



Why the US Proposals on Development will Affect all Developing Countries and Undermine WTO

By Aileen Kwa and Peter Lunenborg*

Introduction

The United States (US) kicked off 2019 with two proposals that would affect all developing Members in the WTO and undermine the multilateral trading system:

- “An Undifferentiated WTO: Self-Declared Development Status Risks Institutional Irrelevance” (WT/GC/W/757, 16 January 2019). This paper says that due to ‘great development strides’, including the decrease in poverty to the lowest level in history, the WTO’s construct of North and South or developed and developing countries no longer makes sense. Countries therefore should not be allowed to self-declare themselves as “developing countries.”

US also notes in the paper that developed countries have been severely disadvantaged in the WTO system due to Special and Differential Treatment (S&D) flexibilities that all developing countries enjoy. “All the rules apply to a few (the developed countries), and just some of the rules apply to most, the self-declared developing countries.”

According to the US, self-declaration is making global trade rules applicable only to a small group of countries (developed Members). “This is untenable”. It concludes by saying that “an inability to differentiate among (developing) Members – puts the WTO on a path to failed negotiations. It is also

a path to institutional irrelevance, whereby the WTO remains anchored to the past and unable to negotiate disciplines to address the challenges of today or tomorrow.”

- “Draft General Council Decision: Procedures to Strengthen the Negotiating Function of the WTO” (WT/GC/W/764, 15 February 2019). This paper concretises the concepts in the first paper. It provides criteria graduating some developing countries out of Special and Differential Treatment altogether, based on criteria, some of which have nothing to do with trade:

- ◇ membership or accession to OECD;
- ◇ membership of G20;
- ◇ classified as ‘high income’ by the World Bank; or
- ◇ a country with 0.5 per cent or more of global merchandise trade.

With these criteria, 34 developing WTO Members representing 53.6 per cent¹ of global population would be excluded from S&D flexibilities in current or future negotiations.² See Annex 1 for the country coverage resulting from the application of these criteria.

The draft Decision would also eliminate S&D as an unconditional right for all other developing country Members not covered in the categories proposed by

Abstract

US submitted two highly problematic proposals to the WTO in January and February 2019, undermining the place of Special and Differential Treatment (S&D) for developing countries at the WTO. In the first paper (WT/GC/757), US criticises the practice of self-declared development status by developing countries arguing that the North-South construct no longer makes sense due to “great development strides”. The second paper (WT/GC/764) – a proposed Decision for the General Council – provides a way to operationalise what was in the first paper. It gave criteria that would exclude 34 Members or 53.6 percent of global population from S&D treatment in “current and future WTO negotiations”. This fundamentally changes S&D from an unconditional right for all developing countries to a concession that may or may not be provided. Even for those developing countries that are not part of the 34 excluded Members, the US notes that in sector-specific negotiations, other Members could also be “ineligible for special and differential treatment.” This paper critiques the US approach on Special and Differential Treatment and concludes that these papers by the US cannot be the basis for any further discussions. All developing countries must be able to decide the pace of their adjustment to trade rules.

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the US. It states: "Nothing in this Decision precludes reaching agreement that in sector-specific negotiations other Members are also ineligible for special and differential treatment". What this suggests is that for current and future negotiations, S&D may be provided to some developing Members, but this would have to be negotiated based on criteria that will be devised during the negotiations. I.e. no Member is guaranteed S&D flexibilities.

In response to the US' first paper (WT/GC/W/757), China, India, South Africa and Venezuela, Laos, Bolivia, Kenya and Cuba, Central African Republic and Pakistan came up with a counter-narrative (WT/GC/W/765/Rev.2).³ Using a broad range of indicators, they illustrate the point that the development divide (economic and in human development terms) is still very much present between developed and developing countries. Therefore, the:

"self-declaration of developing Member status, a fundamental rule in the WTO, has proven to be the most appropriate classification approach to the WTO. Despite the impressive economic progress made by many developing Members over the past decades, development divide persists and has actually widened. Further, developing Members continue to confront many formidable challenges, which underscores the continued relevance of S&DT provisions in their favour... Any attempt to dilute S&DT would be in conflict with the fundamental premise of equity and fairness that underpins an international treaty framework in a context of a Membership as diverse as that of the WTO."

