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BRICS' STANCE IN WTO

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abstract

BRAZIL, RUSSIA, INDIA CHINA AND SOUTH AFRICA WITH LARGE DOMESTIC MARKETS AND GROWING ECONOMIES PLAY A VERY IMPORTANT ROLE IN THE GLOBAL ECONOMY. THE MOST IMPORTANT FORUM IN THE MULTILATERAL TRADE SYSTEM, WHICH SHOWS THE ROLE OF THE BRICS MEMBERS AS AN INTERNATIONAL PLAYERS, IS THE WORLD TRADE ORGANIZATION (WTO). THE PURPOSE OF THIS ARTICLE IS ANALYSIS BRICS COUNTRIES PARTICIPATION IN THE MULTILATERAL TRADE REGIME INCLUDING THE DOHA ROUND NEGOTIATIONS. ANOTHER AIM IS TO DESCRIBE THE GOALS OF BRICS COUNTRIES IN WTO AND ANSWER THE QUESTION IF BRICS COUNTRIES SHARE THE COMMON INTERESTS AND VALUES IN WTO?¹

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WTO, TRADE RELATIONS, BRICS, DOHA
NEGOTIATIONS

keywords

One of the most striking features of the global economy in recent years has been the significant role played by developing countries. Amongst them are Brazil, Russia, India China and South Africa which, with large domestic markets and growing economies, play an increasingly important role in the global economy.

The purpose of this article is the analysis of the BRICS countries' participation in the multilateral trade regimes, including the Doha Round negotiations. Another aim is to describe the goals of BRICS countries in the WTO and answer the question if BRICS countries share common interests and values in the WTO. It is worth to note, that membership in the WTO can be an important source to identify the areas where economic cooperation is possible as well as where the BRICS interests are competing.

This paper focuses on two pillars: BRICS' participation in WTO negotiations groups and BRICS' stance in Doha Round, especially on problems in the main negotiations regarding agriculture. The first part of this text will show BRICS' activity in the WTO group and to evaluate whether the BRICS countries have created a strong and independent formal negotiation group under WTO rules. The second step is to show if BRICS have any common interests, hence, if these countries can cooperate on common issues.

To examine BRICS' cooperation the following assumptions can be made: Cooperation between the BRICS, initially symbolic, has been turning into a more institutionalized form (BRICS summits). This cooperation is developing deeper political and strategic relations that create a new structure within global governance. First of all, this article examines the symbolic meaning of BRICS, which can be observed in the WTO, e.g. the new WTO Director General is from Brazil. Secondly, the text will focus on the strategic partnership which has been visible during negotiations, for instance when BRICS created the G20 group.

Thirdly, the author will assess if this political and strategic cooperation is in some way similar to the EU-US partnership, hence: a strategic cooperation despite having competing interests in given issues.

BRICS AND THE WTO

The acronym BRIC was first used in 2001 by Goldman Sachs in their Global Economics Paper No. 66, “Building Better Global Economic BRICs.”² In 2006, the four countries initiated a regular coordination with annual meetings of Foreign Ministers at the margins of the General Debate of the UN General Assembly (UNGA). The bloc has been enlarged as South Africa joined the group during the BRICS Summit held in Sanya in China (April 2011).³

Have rising powers such as Brazil, India, China and Russia (BRICS) and later South Africa created a coalition in the WTO? Since John O’Neill from Goldman Sachs published his work about a new powerful BRIC economies, the discussion on these countries is still vital. In many regards, the WTO must continue to work in different circumstances as BRICS countries now seem to dominate in the multilateral trading system. The New Rising powers created a new situation in the global economy and are a challenge for Western countries and their interests in WTO.

