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The World Trade Organization at a crossroad: Agricultural negotiations and what it means for developing countries

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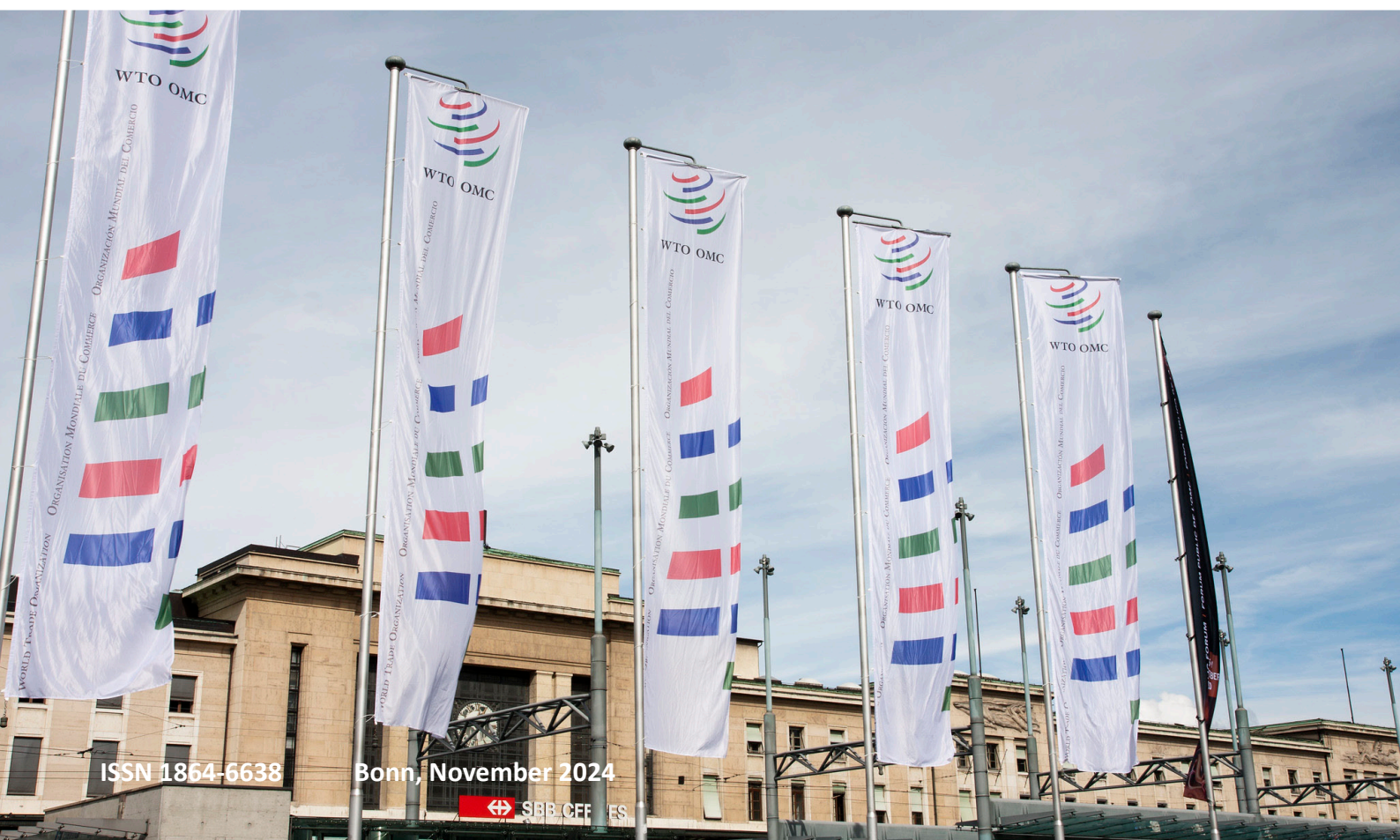
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The World Trade Organization at a crossroad

Agricultural negotiations and what it means for developing countries

Kristina Mensah

Abstract

The World Trade Organization (WTO) serves as a key forum for negotiating global trade rules, yet it faces significant challenges, particularly in the agricultural negotiations. The collapse of the Doha Round has left critical agricultural issues unresolved. Additionally, the WTO's dispute settlement system has been weakened, undermining the enforcement of its rules and further complicating efforts to resolve agricultural disputes. The standstill of agricultural negotiations has led to concerns about the role of developing countries in world trade and how the WTO can serve their interests. This essay examines the structural limitations within the WTO's agricultural negotiations and explores how developing countries can better navigate these complex discussions. By analyzing the legacy of the Agreement on Agriculture (AoA), the role of emerging economies, and recent shifts in global trade dynamics, the essay outlines strategic approaches and identifies opportunities of the EU and Germany for revitalizing agricultural negotiations and the dispute settlement mechanism.

Keywords: WTO, Doha round, agricultural negotiations, public stockholding, dispute settlement, trade policy

JEL codes: F13, O19, Q17, Q18

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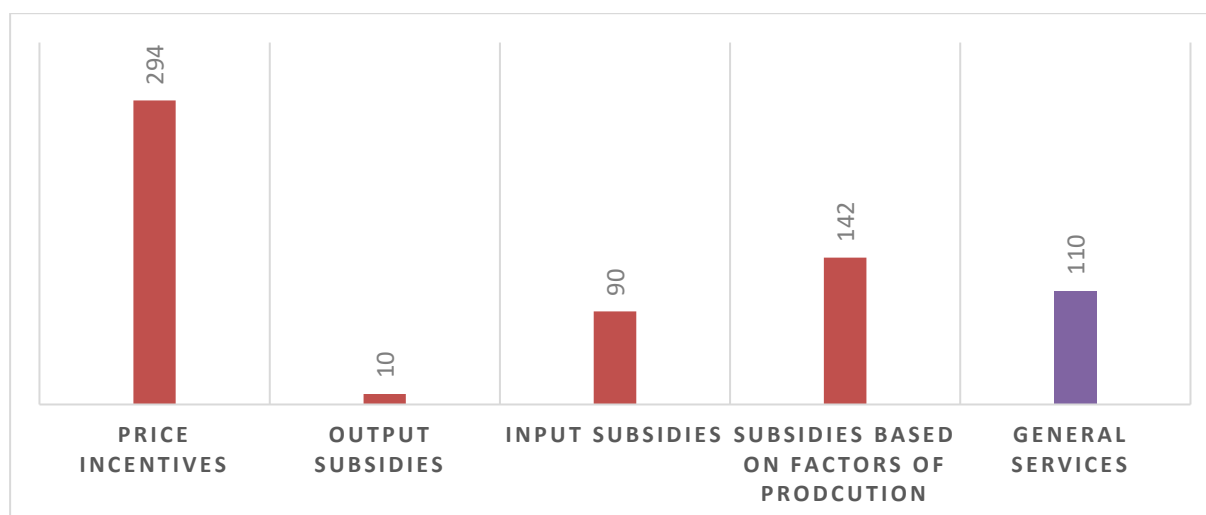
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1 Introduction