II. Analysis of US Proposed "Draft General Council Decision: Procedures to Strengthen the Negotiating Function of the WTO"

The analysis in this note focuses on the second referred-to US paper (WT/GC/W/764, 15 February 2019) although generic comments on S&D also apply to US' approach outlined in its first paper.

1. S&D is a Critical Part of the WTO System, Without Which Some Developing Countries Would Never Have Become WTO Members

Special and Differential treatment (S&D) is a right given to all developing Members due to the uneven level of development between developed and developing Members. This development divide still exists today (see Annex 2 for per capita GDP). It is also evidenced in the UNDP's Human Development Index (see Annex 3), and as noted above, is covered in the submission by China, India, South Africa and Venezuela et al. (WT/GC/W/765/Rev.2).

S&D is an integral part of the WTO rules provided to developing countries to adjust to trade rules at their pace and in accordance with their level of development. This choice must be preserved. Many developing countries became WTO Members because S&D was part of the architecture of rules, without which they may never have become Members.

2. US Seeks Fundamental Changes to the S&D/Development Acquis of the Multilateral Trading System

i. With the US Language in W764, there are No Guarantees of S&D for Any Country, not Even LDCs

With the last sentence in its submission "Nothing in this Decision precludes reaching agreement that in sector-specific negotiations other Members are also ineligible for

What are Concessions, Rights, and Entitlements?

Concession is something that is allowed or given up, often in order to end a disagreement, or the act of allowing or giving this. It has both an inferior status to and a less permanent existence than rights, being subject to revocation or to the imposition of conditions on its exercise.

The word "right," designates an entitlement that can be asserted affirmatively and which cannot be removed.

An entitlement is a provision made in accordance with a legal framework, for example, of a society. Typically, entitlements are based on concepts of principle ("rights") which are themselves based in concepts of social equality or enfranchisement.

The proponents also note that

"Unless we are willing to properly address the practical demands and specific difficulties of the developing Members as well as the reversed S&DT for developed Members, we will never be able to encourage them (developing Members) to fully participate in and make due contributions to the future negotiations". They conclude with a final observation: "If the promise of taking everyone along is a desirable objective to be fulfilled and if inclusiveness is to be ensured then S&DT for all developing Members is the obvious solution."

special and differential treatment," the US seems to aim at effectively destroying the concept of S&D and eliminates it as a right for all developing countries. There are not even guarantees for LDCs.

This is despite the fact that developed countries enjoy a considerable number of flexibilities which have not been granted to developing countries i.e. "reverse S&D" provisions (a non-exhaustive list is provided below). Section 5.2 of the China, India, South Africa and Venezuela et al submission also provides a detailed exposé of "reverse S&D" for developed Members in the GATT/WTO.

ii. Transforming S&D as an Unconditional Treaty Right into a Concession Provided Only Upon Conditions and Which Could also be Time-Limited

The US is suggesting that a fundamental treaty-based right which developing countries are now entitled to - due to the needs they face to improve the living conditions of their populations- be removed and replaced by certain concessions provided only to some developing countries when they have met certain conditions. EU has used the term “case-by-case” S&D⁴ and Canada has referred to S&D based on “evidence of need” and “subject to negotiations.”⁵

This is a major shift - from S&D as an embedded treaty right arising from the fact that a country is in the process of development, to a concession that could be only temporarily provided for, and which is given only when certain conditions have been met.