On the one hand, there are not many common points between the BRICS countries and their cooperation is sometimes called “a marriage of convenience rather than a real partnership for change.”⁴ According to Cameron it was debatable whether the BRICs have anything more in common than their size and economic potential.⁵ On the other hand, even if their domestic economies are different, at the same time they are complementary. Brazil and Russia are strong in the commodity and natural resources sectors, while China and India are net importers in these areas. China and India are also known for low labor costs and human capital. China dominates the manufacturing sector. India is specializing in services, especially in business process outsourcing but also in production of textiles, generic pharmaceuticals and software engineering.⁶ Russia, Brazil

² O’Neill 2001.

³ VI BRICS Summit.

⁴ Fioramonti 2014.

⁵ Cameron 2011: 3.

⁶ Roubini 2009.

and South Africa are exporters of natural resources, while Brazil, next to the EU and US, is also one of the world’s major exporters of agricultural products. China and Russia then are major importers of these products.⁷ Brazil, China, India, the Russian Federation and South Africa collectively controlled 16.3% of global merchandise trade in 2011, and individually ranged from 0.6% (South Africa) to 9.9% (China).⁸



THE WTO MUST CONTINUE TO WORK
IN DIFFERENT CIRCUMSTANCES AS BRICS
COUNTRIES NOW SEEM TO DOMINATE IN THE
MULTILATERAL TRADING SYSTEM

The World Trade Organization is one of the most important institutions in the multilateral trading system, which enhances the role of the BRICS members as international players. The WTO is an organization for, among other things, trade opening, agreements negotiations, dispute settlement as well as for operationalizing trade rules. Essentially, the WTO is the place where member governments try to sort out any trade problems they face with each other.⁹ Most decision-making in the WTO is based on bargaining and consultations.¹⁰

The WTO is currently host to the latest (ongoing) negotiation round, under the ‘Doha Development Agenda’ launched in 2001 in Doha, Qatar. By virtue of the Doha Development Agenda (DDA), the negotiations were supposed to be concluded by the end of 2004. Despite the ambitious agenda of the negotiations, the WTO members failed to meet the deadline settled in Doha. Agricultural negotiations, ‘Singapore issues’ (see below), generic medicines and the treatment of developing countries turned out to be particularly difficult and time-consuming. Despite the efforts of the WTO members, the 5th Ministerial Conference in Cancun, Mexico (2003), which was the midpoint of the Doha negotiations, failed to solve the most controversial issues.

⁷ EC 2013.

⁸ Van Grastek 2013: 31.

⁹ WTO 2015: 7.

¹⁰ Hoekman, Kostecki 2013: 65.

The main reason for the breakdown of the Cancun negotiations was the very determined approach of some developing countries, which united and voiced their interests as the G20 group for the first time in the WTO forum. Brazil, India and China jointly decided to reject the proposal of the US and EU regarding agriculture, which was offered as the last possible concession of these members to break the deadlock of the round at the Cancun Ministerial Conference.¹¹ They also refused to include the ‘Singapore issues’ in the Doha negotiations. The Singapore issues are the four proposals concerning the global rules of investment, competition policy, introduction of trade facilitation and transparency in government procurement. These negotiation issues have only been on the WTO agenda since the mid-90s. The well developed members like the US, EU, Japan were very eager to start negotiations on the Singapore criteria as they would provide uniform principles of investment, which would, in turn, increase the value of direct foreign investment.¹²

BRICS AND OTHER GROUPS IN THE WTO NEGOTIATIONS

Brazil, India and South Africa joined the WTO after the Uruguay Round, which was completed on 1 January 1995. China’s first application for GATT membership was submitted in 1986 while the application of Russia was made in 1993. As a result of the negotiations, China finally became a member of the WTO in 2001 and Russia in 2012.