For a long period in the 20th century, global agricultural trade has been highly distorted, with markets protected by tariffs and agricultural subsidies provided without limitations supporting domestic production and import substitution. The General Agreement on Tariffs and Trade (GATT), established in 1948, mainly dealt with trade in industrial goods with its purpose to reduce tariffs and eliminate quotas in global trade. The Uruguay Round started to address additional challenges in global trade in 1986. For the first time in history, significant disciplines for the agricultural sector were provided with the Agreement on Agriculture (AoA) in 1995 at the launch of the World Trade Organization (WTO). The implementation period of the AoA ended in 2005 after which very little progress has been made in the agricultural negotiations.

The Uruguay Round can also be seen as promoting a major repurposing of agricultural subsidies, a topic that has become increasingly popular in recent years since the Food and Agriculture Organization (FAO), the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP) have published their report “A multi-billion-dollar opportunity – Repurposing agricultural support to transform food systems”, showcasing how agricultural producer support is still majorly focused on price incentives (see Fig. 1) (FAO et al., 2021).

Figure 1 Level and breakdown of global agricultural sector support (average 2013–2018 in billion USD)



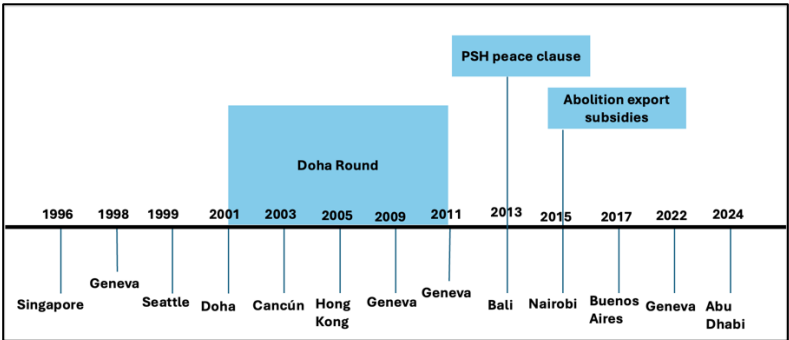
Source: Based on FAO et al. (2021, p.28)

Looking at the current challenges of the agricultural trade system, this achievement of the AoA is often forgotten, and given the stalling agricultural negotiations, it is easy to be pessimistic about the value of the WTO for the global agricultural trade system and particularly for developing countries that still struggle to participate effectively in global trade.

The WTO was founded in 1995 and is essentially an international agreement subscribed to by members with widely differing priorities. It has 166 members, of which around 2/3 claim developing country status. Nowadays, its members account for more than 98 percent of total global trade. WTO members meet about every two years at Ministerial Conferences (MC), the highest institutional body at the WTO (see Fig.2). In general, decisions in the WTO are taken by consensus. The General Council manages the WTO's activities between the MCs. Both bodies include all member states. In addition, subsidiary bodies such as councils, committees, and sub-committees oversee the implementation of the WTO agreements and the negotiation of new agreements. In essence, the WTO establishes a legal framework for international trade based on the core principles of promoting open trade, upholding

the most-favored-nation principle¹, ensuring non-discriminatory treatment among members, and maintaining transparency in its operations.

Figure 2 Timeline of WTO Ministerial Conferences



Source: Own compilation

The WTO has been central to global trade discussions, serving as a crucial forum for addressing complex economic and political issues. The rules and flexibilities of the WTO have played a critical role in making global trade more predictable by providing a structured framework that allows countries to moderate their policy responses within an agreed set of rules. However, the organization has faced significant challenges, especially since the collapse of the Doha Round, particularly in agricultural negotiations. This essay addresses the critical standstill in WTO agricultural negotiations and the broader structural challenges that hinder developing countries from achieving equitable outcomes. It examines the legacy of unresolved issues and aims to propose strategies and ideas put forward in the literature on how the standstill can be overcome. This essay expresses the views of the author and these views may not be consensus. The remainder of this essay is structured as follows: (2) Historical context of the WTO agricultural negotiations; (3) The need for reform; (4) What a solution could look like; and (5) the role of the EU and Germany in revitalizing the agricultural negotiations.

¹ The Most-Favored-Nation (MFN) principle in the WTO requires members to treat all other members equally in terms of trade advantages, such as tariffs and market access.

2 Historical context of the WTO agricultural negotiations: a legacy of unresolved issues

2.1 The Agreement on Agriculture: A product of its time

The AoA was introduced as a pioneering multilateral agreement to reduce trade-distortions and promote a more open global agricultural market (Brink & Orden, 2023). It is still the only multilateral trade agreement specifically addressing the agricultural sector. Its objectives at the time of its conclusion must be understood in the specific geopolitical and economic context of the late 1980s and early 1990s. It seeks to address long-standing distortions in global agricultural trade caused by high tariffs, production subsidies and export subsidies creating unequal market access opportunities. In the past, many developed countries provided substantial subsidies to their farmers, enabling them to export at artificially low prices.

Domestic Support under Article 6 AoA

The AoA contains a detailed explanation on how members have to classify their domestic support programs in terms of which are most likely trade-distorting following in common parlance a tariff light system.

- **Green Box** are minimally or not trade-distorting and have therefore no limitations.
- **Blue Box** are programs that are production limiting. Payments are either based on a fixed area, yield or number of livestock. These payments are also exempt from limits.
- **Amber Box** is price, input usage or other support that are trade distorting and therefore subject to limitations. The reduction commitments are expressed in terms of a “Total Aggregate Measurement of Support” (**Total AMS**). Positive final **Bound AMS** are Amber Box entitlements exceeding *de minimis* that some countries (34) negotiated in the 1990s, e.g. bound AMS for the EU is around 72 billion Euro (currently using around 5 billion Euro).
- **De minimis** is the minimal support allowed for both product-specific and non-product-specific support, defined as a share of the value of agricultural production. This threshold is 5 percent each for agriculture in general and for specific products (i.e. in total 10 percent) for developed countries, and 10 percent each for most developing countries (i.e. in total 20 percent). Support is only counted toward a country’s Bound AMS when it surpasses the thresholds.
- **Article 6.2** allows developing countries additional flexibilities in providing domestic support. It includes e.g. investment subsidies to encourage agricultural development and input subsidies available to low-income producers. There are no limits.