The consequences are that

- The burden of proof will be on the developing country party to provide evidence. A developing Member and LDC will be required to demonstrate with evidentiary proof their need for S&D, and this too is no guarantee. Thus, a developing Member with little negotiating/political capacity could be severely disadvantaged.
- Attaining any flexibility at all will depend on the judgement and goodwill of other WTO partners.
- Invariably, the application of S&D will be much reduced. A case may have to be made by each individual country for flexibility provision by provision, sector by sector.

The best example was the LDCs TRIPS waiver the last time this was negotiated. LDCs were told that not every LDC needed the TRIPS waiver, because some of them were already implementing the TRIPS rules, and not all of them needed it for the entire TRIPS agreement. If case-by-case S&D had become the modus operandi, any provision of S&D would have been very narrow, and individual countries would be pitted against major partners in individual sets of negotiations. LDCs would have lost the ability to negotiate as a group.

iii. The negotiating dynamics for S&D would change radically – from developing countries/LDCs negotiating for S&D as a group, to countries making their case individually, putting countries in a less powerful negotiating position.

iv. The language used also suggests that the US could come up with **further conditions in the future** in each set of negotiations. For example:

- ◇ middle income countries will also not avail of S&D.

- ◇ countries with x per cent of exports in a sector will not avail of S&D. Whilst some small developing countries may not hit the 0.5 per cent of world trade mark, individual countries could have quite high shares of exports in a particular product. Potentially, they could be excluded from S&D for that product e.g. Burkina Faso and Benin have each over 3 per cent of the global cotton export share.

v. **The proposed elimination of S&D as a right would also significantly jeopardize the possibility to arrive at new negotiated outcomes**, especially as some Members have tended to put on the table unrealistic demands and ambitions. A case in point is the on-going fisheries negotiations.

3. Contradictions with WTO Rules and Mandates

i. The General Council draft decision is contrary to the provisions in the WTO Agreements and to the existing mandates, including that of the Doha Development Agenda (DDA)

The proposed GC Decision is in contradiction with Part IV of the GATT (Art XXXVI – XXXVIII) which embeds S&D as a fundamental *acquis* for developing countries in the GATT; it is also contrary to GATS Art IV, as well as all the 148 S&D provisions in the WTO Agreements.

It is also fundamentally in contradiction with the Doha mandates on development and all other mandates which have affirmed S&D and its importance for developing countries. This of course includes the mandate in Para 44 of the DDA regarding reviewing and strengthening existing S&D provisions. This is still an integral part of the ongoing negotiations to rebalance the WTO system to better respond to developing countries’ special situation and needs in the area of trade.

Notably, as recently as the 11th WTO Ministerial Conference (MC11), in the Ministerial Decision on Fisheries Subsidies, Ministers had agreed to the following:

“recognizing that appropriate and effective special and differential treatment for developing country Members and least developed country Members should be an integral part of these negotiations.” (Para 1, WT/MIN(17)/64, 18 December 2017)

ii. Contradictions between the existing S&D provisions in WTO Agreements and the proposed GC Decision in the Context of Negotiations

The US submission says that:

“the following categories of Members will not avail themselves of special and differential treatment in current and future WTO negotiations”.

It is very likely that future negotiations (on services or goods) will touch upon existing WTO Agreements. Yet there are specific articles in these Agreements mandating S&D for developing countries.

It would seem therefore that the proposed GC Decision would conflict with and could not be applied to

negotiations that pertain to existing Agreements without an amendment of certain provisions in those Agreements. For instance, Art IV of the GATS says:

“The increasing participation of developing country Members in world trade shall be facilitated through negotiated specific commitments, by different Members pursuant to Parts III and IV of this Agreement...”.

4. The US conditions are arbitrary - there is no justifiable basis for the conditions they have listed

G20: G20 is not a trade grouping but a summit-level conference that was originally conceived to develop a collective response to the global financial crisis rather than to solve trade issues. G20 includes countries with major differences in their levels of development measured by a variety of socio-economic and human development indicators.

