offered Rate
MFA	Multifibre Arrangement
MFN	Most-Favored Nation
MS	Member States
NA	Not Available
NAFTA	North American Free Trade Area
NAMA	Non-Agricultural Market Access
NGO	Non-Governmental Organization
NTBs	Non-Tariff Barriers
OECD	Organization for Economic Co-Operation and Development
PTAs	Preferential Trade Agreements
RTAs	Regional Trade Agreements
S&D	Special and Differential Treatment
SCM	Subsidies and Counter Vailing Measures
SSM	Special Safeguard Mechanism
TNC	Trade Negotiations Committee
TRIMs	Trade-Related Investment Measures
TRIPs	Trade-Related Aspects of Intellectual Property Rights
TRTA	Trade-Related Technical Assistance
TTP	Trans-Atlantic Trade Partnership
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
USA	United States of America
VERs	Voluntary Export Restraints
WB	World Bank
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

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INTRODUCTION

In the 20th century, the theme of international trade was liberalization. After the Second World War, a system called “Bretton Woods” was established with the initiatives of the United States of America (USA). Under the system, the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development, later the World Bank (WB), were established. Along the same line, an institution was needed to enforce liberal trade. In the process to establish such an institution, states agreed on tariff reduction by signing the General Agreement on Tariffs and Trade (GATT).

International trade is arranged through different ways: the GATT-later the World Trade Organization (WTO) agreements-, preferential trade agreements (PTAs), free trade areas (FTAs) and post-colonial trade ties (Department of Commerce of the USA, 2023; Goldstein et al., 2007: 39; Mansfield and Bronson, 1997: 94). Within this scope, the GATT, later the WTO, is regarded as an “*umbrella organization*” in the international arena, since it supervises different agreements on goods, services, patents, and so on (Shell, 1995: 832). But most importantly, through providing a dispute settlement mechanism and establishing rules and obligations for both members and non-members, the GATT/WTO has an institutional standing in the international trade realm (Goldstein et al., 2007).

Within the scope of the GATT and later under the provision of the WTO, the member states (MS) agreed to implement liberal trade policies. The implementation process was related to the development status of MS which can be classified as developed, developing and least developed states. However, several MS has been displeased with the outcome of the GATT Rounds. The WTO was established on a wider scope with different fields of work. Nevertheless, this intention could not lead to a better outcome for trade negotiations. Furthermore, in addition to the issues from the past rounds, the current round, Doha Round, came up with its own unresolved issues. Moreover, Doha Round 2008 is thought to be collapsed (Ismail, 2009a; Page et al., 2008; Park, 2013; Popa, 2012).

Being regarded as a reflection of disagreement among largest trading MS, on the one side the EU and the USA, on the other side emerging powers such India,

China and Brazil, the incompleteness of Doha Round has raised the questions on the future of the world trade (Hoekman, 2015: 131). And in addition to the financial crisis in 2008, the failure of Doha Round 2008 was expected to result in rising protectionist trade measures (Baldwin, 2008; Bouet, 2010; Cho, 2010; Dobson, 2008; Ghibutiu, 2013; Hufbauer et al., 2010).

In literature, trade protectionism is respected as trade policies in favor of domestic producers of certain sectors over foreign producers (Abboushi, 2010: 387; Evenett, 2019: 14). Trade protectionism is classified as tariffs, quotas, non-tariff barriers (NTBs), subsidies to domestic producers, capital controls, voluntary export restraints (VERs) and governmental activities in the market such as state ownership (Abboushi, 2010: 387; Enderwick, 2011: 328; Hillman, 1990: 103-104; Ruggie, 1994: 5). Also, the rise in FTAs is considered as turning away from the WTO which is indirectly interpreted as trade protectionism by some scholars (Aggarwal and Evenett, 2013; Krugman, 1991).

This discussion resembles the debate on globalization and deglobalization. Because, while globalization refers to a state of worldwide interdependence, deglobalization refers to shrinking those ties (Keohane and Nye Jr., 2006: 105). Globalization has several subtitles from economic globalization to cultural globalization (Keohane and Nye Jr., 2006; Robertson and White, 2007). As founding the WTO is the result of the trend towards the globalization (Madaan, 2000: 54), this thesis speaks to economic globalization which applies to global mobility of goods, services, capital and information (Keohane and Nye Jr., 2006: 106). Even if the WTO was a late comer into the international political realm, it was accepted as one of the strongest international organization to facilitate the globalization (Srivastava, 2007: 97). Because, the establishment of the WTO is regarded as the most passionate attempt to construct and constitutionalize a liberal economic world order (Stephen, 2017: 485). However, in a capitalist world economy where states have small role within interdependent cooperating units, states are expected to redefine their policy actions in times of crisis (Zehra, 2011: 33-34). This conjuncture lays the ground of this thesis on the relation between MS and the WTO.

With this regard, this thesis aims to evaluate the expectation that MS will turn to protectionist measures after the failure of Doha Round 2008. In analyzing this

prospect, I focus on the trade tendencies of developing states. Thus, basically I examine the relation between developing states and the WTO after Doha Round 2008. In this context, the main research question of this thesis is whether the developing states embraced protectionism and became distant from the WTO after Doha Round 2008.

There is a great deal of research on rising protectionism that is divided into two camps. Beginning with the ones who argue that MS moved away from the liberal provisions of the WTO, by analyzing the rise in the amount of FTAs through the years, Aggarwal and Evenett (2013) argue that due to the unsatisfactory results from the WTO rounds, developing states resort to FTAs which results in distancing themselves from the WTO. By examining the amount of tariffs and NTBs, Ghibutiu (2013) also supports the idea that incompleteness of Doha Round led to an increase in the protectionism. In addition, Helleiner (2010) argues that the 2008 crisis challenged the legitimacy of Bretton Woods institutions and also initiated a political response on constituting an internationally coordinated reform agenda to determine prudential policies.

On the other hand, looking at the new form of balance of power between superpowers like the USA and the EU and emerging powers such as Brazil, China and India at the WTO negotiations, Drache and Froese (2008) argue that instead of considering the trend towards FTAs as a weakening of the WTO, the role of the WTO could be reproduced to take a position in the upcoming bilateral relations between MS. By analyzing the discussions on trade tendencies of MS, Hoekman (2015) also comes to a conclusion that MS may turn to PTAs and DDA may be incomplete, however this circumstances do not automatically result in weakening of the WTO. Apart from discussions on increase in FTAs after Doha Round 2008, there are also studies on protectionism after 2008 financial crisis. For example, the study comparing Overall Trade Restrictiveness Index of MS for 2008 and 2009, conducted by Kee et al. (2013), argues that few states have increased their import tariffs dramatically. Also, by analyzing the amount of trade policies, both restrictive and liberal, Datt et al. (2011), support the idea that protectionist measures are complemented by tariff reductions, particularly by developing states. In general, the

studies are verified through using data on either tariff policies; or trade volumes; or the amount of FTAs.

In this regard, I try to contribute to the literature by presenting a particular assessment focusing on commercial trends of developing states after Doha Round 2008. In this way, I conduct a study that directly focuses on the relation between developing states and the WTO under the scope of Doha Round 2008. I ground the relation on political response of developing states to Doha Round 2008 through evaluating the data on implied tariffs and political stances of developing states towards the WTO. Thus, this thesis also provides an assessment of the question of whether official statements and trade policies of developing states are in sync, unlike the literature. In addition, this thesis goes over the recent developments that may have an impact on the relation between developing states and the WTO.

In order to analyze the main research question, I ask three sub-questions, how the relation between the WTO and developing states is shaped in the first place; whether developing states have been dissociated from the liberal principles of the WTO and have embraced protectionist measures after Doha Round 2008; and finally which criticisms and solutions are currently directed towards the WTO for revitalizing the developmental and multilateral trade regime. In this context, this thesis is structured under three chapters.

In order to provide a basis for a clear understanding on the relation between developing states and the WTO, the first chapter aims to answer the following questions: Why did developing states want to join the WTO?, Why was Doha Round 2008 important for developing states?, What did the failure of Doha Round 2008 mean for developing states?

With this regard, in the first chapter, I assess the reasons behind developing states' membership of the WTO by discussing the historical background of the WTO with a developmental approach. For this purpose, the developmental expectations from the GATT and the outcomes of the GATT Rounds are analyzed. Moving on to the process up until 2008, I evaluate the significance of Doha Round 2008 for developing states. I conclude the first chapter with an analysis of the meaning of the failure for developing countries by examining the atmosphere after Doha Round 2008. In this framework, in this first chapter, I aim to show that developing states

participate in the GATT/WTO for two reasons: to have a say in international trade negotiations and hopefully achieve a developmental outcome from them. However, the analysis demonstrates that Doha Round 2008 results in a way that those developmental hopes faded. Consequently, under the influence of the financial crisis, the failure of Doha Round 2008 led to the assumption that the protectionism would rise.

The second chapter constitutes the base for the main research question whether developing states have been dissociated from the liberal principles of the WTO and adopted protectionist measures after Doha Round 2008. In order to understand how developing states reacted to the failure of Doha Round 2008, the second chapter addresses the following questions: Has the political stance of the developing states towards the WTO changed after the Doha Round 2008?, Did Doha Round 2008 have an impact on trade policies of developing states?

With this regard, in the second chapter, I analyze political stances of selected developing states and then the statistics of the protectionist measures they have implemented. To understand the impact of the failure, I set the timeline for the analysis to be 2000 and 2018. In this way, the impact of Doha Round 2008 is fully revealed as other crises occurred in international political economic arena will be set aside.

In the analysis of political stance, I consider official statements given by political leaders and/or trade ministers of the selected developing states. When it comes to measurement of trade protectionism, there are several indexes such as the IMF's Trade Restrictiveness Index, the WB's Overall Trade Restrictiveness Index, The Heritage Foundation's Index of Economic Freedom, Market Access Maps, supplemental indicators and price-gap measures (IMF, 2005: 1). In this thesis, I use the index of The Heritage Foundation due to availability of data on trade restrictiveness. I also look at trade volume data provided by the WTO Stats. The analysis shows that for both their official statements and trade policies, developing states did not diverged from the WTO and its provisions after Doha Round 2008.

However, since the timeline was determined between 2000 and 2018, recent developments in international trade realm were left aside in the discussion. Thus, I would like to know what impact contemporary issues have on international trade

policies. In this framework, I conclude the second chapter by briefly examining the reflection of current issues in international trade. Therefore, the second chapter ends with the question of how MS reacted to contemporary issues in international trade, particularly trade wars, Covid-19 and the Russia-Ukraine War. In this context, in the second chapter, I aim to prove that Doha Round 2008 did not lead to an increase in trade protectionism for developing states. Nevertheless, they want a developmental version of the WTO. Furthermore, current crises that emerged later led MS to adopt protectionist trade policies.

With this regard, the analysis of how contemporary issues affected the trade policies of MS sheds light on the need to analyze the WTO's international trade authority figure in the context of current issues. Therefore, the third chapter addresses the following questions: How have contemporary issues affected the relation between developing states and the WTO?, What solutions are proposed to improve the WTO as the international trade authority?

In this context, first I examine approach of developing states towards the WTO within the framework of contemporary issues. Then, I focus on proposed reform ideas to improve the WTO. In this framework, in the third and final chapter, I aim to prove that the WTO has failed to respond quickly and efficiently to current crises in international trade and this illuminates the need to reform the WTO more than ever.

The thesis approaches the main research question under these three pillars in this manner. In order to evaluate how developing states reacted to the failure of Doha Round 2008, the research first establishes the ground on the analysis of the historical background of the relation between developing states and the WTO. By doing so, this thesis tries to give a glimpse on the expectations and dissatisfactions of the developing states from the WTO and also the reasons behind continuation of the WTO membership for developing states. This assessment resonates with the discussion on whether states are rational. In other words, while rationalism argues that states are rational as they seek the material interest in the most optimal and beneficial way for them, constructivism argues that states are social as their interest is constructed through social dynamics rather than a mere materialism (Adler, 2013; Austen-Smith and Banks, 1998; Jupille et al., 2003; Keohane, 1988; Scott, 1999;

Snidal, 2013). In this line, the examination on developing states' membership of the WTO reveals also whether developing states approach rationally towards the WTO.

On constituting the core for the main research question, this thesis bases the evaluation of the political response on political statements and trade policies. Considering the fact that in the literature, trade protectionism is viewed through either tariffs or trade volumes or FTAs; this thesis examines both official statements and trade policies differently. The analysis does not cover the amount of FTAs or RTAs, as there is a contradiction among scholars about whether those forms of trade agreements lead MS to turn away from the WTO and to incline towards trade protectionism.

The thesis concludes the research with an analysis on current figure of the WTO. The assessment begins with an overview of the current dynamics of the relation between developing states and the WTO. In this way, the roots of the need for developmental reform of the WTO reveal, before discussing the proposed solutions on the way to reform the WTO.

Within this framework, this thesis analyzes the historical background of the relation between overall developing states and the WTO for the years from 1948 to 2008. For the core part of the research, which is the analysis on the political response of developing states to the failure of Doha Round 2008, this thesis examines the political statements and trade policies of Brazil, Russia, India, China and South Africa (BRICS)¹ for the years from 2000 to 2018. For the analysis on contemporary issues, this thesis goes over the relation between overall developing states and the WTO since 2018.

The case study of this research is grounded on BRICS. Because, small groupings of states have a vital position in the international political economic realm through the ability to provide policy coordination at the negotiations (Larionova and Shelepov, 2017; Wouters and Van Kerckhoven, 2017). In this framework, BRICS have an improving image in the international arena through having the perfect attendance of politicians to the BRICS summits and public deliberation along with a

¹ As an acronym, BRICS was used first by Jim O'Neill, a Goldman Sachs economist, in 2001. Until 2010 it was BRIC, then South Africa was added. BRICS stand distinctively among other developing states as being the fastest growing emerging markets for years (Library of Congress, 2023; The Economic Times, 2023).

stable and fulfilling decision-making ability (Kirton, 2017: 12-13). Thus, BRICS stand as an important political actor in the international political economic realm (Mansfield et al., 2014: 437).

Within this scope, the thesis discusses BRICS as its case study to evaluate the trend towards trade protectionism among developing states, due to their ability to have an impact over the international negotiations while holding a developing state status. Furthermore, it is acknowledged that in the international realm, there is a diffusion of power leading to the North-South tension which raises the question of whether the Western-led liberal world order will lose its power against newly established BRICS-led organizations in the literature (Bijarna, 2013; Hurrell and Sengupta, 2012; Niblett, 2017; Slaughter, 2017; Stephen, 2017). The rivalry between developed states, particularly the USA and the EU, and emerging powers, BRICS, has reflected upon the WTO negotiations, especially Doha Round as well (Hopewell, 2017: 1382; Milewicz and Snidal, 2016: 841). This situation leads to the question of whether this rivalry will result in diminishing of the WTO and having a BRICS-led alternative or improving of the WTO in the literature (Hopewell, 2017; Milewicz and Snidal, 2016; Stephen, 2017). With this regard, analyzing the political response of BRICS towards the failure of Doha Round 2008 as the case study would enable the thesis to contribute to this debate.

In the light of overall assessment in this thesis, I argue that after Doha Round 2008, developing states have not distanced themselves from both the WTO and its liberal provisions. Nevertheless, developing states had always expected the WTO to adopt a solid developmental characteristic, not just in theory but also in practice. Even if Doha Round 2008 did not lead to protectionist tendencies, it definitely increased the criticisms towards developmental aspect of the WTO. Furthermore, the inefficiency of the WTO in responding to the current crises in international trade has further added to these criticisms, which has led to a need to reform the WTO.

CHAPTER ONE

DEVELOPING STATES AND THE WTO

1.1. INTRODUCTION

In this chapter, I analyze the relation between the WTO and developing states. Before moving on to the implications of Doha Round 2008 for developing states' approach to the WTO, we need to understand how developing states position themselves in the WTO. Therefore, this chapter will address the question of how the relation between the WTO and developing states shaped in the first place.

In order to understand the relation properly, this chapter is structured under three main sections. In the first section, I will look at the motivation behind the WTO membership for developing states. Thus, the first sub-question of this chapter is why developing states wanted to join the WTO. As a result, in the first section I will discuss the historical background of the WTO in a developmental way. Next, the developmental expectations from the GATT and the outcomes of the GATT Rounds will be analyzed. In the second section, I will look at the importance of Doha Round 2008. Therefore, the second sub-question of this chapter is why Doha Round 2008 was significant for developing states. In this context, in the second section, the process up until 2008 will be examined first. Then, the outcome for developing countries will be analyzed. In the third section, I will discuss the meaning of the failure for developing countries. Thus, the third and final sub-question of this chapter is what the failure of Doha Round 2008 means for developing states. To understand the meaning of the failure, I will examine the atmosphere after Doha Round 2008.

In this framework, this chapter highlights that developing states became a signatory of the GATT in order to join international trade discussions. Because, the GATT, which later became the WTO, was a place where developmental issues were discussed. However, the analysis shows that developing states could not receive what they want from GATT and WTO. Since, each Round has had an unbalanced outcome for developing states. And even though, Doha Round started with high hopes for developmental issues, missed deadlines of each meeting and 2008 financial crisis led to diminishing of the hopes that developing states had initially. As a result, the

failure of Doha Round 2008 combined with the 2008 financial crisis led to the assumption that the trend towards protectionist measures in international trade will increase. Therefore, in this chapter, I argue that developing states became a party to the GATT/the WTO in order to join international trade discussions and achieve development related outcomes; however this expectation was diminished by the failure of Doha Round 2008.

1.2. BACKGROUND OF DEVELOPING STATES BECOMING THE MEMBERS OF THE WTO

In this section, I ask why developing states wanted to become a party to GATT/WTO. Therefore, this section will examine what GATT/WTO offers to developing states. First of all, I look at why GATT/WTO exists in international trade system and what its purpose is. Then, I examine the results of GATT summits in terms of their benefits and pitfalls for developing states.

To begin with, after the World War II, with the initiatives of the USA, Bretton Woods System was established with two institutions: the IMF and the WB (Knorr, 1948: 19). Once the global finance was established under the system, the need to regulate international trade arose (Irwin, 1995: 324; Knorr, 1948: 20). Thus, the International Trade Organization (ITO) was planned to impose liberal trade (Irwin, 1995: 324). With this regard, the GATT, the predecessor of the WTO, was signed in October 1947 to promote tariff reduction until the ITO comes into effect (Üçer, 2016: 3). It was signed in 1948 to regulate international trade (WTO, 2021a).²

The need to regulate international trade is based on the importance of international trade itself. According to Page, international trade encourages manufacturers to be more efficient and this provides higher income for states (Page,

² Rose disagrees with the idea that GATT/WTO has significant impact on international trade. In the article ‘Do we really know that the WTO increases trade?’, he emphasizes that gravity model of trade undermines the impact of GATT/WTO on international trade (Rose, 2004). According to him, geographical position of a state determines its trade with others and GATT/WTO has no significant impact on international trade. Tomz et al. criticizes Rose for the flawed classification of the states in their work ‘Do we really know the WTO increase trade? Comment’. According to them, Rose turned a blind eye to non-member participants (Tomz et al., 2007).

2002: 6).³ GATT/WTO offers a common ground for states by comprising transparent rules and obligations (Page, 2002: 6). The core obligations of the GATT are as follows: non-discrimination, quantitative restrictions on import and export and safeguards (McRae, 2021: 1). These obligations serve the following principles of GATT; ‘*most-favored nation (MFN) treatment*’ which means treating each and every member equally, ‘*national treatment*’ which means equal treatment towards both local and foreign producers when imported products enter in the market, ‘*free trade*’ through restricting customs duties, quantitative measures and NTBs, ‘*transparency*’, ‘*fair competition*’⁴ and ‘*economic development*’ (WTO, 2021b).

Table 1: Main Provisions of the GATT

Article	Subject Matter
I	Definition. Trade in services covers all four modes of supply ⁵ .
II	Most-favored-nation (MFN) obligation.
III	Notification and publication.
IV	Increasing participation of developing countries.
V	Economic integration.
VI	Allows for domestic regulation.
VII	Recognition of qualifications, standards, and certification of suppliers.
VIII	Monopolies and exclusive suppliers.
IX	Business practices.
XIV	General exceptions.
XVI	Market access.
XVII	National treatment.
XVIII	Allows members to make additional commitments
XIX	Calls for successive negotiations to expand coverage of specific commitments (Articles XVI and XVII).
XXIX	States that annexes are an integral part of the GATTS.

Source: Adlung et al., 2002: 260.

As it can be seen from the summary of the articles in Table 1, the GATT regulations form a basis on variety of topics in the international trade. With this

³ It is noteworthy to mention that direct proportionality between the income of a state and its volume of trade is a controversial topic in the literature (Singh, 2010: 1517).

⁴ Fair competition does not imply being equally strong in the international trade but rather using capabilities efficiently to have a share in international trade (Page, 2002: 1).

⁵ Hodge classifies modes of supplies in trade services as follows: cross-border trade meaning electronic or physical trade in between borders; consumption abroad meaning service purchase in foreign state i.e. education, travel; commercial presence meaning direct investment to provide services such as telecommunications; presence of natural persons meaning mobility of producers to provide services i.e. consultation (Hodge, 2002: 221).

regard, it is clear that the GATT/WTO is designed to be a platform which provides confidence building, dispute resolution and trade regulations which lead to product diversity, higher income and economic growth (WTO, 1999: 1). In addition, through foreign direct investments (FDI) as well as technical expertise, GATT provisions can present an opportunity for small MS (Adlung et al., 2002: 262).

Even though developing states may face with economic problems in the process of undertaking the GATT agenda into their national trade policies, they require an international authority to draw the limits of trade to the extent of developed ones, also it is more convenient to join to an already existing IO than to establish a new one (Page, 2002: 3-4). Participating in an international trade regime means accepting the authority over states' own trade protocols (Salvatore et al., 2001: 12-13). However, it also means being a part of an international authority that can protect its members from the danger of turning into an economically weak state (Salvatore et al., 2001: 12-13). Participating into the GATT also provides a voice in the process of the designing international trade regime and a ground for dispute settlement along with appealing to foreign direct investment through dedication to free trade (Copelovitch and Ohls, 2012: 87). Therefore, it is fair to argue that developing states chose to be in the GATT to not to be an 'outsider'.

The answer to the question of what makes the GATT appealing to developing states lays on two concepts: MFN and special and differential treatment (S&D). To begin with, the most pre-eminent opportunity of joining the GATT is MFN treatment, which provides each and every small parties to benefit from MFN status and guarantee from protectionist measures of developed ones (Copelovitch and Ohls, 2012: 86).

As for S&D, in the early stages of the GATT, S&D was provided under Article XII and Article XVIII (Ornelas, 2016: 4). While Article XII allows developing states to implement quantitative trade restrictions in accordance with balance of payment account, Article XVIII gives a free hand for the developing states to have infant-industry protection on trade barriers (Ornelas, 2016: 4). It also provides developing states with freedom in agricultural products. It excludes agricultural products from the GATT provisions on a more advantageous way for developing states (Ismail, 2011: 144). However developing parties need the consent

of the other contracting parties to implement those implementations which leads to arbitrary outcomes (Wells, 1969: 65).

With this aspect, the economic condition of the developing states made them vulnerable to the downside of entering into an international trade regime constituting the principle of free trade. At the beginning of the GATT, this circumstance of the developing states was overlooked as its most significant feature, the MFN treatment regulated in the Article I of the Agreement, referred to the rights and obligations for all of the participants (Ismail, 2011: 131). The reciprocal treatment, the principal supplier rule and trade restrictions on core subjects lead developing states to be more reluctant towards the GATT meetings (Wilkinson and Scott, 2008: 488).