For instance, the EU has paid subsidies coupled with production levels until the fundamental reform of the Common Agricultural Policy (CAP) implemented in 2003. As the progress and challenges of further agricultural negotiations are assessed, it is crucial to keep in mind this overarching goal of the AoA – to achieve substantial, progressive reductions in support and protection leading to fundamental reform of the global agricultural market.

The AoA has faced considerable criticism over the years. Critics argue that the AoA has disproportionately favored developed countries, allowing them to maintain significant levels of domestic support and protectionist measures while limiting the ability of developing countries to support their agricultural production (Hopewell, 2022). In a bit more detail, mostly developed countries (34) were granted high bindings on their total Aggregate Measurement of Support (AMS),

giving them greater space and flexibility in providing domestic support to their agricultural sectors. In addition to that, many developed countries, such as the US and the EU, are able to provide safeguarding mechanisms that do not count as trade-distorting but still enhance the competitiveness of their agricultural producers (Kornher and von Braun, 2020). In contrast, most developing countries, which have historically had limited capacity to subsidize their agricultural production, were, based on low past support levels, left with only *de minimis* AMS entitlements. This created an uneven playing field where developing countries, which often lacked the financial capacity to match developed countries' subsidies, found their agricultural sectors marginalized in global markets.

Today's geopolitical landscape is much different from the one in the 1990s. The rise of emerging economies like Brazil, China, and India, growing concerns about food security, and increasing emphasis on longer-term sustainability have shifted priorities and dynamics. With global food security and sustainability challenges coming to the fore, the AoA original objective is sometimes viewed as insufficiently responsive to contemporary needs.

The imbalance and the fact that the Uruguay Round did not solve all outstanding negotiation issues is why a provision was formulated in Article 20 of the AoA to continue negotiations and reform the global agricultural trade system during later negotiation rounds. Adding to the criticism is the fact that the AoA is often misunderstood. The complexities of the AoA, particularly the distinctions between different types of support, the categories of measures, and how they are applied and counted, are not always well understood. This can lead to misinformed criticism that overlooks the nuanced realities of how the AoA was designed to work (Brink & Orden, 2023).

2.2 The Doha Round: How the North-South divide continues to paralyze progress

The Doha Round was intended to prioritize the needs of developing countries, an aspect that had been neglected in prior negotiations. Officially called the "Doha Development Agenda", the Doha Round intended to address this imbalance. However, the deadlock in the Doha Round largely stems from the challenges of reaching agreements on agriculture and highlights the conflicting interests and preset conditions among WTO members (Clapp, 2006). The developing countries' overall objective was to see significant reductions in AMS from developed countries and the introduction of a special safeguard mechanism that would allow to temporarily raise tariffs on agricultural imports in response to sudden import surges or price drops. The Doha Round saw several negotiation phases, from a more top-down approach, where the EU and the US were setting the narrative, to the developing countries stepping up and forming one negotiation group (G33) to confront the EU and the US (Clapp, 2006). Since the collapse of the Doha Round in 2011, the agricultural negotiations have largely stagnated.

2.3 Public Stockholding for Food Security: A sticking point in agricultural negotiations

In the past years, WTO agricultural negotiations have been dominated by discussions on public stockholding (PSH). Despite repeated efforts, WTO members have missed several self-imposed deadlines to resolve the issue, reflecting the deep-seated political deadlock between members (Margulis, 2018). Governments use PSH programs to purchase and store food at administered prices, often above market rates, to ensure food security and stabilize domestic prices. Some of these programs have given rise to considerable debate within the WTO framework, primarily due to the potential for trade distortion and the possibility of violating WTO rules on domestic support and export subsidies. The most prominent example is India, which maintains the Public Distribution System (PDS) as a management system to provide support to farmers and guarantee foodgrain distribution at affordable prices, while at the same time being a top exporter of rice and wheat. In essence, three types of PSH can be distinguished: Emergency stocks, buffer stocks to stabilize prices, and stocks for

domestic food distribution (Manduna & Murphy, 2024). However, the boundaries between these types are not always clear-cut, with some instances of overlap.

In a nutshell, PSH is not about food stockpiling itself, which is allowed under WTO rules. The debate focuses on market price support used to buy food into stocks when this support exceeds the *de minimis* limit. This limit applies only when food is bought at government-set prices; purchases at market prices do not count toward the limit. The concern is over exceeding these agreed thresholds, not the stockpiling practice.

The issue of PSH for food security purposes has been a contentious issue in WTO agricultural negotiations, mainly due to the divergent views between developing and developed countries. The fear among some WTO members is that food purchased at these administered prices could be released onto the global market, driving down international prices and harming producers in other countries. India has been one of the most vocal proponents of a permanent solution for PSH. India argues that PSH is crucial for food security but is also one of the world's largest producers and exporters of staple foods like rice, raising concerns by other countries that support under PSH programs could distort world markets.

Despite adopting an interim "Peace Clause" during the Bali MC in 2013, which temporarily protects developing countries from legal challenges related to their PSH programs, no permanent solution has so far been reached in the subsequent MCs. The Peace Clause allows developing countries to exceed their limits on domestic support under certain conditions, as long as the support is tied to PSH programs that existed before the Bali Decision and are used for staple food crops. Since the Bali Decision, only five members have reported expenditure on stocks acquired at administered prices under PSH. Only India exceeded its domestic support limit regarding rice (Manduna & Murphy, 2024).

The debate centers on whether the solution to public stockholding should be a standalone measure or part of a broader package that includes further reductions in domestic support. Developing countries argue that public stockholding should be treated as a standalone issue, separate from broader discussions on domestic support. Developed countries and members of the Cairns Group (a group of agricultural exporting countries) insist that public stockholding should be part of a broader negotiations package. They argue that all trade-distorting support should be capped and reduced to ensure fair competition in global agricultural markets (Brink & Orden, 2023). The technical complexity of calculating market price support and differing national interests have made it difficult to reach a consensus (Kask, 2020).