Level of income: Income level does not determine the level of development. Development necessarily means, *inter alia*, economic transformation/diversification, sustainability, food security, access to health care, absence of or reduced poverty levels. This is not the case for several of the high income developing countries.

Trade share: Being a major importer and/or exporter could be due to population size. It makes no sense to compare trade shares between a country with over a billion in population and another with a few hundred thousand. Further, dependence on imports does not necessarily indicate the level of development.

5. The Proposed GC Decision Is a Clear Attempt to Bring About Institutional Changes that Divide Developing Countries

The suggested GC Decision is highly divisive. This could be intended to set the stage for the WTO reform package proposed by some developed countries to be rolled out. At the heart of the WTO Reform agenda seems to be:

- for developed countries to maintain their dominant economic position including under new modalities of trade (e.g. e-commerce)
- an attempt to slow down technological catching-up and economic development, through the adoption of further WTO rules, such as on industrial subsidies, state owned enterprises and technology transfer.
- to enable proponents to adopt new WTO disciplines bypassing the consensus rule. This will undermine the very basis on which the **multilateral** trading system has been built up and, if implemented, may affect all Members big or small.

This reform agenda seems to be intended to fine-tune the WTO as an instrument that mandates a convergence of economic models, which would straight-jacket developing countries' choice of strategies and

policy instruments for industrial transformation, despite the fact that developed countries themselves made their own choices and did not follow any particular policy prescriptions.

As noted by Harvard professor Dani Rodrik, “our trade rules have overreached. A fair world trade regime would recognise the value of diversity in economic models. It should seek a *modus vivendi* among these models, rather than tighter rules.”⁶

6. Removing S&D as an Entitlement will have ramifications beyond the WTO (e.g. UNFCCC negotiations, ODA, Development Financing)

Removing S&D in the WTO for some developing countries altogether, and for others, removing it as a right and making it condition-dependent rather than available on the basis of a country's self-ascription as a developing country will set an important precedent. For example, it could water down the principle of “common but differentiated responsibility”, a foundational principle in the UNFCCC for developing countries, so that this principle only applies upon fulfilment of certain criteria.

The proposed drastic changes in S&D in the WTO may also lead to new conditionalities in other arenas – ODA, development financing, climate financing and lending etc. There could be unintended consequences which we may not now have contemplated. The result could be not only the loss of economic benefits but also policy space in various multilateral regimes, making the achievement of SDGs and development priorities more difficult.

7. The issue of LDCs and Developing Countries

There is no question that LDCs deserve the maximum flexibilities in the WTO system and that they should continue to do so. However, this does not mean that developing countries do not require flexibilities. They too have developmental challenges and require flexibilities.

8. Developed countries have enjoyed “reverse S&D” with a large impact on their economies

Developed countries have used their economic power to negotiate “reverse S&D” for themselves. By doing so, they have enjoyed significant policy space and flexibilities in important areas. There are numerous examples of “reverse S&D” in the UR Agreements which developed countries continue to benefit from. In fact, these “reverse S&D” have proven even more operational and impactful than the S&D provided to developing countries. The Aggregate Measurement of Support (AMS) entitlements in agriculture is only one example. The following is a non-exhaustive list:

- AMS entitlements allowing for enormous amounts of product-specific subsidies including for products which are exported.
- the Green Box (Annex 2 of the Agreement on Agriculture) on agriculture subsidies was tailored especially to developed country farm programmes where unlimited subsidies can be provided for.

Today US provides \$119 billion in the Green Box (88 per cent of their total domestic supports) and the EU 61 billion Euros (81 per cent of their total domestic supports).