With the accession of the BRICS countries (especially China) to the WTO, developing countries have gained strong representatives and defenders of their interests. According to Lin Guijun and Tang Bi: “developing countries are hoping that China will be able to strengthen their own bargaining power within the WTO and will be their representative in pushing for WTO reform.”¹³ BRICS, excluding Russia, belong to the “Developing countries” group in WTO, which comprise a majority of the organization’s membership. They are grouped as “developing countries” and “least developed countries.” What is worth to underline there are no WTO definitions to identify “developed” or “developing” countries. Members announce for themselves whether they belong to the former or the latter

11 Thorstensen, Oliveria 2014: 23.

12 WTO 1996.

13 Lin Guijun, Tang Bi 2015: 448.

under some conditions.¹⁴ It is also crucial that “as developing countries in the WTO, Brazil, India and China enjoy a certain flexibility on the level and type of agricultural support that is subject to WTO limits. Russia, as a developed country, does not enjoy the same flexibility.”¹⁵



WITH THE ACCESSION OF THE BRICS COUNTRIES TO THE WTO, DEVELOPING COUNTRIES HAVE GAINED STRONG REPRESENTATIVES AND DEFENDERS OF THEIR INTERESTS

Achieving consensus among 160 countries is very difficult. WTO members have developed various mechanism to limit the numbers of countries in specific negotiations. The most important is that the countries generally are not involved in all negotiations but only in specific sectors where have interests. Another mechanism is formulating a coalition.¹⁶ Under WTO work several groups, focused on different problems, gathered different member states. WTO members can belong to three types of groups: a bloc, a coalition or a forum. A bloc may be defined as a group of countries with broadly congruent interests that form an association based on long-term cooperation. Coalitions are usually temporary arrangements and rarely take formal shape. Both blocs and coalitions may be distinguished from negotiating forums. One of most recent but also one of the most powerful is the G20. The G20 evolved in 2008 from a ministerial to a summit-level group as opposed to the Cancun-era G20 coalition.¹⁷

This coalition of developing countries was created before the Cancun summit and it initially included fewer countries; it expanded during the meeting in Cancun. The group includes Argentina, Bolivia, Brazil, Chile, China, Columbia, Costa Rica, Cuba, Ecuador, Salvador, Guatemala, India, Mexico, Pakistan, Paraguay, Peru, the Philippines, the Republic of South Africa, Thailand and Venezuela.¹⁸ The main aim of this group is to press for ambitious reforms of agriculture in developed countries with some flexibility for developing countries. The G20 also encompassed all BRICS countries, apart from Russia. The most important issue for the G20 is agricultural liberalization, but in this group are also countries which have a defensive stance in the agriculture negotiations, like India. This is a kind

14 Wto.org a.

15 Brink et al. 2013: 198.

16 Hoekman, Kostecki 2013: 66.

17 Van Grastek 2013: 98.

18 WTO 2003.

of paradox. According to Pedro da Motta Veiga, “this coalition brought together developing countries which traditionally adopted differing – even opposed – positions in the agricultural negotiations in the WTO. The simultaneous presence of Argentina and India in the group is the best example of this novelty.”¹⁹

CHINA IN THE WTO

China has been a member of the WTO since 11 December 2001. It should be noted that China had been one of the 23 original contradicting parties to the General Agreement on Tariffs and Trade.²⁰ China began efforts to join the WTO in 1986 to restore its membership status.²¹ However, there has been a significant acceleration of negotiations in the last three years before accession. China signed a trade agreement with the United States in 1999. This agreement practically opened the way for the WTO to the China as well as the Chinese market for the US investors. China implements a policy of “strategic partnership” with the United States. Beijing had hoped for accession to the World Trade Organization before the summit of the organization’s members in Seattle (on 30 November 1999). However, such a step proved to be rather unlikely, since in 1999 China did not complete trade negotiations with the European Union yet – only signed in 2000 – nor with Canada and other members of WTO. Until the completion of the negotiations and signing of agreements with these countries, China had to settle for the status of observer.

China is a member of the following negotiations groups in WTO: the Asian developing members, APEC, Recent Acceded Members (RAMs), G20, G33 and “W52” sponsors.²² China is the only country from BRICS that has no market economy status granted by the European Union. It’s a serious problem for the Chinese, especially in the context of anti-dumping procedures. The WTO Accession Protocol provides for a 15-year transitional period on China’s market economy status.²³ This applies only to

¹⁹ Da Motta Veiga.