Ignorance towards the needs of developing states continued until the Haberler Report was released in 1958 (Hoekman and Mavroidis, 2007: 91). The Haberler Report points out three significant problems in the GATT: the payment difficulties that developing states face in their trade activities with developed ones, the significance of the international market stability in primary products and protectionist measures of the developed states in the agricultural trade (WTO, 1958: 1-2). The Report provides several recommendations such as decreasing income taxes on agricultural goods, along with the import of minerals and avoiding trade deflection rooted in regional trade agreements (RTAs) (WTO, 1958: 1-2).

GATT's improvement in its developmental aspect continued after the Haberler Report 1958.⁶ In 1961, the members of GATT signed the Declaration on the Promotion of Trade of Less-Developed Countries, pointing out the seven significant provisions that should be undertaken in favor of developing states; removing of quantitative measures, tariff reducing, removing or reasonably reducing the fiscal duties, granting easier access to state purchases, granting preferences to market access, limiting subsidies on production or export of primary goods and observing the GATT/United Nations (UN) managed limitations on disposal of commodity surpluses or strategic stocks (Ismail, 2011: 139).

⁶ It is important to note that in the official text of GATT, there is no status as developing states, the status mentioned in the text is either "developed contracting parties" or "less developed contracting parties" (WTO, 1986).

Prospectively, Kennedy Round (1962-1967) resulted with an agreement which was surprising due to the ongoing discussions for three years (Johnson, 1967: 326; Miles, 1968: 14). It has two important consequences for developing states. The first important outcome is tariff reduction. MS agreed upon tariff reductions on industrial products and elimination of quantitative restrictions on agricultural products (Johnson, 1967: 327-328).

The second important outcome is adoption of Part IV. As a result of the work, titled Trade and Development, of the Committee on Legal and Institutional Framework of GATT in Relation to Less-Developed Countries⁷, Part IV was adopted by GATT as an amending protocol (Hoekman and Mavroidis, 2007: 91). Part IV of the GATT, entitled “Trade and Development”, recognizes the special condition of developing states and provides a basis for improving their economies. Article XXXVI regulates the principles and objectives of Part IV with regards to the economic condition of developing states (WTO, 1986: 53-54). Developing states will gain an advantage in international trade to the extent of their export requirements such as removal of customs barriers on products they have comparative advantage and non-reciprocity in removing customs barriers (WTO, 1986: 53-54).

Article XXXVII requires developed states to eliminate customs duties on products in which developing states have export benefits, to abstain from imposing new fiscal measures which would jeopardize the export activities of developing states, and to regulate measures that benefit the export activities of developing states such as increasing import from them (WTO, 1986: 53-54). Article XXXVIII provides the ground for the application of Part IV with the cooperation of UN instruments (Hoekman and Mavroidis, 2007: 93). The main trigger behind the acceptance of non-reciprocity and special treatment by developed states is that legal superiority of international agreements allows the political leaders of developed states easily pass through the legislative procedures in the process of making neo-liberal adjustments (Finger, 2008: 890).

On the other hand, Kennedy Round had a downside for developing states on two important issues. First, it introduced the GATT Anti-Dumping Agreement

⁷ one of the negotiating groups.

(WTOa, 2022).⁸ Anti-dumping measures can be used as protective policies which eventually lead to trade distortion (Miles, 1968: 19). The second issue is related to NTBs. The reduction in tariffs exposed the usage of NTBs (Lary, 1967: 59). The implementation of such a defensive measure may not be easily sorted out (Miles, 1968: 19).

The 1960s were denominated 'Development Decade' by the UN (Wells, 1969: 72). During a meeting held by 77 developing states in the UN on trade and development, the developing states expected to benefit from its resolutions due to GATT's long-lasting negotiations and as a result, United Nations Conference on Trade and Development (UNCTAD) was founded in 1964 (Wells, 1969: 72). Moreover, International Trade Centre (ITC) was established in the same year, 1964, to help developing states in international trade and it eventually became a branch of UNCTAD and GATT (Hoekman and Mavroidis, 2007: 93). UNCTAD was a way for developing states to show that there was an alternative to the GATT that satisfy their needs, and the approval of Part IV can be seen as the proof of UNCTAD's influence in the negotiations (Kessie, 2007: 17, Wells, 1969: 72).

In contrast to the 1960s, developmental agenda was a bit more complex in the 1970s. Since the international economic realm was vaguely unstable during the 1970s; due to a turn of events which caused MS to embrace more protectionist measures such as oil crisis, increase in unemployment and inflation (Kakabadse, 1981: 304). Therefore, even though, the development side of the GATT became effective after the initiations in Kennedy Round, the desired level of decrease in tariff barriers has not been achieved (Wells, 1969: 71). For example, while the tariffs on goods like machinery, transport vehicles, or in general goods which benefits developed states more than developing ones were reduced more, the tariffs on goods such as cotton textiles, iron and steel reduced less dramatically (Wells, 1969: 71). Furthermore, the agenda in international trade in the 1970s was about the implementation of the NTBs (Sell, 2012: 142).

⁸ Anti-Dumping Agreement in Kennedy Round and later Tokyo Round was not a GATT code, it was approved by limited amount of MS. The agreement became an official code when it was signed by each MS in Uruguay Round (Zanardi, 2006: 595-596).

Thereafter, Tokyo Round (1973-1979) introduced settlement on three key issues for developing countries, NTBs, VERs and Enabling Clause. To begin with, NTBs created a problematic atmosphere between agriculturally advanced states such as Japan and European Economic Community (EEC) members and technologically advanced states such as the USA (Krasner, 1979: 492). Especially due to health and safety concerns, the NTBs were preferred by several MS, which lead other MS to question whether those measures were for protectionist policies (Sell, 2012: 143).

Tokyo Round is the summit where the contracting parties considered the NTBs measures for the first time (Sell, 2012: 142). Graham classifies the NTBs as follows: “*subsidies and counter vailing duties, amendments to the international antidumping code, government procurement, technical barriers to trade (standards), customs valuation and import licensing*” (Graham, 1979: 161-169).

First of all, subsidies and counter vailing measures (SCM) refer to governmental involvement in the market through tax and expenditure policies leading to increase in benefit of private entities (Sykes, 2003: 2). Secondly, antidumping is regulated under the Article VI of GATT, which was negotiated in Kennedy Round (WTO, 2022b). Dumping means lowering the price of imported goods compared to their price in the exporting country, and the GATT permits contracting states to apply antidumping and countervailing measures in a case of dumping and subsidization under the condition of material damage in the market in importer country (Sykes, 1976: 5). Furthermore, government procurement leads to high amount of purchase in the market; in fact, in 2018, it is valued at \$11 trillion out of global Gross Domestic Product (GDP) of \$90 trillion (Bosio, and Djankov, 2020). Due to the fact that local producers generally hold huge amount of share in goods market, when countries pass legislations, such as Buy American Act, foreign producers in the market may not get a fair share from the market (Graham, 1979: 165). Moreover, technical barriers to trade (standards) are called ‘Sanitary and Phytosanitary Standards’ (Kinzius et al., 2019: 604). However, according to Graham, even if the justification of the standards is based on health and safety, the main purpose is to protect local producers (Graham, 1979: 166). Next, customs valuation is the process in which the value of imported goods are determined (Malm, 2009: 9). After the valuation process ends, the value multiplies with the ad valorem customs

duties (Malm, 2009: 9). The problem with the customs valuation relates to the import tariffs being generally ad valorem duties which give governments free hand in the good market (Goorman and De Wulf, 2005: 156).⁹ Finally, import licensing allows governments to gather information and control over firms in good market that restricts competition (Graham, 1979: 169).

In Tokyo Round, the states proposed a more strengthened, broad terms in international trade for the NTBs (Kakabadse, 1981: 305). The negotiations resulted in enacting 6 codes as follows: Agreement on Subsidies and Countervailing measures¹⁰; Agreement on Government Procurement¹¹; Agreement on Implementation of Article VII of the GATT (Valuation Code)¹²; The Code on Technical Standards for Products¹³; The Code on Import Licensing¹⁴; The Code on Anti-Dumping¹⁵ (Yoshimatsu, 1998: 5).

Next topic is about VERs. Apart from the NTBs, VERs are also among the most important topics discussed in Tokyo Round (Ismail, 2011: 141). VERs are implied when importing country asks for restriction on the volume of goods from the exporting country (Boonekamp, 1987: 2). It is important to note that VERs are voluntary in the way that the foreign exporter imposes quotas in order to avoid other protectionist measures such as tariffs (Hillman, 1990: 103-104). VERs are generally used in sectors such as textiles, shipbuilding industry, paper, etc. (Meier, 1980: 242). It should be pointed out that when developed countries imply VERs on products from developing countries such as clothing and steel, they create problems in market access for developing countries (Michalopoulos, 2001: 30).

The final topic is Enabling Clause. In 1979, developing states received the original version of Enabling Clause, which is called Decision on Differential and

⁹ Goorman and De Wulf add two other side effects of customs valuation systems as follows: the decrease in government income due to underinvoicing of goods in order to pay less taxes and the increase in the amount of capital flight due to undervaluation and overvaluation (Goorman and De Wulf, 2005: 156).

¹⁰ which acts with two branches, Track 1 (allowance of using countervailing measures on subsidized goods in case of a damage in economy) and Track 2 (allowance on retaliation in case of a damage caused by subsidized goods in both import and export competence)

¹¹ which forces countries to embrace a transparent approach in governmental purchase

¹² which provides a uniform process for customs valuation

¹³ which provides an international criteria and a more accessible certification procedures

¹⁴ which prevents the usage of restrictive procedures

¹⁵ which complies the original anti-dumping measures agreed in Kennedy Round

More Favorable Treatment, Reciprocity and Fuller Participation of Developing Countries (WTO, 2001b). Enabling Clause allows developed states to provide developing states with more differential and favorable treatment (WTO, 2001b). It was the result of the emphasis of the developing states' need to establish a base for concessions and commitments (Michalopoulos, 2001: 28). With respect to the NTBs, Enabling Clause provides an opportunity for developing states to receive differential and preferential treatment through approval of Generalized System of Preferences (GSP) without the reciprocity principle of the GATT (Lee, 2011: 115).¹⁶ Through GSP, trade in selected agricultural products was encouraged (Deardoff and Stern, 1983: 609).

However, the “*escape clause*” of the GATT (Article XIX), entitled “Emergency Action on Imports of Particular Products”, constructs a permissible reason to apply protective measures in areas like the steel industry or agriculture (Sykes, 1991: 256). Furthermore, developed states used Multifibre Arrangement (MFA) as a precondition for the decrease in barriers on textiles (Ismail, 2011: 141). MFA is a trade restriction used on cotton and wool products, which negatively affect the trade capacity of developing states due to the economy of scale (Goto, 1989: 203-204).

As a matter of fact, developing states could not get what they wanted in Tokyo Round as well due to the lack of negotiation skills and increase of protectionist measures in developed states on the areas especially in the fields of textiles and agriculture (Ismail, 2011: 142). Developing states had behaved as either bystanders or loners trying to free themselves from the pitfalls of neo-liberal principles in the negotiations (Finger, 2001: 1097-1098; Tussie and Lengyel, 2002: 485).

By 1980s, skeptic approach of developing states on liberalization process declined, especially after countries such as South Korea and Japan achieved economic success due to liberal reforms they have through Structural Adjustment Programs provided by the WB and the IMF (Kessie, 2007:19). However, five GATT

¹⁶ GSP is a framework monitored by GSP Subcommittee that allows developed countries to imply preferential customs treatment on certain imported goods from designated developing countries (Jones, 2006: 1-13).

members, India, Brazil, Argentina, Egypt, Yugoslavia, strongly opposed launching a new round due to the existence of ‘escape clause’ and new provisions accepted in Tokyo Round such as services and intellectual property rights (Liang, 2004: 150). Furthermore, economically developed states, especially the USA, benefitted much more than developing states (Deardoff and Stern, 1983: 621). After the meeting held at the European Free Trade Area (EFTA) building, the five members agreed to launch the new round of GATT, the Uruguay Round, in 1986 (Liang, 2004: 150). During that time, Council of the Organization for Economic Co-Operation and Development (OECD) was also keen to launch the next GATT round (Sjöstedt, 1994: 53).

Yet, at the GATT Midterm Ministerial Conference in Montreal in 1988, MS could not succeed in reaching a consensus on agriculture, textile, intellectual property rights and escape clause (Liang, 2004: 150).¹⁷ In this context, Uruguay Round initiated “*plurilateral agreements*” which allowed small group of states to agree upon an agreement in the GATT (WTO, 2023c).¹⁸ This type of negotiation process is called “*green room*” and it is beneficial in times of crisis in reaching consensus on critical subjects (Jones, 2009: 350).

However, Uruguay Round was seen as a collection of “leftovers” from the Tokyo Round (Sjöstedt, 1994: 45). Apart from the old issues discussed in Tokyo Round, service trade, TRIMs and safeguards were problematic areas which MS could not reach consensus at Uruguay Round (Sjöstedt, 1994: 47-50). These issues required further research and analysis; however, the staff of GATT had the authority only over the existing agreement (Sjöstedt, 1994: 56). Moreover, the negotiating groups in different fields represent different clashing agendas of members, i.e. on agriculture between the USA and the EC or on textiles among the developing states (Sjöstedt, 1994: 58).

¹⁷ It is important to clarify that under the Article IX of Marrakesh Agreement, if there is no concrete rejection coming from the MS in the meetings, then the outcome of the voting is counted as a consensus (Cottier and Elsig, 2011: 296). With this regard, absence does not mean objection in the meetings.

¹⁸ Currently, there are four agreements that a narrow group of MS agreed upon: government procurement and trade in civil aircraft, dairy products and bovine meat (WTO, 2023c).

Under the pressure of regional trade blocks, the small MS accepted the outcomes of Uruguay Round (Whalley, 1995: 305). They agreed upon lowering tariffs not only on goods but also services, problematic issues such as intellectual property and customs valuation (Page, 2022: 21). Since while the regional trade blocks overcome the failure of the Round, small members would face a greater threat to their economies (Whalley, 1995: 305).

To sum up, in this section, I ask what the GATT/WTO has to offer developing states. In order to answer the question, I analyze the discussions at the summits. It can be said that even though the GATT summits had developmental sides in the discussions, they were overshadowed by the protective agendas of the developed states. In other words, developing states can enjoy developmental treatments to an extent that developed states may overlook. In order to have a say in the international trade discussions, developing states had to accept the GATT provisions. Therefore, this section argues that the main goal of developing states that have accepted GATT provisions is to avoid being a loner in international trade. In that sense, it is fair to claim that developing states have not been rational but social as they continued to participate in the negotiations even though they could not receive their optimal benefits from the negotiations. Because, if developing states were rational, they would have dropped the negotiations already as they could not fulfill their material interests from the outcome of the negotiations. Within this framework, the question of what makes Doha Round important for developing states remains unanswered. Thus, in the next section, I will discuss the process leading up to Doha Round and the expectations from it.

1.3. DOHA ROUND AS A TURNING POINT OF THE WORLD TRADE

In the previous section, I ask why developing states want to join the GATT/WTO. The analysis shows that developing states want to become a member in order to have a say in international trade. This action leads developing states to accept the outcome of the negotiations, even though the rounds do not necessarily

end in a beneficial way for the developing states. Within this framework, the question of what makes Doha Round important for developing states should be examined. For this purpose, this section will discuss the way through Doha Round; How did Uruguay Round end?, Why was there a developmental expectation from Doha Round?, And what did it offer to developing states?

To begin with, Uruguay Round initiated “*a more balanced and integrated global partnership*” with the Marrakesh Declaration signed by 117 members in 1994 (Buono and Lalanne, 2012: 271). The Round and the Declaration led to the establishment of the WTO on January 1, 1995 (WTO, 2021a).

Unlike the GATT, the WTO includes different fields from intellectual property to institutional standards (Mischalopoulos, 2001: 153). Especially on intellectual property, the Uruguay Round attempted to establish “*equality among inequals*” through Trade-Related Aspects of Intellectual Property Rights (TRIPs) (Ragavan, 2006: 276). As the main IO regarding intellectual property, the World Intellectual Property Organization (WIPO) provides protection on various issues covered by different multilateral agreements such as the Paris Convention on the protection of industrial property, the Berne Convention on copyrights, the Universal Copyright Convention, the Rome Convention on the protection of performers and broadcasters, (Croome, 1998: 130).

As a newly discussed issue during Uruguay Round, the TRIPs covers the minimum standards, the enforcement and dispute settlement provisions on intellectual property (Safadi and Laird, 1996: 1235). It applies to “*copyright, trademarks, geographical indications, industrial design, patents, lay-out designs of integrated circuits, and protection of undisclosed information*” (Safadi and Laird, 1996: 1235).

On the other hand, apart from divergence of interests regarding TRIPs, Uruguay Round faced confrontations of different agendas externally (Croome, 1998: 295). During the preparation of the Draft Final Act, the USA signed the North American Free Trade Area (NAFTA) with Canada and Mexico (Croome, 1998: 320). This situation gave rise to the fear that the USA Congress might not approve the new GATT Text (Croome, 1998: 320). Furthermore, during the Round, the USA and the

European Community (EC) signed the “Blair House Agreement” on agriculture to regulate subsidies and pricing (Hathaway and Ingco, 1995: 22). After the Agreement, the developing states felt that the outcome of the Uruguay Round was imposed by the USA and the EC (Hamilton and Whalley, 1995: 39-40).

Similarly, abstention of developed states from the realization of developing states’ interests led to the failure of Seattle Ministerial Meeting (Cho, 2010: 578; WTO, 2002: 60). Developing states felt left out again during the Meeting in 1999, even though they actively participated into the discussions by presenting nearly 250 proposals (Tussie and Lengyel, 2002: 490-491). Mike Moore, Director General of the WTO between 1999 and 2002, implied that a new, comprehensive and balanced round would best serve MS’ interests (Harbinson, 2009:3). With this regard, members made an effort to launch another round during the Meeting, which resulted in the initiation of the Doha Development Agenda (DDA) 2001 (Nataraj, 2009: 2).

Doha Round has two important aspects in international arena; cooperation and development. First and foremost, the Round has the purpose of promoting the idea that the international trade authority is safe and sound after the terrorist attack in New York on September 11, 2001 (Harbinson, 2009: 2). The second aspect concerns the promotion of development. According to the IMF, trade liberalization would lead to economic growth resulting in elimination of poverty (Mercurio, 2013: 66-67). Within this framework, DDA handled four different subjects to provide market access: agriculture, non-agricultural market access (NAMA), services and S&D (Nataraj, 2009: 2-3). Reshaping the dispute settlement system and focusing on the vulnerabilities of developing states were main objectives of the DDA (Nataraj, 2009: 2-3).

In order to understand the hopes of developing states from DDA, this section will analyze the provisions for the four topics mentioned above. To begin with, provisions on the market access for goods, agricultural and non-agricultural, implicate decline in export subsidies, strictly decrease tariffs and domestic agricultural subsidies and increase quotas (Adler et al., 2009: 8).

Table 2: Average Applied Rate and Bound Rate of Tariffs Implied by MS

	Applied Rates			Bound Rates		
	Base	Formula	Formula plus flex	Base	Formula	Formula plus flex
Total	%	%	%	%	%	%
All MS	3,7	2,5	2,9	9,9	5,7	6,9
High income MS	2,5	1,4	1,7	5,2	3,1	3,8
Developing	6,9	5,3	6,2	21,8	12,6	14,4
LDC ¹⁹	11,1	8,7	11,1	NA ²⁰	NA	NA
Agriculture						
All MS	14,5	8,9	11,8	40,3	20,7	29,9
High income MS	15,0	7,5	11,0	31,9	13,5	20,2
Developing	13,4	11,5	13,3	53,9	33,0	45,4
LDC	12,5	12,2	12,5	94,1	51,6	94,1
NAMA						
All MS	2,9	2,1	2,3	7,8	4,7	5,3
High income MS	1,7	1,1	1,1	3,5	2,5	2,7
Developing	6,4	4,8	5,6	19,1	10,9	11,8
LDC	10,9	8,0	10,9	NA	NA	NA

Source: Martin and Mattoo, 2008: 2.

In the Table 2 above, bound rates show the tariff rates discussed in the DDA negotiations as the maximum rate that a state would impose on imports, while the applied rates show the tariff rates that are already applied in the market (Martin and Mattoo, 2008: 2). On the other hand, the base rates refers to the rates in the absence of the DDA, the formula rates refers to the negotiated rates applied with no exceptions²¹, the formula plus flex refers to the negotiated rates applied with exceptions (Martin and Mattoo, 2008: 2).

As it can be seen from the Table 1, bound rates for high income MS in agricultural products were allowed to be 13,5% with no exceptions and they applied 7,5% with a 55,5% cut, while for developing states, rates were allowed to be 33,0% with no exceptions and they applied 11,5% with a 34,8% cut. On the other hand, for NAMA, bound rates for high income MS were allowed to be 2,5% and they applied 1,1% with a 44,0% cut, while for developing states, rates were allowed to be 10,9% and they applied 4,8% with a 44,03% cut. Clearly, the tariff rates for agricultural

¹⁹ Least Developed Countries.

²⁰ Not Available

²¹ Such as vulnerable MS or critical products.

products were decreased more by the developed states, while tariff rates for NAMA were decreased equally for both sides. In addition, DDA initiates Special Safeguard Mechanism (SSM) in agriculture for developing states under Framework Agreement (Josling, 2005: 133-134).

Next, with regard to services, the WTO classifies service trade as follows: mode 1, which means cross-border trade (such as transportation); mode 2, which means consumption abroad (such as tourism); mode 3, which means commercial presence (such as investment); mode 4, which means movement of natural persons (such as professionals) (Vastine, 2005: 4).

After Uruguay Round ended, the service trade negotiations regarding financial, telecommunication, professional and maritime services continued (Vastine, 2005: 1). Because while the negotiations on telecommunication and financial services were completed in 1997 (Vastine, 2005: 1), other service trade areas such as transportation and professional service remained problematic (Gootiiz and Mattoo, 2009: 7). Due to the fact that most of the cross-border services²² are related to immigration policies or licensing policies (Gootiiz and Mattoo, 2009: 7).

It is important to note that for the service negotiations, developing states were afraid of failing to stabilize domestic concerns about foreign dominance in service sector (Dee and Findlay, 2007: 57). This situation has led to the requirement for SSM in services as well (Dee and Findlay, 2007: 57). With this regard, WTO expected MS to submit their initial offers on the issues above by 2003 (WTO, 2001b: 9).

Apart from the market access talks discussed above, DDA seeks to comprise problematic areas of development, more precisely patented medicines, S&D and policy implementations (Fergusson, 2012: 17-20). The discussions can be categorized under seven subjects.

First of all, regulated under the paragraph (d) of Article XX of the GATT during Uruguay Round, TRIPs accept measures that are compliant with the GATT as “*not inconsistent*”, order measures to be “*necessary to secure compliance*” and “*not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade*” (WTO, 2022e).

²² Such as transportation or professional services.

The agenda of Doha Round for the TRIPs includes extending of protection on geographical indications other than wines and spirits, enforcement of Article 15²³ of Convention on Biodiversity (CBD), five year allowance for the implementation of the paragraph 3 of Article 27²⁴ of TRIPs, extension of transitional period for the developing states (WTO, 2001a).

MS declared that there was a significant requirement in the interpretation of TRIPs Agreement with regards to public health (WTO, 2001b: 4). Although the USA insisted that TRIPs were flexible enough to solve health emergencies, developing states wanted to establish a new language (Fergusson, 2012: 18). In 2003, MS agreed to export pharmaceuticals with compulsory licenses to developing states which have no capacity to manufacture (Fergusson, 2012: 18).