- the Special Safeguard Provision (SSG) available to developed Members is not available to most developing Members. This is still being actively used today (e.g. US use of SSG for the entire year of 2015 against EU milk).
- tariff peaks and escalations.
- the types of subsidies developed countries use under the Agreement on Subsidies and Countervailing Measure (ASCM) enjoy more flexible treatment than the subsidies developing countries would tend to use.
- the GATS Agreement where concessions in the Uruguay Round went much further in Mode 3 (commercial presence) than in Mode 4 (movement of natural persons); and sectoral rules e.g. on telecommunications where developed countries had major interests.
- The Nairobi Decision on Export Competition under which export subsidies had to be eliminated with immediate effect, provided flexibilities for some developed Members (see footnote 4, WT/MIN(15)/45, 19 Dec 2015).

Conclusions

1. The concept underpinning the US papers on development, including the commented GC draft decision is unacceptable as a basis for any further discussion in WTO. Engaging in a discussion on the proposed categories would be futile.

2. A change in S&D to the model suggested by the US (no S&D for some; S&D for others based on conditions and supply of evidence) would remove developing countries' treaty-unconditional right to S&D. It would be contrary to fundamental provisions in the Marrakesh Agreement, and to existing mandates including those in the DDA. This contradiction also poses legal questions regarding current and future negotiations, especially where they contradict standing articles in the WTO agreements.

3. S&D as an entitlement for all developing countries is a fundamental *acquis* to the multilateral trading system, without which many developing Members may not have joined the WTO. There is still a significant development (human and economic) divide between developed and developing Members (as evidenced in the China, India, South Africa, Venezuela, Laos, Bolivia, Kenya, Cuba, Central African Republic and Pakistan paper, WT/GC/W/765/Rev.2). All developing countries must be able to decide the pace of their adjustment to trade rules. Trade rules should not attempt to over-reach and constrain developing countries into economic models which are not of their own choice and adapted to their societies and governance

models. The WTO must not undermine each country's right to development. This is "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (Article 1.1, UN Declaration on the Right to Development -1986).

Annex 1: Country coverage of the criteria used in the US paper

A. WTO Members covered by Conditions i-iv of the US paper

Developed Countries	Developing Countries (34)
Australia Canada European Union Iceland Japan New Zealand Norway Russian Federation Switzerland US	Antigua and Barbuda; Argentina; Barbados; Brazil; Chile; Colombia; Costa Rica; Israel; Mexico; Panama; Seychelles; South Africa; Trinidad and Tobago; Uruguay; Bahrain; Brunei Darussalam; China; Hong Kong, China; India; Indonesia; Korea; Kuwait; Macao, China; Malaysia; Oman; Philippines; Qatar; Saudi Arabia; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Thailand; Turkey; United Arab Emirates; Viet Nam

Note: EU Member countries are not listed in this table.

Annex 1 (continued):

The WTO Members in black on this map are covered by the US communication WT/GC/W/764



Note: Philippines is coloured dark grey in the map as it is considered a border case: it meets the criterion of 0.5% of world merchandise trade when rounding up its share to one digit (the US communication puts 0.5% as threshold not 0.50%).

Source: the sources for each condition used in the US communication are listed under the tables below

Disclaimer: the map is generated with www.mapchart.net and does not imply formal endorsement by South Centre.

B. WTO Members covered by Condition i of the US paper: “i. A WTO Member that is a Member of the Organization for Economic Cooperation and Development (OECD), or a WTO Member that has begun the accession process to the OECD;”

OECD Member Countries - non EU	OECD Member Countries - EU		OECD Accession Candidates (approved)
Australia	Austria	Latvia	Colombia
Canada	Belgium	Lithuania	Costa Rica
Chile	Czechia	Luxembourg	
Iceland	Denmark	Netherlands	
Israel	Estonia	Poland	
Japan	Finland	Portugal	
Mexico	France	Slovakia	
New Zealand	Germany	Slovenia	
Norway	Greece	Spain	
South Korea	Hungary	Sweden	
Switzerland	Ireland	United Kingdom	
Turkey	Italy		
US			

Source: OECD, <http://www.oecd.org/about/membersandpartners/list-oecd-member-countries.htm> (OECD membership) and <https://www.oecd.org/legal/accession-process.htm> (OECD accession members).