At the core of the dispute is the use of "administered prices" or "fixed prices" - prices set by the government rather than the market - to ensure a minimum income for their producers, thereby providing market price support. These programs fall under the WTO's Amber Box. Over time, some developing countries have seen their market price support levels rise, nearing the *de minimis* thresholds. As a result, they are concerned that they might exceed their limits and become susceptible to legal challenges. Under the AoA, market price support is measured by comparing existing administered prices to levels of those prices in a long-distant historical period, usually 1986-88. One possible solution to the ongoing impasse is to reform how market price support is calculated. Using a moving average of border prices as the reference price could provide a more time-sensitive and economically relevant measure. This approach would more closely align the reference price with current market conditions (Brink & Orden, 2023).

2.4 Institutional barriers to progress in agricultural negotiations

Each member has an equal vote and consensus is reached only if no member objects. The consensus-based decision-making process has often led to deadlock, particularly due to the reluctance of many developing countries and emerging economies to engage on salient new issues.

Regarding transparency, the WTO relies heavily on notifications, in which members report on various aspects of their agricultural and trade policies. As of early September 2021, members had submitted more than 5400 AoA notifications, with 2019 marking the highest number of submissions in a single year at 440 (Vargas, 2021). Despite this progress, many notifications are still outstanding; some members have never submitted a notification. In total, 28 members have not reported on domestic support. To address these gaps, some members have used the “counter-notification” tool to show how they think another country should notify, with the first since the introduction of the AoA submitted in 2018.

The WTO’s principles of single undertaking and consensus have led its members to form coalitions to promote common interests, with negotiations shaped by the bargaining power of different negotiating blocs. During the Uruguay Round, developing countries primarily engaged in bloc diplomacy to participate in the discussions, a trend that continued into the early stages of the Doha Round (Singh and Gupta, 2016). Over time, the negotiating dynamics within the WTO have evolved significantly. Since 2005, many developing countries have shifted to an issue-based coalition approach, focusing on specific topics rather than broad, bloc-based strategies.

Coming back to the already mentioned challenge of the North-South divide. Negotiations were shaped mainly by the distinction between developing and developed countries. Shifts in global economic power have eroded this binary division, with new geo-economic centers emerging that blur the lines between developed and developing countries (Weinhardt & Schöfer, 2022). This evolution has resulted in the diminished relevance of the conventional North-South categorization within the WTO, rendering it an increasingly ineffective category for comprehending the positions and interests of its members. As emerging countries’ economies grow, some are approaching income levels where substantial agricultural support is provided to their producers (Brink & Orden, 2023).

The WTO does not provide a formal definition for developing country. Instead, countries self-designate their status. This has been a point of contention since the WTO membership as a developing country grants specific privileges. Some WTO agreements offered extended transition periods for developing countries to fully implement the rules, and they can also receive technical assistance. Currently around 110 WTO members claim developing country status. However, this group is far from homogeneous, exhibiting considerable divergences in economic power, interests, and priorities (Efstathopoulos, 2012). This diversity affects how these countries benefit from and engage with WTO rules. For example, countries such as China and India are considered developing countries but are the second and fifth largest economies in the world and have a different status in international trade than smaller developing countries such as those in Sub-Saharan Africa or the Pacific Islands. China has surpassed the US and Germany in total global trade value. These differences shape their trade interests and negotiating positions. In addition, some developing countries are highly integrated into global markets, while others face structural challenges, such as low industrial capacity. In contrast, the status of Least Developed Countries (LDCs) is determined according to the criteria set forth by the United Nations, thereby providing a more precise and objective basis for their classification.

3 The need for reform: Why we need a solution

3.1 The global trade environment: emerging challenges

The global trading environment has evolved significantly, with emerging economies gaining influence, technological advances reshaping industries, geopolitical tensions and national/ economic security concerns adding further complexity. These changes make it difficult to create a “one-size-fits-all” approach that addresses the diverse interests of all members. The WTO has struggled to conclude new agreements, leading many members to shift their focus to bilateral and regional trade agreements and unilateral measures, a particularly evident trend during the COVID-19 pandemic when various members imposed unilateral export restrictions. Recent geopolitical tensions among some WTO members have triggered the rise in unilateral policy measures, often justified on the grounds of national economic security or driven by sustainability agendas (Peres, 2024a; Rudloff et al., 2024). In light of the standstill of the WTO negotiations, many countries have turned their attention to Preferential Trade Agreements (PTAs) since finding a consensus among willing partners is easier than waiting for consensus at the WTO. PTAs go beyond market access and result in deeper integration (e.g. equivalent sanitary and phytosanitary (SPS) standards related to health and safety). The shift toward bilateral and plurilateral trade agreements has disproportionately harmed excluded developing countries. This shift has been particularly damaging because, unlike in the WTO framework where all members have equal voting power and can negotiate on a level playing field, depending on their negotiation power, these countries lack the opportunity to participate equally in bilateral and plurilateral negotiations (Brandi & Oleksyuk, 2024).

While PTAs and unilateral policies have gained popularity, the WTO remains the most important forum, especially for small developing countries - those with limited economic size and marginal integration into the global trading system. For these countries, the WTO provides a level playing field and an opportunity to influence global trade norms that they would otherwise lack in bilateral or regional negotiations. A recent study, commissioned by the International Chamber of Commerce (ICC), found that in the absence of a rules-based multilateral trading system, exports from low-income countries could fall by more than 40 percent because these countries would face more protectionist policies from importing countries and higher trade costs due to increased uncertainty (ICC, 2024). Without the WTO, negotiating individual trade agreements with each of its members would be impractical and resource-intensive for small developing countries, leading to a complex and burdensome network of agreements to manage. This underscores the critical importance of the WTO in preventing trade discrimination and ensuring that smaller economies are not marginalized in an increasingly fragmented global trading landscape. Additionally, the WTO is seen as a fallback option by smaller economies, i.e. many developing countries, that could increase their leverage in bilateral negotiations (Azmeah, 2023).

3.2 Restoring the functioning of the dispute settlement mechanism

The WTO’s Dispute Settlement Mechanism is critical in maintaining the rules-based global trade system. It provides a structured process for resolving disputes when a member is perceived to fail to comply with WTO rules. In such cases, another member may file a complaint with the WTO Dispute Settlement Body. If initial consultations between the members fail to resolve the dispute, the complainant can request an impartial panel to determine whether the respondent has violated its obligations. Since its creation, the dispute settlement body has been widely used by members, with over 628 disputes filed.