Next, S&D was another topic on the agenda of Doha Round. On S&D, MS emphasized the importance of provisions and approved the work program set out in the “Decision on Implementation-Related Issues and Concerns” (WTO, 2022d: 9). Decision on Implementation-Related Issues and Concerns addressed WTO Committee on Trade and Development to identify which S&D treatment is mandatory or non-binding and to convert non-binding treatments into mandatory treatments in a way that developing states could benefit from (Fergusson, 2012: 19).

Furthermore, implementation of safeguards was also discussed at Doha Round. Developing states expected other MS to regulate the subparagraph one of Article 9²⁵ of the Agreement on Safeguard in a way that safeguard measures shall not be applied to imports from developing states which individually accounts for less than 7 per cent of total imports and 15 per cent collectively (WTO, 2022g).

On Trade-Related Investment Measures (TRIMs)²⁶, developing states were expecting a transitional period to ratify the provisions of Agreement on TRIMs, as well as special provisions to make transition process easier for their economy (WTO, 2022g).

²³ Article 15 of CBD regulates the international access and national rights for national resources in the MS of the UN (CBD, 2022).

²⁴ Paragraph 3 of Article 27 of TRIPs orders MS to not to patent “diagnostic, therapeutic and surgical methods for the treatment of humans or animals” (WTO, 2022f).

²⁵ The article regulates the implementation of safeguards on developing members (WTO, 2022g).

²⁶ This measure is negotiated during Uruguay Round and the Agreement on TRIMs covers only the measures affecting trade of goods and prohibits MS to impose measures conflicting with GATT Article III on national treatment and Article XI on quantitative restrictions (WTO, 2022h).

Developing states' need for technical assistance was also another topic discussed at Doha Round (WTO, 2022c). Developing states stated that they had struggled with the implementation of the GATT/WTO provisions during Doha Round (Fergusson, 2012: 19). Together with other international trade institutions, namely OECD Development Assistance Committee, the WTO has reassured developing states on the enhancement of Joint Integrated Technical Assistance Programme (JITAP) (WTO, 2022c). In order to provide developing states with a proper technical assistance, WTO initiated the Committee on Budget, Finance and Administration (WTO, 2022c).

Another important subject was the discussion of the so-called Singapore Issues. The first WTO Ministerial Conference held in Singapore in 1996 (Fergusson, 2012: 19). The issues are related to transparency of governmental purchases, trade facilitation, trade related investment and competition and MS agreed to establish permanent working groups on these issues (Fergusson, 2012: 19). Unfortunately, the negotiations on the Singapore Issues were stuck at the Cancun Ministerial Meeting in 2003, as no consensus could be reached (Harbinson, 2009: 6-7; Sandrey, 2006: 6). In 2004, subjects other than trade facilitation were dropped and regarding trade facilitation, MS agreed upon clarification and improvement of GATT Article V, Freedom of Transit; Article VIII, Fees and Formalities connected with Exportation and Importation; Article X, Publication and Administration of Trade Regulations (Fergusson, 2012: 20).

The last issue was about Agreement on SCM. On SCM, expectations of developing states from Doha Round are as follows: expansion of non-actionable subsidies to the subparagraph one of Article 3²⁷, exclusion of export credits from the classification of subsidies as long as the interest rate is above London Interbank Offered Rate (LIBOR), restriction of countervailing duties to the amount of subsidies exceeding de minimis level, amendment of Annex I²⁸ of the Agreement in a way to provide developing states flexibility to reach their developmental goals (WTO, 2022g).

²⁷ Subparagraph one of Article 3 classifies prohibited subsidies as subsidies contingent, in law or in fact, whether solely or as one of several other conditions, upon export performance; and subsidies contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods (WTO, 2022i).

²⁸ Demonstrative list of export subsidies.

Table 3: Decisions Declared During Doha Round

Topics	General Council Meeting on 01.08.2004	Ministerial Declaration on 18.12.2005
Market access	Reduction on tariffs with regards to total bound rates	Applicable tariff cuts designed for developing countries with regards to S&D
Agriculture	Reform program with regards to development requirements, with specific attention for cotton	Flexibility for developing countries to design tariff cuts for special products such as cotton; drafts will be handed in by 31 July 2006
NAMA	Longer time period for developing countries to imply tariff cuts	Less than full reciprocity for developing countries, details will be provided by Negotiating Group
Services	Deadline set out as May 2005 to hand in final offers for MS	Negotiations continued
S&D	Deadline set out as July 2005 to hand in agreement specific proposals	Flexibility for developing countries to apply decisions in a period of time
TRIPs	Deadline set out as December 2005 to hand in <i>balanced</i> proposals	TRIPs Council will hand in recommendation for the next session, until then no complaints made by MS
TRIMs	NA	NA
Safeguard	SSM for developing countries under S&D provisions	Contradicting views on the scope and consistency of the SSM
SCM	NA	Consolidation of SCM proposals by the end of 2006
Technical assistance	Coordination between institutions such as Integrated Framework (IF) for Trade-Related Technical Assistance and JITAP	Selection of Director-General and JITAP as authorized organs; commitment to conclude DDA

Source: Table 3 is prepared through the comparison of Decision Adopted by the General Council on 1 August 2004 (WTO, 2004) and Ministerial Declaration Adopted on 18 December 2005 (WTO, 2005).

Table 3 shows the differences between Decision Adopted by the General Council on 1 August 2004 and Ministerial Declaration Adopted on 18 December 2005 on developmental topics. As it can be seen from Table 3, MS could not reach concrete provisions for the most issues and as a result, the negotiations continued. Although the common aim was to reach full modalities, it could not be reached (Ismail, 2009a: 580). The Group of Six (G6) constituted by Australia, Brazil, EU, India, Japan and the USA tried to negotiate modalities among themselves in 2006,

however it failed and led to the suspension of Doha Round by Pascal Lamy, the Director-General of WTO, who led the G6 meeting in July 2006 (Ismail, 2009a: 580). Then, Group of Four (G4) constituted by four MS: Brazil, EU, India, and the USA decided to launch a meeting among themselves in 2007 about modalities on agriculture and NAMA (Ismail, 2009a: 580). However, that meeting collapsed as well (Palmer and MacInnis, 2007) and caused Pascal Lamy to call for the resumption of WTO negotiations (Ismail, 2009a: 580).

However, the next Ministerial Meeting in 2008 could not bring about a final agreement on the liberalization provisions of the WTO as well (Popa, 2012: 172). The problem arose from the uncertainty as to whether developing states will make the necessary compromises or whether developed ones will accept the minimum requirements designed for developing states (Page et al., 2008: 11).

The failure of Doha Round in 2008 was genuinely linked to several subjects such as SSM, market access in agricultural products, NAMA, trade facilitation, geographical indicators, anti-dumping and the relation between TRIPs and CBD (Ismail, 2009a: 589). However, according to Ismail, the core of the failure relies upon three pillars: the protectionist incline among the EU and the USA and their approach to developing states, the revival of “*principal supplier rule*”²⁹ and its transformation into a power politics resembling the GATT in the 1950s and finally imbalanced drafts and the role of the Director General and national representatives (Ismail, 2009a: 589).

First of all, throughout the liberalization process of world trade, the EU and the USA acted protectionist against developing states, especially via NTBs (Ismail, 2009a: 589-590). Furthermore, the bilateral negotiations between the EU and the USA, which led to the signing of the Blair House Agreement, drew the attention of developing states (Croome, 1998: 368). As a result, Peter Shuterland, Director-General of GATT between 1993 and 1995, called both sides not to negotiate behind closed doors, since the interests of other MS must be “assured and accommodated” (Croome, 1998: 368).

²⁹ Principal supplier rule is regulated under the subparagraph two of Article XXVIII of the GATT and it allows MS to request concessions on the products that they are principle supplier to the MS from which the concessions are requested. This rule is applied also to MS which are not principle supplier when the principle supplier of the subject member is not a party to the GATT (WTO, 1994: 992).

The EU-the USA cooperation on agriculture in 2003 was another trigger that made developing states to be more reluctant towards negotiations (Ismail, 2009a: 592). The USA accused developing states for not reducing their export subsidies (Meyn, 2008: 1). Due to the increase in both food prices and protectionist agricultural policies in the EU and the USA, some developing states, especially China and India, were not willing to decrease tariffs on low-priced and subsidized agricultural products (Meyn, 2008: 2). Furthermore, the spillover effect of the joint action between the EU-the USA forced developing states to make more concessions in NAMA and service trade (Ismail, 2009a: 593).

The second issue concerns the principal supplier rule and power politics. During the GATT negotiations on the principal supplier rule, several MS, together with the UK, supported the formula based system of bargaining with regards to board tariff discussions (Ismail, 2009a: 597). On the other hand, the USA advocated for principal supplier rule based on product-based approach and reciprocity so that importing state could only apply tariff cuts on a specific product for the principle supplier of that product for the state (Ismail, 2009a: 597). The principal supplier rule has nothing to offer developing states, since they generally export raw materials rather than value-added products (Wilkinson and Scott, 2008: 486). And the raw materials are already duty-free products (Kock, 1969: 232). Thus, developing states were cut out from the trade discussions for products that they could not add value to (Ismail, 2009a: 597). Similarly, developing states, especially African countries which have no representation in the Group of Seven (G7), felt marginalized in the SSM negotiations on agricultural products (Ismail, 2009a: 598).

The final issue is related to unbalanced drafts and the role of both the Director General and national representatives. MS appoints Director General to rule the negotiations since Uruguay Round, however they have not provide the chair with specifically defined rules and terms (Odell, 2005: 427). General Council Meeting on 10 December 2002 defines the role of Director General as “*to encourage and facilitate the building of consensus among Members, and assist them in moving from the initial field of candidates to a final decision on appointment*” (WTO, 2003a: 1). Ismail argued that the NAMA talks during 2007 and 2008 negotiations were the proof for the failure of Director General on providing an objective stance and

alternative means to reach a common ground for both developing and developed states (Ismail, 2009a: 600).

Regarding the national representation, General Council Meeting on 11 December 2002 defines the role of Chair as “*continue the tradition of being impartial and objective; ensuring transparency and inclusiveness in decision-making and consultative processes; and aiming to facilitate consensus*” (WTO, 2003b: 1). However, the agenda of the negotiations was determined by the joint action of the EU and the USA (Tallberg, 2010: 253). The asymmetric power over the negotiation process comes from the inequality among MS on the ability to reach information and to bargain (Ismail, 2009a: 599).

Apart from Ismail’s point of view, decision making process in DDA is genuinely seemed to be the core problem to get a promising outcome from DDA. Because DDA embraces the principle of single undertaking; which means “*Nothing is agreed until everything is agreed.*” (WTO, 2023d). As a result, the consensus modality leads to slow progress in negotiations (Low, 2011: 3).

The success of Doha Round was significant for two reasons; implementing pre-agreed provisions on tariffs and subsidies and proving the efficiency of a multilateral trade system (Hufbauer et al., 2010: 2). However, the failure led to increase in criticisms about the functioning of the WTO as an arena for international trade negotiations (Scott and Wilkinson, 2010: 142-143). But more importantly, the failure caused rising protectionism concerns due to unresolved trade problems clinched under the global financial crisis (Hufbauer et al., 2010: 3).

To sum up, in this section, I analyze the circumstances that led developing states to have expectations from Doha Round and why the Round failed in 2008. As a result of the analysis, this section argues that Doha Round, through having a developmental agenda, was important to find a balanced path in international trade and to emphasize the authority of WTO. However, at the end of the negotiations, developing states felt that their expectations were overshadowed. Within this framework, this section argues that Doha Round initially started with a developmental attitude on different issues, but each summit ended in deadlocks and resulted in a failure in 2008, because progressive consensus could not be reached. This argument illuminates the question of what the failure of Doha Round 2008

meant for developing states. With this regard, in the next section, I will examine the perception of developing states towards Doha Round and why they disapproved Doha Round 2008.

1.4. THE REASONS BEHIND THE DEVELOPING STATES' DISAPPROVAL OF THE DOHA ROUND 2008

The previous section asks why there were developmental expectations from Doha Round and why it did not succeed in 2008. The analysis shows that after a long stalemate summit process, MS was looking forward to having a successful negotiation in international trade. In order to have such formalization, Doha Round was launched in a developmental manner. However, similar to its predecessors, the DDA failed to provide a balanced outcome for developing states due to lack of consensus on the issues discussed. With this regard, this section asks what the failure of Doha Round 2008 meant for developing states. In this context, this section will take a look at developing states' perception of Doha Round 2008.

To begin with, as mentioned earlier, the DDA began with high hopes for the establishment of a promising developmental provisions on especially market access through S&D provisions and less than full reciprocity rule improvised in accordance with economic circumstances of developing states (Ismail, 2012: 57). However, Doha Round had new disciplines on areas such as service trade and intellectual property rights which were quite argumentative issues for developing states (Park, 2013: 381). In particular, TRIPs agreements demand little differences in property right regulations already existing in developed countries, however developing countries have to make radical changes in their legal systems (Wolfe, 2003: 158-159). Furthermore, the implementation of TRIPs in developing countries was expected to lead transfers worth of 5.8 billion USD per year from developing countries to the USA (Maskus, 2000, 142). During the press conference in July 2008, Pascal Lamy, in his own words, reproachfully announced the failure of Doha Round 2008:

...I was hoping to say that we had slashed and capped the level of trade distorting subsidies like never before. I was hoping to announce that beef, sugar, ethanol, tropical products and products suffering from tariff escalation

would now see an improvement in their market access worldwide. I was hoping to tell you that tariff peaks on industrial products of interest for developing countries had been slashed; that the developed countries had consolidated duty-free and quota-free in the WTO; that export support in the form of subsidies, state trading enterprises, export credits, had been removed. All this was ready for a final package, but some important pieces were missing. The special safeguard for developing countries to counter import surges in food. Cotton. Not to talk about TRIPs related issues... (WTO, 2008b: 1-2).

As Lamy stated, Doha Round 2008 failed to meet the demands of developing countries. According to Scott and Wilkinson, the amount of wealth gains generated by the Round is very limited (yearly 3 USD per capita in developing states in total) and unevenly distributed among developing states (the biggest share goes to Brazil, China and India) (Scott and Wilkinson, 2010: 146).

According to Schwab, developing states enjoyed softer cuts and longer implementation process along with significant flexibilities as exclusions from tariff formulas, which they gained through insisting rather than negotiating (Schwab, 2011: 109). However, NAMA11, a group of developing states (Argentina, Brazil, Egypt, India, Indonesia, Namibia, Philippines, South Africa, Tunisia and Venezuela) that came together at the NAMA negotiations (WTO, 2006: 1), argued that they were faced with proposals implying unbearable amount of tariff cuts imposed by developed states immoderately in relation to both agricultural market access and NAMA at the Trade Negotiations Committee (TNC) meeting in July 2008 (WTO, 2008a).

The imbalance between agriculture and NAMA talks led developing states to be more reluctant towards negotiations (Christy Jr., 2008: 3). On the one hand, developing states would not settle for less than what they expected on agricultural provisions since Uruguay Round, on the other hand, developed states would not want to agree upon NAMA provisions providing developing states with flexibilities (Christy Jr., 2008: 3).

The approach to the Round changed for the both sides. While developing states chase after developmental agenda, particularly SSM, developed states want to have market access in developing states (Khor, 2012: 4). SSM was very important for developing states, because there was inflation in food prices in 2008 and SSM would enable developing states to bear unstable market prices (Polaski, 2008: 12). With this regard, developing states believed that developmental persistence on SSM

provisions were not the main reason for the failure as asserted by the developed states (Khor, 2008: 37). For developing states, the main reason for the failure was the cotton issue related to the US Farm Bill 2008, which provided cotton producers with enormous amount of subsidies undermining the market access for developing states (Khor, 2008: 37). In this context, after the July 2008 Talks, Bhagwati labeled the USA as “*central spoiler*” of the Round, due to its refusal of decreasing the level of trade subsidies for farmers and its demand on tough concessions on agricultural products from developing states, especially India (Bhagwati, 2008).

Unfortunately, failure of the Round is expected to result in rising protectionism and/or seeking regional/bilateral trade relation, both of which undermines the determination to have an international trade authority (Baldwin, 2008; Bouet, 2010; Cho, 2010; Dobson, 2008; Ghibutiu, 2013; Hufbauer et al., 2010).

All in all, in this section I ask why developing states disapproved Doha Round 2008. My argument is that according to developing states, developed states had their own internal agendas regarding trade, which makes market access harder for them.

1.5. CONCLUSION

In this chapter, I analyze the relation between the WTO and developing states. Before examining Doha Round 2008 and its implications for developing states’ approach to the WTO provisions, we need to understand how developing states stand in the WTO. Therefore, this chapter addresses the question of how the relation between the WTO and developing states was shaped in the beginning.

In order to understand the relation properly, this chapter is structured under three main sections. In the first section, I look at the meaning of the WTO membership for developing states. Thus, the first subordinate question of this chapter is why developing states wanted to join the WTO. With this regard, in the first section I discuss the historical background of the WTO in a developmental manner. Then developmental expectations from the GATT and the outcomes of the GATT

Rounds are analyzed. The analysis shows that main goal of developing states accepting the GATT provisions is to avoid being a loner in international trade.

Next, in the second section, I look at the importance of Doha Round 2008. Therefore, the second subordinate question of this chapter is why Doha Round 2008 was significant for developing states. In this context, the second section examines the process up until 2008 first. Then the outcomes are analyzed for developing countries. As a result of the analysis, in the second section I argue that Doha Round initially started with a developmental manner on different topics, however, each summit ended with deadlocks and consequently failed in 2008 as no progressive consensus could be reached.

Finally, in the third section, I discuss the meaning of the failure for developing countries. Thus, the third and final sub-question of this chapter is what the failure of Doha Round 2008 meant for developing states. In order to understand the meaning of the failure, I examine the atmosphere after Doha Round 2008. The analysis shows that according to developing states, developed states had their own internal agenda for trade which makes market access harder for them.

Within this framework, this chapter highlights that developing states became a signatory of the GATT in order to participate in international trade discussions. Because the GATT, which later became the WTO, was a place where developmental issues were discussed. However, the analysis shows that developing states could not receive what they want from the GATT and the WTO. Because for developing states, each Round had an unbalanced outcome. And even though Doha Round started with high hopes for developmental issues, the missed deadlines of every meeting and the 2008 financial crisis led to diminishing the hopes that developing states had at the beginning. As a result, the failure of Doha Round 2008 added to the 2008 financial crisis led to the assumption that there will be an increasing trend towards protectionist measures in international trade. Therefore, in this chapter, I argue that developing states participated in the GATT/WTO in order to join international trade discussions and achieve developmental outcomes, but this expectation vanished with the failure of Doha Round 2008.

The convergence of Doha Round 2008 with 2008 financial crisis gives rise to assumptions that international trade would move towards protectionist measures,

which means a break with liberal provisions of the WTO. With this regard, the political response of developing states under these circumstances is in question. With this regard, the next chapter will focus on whether developing states applied protectionist measures after the failure of Doha Round 2008 as expected. Therefore, the next chapter will examine the reaction of developing states to Doha Round 2008.



CHAPTER TWO

DEVELOPING STATES AFTER THE DOHA ROUND 2008

2.1. INTRODUCTION

The previous chapter asks what the relation between developing states and the WTO is. In order to answer the question, the chapter is framed under three sub-questions as follows: why did developing states apply to the GATT/WTO, why was Doha Round important to them and finally why were developing states dissatisfied about the Doha Round 2008. The analysis shows that developing states became a party to the GATT in order to have a say in international trade discussions. Also, the GATT provided a platform for negotiating developmental issues. However, the discussions did not result in a balanced way for developing states.

Doha Round, on the other hand, was launched with great hopes and expectations of developing states. However, the Round was at a dead end in every meeting. The missed deadlines and the 2008 crisis dimmed their initial prospects for development.

As mentioned earlier, the failure of the Doha Round 2008 added to the 2008 financial crisis led to a presumption that the tendency towards protectionist measures in international trade will increase. In this context, this chapter asks how developing states responded to the failure of Doha Round 2008.

Therefore, this chapter will form the basis of the main research question that whether developing states were dissociated from the liberal principles of the WTO and embraced protectionist measures. In order to understand how developing states reacted to the failure of Doha Round 2008, this chapter is structured under two main sections. In the first section, I examine political stances of developing states towards the WTO. Therefore, the first sub-question of this chapter is whether the political stances of developing states towards the WTO changed after the Doha Round 2008. In the second section, I examine the trade policies of developing states. Therefore, the second sub-question of this chapter is whether Doha Round 2008 had an impact on trade policies of developing states.

With this regard, in this chapter, I assess the political stances of selected developing states and then the statistics for protectionist measures they have implemented. The selected developing countries examined in this chapter are BRICS, since they are all developing and emerging markets. In order to understand the impact of the failure, I set the timeline of research to be 2000 and 2018. In this way, the impact of Doha Round 2008 will be purely revealed as other crises occurred in international political economic realm will be set aside.

In this context, the first section argues that developing states officially declared their belief in the importance of DDA. The second section, I argue that developing states kept implementing the liberal provisions of the WTO after Doha Round 2008.

However, since the timeline is determined between 2000 and 2018, the latest developments in the field of international trade are left aside in the discussion. Thus, I would like to know what impact current issues have on international trade policies. In this framework, I will conclude this chapter by briefly analyzing reflection of contemporary issues on international trade. Therefore, this chapter will conclude with a third sub-question that how MS responded to current issues in international trade, particularly trade wars, Covid-19, and the Russia-Ukraine War. The analysis shows that MS embraced restrictive trade measures after 2018. In this line, the third section argues that since 2018, the trend of international trade has moved towards protectionism.

Within this scope, in this chapter, I argue that developing states have not changed their attitude towards the WTO. In other words, they still acknowledge the significance of Doha Round and the WTO provisions and kept implementing liberal policies after Doha Round 2008. Nevertheless, they want to achieve a solid and promising outcome from Doha Round and a more developmental WTO. On the other hand, since 2018, there has been a protectionist wave in world trade due to recent crises in international arena such as trade wars, Covid-19 and the Russia-Ukraine War.

2.2. POLITICAL STANCE OF THE DEVELOPING STATES TOWARDS WTO BEFORE AND AFTER THE DOHA ROUND 2008

This section questions whether the political stances of BRICS towards the WTO have changed after the Doha Round 2008. The method is examining the official statements of political leaders/trade ministers regarding the WTO from 2000 to 2008 and from 2008 to 2018. The timeline is thus limited, since the expectations for Doha Round started right after the Seattle Ministerial Meeting in 1999. Timeline ends in 2018, because the last official ministerial meeting of Doha Round was the Buenos Aires Meeting in December 2017.

2.2.1. Brazil

Until the late 1980s, Brazil embraced import substituting industrialization and this resulted in implementation of protectionist trade policies such as quotas and bans on imports, high tariffs, NTBs, currency controls, difficulties in authorization process etc. (Ferreira and Faccihini, 2005: 443; Ferreira and Rossi, 2003: 1385; Giovannetti et al., 2006: 7). Through opting “*Washington Consensus*”, Brazil started liberalization process in 1990s (Ernst, 2005: 1).

Washington Consensus is a term founded by John Williamson for the mainstream reforms that the USA thinks Latin American states need to undergo (Williamson, 1996: 13). Washington Consensus contains ten reforms as follows: “*fiscal disciplines, reordering public expenditure priorities, tax reforms, liberalizing interest rates, a competitive exchange rate, trade liberalization, liberalization of inward FDI, privatization, deregulation and property rights*” (Williamson, 2009: 9-10). In this context, Brazil applied trade liberalization policies throughout the 1990s (Ribeiro et al., 2004: 209). By the time liberalization process ended, the amount of tariffs at the beginning was 10 times higher than those at the end (Ferreira and Rossi, 2003: 1386).