Note: A WTO Member that has begun the accession process to the OECD has been interpreted not to include countries that made a request to join the OECD not (yet) approved to formally start the accession process. Nonetheless, the concerned countries are covered under other criteria as well.

C. WTO Members covered by Condition ii of the US paper: "ii. A WTO Member that is a member of the Group of 20 (G20);"

G20 Members - non-EU	G20 Members - EU
Argentina	European Union
Australia	Germany
Brazil	France
Canada	Italy
China	United Kingdom
India	
Indonesia	
Japan	
Mexico	
Russia	
Saudi Arabia	
South Africa	
South Korea	
Turkey	
US	

Source: Eurostat, [https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Group_of_Twenty_\(G20\)](https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Group_of_Twenty_(G20)).

D. WTO Members covered by Condition iii of the US paper: "iii. A WTO Member that is classified as a "high income" country by the World Bank"

High Income - non EU		High Income - EU	
Antigua and Barbuda	Macao, China	Austria	Italy
Argentina	New Zealand	Belgium	Latvia
Australia	Norway	Croatia	Lithuania
Bahrain, Kingdom of	Oman	Cyprus	Luxembourg
Barbados	Panama	Czechia	Malta
Brunei Darussalam	Qatar	Denmark	Netherlands
Canada	Seychelles	Estonia	Poland
Chile	Singapore	Finland	Portugal
Hong Kong, China	Switzerland	France	Slovakia
Iceland	Chinese Taipei	Germany	Slovenia
Israel	Trinidad and Tobago	Greece	Spain
Japan	United Arab Emirates	Hungary	Sweden
Korea, Republic of	Uruguay	Ireland	United Kingdom
Kuwait, the State of			

Source: World Bank, <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

E. WTO Members covered by Condition iv of the US paper: “iv. A WTO Member that accounts for no less than 0.5 per cent of global merchandise trade (imports and exports).”

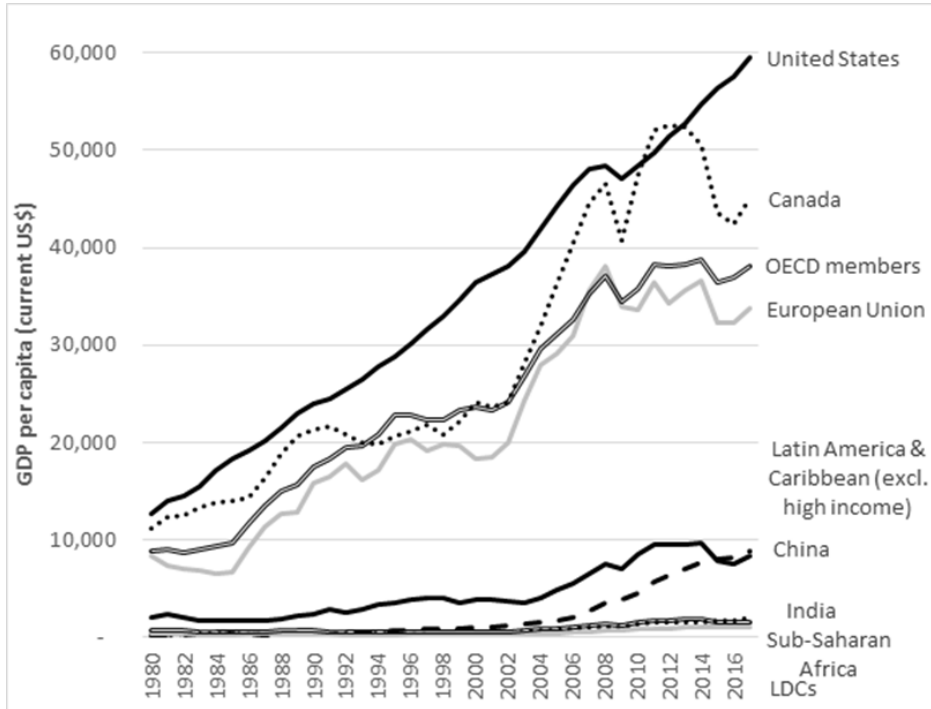
Table – Share in world trade (%)