The future of the WTO’s dispute settlement system has been uncertain since December 2019, primarily due to a crisis over the appointment of judges to the Appellate Body (AB). The AB, which typically consists of seven members serving (renewable) four-year terms, is responsible for reviewing appeals in dispute cases. Since 2017, the US has blocked the appointment of new AB members, citing concerns

about procedural and structural aspects of the AB's functioning. As a result, the terms of six members have expired, and the AB has been unable to convene, rendering it inoperable (Glauber & Xing, 2020). Members can still resolve disputes through consultations or by adopting the findings of a panel composed to review the issue.

Additionally, they can raise issues and counter-notifications in the Committee on Agriculture meetings. Related to agriculture, trade concerns around health and product quality and labeling regulations are also raised extensively in the WTO's SPS and Technical Barriers to Trade (TBT) committees as a preliminary step before initiating formal dispute consultations, although these lack any binding enforcement provisions.

In response to the inoperable AB, a group of members led by the EU established the Multi-Party Interim Arbitration Arrangement (MPIA) in 2020. The MPIA aims to maintain a functional dispute settlement system by providing participating countries with an alternative appeals process to ensure that WTO rules remain enforceable. However, participation in the MPIA is voluntary, and to date, only 53 countries, including the 27 EU member states, have joined, so far the MPIA that lacks the universality of the WTO's core pillars.

3.3 Balancing development needs and trade liberalization

Since 2009, special and differential treatment (SDT) has become a contentious issue. Developed countries, particularly the US and the EU, argue that the blanket application of SDT to all developing countries grants competitive advantages to certain members, given their significant economic power and share in global exports (Peres, 2024b; Weinhardt & Schöfer, 2022). The US has advocated for differentiation among developing countries, suggesting that emerging economies should graduate from "developing country" status based on their global economic relevance. This has been heavily criticized by emerging economies like China and India, who disagree (Singh & Gupta, 2016).

Despite the extensive literature on SDT, there is a notable gap in the research on emerging economies' demands for future SDT provisions and the potential impact on other developing countries.

Special and Differential Treatment (SDT)

SDT has long been a cornerstone of the WTO, designed to provide developing countries with greater flexibility and exemptions from trade liberalization commitments. Introduced in the 1960s, the concept predates the WTO and has long been an approach addressing the needs of developing countries within the global trade system. In detail the special provisions include:

- longer time periods for implementing agreements and commitments
- increasing trading opportunities for these countries
- requiring all WTO members to safeguard the trade interests of developing countries
- support for developing countries to engage with WTO work, handle disputes, and applying technical standards
- provisions for LDC members

Several countries, including Brazil, South Korea, Singapore, and Taiwan, have agreed to forgo SDT in future WTO agreements. This shift has occurred in some cases through bilateral negotiations/bargaining, such as the US supporting Brazil's bid to join the OECD in exchange for Brazil giving up its claim to future SDT benefits. To resolve the conflict over SDT, particularly the issue of graduation of developing countries, the US proposed introducing eligibility criteria for SDT. These

criteria are (1) not being a member of either the OECD or the G20, (2) not being a high-income country as defined by the World Bank, and finally, not accounting for more than 0,5 percent of world merchandise trade (Hopewell, 2022). The EU proposed a slightly different approach with a similar idea, stating that differentiation should be based on a case-by-case assessment of each developing country and that the use of bloc exemptions should be avoided. The self-designation of the developing country status, therefore, allows for free-riders – countries that benefit from special treatment while contributing substantially to the global trading system. As a result, low-income countries that genuinely need these provisions are lumped together with far more competitive economies.

The debates surrounding the AoA often overlook the substantial flexibilities for developing countries that are already embedded within the framework. While discussions on reducing entitlements and support are essential, it is equally important to evaluate the existing flexibilities and their real-world impacts. For example, under the Art. 6.2 of the AoA, developing countries can provide input subsidies without limits, even though such subsidies can be market-distorting, as highlighted by the OECD. India, for instance, has significantly increased its input subsidies which raises questions about the balance between supporting domestic agriculture and maintaining fair competition in global markets. However, it is important to note that this increase was largely due to rising energy, food prices, suggesting that India's next notification may reflect lower support levels. (Amalglobeli et al. 2023). A productive path forward would involve a comprehensive and nuanced dialogue that acknowledges the need for reform and the importance of maintaining support mechanisms for developing countries. This requires moving beyond simplistic finger-pointing and toward a more constructive discussion about how current flexibilities are used and whether they are aligned with the broader goals of global trade equity and sustainability.

4 Strategic pathways: What a solution could look like

After 30 years of debate, it is clear that resolving the standstill in the WTO is a complex challenge that cannot be solved with a single, simple solution. While reforms are needed to revitalize the WTO and address these challenges, expecting a sweeping solution overlooks the intricacies of the multilateral system. Instead, a series of well-negotiated reforms that build confidence among members and adapt to the changing global landscape is more realistic and achievable. The key is recognizing that progress will likely come through sustained dialogue, compromise, and a willingness to adapt over time, rather than through a “silver bullet” solution. A further significant issue is whether influential members genuinely demonstrate a commitment to the WTO. For example, the EU could play an important role in providing novel ideas that not only advance its own interests but also bolster the global trading system. Emerging economies, such as China and India, should need to take on greater responsibilities and possibly contribute more to the system while retaining some development flexibility. India specifically has positioned itself as a leading voice for developing countries in WTO negotiations, but this role has become more contentious, especially during and after MC13. India’s claim to represent the collective interests of all developing countries has been increasingly challenged. While India has raised critical issues such as food security and public stockholding, vital to many developing countries, its approach has sometimes alienated other nations, especially smaller, less economically powerful ones (Schöfer & Weinhardt, 2024). While power dynamics have changed since 1995, it still applies that the “strong do what they will and the weak to what they must” (Kelly & Grant, 2005, 2). However, it is also imperative to take the broader context of the reasoning behind negotiating positions into account. While countries such as China significantly reduced food insecurity over the past 20 years thanks in part to robust trade in various sectors driving economic growth. Other countries such as India are facing food insecurity that has worsened despite trade growth, largely due to factors such as conflict, climate change, economic downturns and inequality (WTO, 2024e).