Economic crisis of 1990s which happened in developing states with fragile balance of payment account due to the combination of rapid liberalization and excess amount of short-term FDI hit Brazil decisively in 1999 (Saralioglu Hayali, 2019:

109). However, the crisis is thought to be ineffective on Brazil's perception of the WTO, since it has a great advantage as a participant of a multilateral trade system for its assurance of market access (De Paiva Abreu, 1998: 29). As a result, even though there was a slight upward trend in tariffs in the late 1990s, the overall trend was towards trade liberalization (Ernst, 2005: 2).

In the late 1990s, Brazil's foreign policy aimed to have an independent place in IOs and to increase its capacity in the international arena (De Lima and Hirst, 2006: 21). In this respect, with the start of Doha Round in 2001, Brazil acted more boldly in the negotiations, especially on TRIPs (De Freitas Barbosa, 2007: 4). Particularly in pharmaceuticals, Brazil had an upper hand over multinational corporations in implying the superiority of public health over economic benefit with the support of India, South Africa, World Health Organization (WHO) and Non-Governmental Organizations (NGOs) (De Freitas Barbosa, 2007: 4). Brazil's ability to lead coalitions enabled it to have an influence beyond its economic limits (Hopewell, 2014: 314).

In this context, Former President Fernando Henrique Cardoso's administration (1995-2002) was dedicated to reaching as much institutionalized international standards as possible in world trade (Vigevani and De Oliveira, 2007: 59). However, as Cardoso himself stated, the international environment was not ready to reach internationally structured trade standards:

...We are, therefore, going through a time when economy goes one way to establish universal rules and politics goes the other, an opposition that makes it an impossibility to either accept rules to define how nations can live together or impose hegemony unilaterally... (Cardoso, 2008: 473).

Nonetheless, his political stance in the international arena is to reach Brazilian interests by participating in international regimes which offer some sort of success, even if it falls short (Vigevani and De Oliveira, 2007: 60), because he thought that multinational organizations served Brazilian interests in the best way (Vigevani and De Oliveira, 2007: 71). In this framework, the WTO was placed as the core instrument of economic diplomacy in the four year economic plan of 2000-2003 (Moore, 2011: 203).

Brazil has a strategic position as a middle ranged power between developed and developing countries in the WTO with regards to its competitiveness in

agriculture (Fagundes Visentini, 2011: 4). Through this capability, Brazil could withstand the agricultural agreement between the EU and the USA (Fagundes Visentini, 2011: 4). In this context, the last years of the Cardoso's administration, converging with the beginning of the Doha Round, were dedicated to leading as a regional power in the WTO negotiations, so that it would gain autonomy in the international political economy arena (De Freitas Barbosa, 2007: 3; Fagundes Visentini, 2011: 5).

As mentioned in Chapter One, at the beginning of the DDA, the USA and the EU managed the negotiations in a way that was more beneficial to developed states, which resulted in a failure of the DDA's developmental and agricultural objectives, (Fagundes Visentini, 2011: 5; Fagundes Visentini and Reis da Silva, 2010: 57; Hopewell, 2014: 318). With this regard, Brazil, during the Luiz Inacio Lula da Silva (Lula)'s administration (2003-2010)³⁰, initiated the establishment of the Group of Twenty (G20) in 2003 in order to provide developing states with a stronger voice on DDA (De Freitas Barbosa, 2007: 5-6; Fagundes Visentini and Reis da Silva, 2010: 57; Hopewell, 2014: 318).

It should be noted that Brazil's standpoint of IOs has two sides. On the one hand, it actively participates in the negotiations in the IOs; on the other hand, it criticizes the representation related aspects and power redistribution, both under the influence of developed states (Da Silva Bezerra, 2022: 76). In this context, Lula personally made an effort to convince developing states to participate in G20, against the USA's efforts to jeopardize the group (Fagundes Visentini, 2011: 6-7). Consequently, during Doha Round in 2003, the G20 stood against the EU-USA agreement, which did not comply with the DDA proposals handed during Doha Round 2001 (Ondetti and Rhodes, 2010: 7).

On the other hand, Lula met with "*his good friend*" Bush to go further with DDA negotiations in the beginning of 2007, asking the USA to cut farm subsidies and in return for developing states to provide developed ones with flexible policies on industry and services (Mercopress, 2007). They kept meeting several times on how to reach a successful conclusion for the Round (Agence France Presse, 2007). Furthermore, before Doha Round in 2008, Lula met with his other colleagues, the

³⁰ He was re-elected as president in 2023 (Aktan, 2023).

presidents of India and South Africa, in Pretoria as well (Simao, 2007b). During the summit, he implied that Doha Round would be successful, but the developed states should remove agricultural restrictions, and he also stressed that what developed states expect from Doha Round was much greater than what developing states expected (Simao, 2007b).

Right after the unsatisfactory end of the Round in 2008, Lula was still optimistic that the WTO would reach a middle ground in a beneficiary way for every MS (Mercopress, 2008). He thought that completing the Round would overcome international crises and add a positive atmosphere to humanity (Reuters, 2008a). However, after almost a year, Lula urged members to complete the negotiations, since he thought that with the failure of the Round, the economic crisis would bring about protectionism (Reuters, 2009a).

On the other hand, the Dilma Rousseff's government (2011-2016) withstood protectionist escalation despite the international circumstances (Zahluth Bastos and Hiratuka, 2020: 11). She also opposed wishes of businesspeople regarding trade policy change which would lead to protectionism as well (De Jesus, 2014: 36). In the joint-statement she made during her State Visit with the President of the USA, Barack Obama on March 19-20-21, 2011, the importance of completing DDA and its significance to improve legitimacy of the WTO were emphasized (The White House Office of the Press Secretary, 2011).

Furthermore, in an interview, Roberto Azevedo, Brazilian Representative to the WTO (2013-2020), mentioned that although problematic areas in DDA were very limited, a proper negotiation was needed to conclude the Round in a benefiting way for both developed and developing members (Monteiro and Pereira, 2013: 16-17). As the Director General of the WTO, Roberto Azevedo proposed a small package³¹ for export competition pillar of agriculture to reach a fulfilling outcome, during Nairobi Meeting in 2015 (Kanth, 2016: 47).

Moreover, Michel Temer, who was the President of Brazil between 2016 and 2018, visited his Indian colleague, Narendra Modi, on October 17, 2016 (Ministry of Foreign Affairs of Brazil, 2016). During the meeting, both presidents underlined the

³¹ His effort to reach an agreement on such package disturbed other developing states which want to have a full package that covers all three pillars of agriculture; subsidy cuts, market access and competition (Kanth, 2016: 47).

importance of developing states' participation in multilateral negotiations especially on trade, and the significance of concluding Doha Round as it serves development (Ministry of Foreign Affairs of Brazil, 2016). Michel Temer, along with three other South American Presidents; Argentine President Mauricio Macri, Paraguayan President Horacio Cartes and Uruguayan President Tabaré Vázquez, also signed a declaration reassuring their trust in the WTO as the guarantee for the multilateral trade system during Buenos Aires Meeting on December 10, 2017 (Ssali, 2017).

In this context, it can be said that Brazilian politicians optimistically approached about Doha Round, even though it has not completed yet. In their speeches, they underlined the importance of having a proper world trade system. Taking into consideration that promoting the importance of the WTO and its place in trade negotiations is in the core of Brazil's economic diplomacy (Baracuh, 2017: 152), it is no surprise that Brazilian politicians had given such speeches.

2.2.2. Russia

After the fall of the Soviet Union, Russia did not keep its customs tariffs high due to its tendency towards deeper commercial connections in international arena (Tarr, 1999: 8). The initial steps for liberalization were taken with the "*Decree on Liberalization of Foreign Trade Activities in Russian Soviet Federative Socialist Republic*" in 1991 (Evseev and Wilson, 2012: 12).

Within the framework of market reforms, Russia embarked reduction of quantitative restrictions and tariffs on trade goods between 1992 and 1995 (Tabatchnala-Tamirisa, 1997: 80). In this context, in 1994, Russia submitted its Memorandum of Foreign Trade Regime which shows Russia's regulations on trade, intellectual property, services etc. to the WTO Working Party (Stern, 2002: 9). In addition to Russia's structural regulations, the accession process was interrupted by the crisis in 1998 (Chowdhury, 2003: 4). Nevertheless, in his first term in the office (1999-2000), Putin set the goal of becoming a member of WTO in international trade, and the accession process began at that time (Chowdhury, 2003: 4; Tarr, 2007: 4).

Although there were still concerns over subjects such as agricultural subsidies, trade procedures, NTBs and judicial arrangements, Russia has made significant progress in achieving structural reforms which help the adjustment process to the WTO principles and also Russia agreed to set lower tariff barriers (Chowdhury, 2003: 7; Stern, 2002: 21).

The membership of Russia is a significant event with potential outcome in economic relations of Russia (Popova et al., 2015: 234). Russia was the only Group of Eight (G8) country which was not a member of the WTO (Aslund, 2007: 290). For this reason, in order to have a share in the market and an influence in international trade agenda as other G8 countries do, Russia had to be a member of the WTO (Aslund, 2007: 290). After all, Russia views IOs not as independent establishments but rather as a tool to be used by developed states (Bond, 2015: 202).

This aspect of membership appeared more during G20 Meeting in 2009, as Russia remained outside the discussions on proper measures against protectionism and on completing Doha Round among other countries (Portansky, 2011: 50). In the aftermath of the complicated debate between anti-competitive business lobbies and supporters of market-oriented reforms and Georgia's effort to block Russia's membership due to the ongoing conflict, Russia became a member of the WTO in 2012, during the administration of Dmitry Medvedev (2008-2012) (Babetskaia Kukharchuk and Maurel, 2004: 682; Belton, 2012).

Clearly, Russia was not a member during Doha Round 2008, nevertheless it officially pointed out the importance of the Round. Vladimir Putin, President of Russia since 2000, said in an interview with TASS-Russian News Agency in 2014 that dissidence between interests of developed and developing states impeded completion of Doha Round (TASS-Russian News Agency, 2014). He emphasized that both developed and developing states were depended on each other under the current global economic circumstances (TASS-Russian News Agency, 2014).

In an interview dated on April 28, 2018, Dmitry Medvedev, who was the Prime Minister of Russia from 2012 to 2020, highlighted that even though the WTO has inconveniences and Doha Round has never ending discussions, the WTO is still the regulatory authority in the realm of international trade (The Russian Government News, 2018). Similarly, at the BRICS leaders' meeting at the G20 in 2019, Vladimir

Putin stated that lowering or ending WTO's role would be damaging, WTO rather must be shaped in accordance with the current situations, as the wave of protectionism and politically motivated restraints are affecting the global trade (Reuters, 2019).

With regards to the official statements mentioned above, it would be fair to argue that Russia wants to renovate the WTO rather than demolish it. In this context, it can be said that Russia wants new version of the WTO reshaped in a way to be more appealing to developing states.

2.2.3. India

After gaining independence, India implemented policies within the framework of self-sufficiency and government interference principles (Topalova and Khandelwal, 2011: 996). India had the most restrictive trade policies in Asia, imposing high tariffs and excessive amount of NTBs (Topalova and Khandelwal, 2011: 996).

There was a gradual decrease in tariffs in the 1980s, but it was overshadowed by the imbalances in finance and in balance of payment accounts and the increase in oil prices due to the Gulf War (Topalova, 2010: 4; Topalova and Khandelwal, 2011: 996). Imbalance in balance of payment account and political crises such as instability of coalition government and assassination of Rajiv Gandhi caused distrust among creditors (Topalova, 2007: 295). Under these circumstances, India turned to the IMF for a standby agreement in 1991 (Krishna and Mitra, 1998: 449). The IMF loans are given conditionally, which means states need to implement economic reforms to have IMF loans (Krishna and Mitra, 1998: 449; Topalova, 2007: 295).

In this context, India declared its new trade policies in 1991 as the decrease in tariffs and quantitative restrictions, the abolition of import licensing and NTBs (Chopra et al., 1995: 53; Krishna and Mitra, 1998: 449). Even though this initiative resulted in a relief for the economy, India continued the trade liberalization process in its Ninth Plan (1997-2002) (Topalova, 2010: 5). Until 2001, the average nominal tariffs were decreased by approximately 75%, compared to those in 1991 (Topalova, 2010: 6).

As one of the founders, India is an active member of WTO and it uses multilateral trade regime as a leverage to reach international financial resources (Chawla, 2003: 256). India played an important role in Doha Round (Deardoff and Stern, 2004).

For example, postponing the issue of labor standards to the next rounds and reaffirming the International Labor Organization (ILO) as the sole authority on this issue were priorities and the negotiations on labor standards ended up with the way India wanted (Aiyar, 2001). Also, together with Brazil, India formed the G20 at Cancun Meeting in 2003 in a response to the USA-EU agreement (Efsthathopoulos, 2012: 273). Therefore, at the beginning of the DDA, Murasoli Maran, who was the Indian Minister of Commerce and Industry between 1999 and 2002, was hopeful about the Round that it would not cause any harm to the interests of India (Press Trust of India, 2001).

However, Arun Shourie, who was the Indian Minister of Commerce and Industry between 2002 and 2003, stated at the WTO's informal meeting in 2003 that the provisions of the WTO should be undertaken cautiously, otherwise the DDA would be counterproductive (Asia Pulse, 2003). Likewise, Arun Jaitley, who was the Indian Minister of Commerce and Industry between 2003 and 2004, during his visit to London on June 30, 2003, highlighted that India refused to go any further in new issues such as FDIs, competition etc. unless agricultural subsidies would be decreased and eventually eliminated (Denny, 2003).

Sharing the same point of view with his predecessor, Kamal Nath, who was the Indian Minister of Commerce and Industry between 2004 and 2009, also stated that India still worries about the agricultural policies due to its high dependence on this subject (Goyal and Arakali, 2007). At the Fortune Global Forum on 29-31 October 2007, he emphasized that unless DDA reaches a framework for agriculture, India would not be able to have flexibility on other issues (Goyal and Arakali, 2007). On the other hand, he indicated at a stakeholder meeting in 2008 that he was optimistic that part of the complicated issues would be solved by Doha Round 2008 (Reuters, 2008b).

As a strong negotiator in the WTO along with Brazil, the EU and the USA, India managed to gather and lead developing states against developed countries,

especially the USA (Beattie, 2009). And even after Doha Round 2008, Nath advocated that a bad outcome for developing states was worse than no outcome (Beattie, 2009).

Nath's successor, Anand Sharma, who was India's Minister of Commerce and Industry between 2009 and 2014, said that the Indian government was dedicated to have a successful closure for Doha Round in his first year in the office (Reuters, 2009b). Also, Sharma emphasized at a press conference held in Rome on January 24, 2011 that he hopes to reach a final text soon in order to have a progress in DDA (Reuters, 2011). At the Regional Trade Policy Course 2011 at the Centre for WTO Studies, Sharma said that the financial crisis could lead to protectionism, which in turn could lead to a deepening of the crisis (Ministry of Commerce and Industry of India Press Information Bureau, 2011). He pointed out that the completion of Doha Round would not only prevent the protectionist inclination, but also restore the place WTO has in international trade (Ministry of Commerce and Industry of India Press Information Bureau, 2011). Moreover, he elaborated in an interview with BBC that the Round must continue, otherwise the collapse could be harmful to the global economy (BBC, 2013).

Likewise, a couple of months before the Nairobi Meeting on December, 15-18, 2015, Narendra Modi, who was the Prime Minister of India between 2014 and 2019, stated that at the meeting, the members must reassure that the Round would not collapse, by reaching an agreement on DDA, especially on agricultural issues (Suneja, 2015). However, after the meeting, Nirmala Sitharaman, who was the Indian Minister of Commerce and Industry between 2014 and 2017, said that the DDA is in danger as the negotiations spread to different areas and members need to have a common sense in negotiations (Press Trust of India, 2015).

In that vein, after the Buenos Aires Meeting in 2018, India officially declared that it was dedicated to complete the DDA in a more beneficial way, but several MS were reluctant to agree upon a permanent declaration (Press Releases by Ministry of Commerce and Industry of India, 2023). India has also stated that although the other members' approach made it disappointed, it would continue to participate in the negotiations to reach an acceptable draft (Press Releases by Ministry of Commerce and Industry of India, 2023).

In this context, India declared that it was still determined to reach a credible draft, so that WTO would continue to have its place in international trade. India is an active supporter of multilateral order and it keeps its supports and commitments to both the DDA and the WTO (Chawla, 2003: 276; Saran, 2013: 43). Therefore, such statements would be no surprise.

Nevertheless, India chases after developmental multilateralism in the WTO (Efsthathopoulos and Kelly, 2014: 1070). It seeks reformation of negotiation process for the benefit of developing states (Efsthathopoulos and Kelly, 2014: 1077).

2.2.4. China

Like other developing states, China embraced the import substitution model for industrial growth, as well (Lardy, 1992: 16). However, Chinese trade policies were not based on tariffs and quotas, but rather on the monopolies of export and import companies (Ianchovichina and Martin, 2001: 423). Export and import companies are authorized foreign trade establishments which implement foreign trade policies (Lardy, 1992: 17).

Clearly, globalization made WTO membership necessary for China (Wu, 2011: 236). Because it had to secure its exports and market access (Wu, 2011: 236). Moreover, the WTO provides the dispute settlement mechanism (DSM) that China will use against the members violating the WTO rules, and also, as a member of WTO, China will have a say in trade negotiations (Ikenberry, 2008: 32; Wu, 2011: 238).

Although China was one of the original signatory states of the GATT, the Taiwanese government disclaimed China being a party to the GATT in 1950 (Gertler, 2004: 21). In 1986, China decided that it would resume its participant status in the GATT (Gertler, 2004: 21).

China undertook several foreign trade plans that included a narrow liberal side to increase exports, but official trade liberalization started when the China Communist Party declared the initiation of “*the Socialism Market System with Chinese Characteristics*” in 1992 (Sheng, 2015: 5). Also, Deng Xiaoping, the “*Paramount Leader*” of that period, China’s efforts to be a party to the GATT/WTO

had risen and China officially applied for WTO membership in 1995 (Lu and Yu, 2015: 224). Moreover, in 1994, China initiated the Foreign Trade Law, which framed China's modern trade regime (Sheng, 2015: 5).

Under the WTO Working Party, by signing bilateral market-access agreements with WTO members, particularly with the USA, China declared its commitments on liberal provisions of the WTO (Gertler, 2004: 21; Wang, 2000: 373-374). In that period, China implemented trade liberalization which had four dimensions; increasing the amount of foreign trade companies so that monopoly of foreign trade companies would diminish, developing other trade instruments such as tariffs and quotas, eliminating foreign exchange controls and regulating prices (Ianchovichina and Martin, 2001: 423; Martin, 2001: 10). And 15 years later of its resumption in the GATT, on September 17, 2001, China became a member of the WTO (Gertler, 2004: 21).

It is noteworthy to mention that China has accepted comprehensive obligations of the WTO through accession protocols it signed with other MS, especially the USA (Kong, 2014: 960). By extending MFN status, it balanced the pressure of Schedule of Concessions and Commitments on Goods and its consolidated Schedule of Specific Commitments on Services, which is a part of the protocols (Gertler, 2004: 22; Kong, 2014: 960). Yet, for the first time in the GATT/WTO history, MS formed a task force to watch over China's compliance with the WTO provisions (Kong, 2014: 960). On the other hand, during the negotiations before its membership, the Chinese official reacted to this approach, saying that "*We know we have to play the game your way now, but in ten years we will set the rules!*" (Bergsten, 2008: 65). It is clear that China sees IOs as a mean to reach its national interests and goals (Medeiros and Fravel, 2003: 25).

Within this framework, Chinese politicians consider WTO membership as one of the most important reform in China (Lin, 2001: 13). And it can be interpreted from their statements. For example, at the end of International Situation and the WTO Seminar, Jiang Zemin, who was the President of China between 1993 and 2003, said that China had to deepen the economic transition in order to become more competitive in global trade and make the most of being a member of the WTO (China Central Television, 2002).

Furthermore, at the 27th Annual Meeting of Ministers for Foreign Affairs of the Group of 77 on September 16-19, 2003, Li Zhaoxing, who was the Foreign Minister of China between 2003 and 2007, mentioned that China would continue to make efforts with other developing states to reach a developmental end with DDA (Permanent Mission of the People's Republic of China to the UN, 2003).

Likewise, after the collapse of Doha Round 2008, Liu Chianchao, who was the Spokesperson of the Ministry of Foreign Affairs of China between 2001 and 2009, said at his regular press conference on December 4, 2008 that China would actively participate in any negotiation to conclude DDA with a more balanced program (Consulate General of People's Republic of China in Toronto, 2008). Furthermore, Yang Jiechi, who served as the Foreign Affairs Minister of China between 2007 and 2013, said that trade protectionism should be avoided and developing states must be provided with trade aid for capacity building in his speech at the UN Conference on the World Financial and Economic Crisis and Its Impact on Development on June 24, 2009 (Embassy of the People's Republic of China in the Republic of Serbia, 2009). He also implied that members should strive to achieve the goals of the DDA (Embassy of the People's Republic of China in the Republic of Serbia, 2009).

Moreover, at 20th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting held on September 6-9, 2012, Hu Jintao, the President of China between 2003 and 2013, advocated that members need to maintain their adherence to the liberal provisions of the WTO against protectionist tendencies and continue with DDA (Mission of the People's Republic of China to Association of Southeast Asian Nations, 2012). Likewise, Wang Yi, who was the Foreign Affairs Minister of China between 2013 and 2022, implied the need to avoid protectionism and to go further in the DDA negotiations at UN Event on September 25, 2013 (Ministry of Foreign Affairs of People's Republic of China, 2013).

Also, Xi Jinping, President of China since 2013, along with his colleagues in the rest of BRICS countries, made a statement at the G20 Summit in 2018 emphasizing the importance of open trade and reforming the WTO (CNBC, 2018).

As it can be seen, China has officially implied the importance of WTO principles and the risks of protectionist measures as well. Ultimately, a well-

functioning international trade regime would be beneficial to China (Kong, 2014: 978). Because, such a regime would serve Chinese interests (Kong, 2014: 979).

2.2.5. South Africa

South Africa has been a signatory of the GATT since June 13, 1948 and a member of WTO since January 1, 1995 (WTOa, 2023). During the GATT years, South Africa announced itself as a developed country³² and tried to regulate its tariff and subsidiary policies with regards to provisions for developed states (Ismail, 2015: 176, Hirsch, 1995: 52).

However, the new government in 1994 faced the consequences of positioning itself among developed states such as comprehensive trade liberalization policies, heavy restraints on TRIMs and reassurance for TRIPs (Keet, 2010: 1-2). As a heritage from the apartheid regime, South Africa tried to realize its commitments under WTO provisions for developed countries, but has also settled alongside other developing states in the WTO Rounds (Keet, 2010: 2-3).

The trade liberalization process deepened when South Africa signed the Marrakesh Declaration (Cockburn et al., 2007: 272). Within this framework, South Africa placed competition and trade liberalization as the main objectives in its economic plan named “*Growth, Employment and Redistribution: A Macroeconomic Strategy*” declared in 1996 (Department of Finance of South Africa, 1995: 21). In addition, the new government persuaded trade liberalization with the abolition of surcharges on imported goods and introducing a five year program on tariff reduction (Thurlow, 2007: 162).

South African foreign policy was relied on actively participation in the international arena through IOs (Alden and Le Pere, 2004: 284). And this approach also reflects on South Africa’s stand towards the WTO through politicians’ official statements, as well.