Territory	Export (USD bln)	Import (USD bln)	Trade (USD bln)	Share in world trade (%)	Territory	Export (USD bln)	Import (USD bln)	Trade (USD bln)	Share in world trade (%)
World	17,730	18,024	35,754	100.00%	Australia	231	229	459	1.28%
China	2,263	1,842	4,105	11.48%	Viet Nam	214	212	426	1.19%
US	1,547	2,410	3,956	11.07%	Malaysia	218	195	413	1.16%
Germany	1,448	1,167	2,615	7.31%	Turkey	157	234	391	1.09%
Japan	698	672	1,370	3.83%	Brazil	218	157	375	1.05%
Netherlands	652	574	1,226	3.43%	Saudi Arabia	218	131	349	0.98%
France	535	625	1,160	3.24%	Austria	168	176	344	0.96%
Hong Kong, China	550	590	1,140	3.19%	Czech Republic	180	162	342	0.96%
United Kingdom	445	644	1,089	3.05%	Indonesia	169	157	325	0.91%
Korea	574	478	1,052	2.94%	Sweden	153	154	307	0.86%
Italy	506	453	959	2.68%	Ireland	137	87	223	0.62%
Canada	421	442	863	2.41%	Hungary	114	107	221	0.62%
Mexico	409	432	842	2.35%	Denmark	103	93	195	0.55%
Belgium	430	403	833	2.33%	South Africa	89	101	190	0.53%
India	298	447	746	2.09%	Norway	102	83	185	0.52%
Singapore	373	328	701	1.96%	Slovak Republic	85	83	168	0.47%
Spain	321	351	671	1.88%	Philippines	63	98	162	0.45%
UAE	360	268	628	1.76%	Romania	71	85	156	0.44%
Russian Federation	353	238	591	1.65%	Portugal	62	78	140	0.39%
Chinese Taipei	317	259	577	1.61%	Finland	68	70	138	0.39%
Switzerland	300	269	568	1.59%	Chile	68	65	133	0.37%
Poland	231	230	461	1.29%	Argentina	58	67	125	0.35%
Thailand	237	223	459	1.29%					

Source: WTO World Trade Statistics 2018, table A6, tabsheet ‘List of economies’, https://www.wto.org/english/res_e/statis_e/wts2018_e/wts18_toc_e.htm

Annex 2: GDP per capita

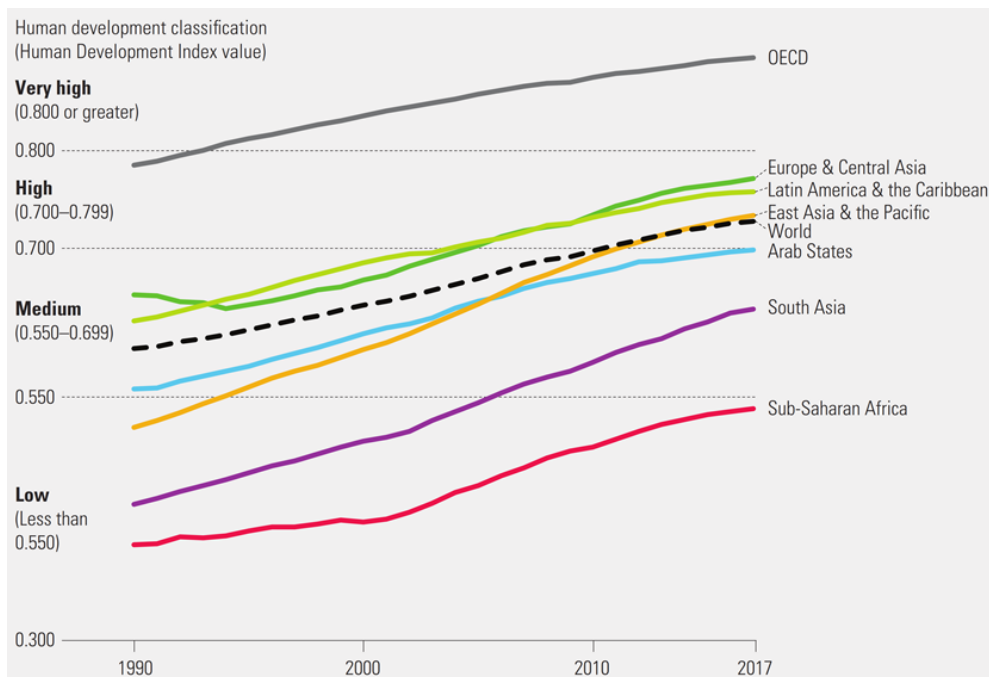
GDP per capita in current US\$ of selected countries and country groups 1980-2017