²⁰ Gertler 2004: 21.

²¹ Lin Guijun, Tang Bi 2015: 439.

²² G33 is a coalition of developing countries pressing for flexibility for developing countries to undertake limited market opening in agriculture. W52 sponsor is a group in the TRIPS negotiations. Sponsors of TN/C/W/52, a proposal for “modalities” in negotiations on geographical indications.

²³ Yan Luo 2010: 161-163.

anti-dumping investigations, and often makes it easier for the EU to impose duties and apply higher antidumping rates. To be considered a ‘market economy’, a country must have a floating exchange rate, a free market, a non-intrusive government, effective business accounting standards and, lastly, a clear definition of property rights and bankruptcy laws.²⁴ The EU still refuses to recognize that status mostly because of the European Trade Defense Policy objectives.

BRAZIL IN THE WTO

Brazil has been a WTO member since 1 January 1995 and a member of GATT since 30 July 1948. Brazil is a member of following groups of negotiations: Mercosur, Cairns group G20, NAMA-11,²⁵ Friends of A-D Negotiations²⁶ (FANs) and “W52” sponsors.

Brazil, as a major exporter of agricultural and agro-industrial goods, has adopted an offensive stance in agriculture trade negotiations. In line with this Brazil has participated actively in the Cairns Group (a coalition of developed and developing countries exporting agricultural products). Brazil also pushed for including in the Doha agenda ambitious goals related to market access and the reduction or elimination of export and domestic support schemes²⁷ Brazil’s leadership in the setting of the G20 is perhaps the best example of the country’s new ‘southern’ stance in trade negotiations at the multilateral level. The position of Brazil in WTO negotiations is also improved by adoption of the Brazilian national, Roberto Azevêdo as the sixth Director-General of the WTO. His appointment took effect on 1 September 2013 for a term of four years.²⁸

²⁴ DG EXPO 2013: 23-24.

²⁵ NAMA 11 is a group in the non-agricultural market access negotiations consist of developing countries seeking flexibilities to limit market opening in industrial goods trade.

²⁶ Anti-Dumping Negotiations. (Editor’s note – JvdB)

²⁷ Da Motta Veiga.

²⁸ Wto.org b.

INDIA IN THE WTO

India has been a WTO member since 1 January 1995 and a member of GATT since 8 July 1948.²⁹ India, one of the key players in the agriculture negotiations, is against rapid changes in agricultural policy especially for developing countries that use preferences in trade. Safeguarding the interests of low income and resource poor agricultural producers remains paramount for India.³⁰ So far, from India's perspective, most crucial during the Doha negotiations is to "protect the interests of its farmers, even at the cost of foregoing benefits that might have otherwise been made in services and NAMA negotiations." As part of G33, India has strongly supported the need for developing countries to have a Special Safeguard Mechanism (SSM), which would allow them to impose additional tariffs when faced with cheap imports or when there is a surge in imports. Far from agriculture aims in negotiations seem to be India's goals in services. As an emerging global power in IT and business services, India is, in fact, an offensive player in the WTO talks on service, ready to take more liberal commitments³¹.

SOUTH AFRICA IN THE WTO

South Africa has been a WTO member since 1 January 1995 and a member of GATT since 13 June 1948. South Africa is a member of following groups in the negotiations: the ACP African group, G90,³² Cairns group, G20, NAMA-11, "W52" sponsors and Joint proposal (in intellectual property). For South Africa a key area of negotiations is more flexible access to industrial products that would allow developing countries to make smaller or no cuts in tariffs for limited percentages of their most sensitive sector. In the NAMA 11 group³³ of developing countries next to Brazil and India, South Africa is seeking flexibilities to limit market opening

²⁹ Wto.org c.

³⁰ Ray, Saha 2009: 17-18.

³¹ Das 2006.