For example, as a minister of a newly democratic state, during Cancun Meeting on September 10-14, 2003, Alec Erwin, the Minister of Trade and Industry

³² The reason behind South Africa’s self-positioning as a developed country is the result of its apartheid policies. The government placed itself among major powers as a repercussion of white and elite African population in the country (Ismail, 2015: 176-177).

of South Africa between 1996 and 2004, said that the meeting was the first time that developing states sat down and negotiated equally with developed countries (Elliot et al., 2003). His successor, Mandisi Mpahlwa, who was the Minister of Trade and Industry of South Africa between 2004 and 2009, emphasized the continuation of South Africa's faith in the WTO by emphasizing the importance of the WTO as a platform that provides a secure market access, equal voice and opportunity to address developmental needs at South Africa's National Consultative Conference for the 6th WTO Ministerial Conference on 27 October 2005 (Department of International Relations and Cooperation of Republic of South Africa, 2023).

Similarly, after the suspension of Doha Round, Thabo Mbeki, who was the President of South Africa between 1999 and 2008, said at a press conference in July 2006 that discussions on deal on agricultural regulations were very critical for developing states and in order to keep the Round continued, South Africa would try to convince other developing states (Independent Online, 2006). On the other hand, at the India Brazil South Africa (IBSA) Meeting of Heads of State and Government, Mbeki said that as Doha Round was suspended indefinitely, the IBSA trade talks became crucial to achieve developmental aims in the Southern states (Department of International Relations and Cooperation of Republic of South Africa, 2006). Nonetheless, it does not mean that IBSA block wants to dismiss the WTO, at another IBSA Summit on September 17, 2007, the block emphasize the significance of completing Doha Round for developing states (Simao, 2007a).

After the collapse of Doha Round 2008, at the opening of the World Summit on Food Security on November 16, 2009, Kgalema Motlanthe, who was the President of South Africa between 2008 and 2009, urged upon the conclusion of the DDA (South African Government, 2009). He emphasized that the completion of the DDA would ease the problems that developing states face entering in developed markets (South African Government, 2009). His successor Jacob Zuma, the President of South Africa between 2009 and 2014, also gave importance to the conclusion of the DDA, saying in his speech at the Annual UN General Assembly in 2009 that developing states suffered the most from the economic crisis, even though they did not cause it and as Doha Round had a developmental purpose, it was significant for them (UN News, 2009). He also mentioned that the Bretton Woods institutions have

not been able to respond fairly to global economic crises and so they must be reformed in a more democratic and responsive way, especially to provide opportunities for developing states (UN News, 2009).

In his speech at the Third BRICS Leaders Meeting April 14, 2011, Zuma once again laid stress on the significance of concluding of Doha Round to have a fairer international trade (Embassy of the People's Republic of China in the Republic of South Africa, 2011). However, it must be pointed out that South Africa's stance on concluding the Round was not hasty but progressive. As Rob Davies, Minister of Trade and Industry of South Africa between 2009 and 2019, said in his press release on May 30, 2011, South Africa would not settle for a minimized version of DDA with regards to the discussions at WTO (Brand, 2011). In the press release, he also said that the hopes to conclude Doha Round in 2011 have diminished (Hindustan Times, 2011). However, his stance on the smaller version of DDA must have changed, because in another press release before Ministerial Meeting 2013 in Bali, he strongly advocated that members needed to agree on the smaller package in negotiations, otherwise the credibility of WTO as an international trade authority would eroded away (Ensor, 2013).

Furthermore, Davies said before WTO Ministerial Conference 2015 in Nairobi, that members were divided into two groups; one believes that DDA is important and must be completed, the other one believes that Doha Round is already dead with its work program under the current framework (South African Government News Agency, 2015). In this scope, he stated that the Summit could not affirm Doha Round as 'dead' without implementing its developmental agenda into international trade, therefore the work program ought to be redefined in order to move further with DDA (Kanth, 2015). Moreover, during the Informal Ministerial Meeting 2017 in Morocco, he pointed out that differentiation of views on how to address DDA still continued and that a realistic outcome of Doha Round was urgent especially for developing states (South African Government News Agency, 2017).

To sum up, South Africa still wants to go further with the DDA and the WTO. It is also clear that it wants a more democratic and eligible version of the WTO for the name of developmental interests.

All in all, in this section, I ask whether the political stances of developing states towards the WTO have changed after the Doha Round 2008 by examining official statements of leaders and trade ministers of BRICS between 2000 and 2018. Within the discussions above, it can be said that BRICS want to go further with the WTO negotiations and complete Doha Round. They supported the idea that the Round must be completed in a developmental way. In this way, not only the developing states will benefit from international trade, but the WTO will also stand as a valid authority. As for official statements, BRICS seem to have faith in moving forward in the WTO negotiations, rather than distorting from the WTO. Therefore, this section argues that Doha Round 2008 did not deflect political stance of BRICS towards the WTO. Yet, the question of whether their actual trade policies were in line with WTO continues. The next section tries to find a solid answer to this question.

2.3. STATISTICAL ANALYSES OF PROTECTIONIST ACTIONS MEASURED BY THE DEVELOPING COUNTRIES BEFORE AND AFTER THE DOHA ROUND 2008

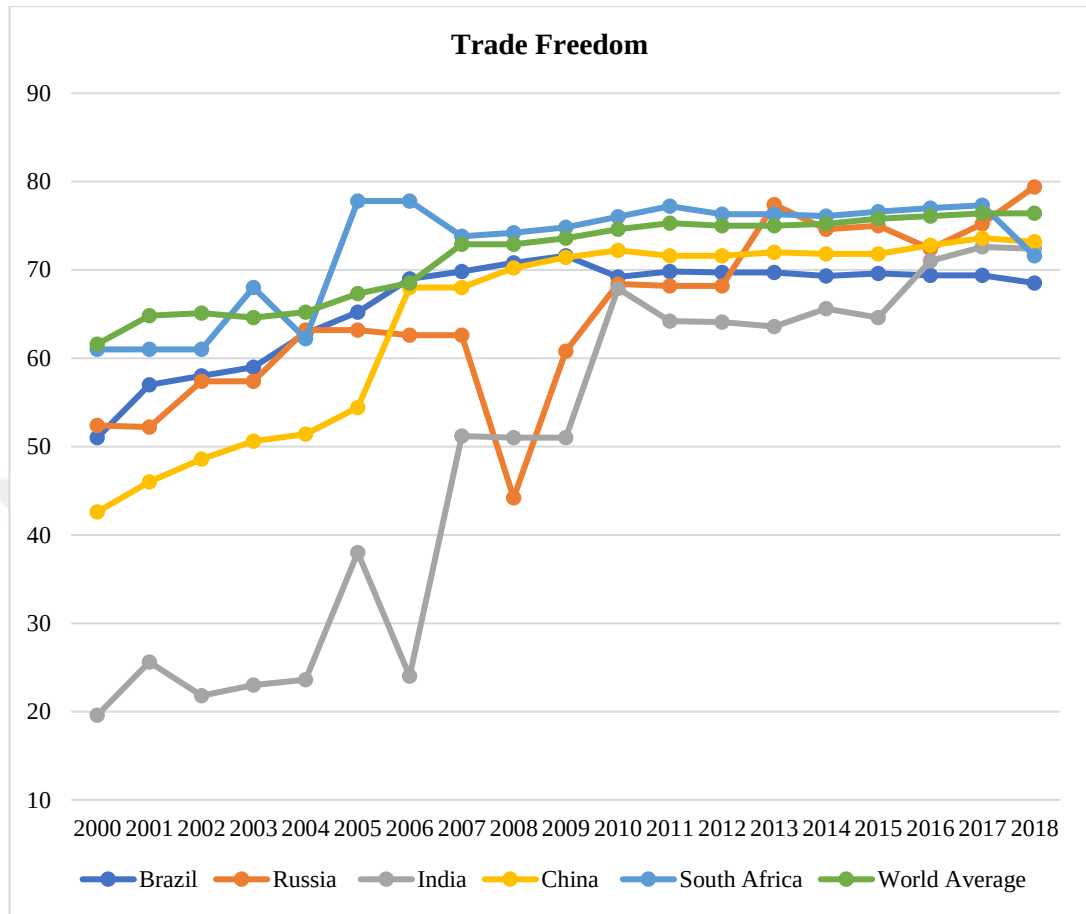
The previous section asks whether the political stance of the developing states towards the WTO has changed after the Doha Round 2008. The analysis was based on official statements of leaders and trade ministers of BRICS between 2000 and 2018. The section discusses that official statements show that BRICS seem to have hopes in the continuation with the WTO negotiations, rather than distorting from it. In accordance with the official statements, it can be deduced that BRICS officially continues with liberal discourses of the WTO. However, the question of whether their actual trade policies were in line with the WTO provisions remains. This section will examine the question of whether Doha Round 2008 has had an impact on the trade policies of developing states. Within this scope, I will begin by defining protectionist measures. Then, I will focus on how to evaluate a country's level of protectionism. As Section One, this section also examines BRICS from 2000 to 2008 and from 2008 to 2018.

To begin with, trade protectionism refers to trade policies that favor domestic producers of certain sectors (Abboushi, 2010: 387; Evenett, 2019: 14). Trade protectionism can be classified as tariffs, quotas, regulatory standards (NTBs), subsidies to domestic producers, capital controls, VERs and governmental activities in the market such as state ownership (Abboushi, 2010: 387; Enderwick, 2011: 328; Hillman, 1990: 103-104; Ruggie, 1994: 5).

In evaluating the extension of protectionist manners on trade policies, there are various indicators and databases that analyze the protectionist measures of a country such as Trade Restrictiveness Index of IMF, Overall Trade Restrictiveness Index of WB, Index of Economic Freedom of The Heritage Foundation, Market Access Maps, supplemental indicators and price-gap measures (IMF, 2005: 1). I will use the Index of Economic Freedom, since the data availability is the highest. The Heritage Foundation reports the Index of Economic Freedom annually. It examines the regulations and actions under four subjects: “*rule of law*” (covers “*property rights*”, “*judicial effectiveness*”, “*government integrity*”), “*government size*” (covers “*tax burden*”, “*government spending*”, “*fiscal health*”), “*regulatory efficiency*” (covers “*business freedom*”, “*labor freedom*”, “*monetary freedom*”), “*open markets*” (covers “*trade freedom*”, “*investment freedom*”, “*financial freedom*”), then comes up with an overall score from all the indicators (Miller et al., 2022: 4). The Heritage Foundation classifies scores as “*repressed*” (0-49,9), “*mostly unfree*” (50-59,9), “*moderately free*” (60-69,9), “*mostly free*” (70-79,9), “*free*” (80-100) (Miller et al., 2022: 2).

Within this framework, I will examine BRICS as a whole within the scope of open market from 2000 to 2018. Because apart from trade freedom, investment freedom and financial freedom contains WTO-related issues as well. For example, on investment freedom, there are TRIMs; on financial freedom, there is Committee on Trade in Financial Services to negotiate the opening of banking and insurance systems to foreigners (WTOB, 2023).

Figure 1: Trade Freedom



Source: Figure 1 is prepared through using database of The Heritage Foundation (The Heritage Foundation, 2023).

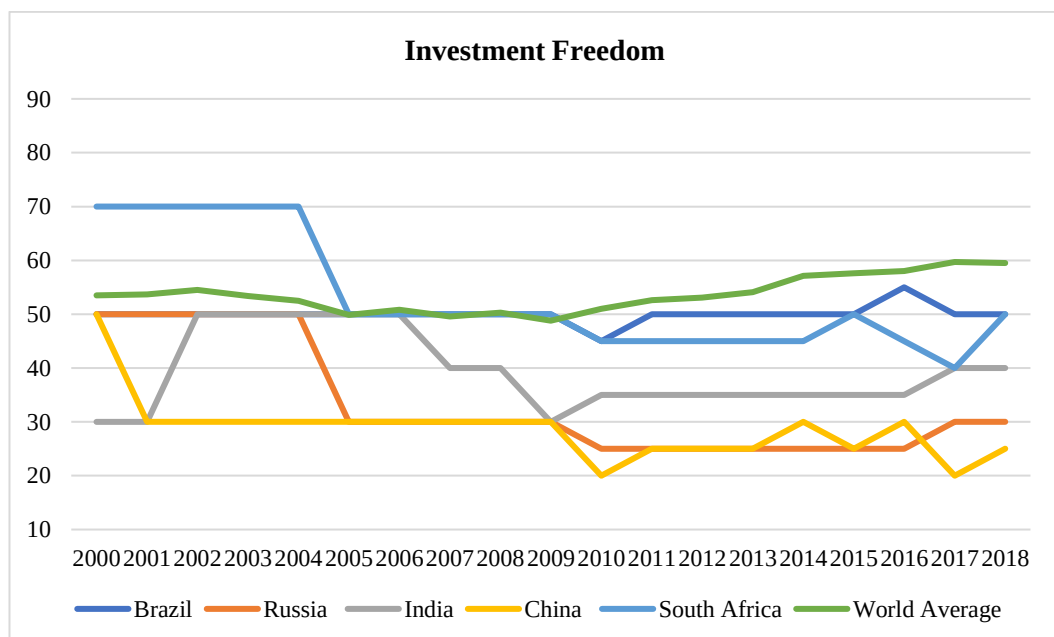
To begin with, Figure 1 shows trade freedom of BRICS from 2000 to 2018. Brazil is mostly unfree in 2000, but the line steadily moves upwards until 2010 where it becomes mostly free. It falls slightly from 71,6 to 69,2 in 2010 and becomes moderately free. Its line moves horizontally and ends with 68,5 in 2018. On the other hand, Russia has more ups and downs in its line than Brazil. It starts with 52,4 on mostly unfree section in 2000. It has a sharp decline from 62,6 to 44,2 and becomes repressed in 2008, however it goes back to moderately free with 60,8 and stays until 2012, when it becomes a member of WTO. After 2012, Russia's line fluctuates in mostly free section, in 2018 it reaches highest point with 79,4 above other BRICS countries and also world average which is 76,4.

On the other hand, India is the one which starts with lowest score (19,6) and classified as repressed. Its line goes downward in 2006 and there is a sharp move upwards with 51,2 in 2007. During 2008, the line moves steadily. In 2010, it becomes moderately free with 67,9 and fluctuates for five years. In 2016, with 71 it becomes mostly free and ends the period as mostly free.

In other respects, China shows a linear movement upwards. It starts with 42,6 in 2000 as repressed and with a sharp increase in 2006 to 68,5, it becomes moderately free. In 2008, it becomes mostly free and stays till 2018 with a steady move. Starting with almost same score with world average, South Africa is moderately free in 2000 with 61. It has a shift in 2005 to mostly free with 77,8. There is no change on the slope after 2008 and even it has a downward movement in 2018, it is still in mostly free side of the figure.

Besides, world average has a linear line upwards starting from moderately free with 61,6 in 2000 and ending at mostly free in 2018 with 76,4. According to Figure 1, it can be said that BRICS and also world average continues with liberalism in trade policies.

Figure 2: Investment Freedom



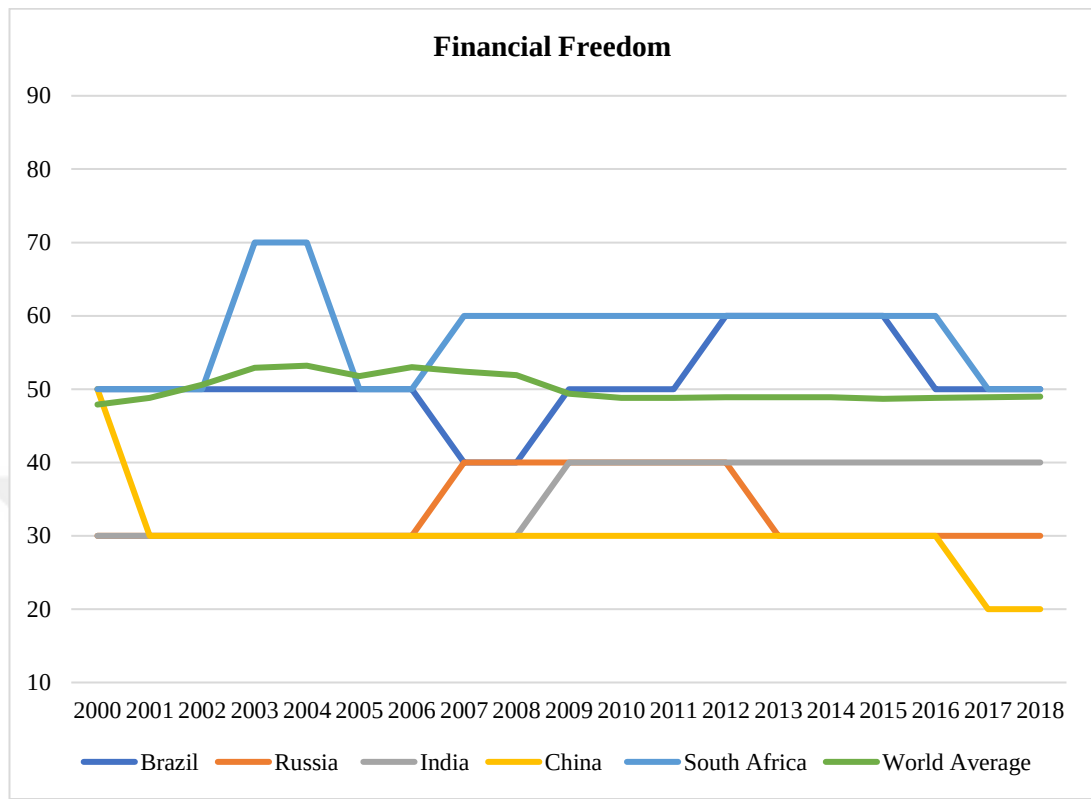
Source: Figure 2 is prepared through using database of The Heritage Foundation (The Heritage Foundation, 2023).

Next, Figure 2 shows investment freedom of BRICS from 2000 to 2018. Before analyzing the figure, it is necessary to acknowledge that the data on investment freedom covers regulations for both citizens and foreigners (Miller et al., 2022: 17). Therefore, if a country applies liberal TRIMs but repressive internal regulations; it can be counted as repressed with regards to the proportions of regulations.

In the light of this information, Brazil is mostly unfree with 50 in general, except for a decrease to 45 in 2010 and an increase to 55 in 2016. Until 2005, Russia is mostly unfree with 50 as well. After its fall to 30, it becomes repressed till 2018. Apart from being mostly unfree with 50 between 2002 and 2006, India is repressed on investment policies, too. Despite the fact that China is mostly free with 50; with a decrease to 30 in 2001, it becomes repressed and stays as such till 2018.

On the other hand, having the highest score above all, South Africa starts the period as mostly free with 70. However, it falls to 50 in 2005 and becomes mostly unfree and ends the period as such, apart from being repressed between 2010 and 2017. On the contrary, world average fluctuates between 53,5 and 59,5 in the period as mostly unfree with a steady line between 2005 and 2009. However, the question whether failure of Doha Round 2008 led to protectionism in investment remains unanswered. Because according to Figure 2, one cannot deduce that it had an impact, due to the fact that BRICS start off as mostly unfree or repressed and continues as such except South Africa.

Figure 3: Financial Freedom



Source: Figure 3 is prepared through using database of The Heritage Foundation (The Heritage Foundation, 2023).

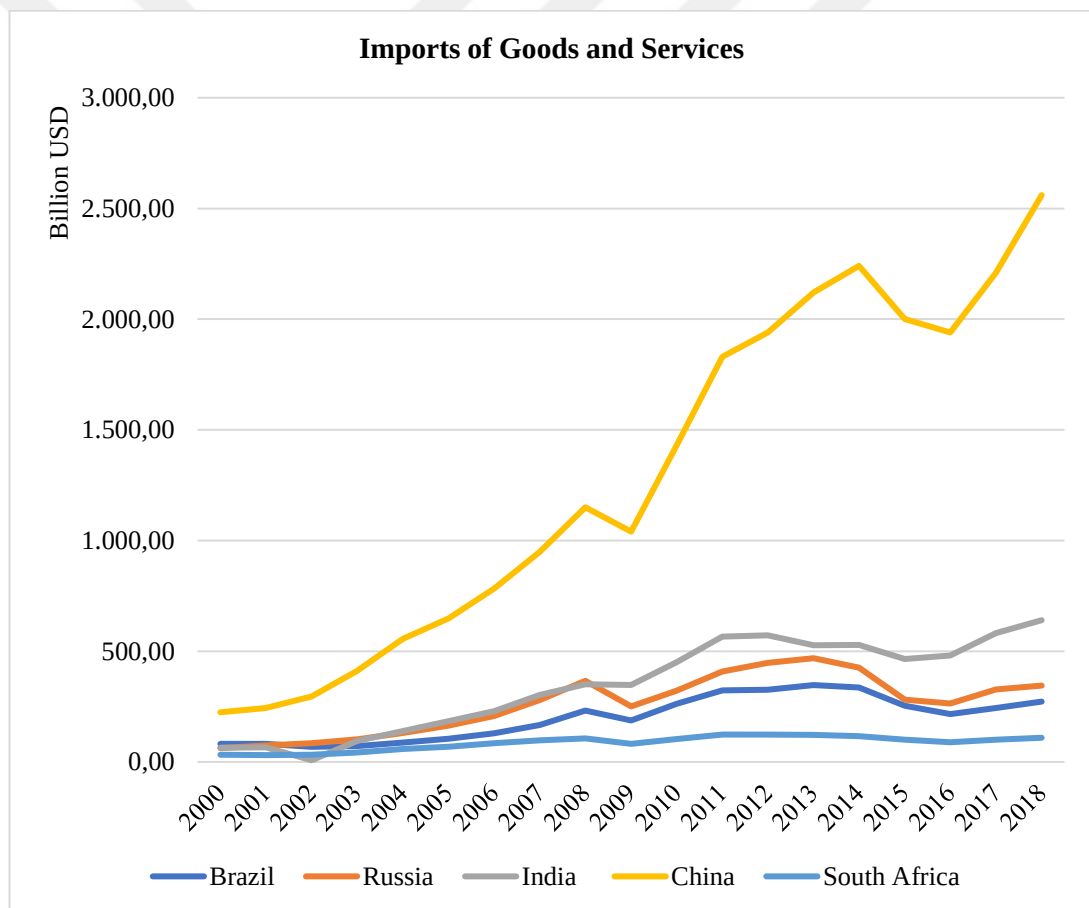
Finally, Figure 3 shows financial freedom of BRICS from 2000 to 2018. As for Figure 3, the data on financial freedom covers regulations for both citizens and foreigners, as well (Miller et al., 2022: 17). Therefore, with regards to the proportions of regulations applied to citizens and foreigners, countries can be counted as repressed.

Apart from a repressed period between 2007 and 2008 and a moderately free period between 2012 and 2015, Brazil is mostly unfree on financial freedom. On the other hand, Russia and India are repressed with a similar line. China joins them after beginning as mostly unfree with 50 in 2000. Unlikely, starting as mostly unfree, South Africa becomes mostly free with 70 in 2003. After its fall to mostly unfree between 2005 and 2006, it becomes moderately free in 2007 and stays as such until 2016. With a fall in 2017, it becomes mostly unfree and ends the time period as such. Also, world average moves steadily around mostly unfree levels.

Likewise, the question whether failure of Doha Round 2008 led to protectionism in financial policies remains unanswered. Because according to Figure 3, it cannot be deduced that it had an impact, due to the fact that, BRICS move below mostly unfree levels from the beginning of time period except South Africa.

As a result, for investment and financial regulations, it cannot be argued that Doha Round 2008 had an effect on BRICS, besides they are related to limited WTO provisions. On the other hand, with regards to trade freedom, BRICS have a tendency to move towards mostly free levels after Doha Round 2008.