Source: World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>.

Annex 3: UNDP Human Development Index

Graph: Human Development Index values, by country grouping, 1990-2017



Source: UNDP Human Development Report, 2018 Statistical Update, Figure 3 at page 3, <http://hdr.undp.org/en/2018-update/download>.

Human Development Index Ranks 2018: some examples			
73	Cuba	118	Bolivia (Plurinational State of)
74	Mexico	119	Palestine, State of
75	Grenada	120	Iraq
76	Sri Lanka	121	El Salvador
77	Bosnia and Herzegovina	122	Kyrgyzstan
78	Venezuela (Bolivarian Republic of)	123	Morocco
79	Brazil	124	Nicaragua
80	Azerbaijan	125	Cabo Verde
80	Lebanon	125	Guyana
80	The former Yugoslav Republic of	127	Guatemala
83	Armenia	127	Tajikistan
83	Thailand	129	Namibia
85	Algeria	130	India
86	China	131	Micronesia (Federated States of)
		132	Timor-Leste
		133	Honduras

Source: UNDP Human Development Report, 2018 Statistical Update, Table 2. Human Development Index Trends, 1990-2017, <http://hdr.undp.org/en/composite/trends>.

Endnotes

¹ UN World Population Prospects 2017, estimates for 2019 medium variant, available at <https://population.un.org/wpp/Download/Standard/Population/>.

² These are: Antigua and Barbuda; Argentina; Barbados; Brazil; Chile; Colombia; Costa Rica; Israel; Mexico; Panama; Seychelles; South Africa; Trinidad and Tobago; Uruguay; Bahrain; Brunei Darussalam; China; Hong Kong, China; India; Indonesia; Korea; Kuwait; Macao, China; Malaysia; Oman; Philippines; Qatar; Saudi Arabia; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Thailand; Turkey; United Arab Emirates; Viet Nam.

³ WT/GC/W/765/Rev.2 2019 'The Continued Relevance of Special and Differential Treatment in Favour of Developing Members to Promote Development and Ensure Inclusiveness', Communication by China, India, South Africa and the Bolivarian Republic of Venezuela, Lao People's Democratic Republic, Plurinational State of Bolivia, Kenya and Cuba, Central African Republic and Pakistan, 4 March.

⁴ See EU 'Concept Paper: WTO Modernisation – Introduction to Future EU Proposals', September 2018 http://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157331.pdf.

⁵ See Canada's paper, 'Strengthening and Modernizing the WTO: Discussion Paper', JOB/GC/201, 24 September 2018.

⁶ Rodrik, D., 2018 'The WTO Has Become Dysfunctional', Financial Times, 5 August.

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The South Centre
Chemin du Champ d'Anier 17
PO Box 228, 1211 Geneva 19
Switzerland
Telephone: (4122) 791 8050
Fax: (4122) 798 8531
E-mail: south@southcentre.int
https://www.southcentre.int

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