³² G90 is a coalition of African Group, ACP and least-developed countries. They are against EU and US subsidies and insist on greater access to foreign markets for LDC countries.

³³ NAMA (non-agriculture market access) refers to all products not covered by the Agreement on Agriculture. in practice, it includes manufacturing products, fuels and mining products, fish and fish products, and forestry products.

in industrial goods trade.³⁴ In agriculture, South Africa is a member of the Cairns group (next to Brazil) which encourages to create fairer trade practices, to support proposals that would increase market access and to reduce Quad (Canada, US, EU and Japan) and country subsidies.³⁵

RUSSIA IN WTO

Russia joined the WTO after 18 years of negotiations and has been a member of WTO since 22 August 2012. The Russian Federation is a member of following groups in the negotiations: APEC and Recent accessed members (RAMs).³⁶ APEC is the Asia-Pacific Economic Cooperation forum, which also includes China. RAMs, are the countries that negotiated and joined the WTO after 1995, seeking lesser commitments in the negotiations because of the liberalization they have undertaken as a part of their membership agreements.³⁷

BRICS AND WTO AGRICULTURE TRADE TALKS

The newest World Trade Organization Ministerial Conference was held in Bali, Indonesia from 3-7 December 2013. The main Doha negotiations problems are: agriculture, the special safeguard mechanism (SSM), sensitive products and non-agricultural market access (NAMA), subsidies for agriculture production and trade and subsidies for cotton producers used by US. The causes of lack of compromise are also the system of decision making under WTO and domestic situation in member countries caused by financial crisis. The BRICS' involvement in the Doha Round is a key component defining how the global trading system will cope with overcoming the Doha negotiations deadlock.

For the first time from the beginning of Doha negotiation (in 2001), the Bali Ministerial demonstrated that WTO talks can produce results. Compared to GATT negotiations, the previous results of WTO were less

³⁴ WTO 2014.

³⁵ WTO 2014.

³⁶ Wto.org d.

³⁷ WTO 2014.

than satisfactory – though the WTO has much more countries, which might be one of the reasons of the Doha negotiation failure. The talks so far were very intense and generated a lot of tension, especially since not all countries participating in the conference exhibited strong support for the shape of the agreement proposed by the head of the WTO. Objections were reported mainly by Cuba, Bolivia, Nicaragua, Venezuela, and India.³⁸

The main differences between BRICS countries are focused around agriculture negotiation, which is one of the major problems of the world economy. Given the limited progress, achieved in the Uruguay Round, WTO members had committed themselves to a new stage of liberalization of the agricultural sector, which was scheduled for five years after the Agreement on Agriculture in 1995 came into force. Owing to the importance of the sector, the agricultural theme became the central point of the Doha negotiations.³⁹

Most developing countries do not seek an unlimited liberalization of trade in agriculture because the introduction costs of the new rules and the special and differential treatment mechanism in trade. Therefore, the negotiating position of developing countries is varied and depends on their economic potential and participation in international trade. Strong supporters of liberalization of agricultural trade are the biggest exporters from the Cairns Group. But also among them are countries with a more reserved stance (e.g. South Africa and Pakistan). For instance, China and India are against the agriculture liberalization. Also some well developed countries with strong protection in agriculture like Switzerland, Japan, Norway and South Korea are opposed to liberalization. Generally, the US and EU are for the further liberalization in the agricultural sector, however internal pressures remains, for instance some EU members, such as France or Poland, have defensive goals in the agricultural negotiations.

Brazil is a self-sufficient country in terms of agriculture and an exporter of value-added agricultural products. South Africa has a strong interest in exporting its products and pursues the liberalization of international agricultural trade. Russia is a strong agricultural economy focused on the export of cereals. It has an average tariff level for agricultural products relatively lower in comparison with the other BRICS members. China and India are countries with enormous populations and with an increasing demand for food. China is also a major importer of agricultural goods. India is a rural country, with more than half of its population

38 Motlogelwa, Accram 2013.

39 Thorstensen, Oliveria 2014: 24.

working in this sector. The major problem of this country is a very high fragmentation in agriculture. The small farms that dominate in India are not able to compete with global players. To protect agriculture from global competition, India applies high tariffs and subsidies for agriculture. As a result of such policies, on the one hand developed countries cut export as well as domestic support for agriculture. On the other hand, developing countries are gradually boosting domestic support for farmers.