Figure 4: Imports of Goods and Services

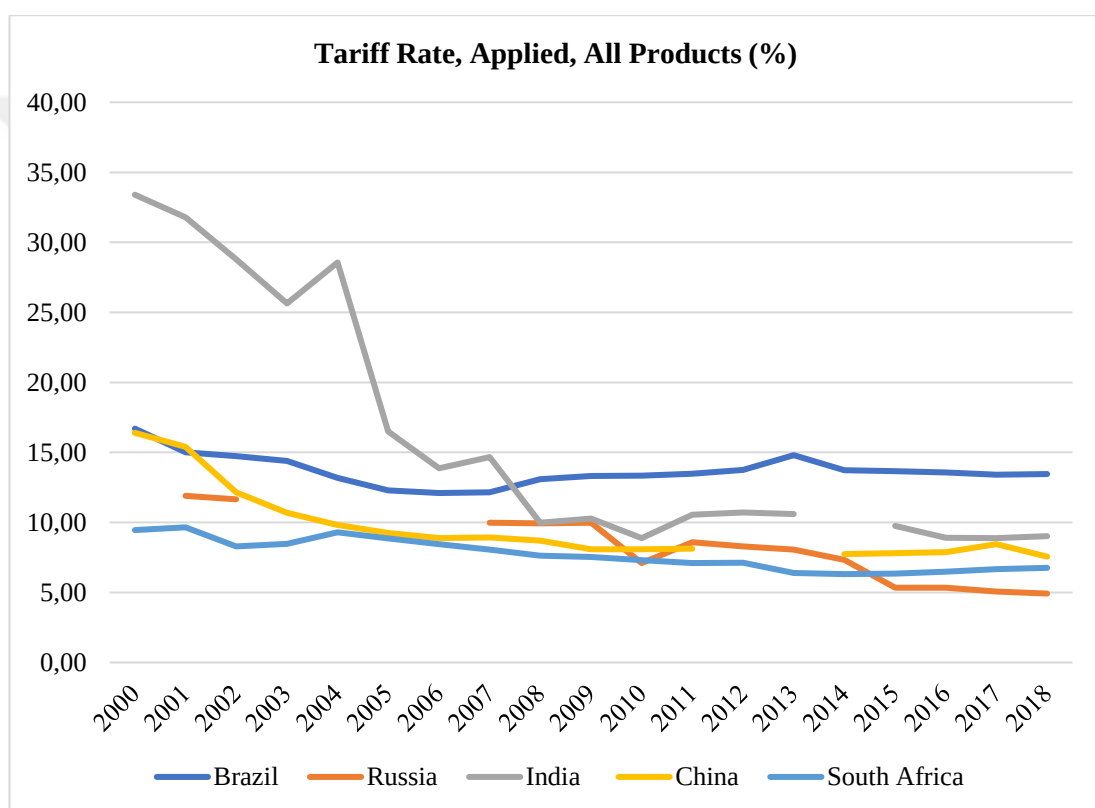


Source: Figure 4 is prepared through using database of WB (WB, 2023a).

In addition to the analysis on trade restrictiveness, Figure 4 shows the amount of import occurred in BRICS. Even though the amount of import changes, the lines have a very similar slope. In other words, BRICS have a slight decrease in the

amount in import from 2008 to 2009. After 2009, all of them incline to have an increase in the imports. Even though there is a decrease in 2014, from 2016 the lines go upwards for BRICS. Also, for all, the amount of import at the end has risen compared to the amount in the beginning of the time scale. With this regard, it can be said that 2008 incident has a little effect on imports, since BRICS have increased its imports.

Figure 5: Tariff Rate, Applied, All Products (%)

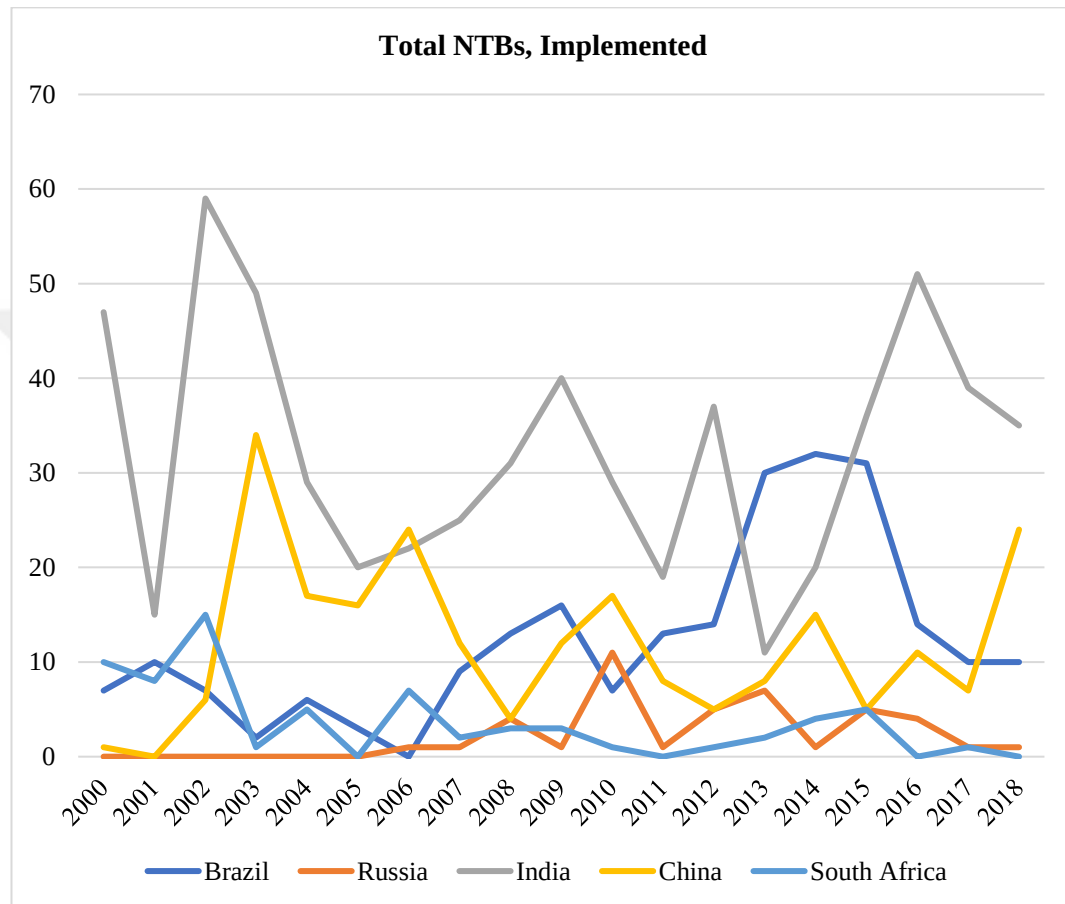


Source: Figure 5 is prepared through using database of the WB. (WB, 2023b).

Furthermore, Figure 5 shows the average tariff rates imposed by BRICS. As mentioned before, data could not be available in several issues. Therefore, it is important to note that Figure 5 is prepared through limited data, as there is no data for of Russia in 2000, 2003, 2004, 2005 and 2006; of India in 2014; of China in 2012 and 2013. Nevertheless, it gives a glimpse of tariff policies of BRICS. It can be seen that only Brazil has an increase in its tariff rates since 2008, however since 2013 the line moves downwards. In the meantime, all BRICS end up with less amount of tariff

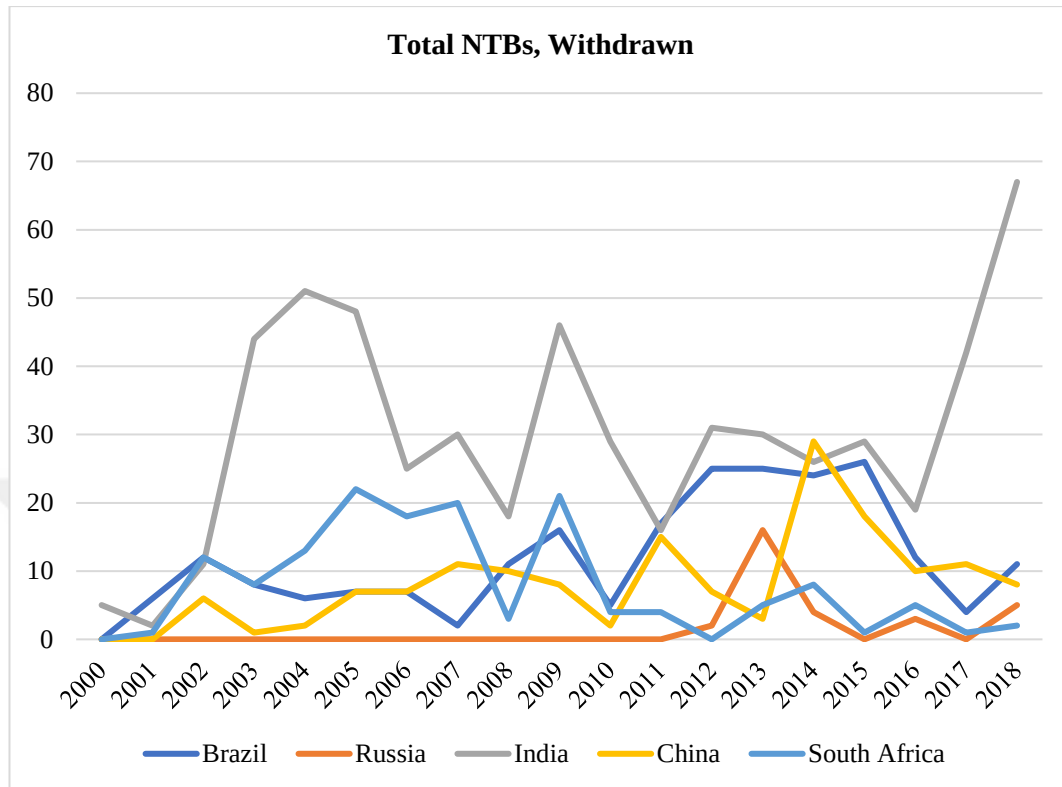
rates compared to the beginning. Therefore, it can be said that in the given time period, BRICS had inclined to a more liberal approach in tariff rates.

Figure 6: Total NTBs, Implemented



Source: Figure 6 is prepared through using database of WTO Stats (WTO Stats, 2023).

Figure 7: Total NTBs, Withdrawn



Source: Figure 7 is prepared through using database of WTO Stats (WTO Stats, 2023).

Figure 6 shows the total NTBs (sum of anti-dumping, countervailing and safeguard measures) implemented by the BRICS between 2000 and 2018, while Figure 7 shows the total NTBs withdrawn. As it can be seen, neither implemented nor withdrawn NTBs have a steady line. Furthermore, both lines move similarly from time to time. For example, Brazil is implementing NTBs, at the same time withdrawing from NTBs. Even though the lines have different slopes, the breaking points occur almost simultaneously. The same situation happens for the rest of the BRICS as well. Only China has different slope in 2018, increasing the number of NTBs implemented and decreasing the number of NTBs withdrawn. Nevertheless, the policy choices in NTBs cannot be interpreted as a protectionist inclination after the Doha Round 2008 due to the unstable lines BRICS have.

All in all, in this section, I asked whether there has been a change in trade policies after Doha Round 2008. I analyzed the trade freedom levels of BRICS with their foreign trade policy preferences. The result is that BRICS maintained to

embrace liberal trade regulations after Doha Round 2008. Within this scope, I argue that developing states did not deflect their trade policies from WTO principles after Doha Round 2008, they kept implementing liberal policies.

However, the discussion both in this section and in the previous section has a limited timeline in order to reach an analysis free from the impacts of other contemporary crises happened in international trade realm. Thus, before concluding this chapter, I would like to analyze the reflection of contemporary issues on international trade trends. In this context, the next chapter an answer will be sought to the question of whether current issues have an impact on international trade.

2.4. IMPACTS OF CONTEMPORARY ISSUES ON INTERNATIONAL TRADE AGENDA

The previous sections analyze the question of whether developing states embraced protectionist measures after Doha Round 2008. In order to have a solid answer to the question, first I look at official statements of BRICS' political leaders, and then the trade policies of the BRICS. With the aim of comparing the atmosphere before and after the Round more accurately, the timeline is set between 2000 and 2018. By doing so, I would start the discussion with the DDA itself and end it before the impacts of contemporary issues come to the international trade agenda.

The previous sections conclude the discussion with the argument that developing states have not turned to protectionist trade policies after Doha Round 2008. However, before starting the next chapter, I would like to analyze the impact of contemporary issues on international trade. Therefore, in this section, I ask whether contemporary issues have an impact on international trade. In this way, I will know how the international trade agenda respond to contemporary issues before I discuss the position of the WTO on contemporary issues in international trade realm in the next chapter.

At Buenos Aires Meeting 2017, Roberto Avezedo, Director-General of the WTO between 2013 and 2020, proudly claimed that the WTO had enabled the MS to avoid the protectionist trade trend which had been expected to happen since 2008 (Kanth, 2017: 12). I would like to know whether WTO could keep MS away from

protectionist waves in contemporary crisis conditions. In this context, this section will focus on three main issues: trade wars, Covid-19 and the Russia-Ukraine War. To begin with, I will start by analyzing the impact of the trade wars. As a term, trade wars means excessive amount of tariffs imposed by trade partners reciprocally (Evans, 2019: 47). Recently, it has been used to describe the escalation of import tariffs that started when the USA launched tariffs especially on steel and aluminum products under Trump's "America First" policy³³, and the other trade partners of the USA responded with tariff increases since 2018 (Hoekman, 2020a: 98; Itakura, 2020: 77).

Developing states were assumed to be the most vulnerable ones to the possible consequences of trade wars, since export oriented growth will be severely injured by increase in tariffs (Evans, 2019: 55). Devarajan et al. list four policy actions for developing states to diffuse the negative effects of trade wars as follows: they either join the war and start imposing tariffs, or do not response, or join the RTA, or finally embrace liberal trade with the USA even more (Devarajan et al., 2018: 6). They come to a conclusion that developing states benefit more from embracing liberal trade policies progressively and joining the RTAs, rather than embracing the no action policy, and that pro-active approach will also be more devastating than taking no action (Devarajan et al., 2018: 12).

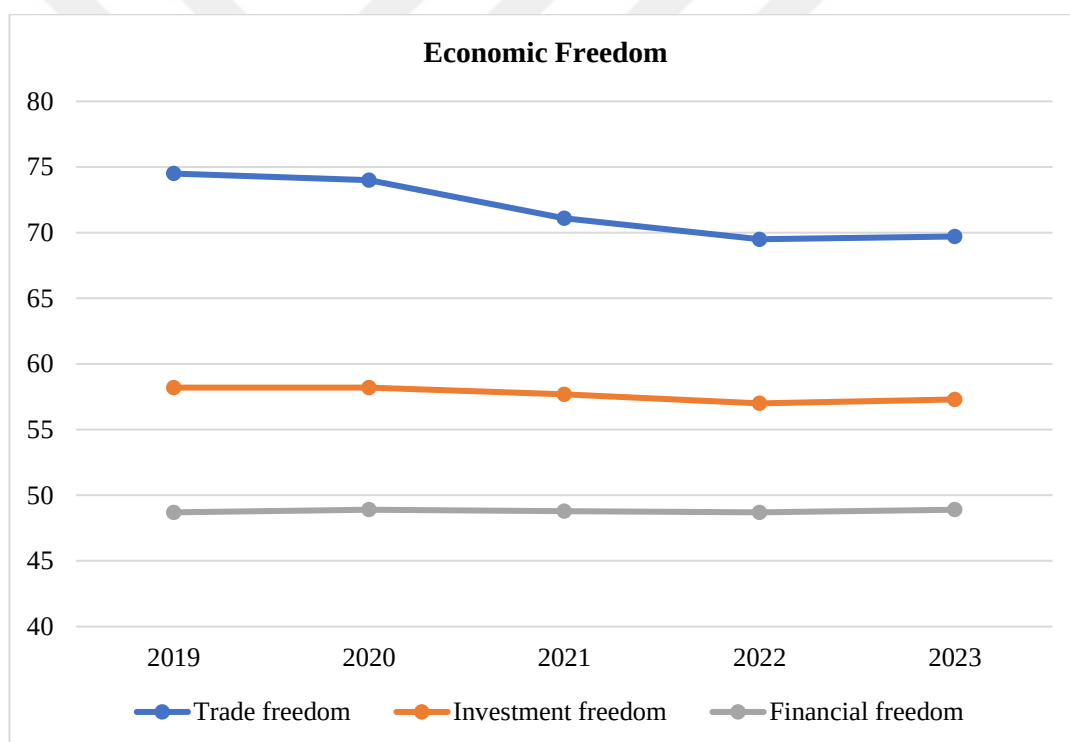
It is important to note that even though all MS did not embrace bandwagoning, the trend to implement trade protectionism is on the rise (Hoekman, 2020a: 101). Accordingly, the meeting of the WTO Trade Policy Review Body on December 12, 2019, it was pointed out that trade restrictions imposed by MS increased dramatically, causing uncertainty in international trade (WTO, 2019d). Nevertheless, during the G2 Conference³⁴ held at the WTO on June 8, 2019, Alan Wolff, Deputy Director General between 2017 and 2021, implied that the WTO would recover from the effects of trade wars and become stronger afterwards (WTO, 2019c).

³³ This approach is referred as "*Trumponomics*" in the literature (Evans, 2019: 49).

³⁴ Assembling the practitioners, members and officials of the WTO Appellate Body and NGOs, G2 Conference is hosted by the Georgetown University Law Center and the Graduate Institute of International and Development Studies for almost twenty years (Georgetown University Institute of International Economic Law, 2023).

However, it would be fair to claim that such hope would be fragile due to the Covid-19 outbreak. In an immediate response to the Covid-19, MS implemented 109 restrictive measures out of 256 new trade measures, while embracing 147 trade facilitating measures (WTO, 2020d: 2). Nevertheless, by mid-October 2020, 39% of restrictive measures were abolished (WTO, 2020e: 3). This trend continued throughout 2021 (WTO, 2021d: 2). On the other hand, the Russia-Ukraine War considerably affected trade flows (WTO, 2022m: 3). Trade volume is expected to decrease (WTO, 2022m: 2). In this context, out of new 109 restrictive measures, 50 measures were undertaken by MS as a response to war (WTO, 2022m: 3).

Figure 8: Economic Freedom, World Average

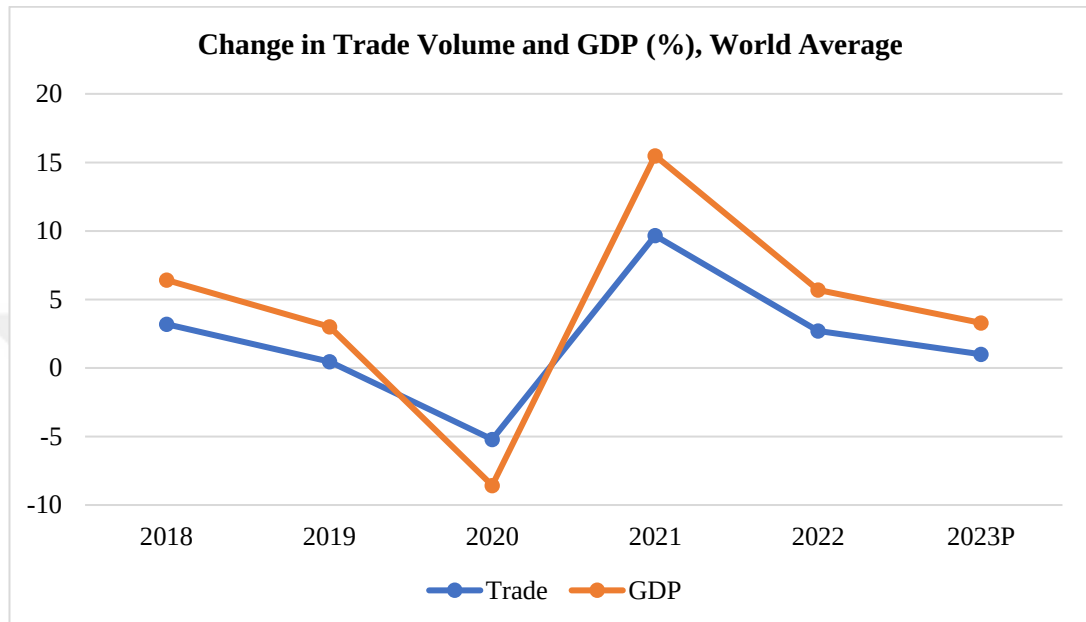


Source: Figure 8 is prepared through using database of The Heritage Foundation (The Heritage Foundation, 2023).

Furthermore, as it can be seen from Figure 8 above, world average on trade freedom moves from mostly free to moderately free, while on investment freedom and financial freedom remains as mostly unfree and repressed respectively. Considering the numbers given above, the decline in trade freedom is not surprising.

Nevertheless, according to Figure 8, it is fair to claim that MS still complies with the WTO provisions to some extent.

Figure 9: Change in Trade Volume and GDP (%), World Average



Source: Figure 9 is prepared through using the data on WTO World Trade Statistical Review 2022 (WTO, 2023l).³⁵

As seen in Figure 9, trade volume and GDP move similarly. Both have been on the decline since the trade wars. Even though there is an increase in 2021, the lines for both trade volume and GDP end at a lower point than the beginning. It can be interpreted that there was a little recovery from Covid-19 in 2020, but with the start of the Russia-Ukraine War, the trend went downwards. It would not be wrong to say that compared to 2018, world trade is expected to shrink down in 2023 by almost 70% from 3,2% to 1%.

To sum up, in this section, I ask whether contemporary issues have had an impact on international trade. In this way, I aim to know how the international trade agenda responds to contemporary issues, before discussing the stance of the WTO on contemporary issues in international trade realm in the next chapter. In this context, this section focuses on three main issues: trade wars, Covid-19 and the Russia-

³⁵ 2023P stands for prospected numbers for 2023.

Ukraine War. The analysis shows that since 2018, MS has embraced more restrictive measures. Thus, in this section, I argue that there has been a protectionist trend since 2018 due to contemporary issues in international trade realm.

2.5. CONCLUSION

This chapter questions whether developing states have embraced protectionist measures as expected after the failure of Doha Round 2008 within the context of the 2008 crisis. In order to analyze both political actions and speeches, the chapter is divided into two main sections. For the case studies, I chose BRICS as the representatives of developing states because of their stance as a block and regional powers in the negotiations. The timeframe is limited between the year 2000, when Doha Round was framed and 2018, the year after the last summit was launched.

In the first section, I ask whether there has been a change in political stance of developing states towards Doha Round. I have reviewed official statements of political officials, presidents, prime ministers and/or trade ministers of BRICS regarding Doha Round. As a result, BRICS kept its faith in the Round and wanted it to be completed with developmental manners. Authorities expressed their concerns about the possibility of rise in protectionism and the need to reform WTO to be more democratic and developmental. In the second section, I ask whether there is a change in trade policies after Doha Round 2008. I have analyzed the trade freedom levels of BRICS. The result is that BRICS adopted more liberal trade regulations after Doha Round 2008. These assessments also show that with regards to reflection of the North-South debate on the WTO, BRICS continued to be in line with the liberal provisions of the WTO and supported the idea that the DDA must be completed in order to enable developing states to benefit from international trade and to enable the WTO to stand as a valid authority.

On the other hand, since the question of whether Doha Round 2008 led developing states to protectionist trade measures limited the discussion to the time period between 2000 and 2018, the current circumstances on international trade agenda were set aside. However, before analyzing the approach of developing states to the WTO, it is necessary to look into current issues affecting international trade. In

this context, I conclude the discussion with a brief analysis on the impact of current issues affecting international trade, particularly trade wars, Covid-19 and the Russia-Ukraine War. As a result, in the third section, I argue that MS has turned to implement protectionist measures due to contemporary issues in the international trade agenda.

Within this scope, in this chapter, I argue that developing states did not change their stance towards the significance of Doha Round and WTO provisions, that they continued to implement liberal policies after Doha Round 2008. Nevertheless, they want to get a solid and promising result from Doha Round and a more developmental WTO. However, recent developments in the international arena led MS to adopt restrictive trade policies.