Returning to the beginnings of the WTO and its initial goal for agricultural markets, there has been a notable shift in the composition of global agricultural support since the implementation of the AoA in 1995. The AoA was the first major and at least partially successful initiative to repurpose agricultural subsidies. Trade-distorting support has declined in nominal terms and as a share of total world agricultural production. However, some of this support is not subject to limits, and limits on other forms of support have tightened under de minimis rules (Brink & Orden, 2023). In the run-up to the last MC, the WTO Committee on Agriculture in Special Session issued a draft text - the first formal text in the agriculture negotiations in years. This draft identified seven key negotiating issues: domestic support, a permanent solution to PSH, market access, special safeguard mechanisms for developing countries, export bans and restrictions, cotton, and export competition. This highlights that on a working level, there is political will to break the standstill of the agricultural negotiations, at least by some members.

The stalemate in the WTO agricultural negotiations can only be broken if the most significant challenges are met: finding a solution to the most pressing negotiation issues (such as PSH and market price support) and a dispute settlement mechanism that is fully operational. While the latter is less of an agricultural negotiations issue but more of an overall WTO issue, no momentum will be achieved unless these two challenges are resolved.

To effectively address these challenges, it is critical to focus on key areas where strategic interventions can have a significant impact. The following sections highlight specific areas:

4.1 Reforming domestic support rules

So, why do developing countries put so much effort in demanding a reduction in domestic support of developed countries? This can be partly explained by the result such a reduction would have on net farm income. Countries offering less support would see gains, while heavily supporting countries

would see losses (Anderson et al., 2023). A potential solution to the WTO's challenges would have to balance the diverse interests of its members through a combination of reform and compromise. Key players in these negotiations would include major economies such as the US, the EU, China, and India, significantly influencing global trade dynamics. Despite the negotiations during the Bali (2013), Nairobi (2015), and Buenos Aires (2017) MCs, where some progress has been made on addressing export subsidies and PSH, the fundamental issues remain unresolved.

While there are numerous proposals from WTO members to address these issues, there is one notable recent example. In 2023, Costa Rica submitted a proposal that outlines a framework for reforming WTO rules on domestic support. It advocated for proportional contributions by countries with higher trade-distorting price support and subsidies and suggested a global cap on such support, aiming to reduce levels by at least 50 percent over ten years (WTO, 2023b). This framework was used as the basis for a proposal by the Cairns Group, first circulated in 2023, only slightly changing the analytical part (WTO, 2024c). The proposal was criticized by India since it also proposed that the PSH issue be resolved as part of broader disciplines to cut all trade-distorting domestic support. India was joined by other members of the G33 criticizing the proposal while the EU and US at least agreed with the general view of the proposal.

At MC10, in Nairobi, in 2015, WTO members reached a significant agreement to eliminate agricultural export subsidies as part of the Nairobi Package (WTO, 2015). This decision represents one of the most significant achievements in the latest history of WTO agricultural negotiations. Export subsidies result in elevated prices for the subsidized product in the exporting country, benefitting domestic producers but negatively impacting consumers. Simultaneously, these subsidies result in a reduction of the product's price in importing countries and on the global market, which places producers abroad at a disadvantage while benefiting consumers in those markets. Consequently, while the exporting country provides support to its domestic agricultural sector, these subsidies distort global trade by creating artificially low prices for importing countries, which in turn undermines local producers (Díaz-Bonilla & Hepburn, 2016).

The objective of abolishing export subsidies has been a pivotal topic since the Uruguay Round. The AoA initially addressed the reduction of export subsidies introducing some limitations on the eligible value and volume of export subsidies (Blandford et al., 2010). Already in 1995, the US, closely followed by the EU, had stopped using export subsidies for most products. Nevertheless, the complete elimination of these subsidies was repeatedly postponed due to conflicting interests among members, particularly between developed and developing countries (Peters, 2008).

The Nairobi Package has resulted in greater advancements in the export competition pillar in comparison to the other pillars under the AoA. To consolidate these advances, it is essential that countries update their WTO commitments and comply with existing reporting requirements, which have been largely disregarded. Furthermore, it is necessary to implement stricter reporting requirements with respect to government actions, such as the management of public stocks, in order to prevent indirect export subsidization. It would also be advisable to subject agricultural state trading enterprises to increased scrutiny and to ensure that they comply with WTO disciplines (Cahill et al., 2021).

The agreement reached in Nairobi thus represents the culmination of decades-long efforts to address this contentious issue. By establishing definitive timelines for the elimination of export subsidies, the Nairobi Package brings the WTO closer to fulfilling the original objectives of the AoA and enhances the credibility of the multilateral trading system.

4.2 Harnessing Transparency: the power and pitfalls of notifications

Notifications are an essential tool in the WTO framework, serving as the primary mechanism for transparency and accountability among members. They allow countries to report on various aspects of their agricultural and trade policies by providing a structured way to disclose measures that might

otherwise go unnoticed. Improving transparency and notification requirements could help reduce disputes among WTO members (Regmi, 2021). However, while the importance of notifications is undeniable, there are significant gaps in coverage. Some scholars have proposed expanding the mandate of the WTO Secretariat to collect and publicly disseminate information on national policies (Hoekman and Mavoridis, 2021). While this approach could improve transparency, it raises concerns about potential over-reliance on the WTO Secretariat and duplication of efforts already undertaken by other international organizations, such as the OECD. Instead, a more collaborative approach could be pursued in which the WTO leverages the work of organizations such as the OECD, the IMF, and the World Bank.

To improve the effectiveness of the WTO's notification system, countries with difficulties compiling and submitting their notifications should be supported. Many developing countries, especially LDCs with limited administrative and technical capacity, face significant challenges in complying with their notification obligations (Laborde, 2024). This is evidenced by the observation that some members seldom or never reported domestic support. Consequently, there is a gap in knowledge regarding the allocation of resources to agricultural subsidies by those countries, despite the fact that, in comparison to developed countries, the level of such subsidies is significantly lower. Laborde (2024) notes that while discussions on how to integrate LDCs in world markets better often focus on their lack of policy space, in many cases, LDCs are not aware of their policy space needs because they lack systematic information on how they spend their resources on agricultural subsidies.