THE MAIN DIFFERENCES BETWEEN BRICS COUNTRIES ARE FOCUSED AROUND AGRICULTURE NEGOTIATION

Brazil's negotiation position is more offensive and open than China, India and South Africa. In the Doha round of WTO global trade talks, where India and Brazil have been in a core negotiating group, they have battled to put together a comprehensive negotiating position. Brazil's interests as a highly competitive agricultural exporter have clashed with India's wish to protect its small farmers.⁴⁰ On the Bali Ministerial Conference India took the strongest stance to pursue their own policies related to food and food security, and worked out a compromise that accepted an agreement with a mini-package for the country: To ensure that the signing of a definitive agreement would be effective, they obtained temporary relief from the general rules of the WTO on food security. The adopted compromise assured that other WTO countries would refrain from litigation on this issue. China and Brazil supported India and the food subsidies for the poor. Officially the BRICS countries tried to cooperate in agriculture issues, taking joint action like the 5th BRICS meeting in Durban in March 2013 where they agreed to Action Plan 2012-2016 for Agricultural Cooperation of BRICS Countries.⁴¹

CONCLUSIONS

The litmus test for BRICS in WTO will be long term cooperation. Do they have any strategy and are they ready to take a responsibility for global trade? And finally will the EU and US easily let them gain power

40 Cameron 2011: 4.

41 BRICS 2013.

and influence in global governance? It won't be easy. First of all, there is no 'BRICS group' in WTO, for sure in some issues they have similar interests as well as in many they are on opposite side of negotiations. It should be emphasized that the BRICS countries in the WTO are single members; there is no regional cooperation between them like a free trade area or custom union. According to Cameron "the BRICs are a very loose grouping which enjoy banding together to demonstrate the rise of the emerging powers vis-à-vis the US and Europe."⁴² The most relevant success of the BRICS have been there relative success in the WTO, with India, Brazil and South Africa demonstrating their ability to unite, through the agriculture G20 coalition.⁴³

What is worth to underline is the fact that China and other BRICS countries strongly support developing countries in WTO. China's membership in the WTO was, without doubts profitable for the rest of developing countries. What is more, for the first time in history the head of the WTO comes from Latin America, Brazil. This is highly symbolic and shows that the role of developing countries is much bigger than in former GATT negotiations. This situation might be very accommodating for developing countries, but the new WTO head has to be very careful to maintain the balance of power and does not support Brazil and other developing countries more than other WTO members. The role of BRICS countries has been vital in the implementation of the "Bali Package." Implementation, however, requires a lot of political will and support for the proposals contained in the framework agreement between the Member States of the WTO. The new Brazilian WTO Director General is also aware of this and regularly calls to leaders and parliamentarians from WTO members for political support for the solutions adopted in Bali.⁴⁴ He underlines that to unblock negotiations a few issues must be solved: The US and EU must agree on deeper agricultural liberalization and the BRICS should agree on deeper liberalization in services and industrial goods.

Even though being a heterogeneous group with different structural and domestic problems, the BRICS economies have changed the balance of power in the WTO. As a result of changing the balance of power of the Quad, the leading group composed of the US, EU, Japan and Canada, has been replaced by the new G5 namely the US, EU, Brazil, India and China. While the former GATT was called the "OECD club" to underline that the main voice belonged to the well developed countries like US, EC (at the

⁴² Cameron 2011: 7.

⁴³ Singh, Dube 2011: 40.

⁴⁴ Wto.org e.

time), Japan and Canada. Now, there is no more OECD domination in WTO, but the question if a "BRICS club" could rule is still open.

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