In this framework, it is wondered how developing states approach to the WTO in the context of contemporary issues. Thus, the next chapter will focus on ways to improve the WTO as the authority of the international trade regime after analyzing how contemporary issues such as trade wars, Covid-19 and the Russia-Ukraine War, have affected the developmental aspect of the WTO.

CHAPTER THREE

ON THE WAY TO REFORM THE WTO

3.1. INTRODUCTION

The previous chapters focus on the relation between developing states and the WTO within the framework of Doha Round. In the first chapter, I ask how the relation between the WTO and developing states has been shaped. In order to analyze the question, the first chapter is structured under three sections. In section one, I ask why developing states joined the WTO. The historical background of the WTO is discussed through analyzing developmental expectations and outcomes from the GATT Rounds. Then, in section two, I look at the importance of Doha Round 2008 by examining the process up until 2008 and its results for developing countries. In section three, I discuss the meaning of failure for developing countries. The analysis shows that developing states are parties to the GATT in order to have a say in international trade discussions. Also, the GATT provided a platform for negotiating developmental issues. However, the discussions did not result in a balanced way for developing states.

Although there was a great developmental expectation from Doha Round 2008, hope was diminished as deadlines were consistently missed. The failure of the Doha Round 2008 amid the 2008 financial crisis has led to the presumption that the trend towards protectionist measures in international trade is increasing.

In this context, the second chapter questions whether developing states inclined to protectionism after the failure of Doha Round 2008. To analyze the question, the chapter is divided into two main sections. In the first section, I ask if the political stances of developing states towards the WTO have changed after the Doha Round 2008. Then, in the second section, I ask whether Doha Round 2008 has affected the trade policies of developing states. The discussion examines BRICS from 2000 to 2018. The analysis shows that BRICS did not change their position on the Doha Round and WTO provisions; they maintained their liberal policies after Doha Round 2008. Nevertheless, they want to have a benefitting outcome from Doha Round and a more developmental WTO.

In this framework, it is clear that until 2018, developing states did not distance themselves from WTO principles. However, there have been a lot of occurrences in the international political economic realm that will affect MS' trade policy preferences, particularly the trade wars, Covid-19 and the Russia-Ukraine War. In this context, the second chapter ends with an analysis of MS' post-2018 trade policy review. The results show that MS are turning to protectionism due to the recent developments in the international trade agenda.

In this respect, the current figure of the WTO as the international trade authority is the main target of this chapter. In other words, the main research question of this chapter is which criticisms and solutions are currently directed towards the WTO for revitalizing the developmental and multilateral trade regime. With this regard, this chapter will be based on two sections. In the first section, I will examine the approach of developing states to the WTO within the framework of contemporary issues. Therefore, the first section will address the question of how contemporary issues affect the relation between developing states and the WTO. The analysis shows that the WTO cannot provide efficient solutions to developing states under the current crises in international trade. Thus, the first section discusses the WTO's failure to deliver on its development promises to developing states.

In this framework, in the second section, I will focus on the proposed reform ideas to enhance the WTO. Thus, in the second section, the question of what solutions are proposed for the improvement of the WTO as the international trade authority will be asked. Concluding the analysis, in the second section, I argue that the decision-making process of the WTO needs to be reformed in order to achieve both a developmental and a multilateral outcome from the negotiations. For such a transformation, a supranational institution such as the Executive Board should be established. In this framework, this chapter argues that the incapability of the WTO to respond quickly and efficiently to current challenges in international trade highlighted the need for reform of the WTO decision making process more than ever before.

3.2. DEVELOPING STATES AND THE WTO UNDER CONTEMPORARY ISSUES IN INTERNATIONAL TRADE AGENDA

In this section, I ask how contemporary issues affecting international trade agenda have an impact on the relation between developing states and the WTO. The analysis will cover the outcome of the Buenos Aires Meeting followed by contemporary issues in international trade.

To begin with, WTO negotiations are inevitably influenced by current issues. For example, pre-negotiation period of the Ministerial Meeting in Buenos Aires on December 10-13, 2017 was overshadowed by USA's withdrawal from Trans-Atlantic Trade Partnership (TPP) and by its wish to negotiate the terms of NAFTA (Hannah et al., 2018: 2578).

At the pre-ministerial conference, the USA highlighted that agreement on a central multilateral trade regime and a developmental agenda was not on the table for itself (Miles, 2017; Wnukowski, 2018: 2). Under the Trump administration, representatives of the USA lacked enthusiasm they had before, which eventually led to failure of Buenos Aires Meeting due to the lack of the USA's leadership (Bacchus, 2018). The position of the USA in the pre-negotiation talks directed the Buenos Aires Meeting to the same end as the Nairobi Meeting; There is no ministerial declaration (Hannah et al., 2018: 2584).³⁶

The negotiation process was overshadowed by several issues occurring in the international political economy. First of all, there was an ongoing debate over agricultural policies. Developing states with high populations, especially India and China, have concerns about food security (Sharma, 2018: 207). To begin with, the Agreement of Agriculture frames the provisions on export competition, market access and domestic subsidies (WTO, 2023e). However, during the food crisis in 2008, criticisms came about the lack of provisions on protectionist measures on

³⁶ As mentioned before, the decision making process works under the single undertaking approach. Wolfe argues that single undertaking is the key to have a proper reciprocity, which prevents developed states a free ride in the negotiations (Wolfe, 2009: 857). Arguably, Bacchus and Hoekman support the idea that multilateralism in trade negotiations can be achieved via several approaches and "*plurilateral*" method in the negotiations would bring about a new chapter for the WTO in which there would be new trade agreements (Bacchus, 2018; Hoekman, 2020a: 105).

exports to the WTO as several MS limited the amount of export of agricultural products (Rogerson and Dixit, 2016: 18-19).

Before addressing the divergence at Buenos Aires Meeting, it is noteworthy that at the Bali Meeting 2013, MS agreed upon an interim mechanism to reach a final solution for food security by which MS would be monitored (WTO, 2013). It also recognizes that it is compatible with MS' member schedule when their Aggregate Measurement of Support (AMS) is under the annual/final bound rate, and also when they implement public stockholding for food security purposes (Narayanan, 2014: 41; WTO, 2023f).

On the other hand, there was an ongoing dispute between China and the USA over domestic subsidies to agricultural products (Sharma, 2018: 207). The USA has criticized China's food policies, claiming that it has overridden the WTO provisions (Sharma, 2018: 217-218). The USA claimed that China did not provide accurate and comprehensive notifications on its AMS usage to the MS and the WTO (Hannah et al., 2018: 2585). In this context, the USA blocked the permanent solution proposed by a group of developing states led by India on food security, claiming that it would benefit China at Buenos Aires Meeting (Kanth, 2017: 15).

Cotton was another topic that Buenos Aires Meeting failed to provide a solution. As mentioned earlier, cotton is a highly discussed subject due to the US Farm Bill. Held under the leadership of Mali; Cotton 4 (C4), Benin, Burkina Faso, Chad and Mali, brought out a draft declaration for cotton at Buenos Aires Meeting on December 13, 2017 (WTO, 2017). Along with other developing states, C4 urged upon the importance of a consensus on cotton due to its impact on achieving sustainable development goals, however the USA has already upper hand in the sector through its Farm Bill (Sharma et al., 2020: 119). Unfortunately, MS failed to reach an agreement on agriculture which covers cotton agenda as well at Buenos Aires Meeting (Hepburn, 2020: 2).

Fisheries subsidies were another issue that was discussed for a long time at Buenos Aires Meeting. To begin with, developing states hold a greater share in fish exports (Kumar, 2019: 133). However, in general, big fishing companies which are more in developed states benefit more from fisheries subsidies and create a distorted trade (Yoo, 2021: 149). Mukhisa Kituyi, Secretary General of UNCTAD between

2013 and 2021, argued that fisheries subsidies must end since they promote large-scale firms and consequently pose a risk of unemployment for small-scale fisheries (UNCTAD News, 2016).

MS agreed on providing a work program by the end of 2019 covering the prohibition of subsidies leading overfishing and illegal unreported and unregulated (IUU) fishing through providing relevant S&D to developing states (Kumar et al., 2019: 135). However, Buenos Aires did not end up with an agreement as well; even though MS committed to provide a deal by the end of 2019, the meeting was postponed to 2021 due to Covid-19 (Gastorn, 2019: 47; Yoo, 2021: 146).

The failure of Buenos Aires Meeting led to the belief that the WTO was in crisis (Wnukowski, 2018: 2). Cecilia Malmstrom, the EU Trade Commissioner since 2014, expressed her disappointment after the Meeting, saying that MS had not even agreed to ban IUU fishery subsidies (Cohen and Lawder, 2017). After Buenos Aires Meeting, the plurilateral approach seems to be a fair way to negotiate, because the reason behind failure were mainly addressed to the USA' stance in the negotiations on both China and the WTO (Cohen and Lawder, 2017; Hannah et al., 2018: 2585-2595).

Surely, the trade war between the USA and China has shaped the WTO agenda (Gastorn, 2019: 50). The tension led to differing perspectives on the negotiations. While Robert Lighthizer, the Trade Representative of the USA between 2017 and 2021, expects the WTO to be more efficient in pursuing MS, mainly China, to decrease overcapacity and state-owned establishments³⁷, many experts think that it is the USA that has created a deadlock in the negotiations (Cohen, 2017).

In general, the USA's approach to trade under the Trump administration is seen as a threat to the WTO itself (Qin, 2020: 458-459; Tu et al., 2020: 218; Wnukowski, 2018: 2). With the power the Trade Expansion Act gave presidents, Trump applied high tariffs on imported goods that hold a threat to national security (Adekola, 2019: 127; Hur, 2018: 407). In Trump era, this measure was more directed towards China (Hur, 2018: 394). In response, China imposed tariffs on goods imported from the USA under the scope of Foreign Trade Law which ensures the

³⁷ China applied restrictive measures on FDIs. Especially on telecommunication, foreign ownership is limited to 49% in a company (Kanungo, 2011: 313).

implementation of counter-measures in case a state implies protectionist measures (Adekola, 2019: 129; Bekkers and Schroeter, 2020: 3; Hur, 2018: 409).

The reason behind the USA approach to China relies on China's position in international trade. With the reform process that started in the late 1970s, China acquired a great potential to become an "*export powerhouse*" and its accession to the WTO enabled its transition as such (Ikanberry, 2008: 26; Nicita and Razo, 2021). China joined the WTO as a developing state in order to have opportunities in liberalization process, and the USA argues that China's economic figure is too large to stand to hold its developing state status (Kanungo, 2011: 307). Furthermore, in 2012, China introduced the "*Chinese Dream*", which aims to make Chinese economy to be more integrated with the world and to be appealing to FDI with "Belt and Road Initiative" (Chen et al., 2020: 905). As mentioned earlier, China's intention to become a member of the WTO was to be the sole rule maker of the international trade. And, actions such as Road and Belt Initiative in the field of international trade should also be evaluated within this framework (Ameyaw-Brobby, 2020: 18). In this context, it is not surprising that the USA gets cautious around China.

The trade war between the USA and China affected other states, consequently led to trade disruption in the world economy (Hoekman, 2020a: 98-99; Tu et al., 2020: 218). For example, the USA preferred to import electrical devices from Vietnam and Taiwan, which took away the exports of other Southeast Asian states and Mexico (Bekkers and Schroeter, 2020: 9). It is also important to note that both China and the USA have been adversely affected in the labor market due to the trade wars and have not have any positive effects on the protected industries (Antras and Chor, 2021: 87).

Apart from being the main reason behind the failure of Buenos Aires Meeting, the trade wars led MS to question DSM of the WTO. Even though both China and the USA resorted to the WTO dispute settlement body (DSB), they started initiating protectionist measures right away (Adekola, 2019: 127; Hur, 2018: 404). It is important to note that while the Trump administration is seen as the main trigger behind trade war; by implementing counter-measures, China has failed to act in accordance with the WTO dispute settlement principles because WTO the expects

MS to recourse directly through the DSM in a case of violation of WTO provisions, ensured under Section 301 (Hur, 2018: 410; Qin, 2020: 459).

The ruling of DSB is based on consensus of MS (WTO, 2023g). As a result, even though China sought the support of DSB against the USA at the first place, only Bolivia, Pakistan, Russia and Venezuela criticized the USA's actions (Qin, 2020: 502). Waiting for the ruling would be heavily costly for China, as decision-making in DSB would be slow due to lack of consensus (Adekola, 2019: 130). In that way, the trade war brought out the inefficiency of DSB in resolving trade disputes and the urgent need to reform the WTO (Adekola, 2019: 130; Hoekman, 2020a: 108).

The next issue on the international economic agenda is Covid-19. In order to analyze how Covid-19 reflected in international trade, I will first explain "*global value chain (GVC)*". With the globalization of manufacturing and trade, industrialization is expanded all over the world (Gereffi et al., 2005: 78-79). In this context, GVC refers to the trade line occurring when a material moves between different countries through value added processing and becomes a final product (Antras, 2019: 3; Antras and Chor, 2021: 4).

An effective entry into GVC is a significant condition for development nowadays, due to its positive impact on both the labor market and the good market (Fernandez-Stark and Gereffi, 2019: 54). And the WTO, as multilateral trade authority, is a leverage to benefit from GVC, due to its liberal provisions on trade barriers (WB, 2020: 217). Apart from trade liberalization, the WTO also provides a roadmap on intellectual property regulations and dispute settlement mechanism for GVC outsourcing and offshoring activities (Azmeah, 2019: 525).

However, until the 2008 financial crisis, the WTO did not pay attention to the GVC; unsurprisingly, after the crisis, GVC became the central emphasis of the WTO (Havice and Pickles, 2019: 170, Mayer and Gereffi, 2019: 575). Consequently, GVC reflected in the trade facilitation discussions at the WTO (Shepherd, 2016: 6). Because an improvement in trade facilitation among states directly develops GVC (Mann, 2012: 7-8; Shepherd, 2016: 1). Within this scope, at the end of Bali Ministerial Meeting in 2013, the WTO came up with Trade Facilitation Agreement (TFA), which draws a roadmap for customs clearance mechanisms (WTO, 2023h).

Similar to the 2008 crisis, Covid-19 distorted the GVC due to the decrease in Chinese exports (Hayakawa and Mukunoki, 2021: 154). Furthermore, when Covid-19 started, WHO impelled infected states to slow down mobility of both people and goods (Guan et al., 2020: 577). In this context, states stopped any economic activity except those related to essential needs (Iwedi et al., 2020: 73). Inevitably, the inactivity in world economy had a negative impact on GVC (Hayakawa and Mukunoki, 2021: 166). As a result, governments were expected to increase their export subsidies (WTO, 2020a: 54). In the meantime, WTO group meetings were held hybrid, leading to inefficiency in discussions (Low and Wolfe, 2020: 73-74).

Apart from these issues, as a countermeasure to Covid-19, states such as India and Indonesia implemented export bans on medical supplies (Carreno et al., 2020: 405). The G20 also stated that necessary measures to combat Covid-19 would be taken temporarily, provided that measures comply with the WTO provisions (Hoekman, 2020b: 64). In this context, the EU initiated restrictive measures for export of medical supplies outside the EU borders, as well (Carreno et al., 2020: 402).

Such practices can be justified by Article XI of the GATT which allows for temporary restrictive measures in times of “*critical shortages of essential goods*” (Carreno et al., 407-408). With regards to Covid-19 related measures, it is seen from the TFA Database that Canada, China, Dominican Republic, the EU, Indonesia, Switzerland, Taiwan and the USA notified the WTO of temporary measures as a requirement of TFA (TFA Database, 2023).

On the other hand, Ngozi Okonjo-Iweala, the Director General of the WTO since 2021, urged MS to decrease trade barriers on medical supplies (Farge, 2021). Furthermore, in a joint statement, the IMF and the WTO pointed out the significance of open market principles, by calling MS to diminish barriers right after the outbreak of Covid-19 (IMF, 2020). However, MS such as Germany, France and the USA were accused by vulnerable states of blocking medical supply exports (Ankel, 2020; Willsher, 2020; Wynne, 2020).

In addition to implementing trade measures that slowed down GVC, shortening the global supply chain (GSC) by region as a backup to GVC was the primal policy recommendation after the Covid-19 crisis (Miraudot, 2020: 141). It is

important to note that there is already a tendency to trade within RTAs that currently holds a threat to multilateral trade agenda (Cho, 2010: 576; Hoekman, 2020c: 339; Hufbauer et al., 2010: 2). Therefore, it would be correct to say that such policy will trigger this trend even more (Enderwick and Buckley, 2020: 108-109).

Along with global trade, Covid-19 is also directly linked to the discussions on TRIPs. Because TRIPs stood as the biggest obstacle to reach medicines and vaccines especially for developing states (Chattu et al., 2021a). On October 2, 2020, India and South Africa handed a draft to the Council for TRIPs on waiving TRIPs provisions that hinders reaching Covid-19 related medicines and vaccines (WTO, 2020b). The draft enables MS not to grant or impose patent Covid-19 related medicines or technological machinery (Chattu et al., 2021b: 3).

However, several MS opposed the draft implying that the barrier for reaching Covid-19 related medicines was caused by underfunded and inefficient healthcare system rather than TRIPs provisions (WTO, 2020c). For example, the EU argues that vaccines are sold at reasonable prices, therefore, the process of licensing and purchasing must be transparent which is not covered in waiver of TRIPs (Mercurio, 2021: 19). On the other hand, the Biden administration's political shift to support the draft was a promising action (Paquin and Plouffe-Malette, 2023: 264; Zarocostas, 2021: 1871). China and Russia officially declared that they support TRIPs waiver after the USA's support, thus the EU and other opponents felt under pressure (Zarocostas, 2021: 1871).

Ngozi Okonjo-Iweala expressed that once all MS come together, there will be an acceptable text for all (WTO, 2021c). Under pressure from both pharmaceutical firms and NGOs, discussions regarding draft text began (Chattu et al., 2021a; Paquin and Plouffe-Malette, 2023: 265). After an 18-month of deadlock, a compromise text covering only Covid-19 vaccines could be reached among India, South Africa, the EU and the USA (Cullinan, 2022; Furlong, 2022). On June 17, 2022, Ministerial Decision was declared covering provisions on the production of Covid-19 vaccines to be valid for 5 years (WTO, 2022j). Unfortunately, finding FDI to finance vaccine production within five years is very difficult for low-income developing states, as the Decision does not cover transfer of know-how to produce Covid-19 vaccines (Plouffe-Malette, 2023: 266). Furthermore, the Decision was criticized for its timing

as it has been two years since the outbreak occurred, and also for its scope as it is not comprehensive enough to make an essential difference in the amount of people reaching vaccines (Amnesty International, 2022; Robbins and Nolen, 2022; Rutschman, 2022: 290).

In times of crisis, IOs ought to provide a place for deeper discussion and cooperation on essential needs (Miraudot, 2020: 148-149). As evident in the discussion above, Covid-19 has shed light on the need to reform provisions on subsidies and trade facilitation and functioning of the WTO (Ambaw et al., 2020: 210-211; Duval, 2020: 135; Hoekman, 2020c: 338). Within this scope, the WTO should have reached a consensus on an effective decision about cooperation to fight against Covid-19 (Bhatia, 2020: 99).

The last contemporary issue affecting WTO agenda is the Russia-Ukraine War, started in 2022. The war has two aspects for international trade realm: “*national security exception*” of the WTO and the GVC/the GSC. To begin with, the national security exception is regulated in GATT Article XXI as follows:

Nothing in this Agreement shall be construed
(a) to require any contracting party to furnish any information the disclosure of which it considers contrary to its essential security interests; or
(b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests
(i) relating to fissionable materials or the materials from which they are derived;
(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
(iii) taken in time of war or other emergency in international relations; or
(c) to prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security. (WTO, 1986: 38-39).

In this context, the national security exception is regarded as “*exception among the exceptions*”, because while measures taken with regards to other exceptions must be competent with related provisions, the WTO DSB has not determined the validity of the measures taken under Article XXI (Erasmus, 2019). Furthermore, it is noteworthy to mention that while Article XX, which regulates general exceptions, requires the parties to abolish the measures taken under the

conditions which enable them as soon as the conditions pass, Article XXI does not have such a requirement (Murrill, 2018: 3; WTO, 1986: 38-39). Within this framework, either the DSB organizes a panel or the Appellate Body, which stands as an appeal board of the WTO under the DSB, prepares a report on the consistency of the measures (Murrill, 2018: 2-3; WTO, 2023i).

Discussion on national security exception has its roots in the Russia-Ukraine War since the Annexation of Crimea, as Russia imposed restrictions on transit of goods from Ukraine to Central Asia through Russian land (Erasmus, 2019; Gardner Jr., 2020: 199; Gladysz, 2021: 843-844; Voon, 2019: 46; WTO, 2019a: 38). As a result, Ukraine claimed that Russia's actions were incompetent with Article V, titled as "*Freedom of Transit*", and asked for consultation on September 14, 2016 (WTO, 2023j). Later on February 7, 2017, Ukraine asked the WTO to set up a panel on the issue (WTO, 2023j). Against Ukraine's claim, Russia grounded its actions on Article XXI with regards to the events in Crimea (Reinsch and Caporal, 2019; Voon, 2019: 46).

On April 26, 2019, panel adopted a report which implies that under Article XXI (b/iii), Russia's measures are not incompetent with WTO provisions (Gardner Jr., 2020: 202; WTO, 2023j). Ukraine enounced that it will not appeal the report, stating that the report has a historic significance as being the very first ruling DSB given on measures taken under Article XXI (WTO, 2019b).

Panel implemented that Article XXI (b/iii) justifies measures concurrent with the emergency in question (Bogdanova, 2021: 193-194). However, the expression "...which it considers..." in Article XXI has created a controversy in international trade realm. On the one hand, the USA argues that the panel could not examine Russian invoke of Article XXI, because the argument is based on the "*self-judging*" attribution of the provision (Reinsch and Caporal, 2019; Voon, 2019: 47; WTO, 2019b).³⁸ On the other hand, the EU supports the idea that the expression determines the necessary actions rather than the conditions explained under subparagraphs (b/i-iii) (Voon, 2019: 48). In this regard, the WTO needs to define the scope of

³⁸ The main reason behind the USA's position on this issue is that under Trump administration the USA implement several restrictive measures on especially imports of steel and aluminum goods with regards to national security concerns and there are several cases against the USA which would be affected by the report (Gardner Jr., 2020: 202-203; Reinsch and Caporal, 2019).

international emergencies and national security (Gardner Jr., 2020: 186; Ranjan, 2022: 10).

The next issue related to the Russia-Ukraine War is the GVC and the GSC. In addition to repeated lockdowns in China to combat Covid-19, the Russia-Ukraine War multiplied the pressure on GSC, since both Russia and Ukraine are principal suppliers of fundamental products such as agricultural goods and energy (Ruta, 2022; WTO, 2022k). The war is expected to cause an economic shock via five means: good market, transportation, GSC, FDI and service sector such as tourism (Ruta, 2022).

Ngozi Okonjo-Iweala emphasized that low income developing states in general are at risk because pressure on GSC would increase prices in an already inflationary environment (WTO, 2022k; WTO, 2022l: 18). Also, some developing states, especially those in Africa, highly depended on imported wheat from Russia and Ukraine, and states such as Georgia and Montenegro attracted tourists mostly coming from Russia and Ukraine (Chepeliev et al., 2022: 13; Ruta, 2022).

In addition to those sectors, both states are key producers in industrial GVC, however, certain firms have been closed in Ukraine because of the war (WTO, 2022l: 8). Car manufacturers in particular were negatively affected (WTO, 2022l: 8). Meanwhile, MS started initiating restrictive measures early in the war (WTO, 2023k: 15).