4.3 Reducing agricultural tariffs

One result of the AoA was the conversion of non-tariff barriers to bound tariffs with some modest reductions. Notwithstanding the efforts of the AoA, the tariffs levied on agricultural products remain considerably higher than those imposed on non-agricultural products. In the context of the current political climate with a tendency to increasing protectionism, proposing further tariff reductions represents a significant challenge (Anderson, 2022). However, it is imperative to revisit the initial goal of the AoA, namely trade liberalization. Economic models have demonstrated that reductions in tariffs can facilitate greater trade and enhance welfare more effectively than reforms in domestic support (Anderson et al., 2023). The presence of high agricultural tariffs can impede market access, especially for developing countries, even when preferential treatment under the Generalized System of Preferences (GSP) is in place. For instance, the GSP schemes of Canada, the EU, Japan, and the US, which account for a significant amount of global agricultural imports from developing countries, provide different preferential tariff rates, particularly for LDCs (UNCTAD, 2023). However, the level of openness is not consistent, with for example the EU's Everything But Arms (EBA) initiative offering the most comprehensive GSP in terms of the overall value of trade preferences provided. Consequently, a multilateral effort to reduce the remaining high tariffs should be further considered. Additionally, it is essential to acknowledge that developing countries often maintain high agricultural tariffs, which could be addressed concurrently in pursuit of more equitable global trade.

4.4 Institutional issues concerning the WTO

Consensus, as a cornerstone of the WTO, has a legitimate place in the work of the WTO, especially regarding rules that significantly impact global agricultural markets. However, consensus extends to all functions of the WTO, including the day-to-day work of setting the agenda for committee meetings. Thereby, consensus, as a tool, is used by some members to stall or block even the most basic tasks, adding to the frustration of other members. One solution would be for consensus not to extend to decisions where members wish to discuss a new issue or where a new rule is binding only on those members who have agreed to it.

4.5 Finding the Common Grounds: Aligning Trade with the SDGs

WTO members need to rediscover common ground for negotiations. Climate change and global food security stand out as compelling issues that could increase members' interest to go back to the negotiating table, using the WTO as a multilateral platform for equitable exchange.

Finding common ground among WTO members with widely varying levels of development and interests is critical to advancing global trade negotiations, particularly in the context of contemporary challenges such as climate change and sustainability. The challenge is to balance the need to address these global issues while avoiding further distortions in agricultural markets. Various WTO committees have addressed sustainability concerns related to agriculture through multilateral and plurilateral approaches. The SPS Committee addresses issues related to sustainable food systems. Committee on Trade and Environment members participate in plurilateral discussions under the Trade and Environmental Sustainability Structured Discussions (TESSD) (Sharma et al., 2024). The latter started the more in-depth discussions on the environmental impacts of agricultural subsidies in 2022. TESSD is a starting point for the WTO to join the debate on repurposing agricultural subsidies.

At MC12, discussions on food security focused on key issues such as export restrictions, transparency, and support for vulnerable economies. WTO members adopted a Ministerial Decision exempting food purchases by the World Food Program for humanitarian purposes from export restrictions (WTO, 2024a). The issue of export restrictions had gained increasing prominence on the negotiating agenda, following the significant spikes in food prices during 2007-08, 2010-11, and more recently in 2022.

WTO members also declared their commitment to make progress in promoting sustainable agriculture and food systems and resilient agricultural practices (WTO, 2022).

Introducing a “sustainability box” within the WTO is gaining traction as a potential solution to contemporary challenges such as food security, climate change, and biodiversity loss. This concept would allow for minimal trade distortion in pursuit of broader sustainability goals, but it also raises concerns about the potential for disguised protectionism (Diogo & Kaukab, 2023). The current system focuses primarily on regulating trade-distorting subsidies and does not adequately address the sustainability impacts of subsidies. To adapt to modern challenges, some experts argue that WTO rules should be refocused on evaluating subsidies based on their effect on sustainability, whether positive or negative (Cima & Esty, 2024). This shift would involve reassessing subsidies through the lens of the Sustainable Development Goals (SDGs) and balancing economic, environmental, and social priorities on a case-by-case basis. Cima and Esty (2024) also propose to create a dedicated fund to support developing countries in their transition to sustainable development, ensuring that equity considerations are central to this new framework. While politically challenging, the sustainability box represents a forward-looking approach to integrating sustainability into global trade rules, balancing the need for economic development with environmental protection and social equity.

Addressing these critical areas requires the use of effective tools and strategies. The following approaches could serve as catalysts for progress in the agricultural negotiations:

4.6 The role of mediation and facilitation

Brazil represents an intriguing example of a potential mediator in negotiations due to its strategic evolution in trade diplomacy. In the past, Brazil led a large coalition of developing countries, mainly through the G20, to advocate for a developing country agenda. However, Brazil has shifted to a more flexible negotiating strategy that relies less on the traditional North-South divide (Schöfer, 2023). This shift is largely driven by Brazil's economic interests in agricultural trade liberalization and its dissatisfaction with the stagnation of negotiations under the old coalition framework (Schöfer, 2023). At MC12, Brazil demonstrated its commitment to advancing agricultural trade liberalization and avoiding protectionist policies, even proposing changes to the conference format to speed up

negotiations (Schöfer, 2023). In addition, Brazil's recent cooperation with the EU and its agreement with the US to forgo future SDT indicate its pragmatic approach to promoting progress in the WTO.

In April 2024, Brazil submitted a proposal to the WTO General Council on how to proceed in the agricultural negotiations (WTO, 2024b). The proposal was mainly received positively and supported by the Cairns Group, LDCs and the Cotton-4, as it offered a structured approach to advance talks. While the EU preferred to focus on domestic support and PSH, India, supported by its allies, insisted on resolving PSH independently (Ungphakorn, 2024).

Brazil's capacity to navigate the complex dynamics of diverse economic blocs and its strategic focus on agriculture position it as a potential mediator capable of facilitating dialogue and collaboration between developing, emerging, and developed countries.

4.7 Interorganizational exchange

The MC should not become a COP 2.0 with an agenda dominated by climate negotiations but should instead view climate change and mitigation as areas where trade can play a constructive role. Trade, if properly managed, can be a powerful tool to advance environmental goals, promote the diffusion of green technologies, and encourage sustainable agricultural practices.

Crucially, the AoA (e.g. in the Green Box) already provides many flexibilities that can help countries adapt their agricultural sectors to meet climate goals. For example, both developed and developing countries have the policy space to provide subsidies for environmentally friendly practices, invest in sustainable infrastructure, or support farmers adopt climate-resilient techniques. Rather than shifting the focus entirely to new climate mandates, the WTO should explore how these flexibilities can be optimized and better aligned with global environmental goals. The challenge, then, is to use trade as a mechanism for climate change mitigation while ensuring that the original goal of reducing trade distortions is not compromised. The WTO can build on the synergies between trade and climate without losing sight of its core mandate.

This is also where the WTO and the United Nations Framework Convention on Climate Change (UNFCCC) could learn from each other despite their different focus. The UNFCCC has approached agriculture primarily through the lens of climate change, while the WTO has traditionally been more concerned with trade. Both organizations face the delicate task of balancing domestic economic growth with global environmental and developmental challenges. The UNFCCC's concept of common but differentiated responsibilities and respective capabilities and the WTO's SDT reflect similar efforts to address these complex dynamics (Diogo & Kaukab, 2023). Therefore, fostering cooperation between these fora could help align their goals and ensure that trade policies and climate action are mutually supportive and equitable across different levels of development.

4.8 A multi-faceted path: Maximizing the use of informal exchange

A WTO reform depends on better using informal exchange among members. Thematic sessions, informal discussions that support the work of committees, have proven particularly useful, with many focusing on sharing experiences in implementing existing commitments (Wolfe, 2021). Although less common, some meetings address trade-related issues not well covered by the WTO or introduce new topics. Events initiated by the Secretariat, such as the Workshop "Examining contemporary challenges in the agriculture sector in the context of WTO negotiations" (WTO, 2024d), further contribute to these discussions. Reforms should build on WTO committees, which increasingly involve stakeholders such as the private sector and other international organizations. These forums help members manage domestic political pressures (Hoekman & Mavroidis, 2021).

4.9 Strengthening of the capacities of small developing countries

There is also a critical need for informal, technical exchanges, especially for small developing country delegations with limited capacity. These delegations often lack the resources to follow new development in global trade negotiations, putting them at a disadvantage in highly politicized discussions. As a result, they are often drawn into the arguments and positions of larger developing/emerging countries without having the time or expertise to develop independent positions. Informal, person-to-person exchanges, free from the pressure of formal negotiations, can help build trust and understanding of complex technical issues. These ongoing efforts, where delegates can ask questions, seek clarification, and develop their knowledge in a low-pressure environment, provide the necessary space for smaller delegations to better grasp the nuances of ongoing negotiations.

The strengthening of the capacities of small developing countries is something the members of the G7 could take up on. There is a need for a small, person-to-person exchange on the current debates and technical issues. The G7 members also need to understand what drives delegations from small developing countries. Over time, such exchanges can help these countries develop their own informed positions, enabling them to engage more effectively in formal talks and protect their interests. Trust and capacity-building are slow processes, and informal dialogue provides the time and space necessary for these delegations to grow into more confident and capable actors within the multilateral system. But while increased dialogue is valuable, it alone is also not a “silver bullet” for overcoming the ongoing stalemate. Broader systemic changes and concrete actions are needed to move beyond dialogue and achieve meaningful progress.

5 The role of the EU/Germany in revitalizing agricultural negotiations

5.1 The EU's influence on a WTO reform

The EU has repeatedly advocated for a strong WTO (European Commission, 2024). The WTO rules are still important for the EU since 60 percent of the EU's total trade is still done under the WTO rules. Therefore, the EU is an active proponent of a rules-based international trade order, participating in initiatives such as the TESSD and helping to establish the interim MPIA to maintain the dispute settlement mechanism. These actions underline the EU's intention to maintain the WTO. However, this commitment appears less concrete when it comes to strong initiatives in terms of providing solutions regarding the disagreements surrounding the area of agricultural domestic support. Hampering the EU is the fact that in the current geopolitical environment there may be pressures to increase trade-distorting support for EU farmers, rather than to continue the reform path of the CAP of the last decades that had substantially reduced trade-distorting support. Advocates of support could resist a stronger emphasis on reducing the WTO cap on the remaining EU trade-distorting support even though such support is only very limited and cannot be compared to the levels provided in the 1980s. Given the limited AMS support compared to the EU's total entitlement, the fact is that it would be without much impact for the EU to substantially reduce its Bound AMS. Here, it is more a question of what the EU wants to signal to the other WTO members. Recent discussions around national food security and production targets as well as approaching negotiations for the EU's Multiannual Financial Framework could see potential for significant changes, particularly regarding greater funding of the European agricultural sector and though divert attention from initiatives that could signal EU intent that support for agriculture be further constrained worldwide. In addition, recent unilateral initiatives i.e. EU deforestation regulation, have irritated several WTO members over its impact on third countries.

In 2023, the EU Commission circulated some ideas on what they thought was necessary to achieve progress during MC13 among WTO members (WTO, 2023a). However, it was noted that during MC13, these ideas did not seem to be taken any further and it seems that the EU Commission's reluctance to take a firm stand was hidden by India's position of not moving at all.

5.2 Germany's potential as a facilitator

As a significant contributor to global trade and a key player in the EU, Germany could position itself as facilitator leveraging its advocacy for a strong rules-based multilateral trading system (Bundesregierung, 2024). Its position outside the direct negotiation process allows it to act as a potential mediator. Germany provides funds to the WTO's Standards and Trade Development Facility (STDF), which supports developing countries in meeting international safety standards and promoting their participation in global agricultural trade. Germany also advocates for the needs of developing countries and offers technical support and capacity-building projects, aiming to facilitate their integration into international trade. In addition, Germany has been a full member of the Advisory Centre on WTO Law (ACWL) since 2021 and supports the ACWL's mandate, which is to provide its developing country members and the LDCs entitled to its services with legal advice on WTO law; assistance in WTO dispute settlement proceedings; and training on WTO law.

Germany already provides support through the above-mentioned organizations and other initiatives of German development cooperation to developing countries. In addition, there is considerable potential in initiating small exchanges with delegations from smaller developing countries. Such interactions have the potential to foster deeper relationships and enhance mutual understanding. Nevertheless, it is crucial to acknowledge that the tangible outcomes of such exchanges may not be immediately evident and could necessitate a considerable length of time to manifest, frequently

exceeding the conventional programming duration of development projects, which typically spans two to four years. It is, therefore, essential to adjust expectations and adopt a patient, longer term perspective. A continuous dialogue and sustained engagement approach could ensure that consistent efforts lead to meaningful results over time.

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