Nevertheless, the world trade system was able to provide alternative suppliers and/or alternative products to MS throughout 2022 (Farge, 2023; WTO, 2023k: 18). However, such substitution fell short. Because, within the context of pressure on GVC and GSC adding to restrictive measures, the WTO is expected to provide comprehensive negotiations for MS to discuss their difference, especially for developing states to easily blend into GVC and GSC (WTO, 2022k; WTO, 2022l: 28).

However, as can be seen from the outcome of Buenos Aires Meeting that the criticism against the WTO stem from the differing expectations of the MS from the negotiations. While developing states resist moving forward with new issues that address current problems in international trade before completing the DDA; Developed states want to go further with new agenda such as e-commerce,

investment and women and trade, and this situation is deadlocked (Bacchus, 2018: 9-10; Hoekman, 2020a: 99; Kanth, 2017: 13).

The WTO is intended to be a place for fair negotiations, a guard for fair trade, and a mechanism for dispute settlement; however, has failed several times as discussed above (Adekola, 2019: 125; Hoekman, 2020a: 99; Low and Wolfe, 2020: 71; Tu et al., 2020: 218). As a result, it is widely discussed that the WTO must be reformed (Adekola, 2019: 130; Hoekman, 2020c: 339; Qin, 2020: 457).

To summarize, in this section I ask how current developments in the field of international trade reflected in the relations between developing states and the WTO. At first, I analyze the outcome of Buenos Aires Meeting. Considering the analysis made, the meeting resulted in a way that the authority of the WTO was shaken due to its lack of ability to complete the DDA and working plans to new agenda items. Furthermore, the current issues triggered this negative standpoint towards the WTO.

Trade wars have showed that the dispute settlement mechanism is not effective in such crisis. Also, both Covid-19 and the Russia-Ukraine War gave rise to the idea that GVC and GSC must be diverted to bilateral-regional activities. Furthermore, the Russia-Ukraine War showed that the language in the WTO provisions leads to different understanding and misinterpretation among the MS. Unfortunately, all of these put developing states at risk in the global economy.

Under these circumstances, it would be fair to say that the WTO has failed to fulfill its developmental promises to developing states and has not been able to find solutions to new controversies. As mentioned above, there is a desire to reform the WTO on international trade agenda. Therefore, in the next section, I will discuss proposed approaches for reforming the WTO.

3.3. PROPOSED SOLUTIONS ON THE WAY TO REFORM THE WTO

In the previous section, I ask how current issues on international trade agenda affect the relation between developing states and the WTO. I begin by discussing the outcome of Buenos Aires Meeting. The analysis shows that the meeting ended with questions on the ability of the WTO to complete the DDA and to come up with working plans for new issues. In addition to the unsatisfactory outcome of the

meeting, there were several events affecting international trade. Trade wars, Covid-19 and the Russia-Ukraine War all have direct and indirect effects on world trade, leading to questioning the effectiveness of the WTO in responding to crisis. As mentioned in the previous section, reforming the WTO is strongly suggested in terms of criticisms. In this context, this section asks what the proposed solutions are to reform the WTO.

To begin with, the strengthening of the WTO to deal with both old and new issues in international trade depends on its negotiation pillar, which makes the reform of the WTO one of the greatest challenges in international trade (Baracuh, 2017: 169). With this regard, on the developmental side of the WTO, for the sake of the DDA, Lee proposed introduction of “*Agreement of Development Facilitation*” which would provide a remedy to address MS benefitting from developmental provisions such as S&D, adjustment and subsidies, along with exceptions on TRIPs, TRIMs and anti-dumping measures (Lee, 2011: 116-121). Apart from the DDA, it is argued that the WTO needs to clarify its goals and objectives and formally prioritize development (Ismail, 2009b: 124).

In addition to improving the WTO’s developmental aspect, it is highly recommended to renew the negotiation process. This recommendation relies upon the stance of the WTO as a “*member-driven*” IO (Harbinson, 2009: 2; Odell, 2005: 425). This means that MS use request-offer approach in the negotiations, which means countries offer a policy change, others arrange the policy with regards to the offer and finally the parties negotiate the terms bilaterally (Fergusson, 2012: 13). Such discussions form concentric circles. Throughout the WTO history, negotiations have been conducted through a concentric circle of MS dealing with the issues being negotiated (Cottier and Elsig, 2011: 297-298).

The concentric circle approach is referred to as “*Green Room*” in the WTO negotiation process; this means the meeting among the small group of MS on the subject in question (Jones, 2009: 349). The Green Room is intended to reach a consensus among a small group at first, as a basis for building an eventual consensus among MS in negotiations (Jones, 2009: 349). Such a mechanism is practical in a way that while some MS are interested on certain issues, others may not have the

same enthusiasm, eventually leading to interested MS gather around to find a way to reach consensus (Blackhurst, 2000: 7; Hoekman, 2011: 9).

However, due to the fact that Green Rooms are ad hoc and informal meetings, it may favor MS that have the capacity and power to attend and lead such meetings (Albin, 2008: 762). Unsurprisingly, developing states cannot afford to keep their delegates ready to attend each and every meeting (De Crombrugghe, 2009: 141-142). Consequently, as occurred in Seattle Ministerial Meeting, Green Room mechanism has led other MS staying out of the discussions to question the transparency of the negotiation process, due to its exclusive nature (Hoekman, 2011: 9; Jones, 2009: 353-354). Questioning the transparency of negotiations inevitably leads MS to distance themselves from meetings and the WTO (Albin, 2008: 757; The Warwick Commission, 2007: 10).

Progress has been made in increasing the transparency, such as ensuring open access for all the MS and publishing meeting reports publicly on the official website (Albin, 2008: 767). However, MS is already struggling with the pressure from lobbies pumped by opposition parties. This means that in the case of a proposal that will have a positive impact on a member's economy but at the same time damage local producers to some extent, opposition parties use the veto power in the negotiations as a way to set sectorial lobbies against the ruling party (Cottier and Elsig, 2011: 298). Within this scope, MS, especially developing states are hesitant to open WTO meetings, since it may strengthen lobbies in a way that causes developing states to lose their power in discussions (Albin, 2008: 767).

As a result, it would be better for developing states to ensure fair and transparent negotiations at the state-level. In other words, I think building a transparent discussion among MS would be preferred by developing states more likely. In this context, it is argued that MS must negotiate through regenerated dialogue (Popa, 2012: 183). The key to achieving such a dialogue lies in determining and identifying the differences among MS' economic strengths, expectations and abilities (Schwab, 2011: 117).

However, all these arguments fall behind the decision-making principle that the WTO adopted in the DDA: single undertaking, which is the reason why DDA could not be completed (Hoekman and Kostecki, 2009: 668). Single undertaking

provides developing states with the ability to oppose provisions that would be difficult to implement within their economic capabilities (Hoekman, 2011: 7). At the beginning, this approach was embraced due to the fact that it would enable MS to make tough decisions on one sector in which they have no benefit for the sake of gaining benefits in other sectors (Schwab, 2011: 111). On the other hand, this understanding of negotiation could not be realized in practice. Because the WTO negotiations end up with deadlocks as single undertaking results in a consensus based decision making (Dube, 2012: 15-17).

In the decision-making process, Hoekman classifies the proposed solutions under three groups: either switching to majority voting; or sticking to consensus but requiring oppositions to be well justified; or establishing an Executive Board to have a comprehensive understanding of draft provisions before negotiations (Hoekman, 2011: 8).

First of all, switching to majority voting seems as if it would have fallen through. Because during the establishment of the ITO, embracing majority voting was on table; however, developing states opposed this proposal for fear that it would put them in secondary position at the negotiations (Ismail, 2009b: 136). As a result, the ITO and later the GATT embraced consensus as decision-making principle (Ismail, 2009b: 136). Thus, consensus can be considered as a victory for developing states. Also, in the Sutherland Report, consensus is referred to as a “*safety net*” in negotiations since even the smallest member has a veto power by consensus (Sutherland et al., 2004: 17).

However, later two factors started putting pressure whereas for developing states, consensus was seen as the best option, developed states in negotiations and opposition parties at home. Firstly, in order to reach consensus, developed states feel free to use both economic and political power to ensure that developing states move accordingly (De Crombrughe, 2009: 142). Secondly, as mentioned earlier, MS feel the pressure of internal politics owing to the influence of opposition parties on sectorial lobbies. Under these circumstances, it would be appropriate to argue that developing states cannot perform in accordance with their free will.

As mentioned before, state-level negotiation in which MS freely discuss issues and policies downrightly would be the best option. Of course, for the sake of

such negotiation process, the external transparency of the WTO must be limited in order to protect MS from the influence of power groups (Sutherland et al., 2004: 44-45). In this context, the final solution seems as if the problem would be solved in negotiation process of the WTO. To begin with, it is recommended that the WTO needs to undertake an institutional reform in a way that both Chairman and Secretariat of the WTO would manage to run negotiations through individual discussions with MS on purposes of policy items transparently (Hoekman, 2011: 9; Narlikar and Van Houten, 2010: 151; Odell, 2005: 429-430).

With this regard, the board system of other IOs, particularly the IMF and the WB, to examine the discussions and to provide transparent information for the MS which were not in the Green Room gathering, was proposed as a solid institutional reform (Blackhurst, 2000: 11). In this framework, it would be fair enough to say that internal transparency should be provided fully and the external transparency must be limited to some extent.

The idea of Executive Board is appeared as an important body to provide a strong advocacy for supranational interests in negotiations (Cottier and Elsig, 2011: 292). However, it is noteworthy to mention that an Executive Board is unlikely to be welcomed by MS, since MS would not give away their position as a decision-maker (Blackhurst, 2000: 12; Hoekman, 2011: 8-9). A Consultative Board³⁹, as a transparent and more inclusive body which does not make decisions but rather debates and discusses would be more likely to be accepted by MS (Blackhurst, 2000: 12-15). Furthermore, in order to make negotiations more inclusive, it is proposed that the secretariat of such supranational bodies must be appointed from the MS that could not afford to attend the meetings (Ismail, 2009b: 141).

To summarize, the WTO has been already criticized for missing developmental agenda, and recent developments in international trade realm has added more. The issues that have influenced the world trade negatively such as trade wars, Covid-19 and the Russia-Ukraine War, all led to question the efficiency of the WTO's responsiveness to crisis. In this scope, reforming the WTO is highly suggested. Thus, this section addresses the question of what the proposed solutions

³⁹ There is a Consultative Board in the WTO which is tasked with providing Director-General with a report on working process and on ways to improve institutionalization of the WTO (WTO, 2003c). However, this body directly relates to Director-General rather than MS.

are to reform the WTO. The analysis shows that there are proposals to increase developmental side of the WTO. However, the problems have arisen from the decision-making process itself. Therefore, there is a need to regulate the decision-making process.

This section argues that consensus is more favorable than majority voting. However, consensus also has its shortcomings, especially for developing states. With this regard, institutional reform is proposed. I argue that an Executive Board which is constituted with supranational characteristics would be the best way to reform the WTO.

3.4. CONCLUSION

In conclusion, it is clear that, until 2018, developing states kept implementing the WTO principles. However, there have been a lot of issues in the international political economic realm, particularly trade wars, Covid-19 and the Russia-Ukraine War had an impact on trade policy choices of the MS. In this context, the brief analysis of the post-2018 trade policies of the MS shows that MS have moved towards protectionism because of contemporary developments in international trade.

In this sense, this chapter questions how contemporary issues affected the relation between developing states and the WTO. Thus, this chapter focuses on the position of the WTO as the international trade authority. In other words, the main research question of this chapter is which criticisms and solutions are currently directed towards the WTO for revitalizing the developmental and multilateral trade regime. With this regard, this chapter consists of two sections. In the first section, I examine the developing states' approach to the WTO under contemporary issues. Therefore, the first section addresses the question of how contemporary issues affected the relation between developing states and the WTO. The analysis shows that the WTO could not provide developing states with efficient solutions in the atmosphere of current occurrences in international trade. Thus, the first section argues that currently, the WTO could not be sufficient enough to keep its developmental promises to developing states.

In this context, in the second section, I focus on the proposed reform ideas to enhance the WTO. Thus, the second section asks the question of what solutions are proposed to improve the WTO as an international trade authority. With this regard, in the second section, I argue that decision-making process of the WTO needs to be reformed in order to achieve both a developmental and multilateral outcome from the negotiations. For this type of transformation, a supranational institution such as the Executive Board must be established. In this framework, this chapter argues that the incapability of the WTO to respond quickly and efficiently to current issues in international trade laid out the need to reform the decision making process of the WTO more than ever.



CONCLUSION

In the 2000s, protectionism is regarded as the main trend in the world trade. Especially the failure of Doha Round 2008 within the atmosphere of the 2008 financial crisis, the expectation on protectionist trade measures dramatically increased. In this thesis, I try to discuss this point of view under the scope of the relation between developing states and the WTO.

For this purpose, I address the question of whether developing states embraced protectionism and distanced themselves from the WTO after Doha Round 2008. In order to analyze this main research question, I begin with the assessment of the relation between developing states and the WTO before Doha Round 2008. I find out that developing states wanted to become a party to international trade authority for joining trade discussions and gaining developmental benefits. However, the study shows that throughout the GATT years, developing states were not able to establish a beneficial outcome from the rounds for the sake of developing state status. The WTO was established with high hopes on a wider scope. Nevertheless, the new issues added up more on the unpleasant outcome of old issues.

As a new beginning, Doha Round was initiated with high expectations to provide both developmental outcome and market access. However, the assessment shows that the ministerial meetings could not end with satisfactory declarations. In other words, the meetings always hit dead ends. Unfortunately, in 2008, Doha Round failed to provide a clear ministerial declaration. Within the scope of financial crisis in 2008, the failure of Doha Round was regarded as a turning point for the increase in trade protectionism.

The literature approaches the failure of Doha Round 2008 through two ways; the ones who argue that the incompleteness of Doha Round resulted in the increase of trade protectionism and developing states move towards FTAs, and the ones who argue that after the failure of Doha Round 2008, few states inclined to trade protectionism and protectionist measures were applied along with tariff reductions, especially by developing states. On evaluating the rise of protectionist measures, the amount of tariffs or FTAs is analyzed in the literature.

It can be said that while for some, the root of the protectionist tendency is Doha Round 2008, for the others, it is financial crisis in 2008. Also, in general the studies were conducted on global level. Thus, this thesis approaches protectionist tendency on a developmental basis. With this regard, I try to contribute literature through providing a particular assessment directly focused on trade tendencies of developing states after Doha Round 2008. Also, the thesis evaluates trade protectionism via analyzing both the official statements and trade policies of developing states as oppose to the literature. In addition, choosing BRICS as the case of the research enables this thesis to contribute to the debate on North-South rivalry in the international arena through analyzing political response of BRICS to the failure of Doha Round 2008. Furthermore, the thesis provides an assessment on the current subjects in the international trade agenda regarding the relation between developing states and the WTO.

For my analysis, I ask following three sub-questions: How did the relation between the WTO and developing states shape in the first place?, Were developing states dissociated from the liberal principles of the WTO and embraced protectionist measures after Doha Round 2008?, Which criticisms and solutions are currently directed towards the WTO for revitalizing the developmental and multilateral trade regime?

With this regard, this thesis is structured under three chapters. In the first chapter, I assess the reasons why developing states became members of the WTO through discussing the historical background of the WTO in a developmental manner. For this purpose, developmental expectations from the GATT and the outcomes of the GATT Rounds are analyzed. Moving on to the process up until 2008, I evaluate the significance of Doha Round 2008 for developing states. I end the first chapter with an analysis on the meaning of the failure for developing countries by examining the atmosphere after Doha Round 2008. The analysis shows that the GATT/WTO is established to be a platform for confidence building, dispute settlement and regulating international trade. And each round has both positive and negative aspects for developing states. For example, Kennedy Round introduced the Part IV of the GATT which is titled as Trade and Development, while introducing also anti-dumping principles without a concrete prescription which harms developing

states; also Tokyo Round introduced NTBs and Enabling Clause along with the Escape Clause which also harms developing states. With this regard, unfortunately the negative outcomes of the rounds overshadowed the positive outcomes. On the other hand, the Doha Round began with promoting the cooperation and development among MS through discussions on different issues such as TRIPs, TRIMs, S&D, safeguard mechanism, SCM, technical assistance etc.

Due to the unbalanced proposals from MS and the missed deadlines in each meeting, Doha Round resulted in the inability to complete. This led to increase in the criticisms towards developed states as developing states felt that they need to make more concessions due to the joint action between the USA and the EU, and the WTO as several developing states have no capacity to join negotiations properly. The incompleteness of DDA shows that the demand of developing states to have market access ability is undermined by the internal agenda of developed states such as farm subsidies of the USA and the NTBs implemented by the EU. This inference also shows that developing states can be seen as social actors rather than rational actors in the WTO, as their presence in the WTO continues even though they could not receive their optimal material interests from the negotiations.

In this framework, in the first chapter, I argue that developing states join to GATT/WTO for two reasons: have a position in international trade discussions and hopefully have a developmental outcome from them. However, the analysis demonstrates that Doha Round 2008 diminished those developmental hopes. As a result, under the influence of financial crisis, the failure of Doha Round 2008 led to a presumption that trade protectionism will be on rise.

The second chapter conducts the base for the main research question that whether developing states diverged from the liberal principles of the WTO and embraced protectionist measures after Doha Round 2008. With this regard, in the second chapter, I analyze political stance of BRICS and then analyze the statistics for protectionist measures applied by them. The case study of this research is on BRICS, because as emerging markets, BRICS have the capacity to have an impact at the WTO negotiations. Also, through analyzing the political response of BRICS to the failure of Doha Round 2008, this thesis tries to contribute the discussion on whether the rivalry between global powers and emerging markets led diversion from the

WTO and its provisions. In order to understand the influence of the failure, I set the timeline of analysis between 2000 and 2018. In this way, the impact of Doha Round 2008 is revealed purely as other crisis occurred in international political economic realm would be left aside.

On the analysis of political stance, I assess the official statement given by political leaders and/or trade ministers of BRICS. On the analysis of trade protectionism, I use the Index of Economic Freedom constituted by The Heritage Foundation and the data conducted by WTO Stats. The assessment on the official statements of BRICS between 2008 and 2018 shows that BRICS are willing to go further with the WTO negotiations and complete DDA. Because, completing DDA will allow developing states to benefit from international trade more and also make the WTO stand as a valid authority in the international trade realm. The assessment on the trade policies of BRICS between 2000 and 2018 shows that BRICS kept implementing the liberal trade policies after Doha Round 2008. Overall, the analysis implicates that for both their official statements and trade policies, developing states did not diverged from the WTO and its provisions after Doha Round 2008.

However, the time period in question pushed contemporary issues away. Therefore, I end the second chapter with analyzing the impact of contemporary issues in international trade briefly. I focus on trade wars, Covid-19 and Russian-Ukrainian War in particular. The assessment shows that there is a protectionist trend since 2018, as tariffs and restrictive measures has escalated since trade war and Covid-19 and Russia-Ukraine War undermined the recovery through leading to a decrease in trade and to an increase in restrictive measures. In this context, in the second chapter, I argue that Doha Round 2008 did not lead an increase in trade protectionism for developing states. Nevertheless, they want a developmental version of the WTO. On the other hand, contemporary issues made MS to embrace protectionist trade policies, leading to question of how the figure of the WTO as the international trade authority got affected by the contemporary issues.

With this regard, in the last chapter, I examine developing states' approach to the WTO under contemporary issues. Then, I focus on the reform ideas proposed to enhance the WTO. The chapter begins with an assessment of Buenos Aires Meeting in 2017. The research finds out that due to the ongoing dispute between the USA and

China on agricultural goods, the refusal made by the USA to the food security solution proposed by India and incompleteness of the agreement on fisheries subsidies, Buenos Aires Meeting has failed to deliver a ministerial declaration. This situation raised the question of whether the WTO is in crisis and contemporary issues added more to the issue.

To begin with, trade wars put developing states at risk as the escalation of tariffs among the USA and China created trade disruption. Also, the inability of the WTO to find a quick and effective solution increased the criticisms towards DSM. In addition, Covid-19 led to disruption of GVC and GSC which puts both developing states and the WTO. Because, GVC and GSC are beneficial and essential for developing states to operate in the international trade. Thus, elimination of such convenience will damage developing economies. Also, as a back-up plan for the distortion, the increase in the tendency to prefer RTAs damages the image of the WTO. The discussion on GVC and GSC goes for Russia-Ukraine War as well. The war also illuminates the nominative language in the WTO principles through disagreement on the scope of the national security exception. The war also increased criticisms towards DSM.

On the analysis of the proposed solutions, the thesis finds out that in the literature, for some scholars there is a need to introduce the Agreement of Development Facilitation for the sake of DDA. For some scholars, the WTO needs to clarify its goals and objectives and also to prioritize development. But also, there is a great deal of research supporting the idea that there is a need to renew negotiation process. Regarding the negotiation process, the analysis shows that due to its exclusive and informal nature, green room creates transparency and attendance issues for especially small states. And a possible increase in transparency would provide opposition parties at home with leverage on lobbies through using the power of consensus. In that manner, voting system is not in question as consensus is regarded as a victory for developing states during ITO negotiations. As a result, it is highly recommended that the WTO needs supranational institutions to provide developing states with internal transparency and opportunity to attend informal meetings. In this framework, in the third and last chapter, I argue that the WTO was inefficient to have

an effective response to current issues in international trade and this illuminates the need to reform the WTO more than ever.

To sum up, in the light of overall assessment in this thesis, I argue that after Doha Round 2008, developing states did not distance themselves from both the WTO and its liberal provisions. Nevertheless, developing states had always expected the WTO to embrace a solid developmental characteristic, not just in theory but also in practice. Even if Doha Round 2008 did not lead to protectionist tendencies, it definitely led to a rise in criticisms against developmental aspect of the WTO. Furthermore, the inefficiency of the WTO on responding the current crisis in international trade added more to those criticisms leading to a need to reform the WTO.

Regarding the debate on globalization-deglobalization, the findings show that merging with the 2008 financial crisis, the failure of Doha Round 2008 did not lead to a diversion from the WTO and its liberal provisions, developing states continued to implement liberal trade policies, meaning that economic globalization continued for developing states after Doha Round 2008. However, trade protectionism has been increasing in the international trade since 2018 which puts deglobalization on rise. Nevertheless, with the analysis on the historical background of the relation between developing states and the WTO, the study shows that there were protectionist tendencies during 1970s. In this line, it can be argued that the rise in deglobalization since 2018 might be temporary.

This thesis may provide a starting point for further researches on the debate on globalization-deglobalization and its reflection on international trade agenda since 2018 through using an alternative way to evaluate political response of MS. This thesis tries to contribute the literature with an analysis on the political response through official statements and trade policies, even though there are language barriers and limited access to governmental data. However, it must be kept in mind that economic deglobalization reflects upon the tendency to turn away from the WTO which recalls the discussion on whether RTAs hold a threat to the authority of the WTO in international trade. This thesis constitutes its method for evaluating the trade protectionism on official statements and trade policies of MS, as there are contradictory arguments on the correlation between RTAs and the WTO. For the

main research question of this thesis, the exclusion of the correlation has not harmed the study, as for the timeline in question there has been no diversion from both the WTO and its provisions.

However, as the study shows that there is trade protectionism since 2018 and the rivalry among developed states and emerging states reflects negatively upon the figure of the WTO, the correlation between RTAs and the WTO becomes important. With this regard, examining the political response of BRICS from 2000 to 2018 to evaluate trade protectionism among developing states has worked for this research. However, it would not work for a research that links trade trends of MS since 2018 with debate on globalization-deglobalization, as there is an ongoing discussion about whether BRICS-led international initiatives will overshadow Western-led liberal order.

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