The WTO Doha Development Agenda impasse: Possible reasons, implications for developing countries and way forward

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ACRONYMS AND GLOSSARY

ACP	African, Caribbean and Pacific Group of States
BRICs	Brazil, Russia, India, China and South Africa
BTAs	Bilateral Trade Agreements
DDA	Doha Development Agenda
EU	European Union
GATS	General Agreement on Trade in Services
GC	General Council
ITC	International Trade Center
LDCs	Least Developed Countries
NAMA	Non-agricultural market access
OECD	Organization for Economic Co-operation and Development
RTAs	Regional Trade Agreements
S&DT	Special and Differential Treatment
UNCTAD	United Nations Conference on Trade And Development
US	United States
USA	United States of America
WTO	World Trade Organisation

EXECUTIVE SUMMARY

The WTO Doha Development Agenda (DDA) is a trade-negotiation round launched in 2001 by WTO Trade Ministers with objectives of creating new trading opportunities, strengthening multilateral trade rules and addressing current imbalances in the trading system by placing the needs and interests of developing countries, and especially of the least developed countries (LDCs), at the heart of the negotiations. It was initially planned that the round was to be concluded 4 years from the launch. Unfortunately, WTO members have not yet been able to finalize negotiations after more than 18 years which makes it the longest running trade round of negotiations in global trade history.

Since its beginning the DDA has been characterized by missed deadlines and antagonistic positions between developed and developing countries. Unfortunately, the divergences on different DDA issues have been widening as years went by, now an agreement on DDA is farther from being reached than it was in 2008 when WTO members were closer to concluding an agreement. The Doha stalemate is due to several issues pertaining to today's international trade negotiations' agenda including the unprecedented rise of protectionism, unilateralism, and most prominently the lack of political will to embrace and nurture multilateralism in general and DDA mandate in particular. The most losers of this impasse are developing countries who have been adversely affected by the ways the developed countries have traditionally supported their agricultural sectors. This led to increased and unfair competition for developing countries which in return result in their lower market share in certain products and reducing income from agricultural exports and therefore make developing countries less attractive in terms of investments than would be the case without subsidies.

Despite the deadlock in the negotiations, it is still possible to conclude an agreement sometime in future provided that there is strong political will from major trading powers (developed countries) and some flexibilities from larger developing countries to accommodate some demands of developed countries.

1. INTRODUCTION

The WTO Doha Development Agenda (DDA) is a trade-negotiation round launched in 2001 by WTO Trade Ministers. The event was perceived as a major milestone for the WTO after the dramatic failure of the Seattle Ministerial Conference held in December 1999 to launch a new round. The DDA was launched with objectives of creating new trading opportunities, strengthening multilateral trade rules and addressing current imbalances in the trading system by placing the needs and interests of developing countries, and especially of the least developed countries (LDCs), at the heart of the negotiations; whereas these objectives stem from the conviction that a multilateral trade at the service of the economic development of all continents and the alleviation of poverty¹. In connection to these objectives, the declaration from the WTO Ministerial Conference in Doha, Qatar, November 14, 2001, states in part:

"We commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. We agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations..."².

The Round's negotiations included agriculture, non-agricultural market access (NAMA), services trade, rules (on the application of antidumping rights, subsidies and countervailing measures, fisheries subsidies and regional agreements), trade and environment (including the trade of environmental goods), trade facilitation and some aspects of intellectual property, in addition to a horizontal discussion on the special and differentiated treatment in favor of developing countries.

The initial goal was to finish the negotiations 4 years from the launch date (January 2005). Unfortunately, WTO members have not yet been able to finalize negotiations after more than 18 years which makes it the longest running trade round of negotiations in global trade history. Sadly, each year that passes it becomes increasingly difficult to find common ground. As of 2019 negotiations' state of play, the round is unlikely to conclude in the near future an agreement that achieves its fundamental objectives unless a new perspective is adopted to address the current issues at stake. Facing considerable difficulties in the Doha Round, Members have been increasingly turning to the negotiation of regional trade agreements (RTAs) to advance their trade interests.

¹ At the WTO's Fourth Ministerial Conference held in Doha, Qatar, in November 2001, ministers recognized the central role that international trade can play in the promotion of economic development. Acknowledging the fact that the majority of WTO members are developing countries, they agreed to continue making positive efforts to ensure that developing countries, and in particular LDCs, secure a share in the growth of world trade commensurate with their development needs. Thus, in launching the Doha Development Agenda (DDA) talks they placed developing countries' needs and interests at the heart of the negotiations. https://www.wto.org/english/thewto e/coher e/mdg e/dda e.htm

² Extract of paragraph 13 of Doha Ministerial Declaration 2001.Can be accessed at <u>https://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_e.htm</u>

The failure to achieve an agreement on the DDA ambitious agenda undermines the credibility of the multilateral trading system and hurts least developed countries and developing countries which seek to export their goods to developed countries.

Against this background, this paper seeks to establish the reasons why it has been very problematic to reach a compromise on different issues of the Doha Development Agenda, implications of the DDA impasse on developing countries and it finally looks at possible solutions that need to be applied to unblock the impasse in the DDA negotiations.

2. WHAT STALLED DOHA? UNDERSTANDING THE DOHA NEGOTIATIONS STALEMATE

Since its beginning the DDA has been characterized by missed deadlines and antagonistic positions between developed and developing countries. Unfortunately, the divergences on different DDA issues have been widening as years went by, now an agreement on DDA is farther from being reached than it was in 2008 when WTO members were closer to concluding an agreement³. This section looks in greater depth into the numerous challenges which hindered the conclusion of the DDA:

Firstly, there is an issue of change in the global political economy perceived by developed countries who call for the DDA negotiations to take it into account. Some developed members argue that the current mandate has not foreseen the rise of the emerging economies such as China and India, and they have demanded that these economies must take on board greater responsibilities than the Doha mandate envisaged. Developed countries are of the view that the impressive growth recorded by large developing countries (China, India, Brazil etc.) implies that these markets are no longer insignificant. To this end, some developed countries wish to see the DDA's content revised to reflect the current realities since some label it as outdated. This complexity of changing global economic landscape was further exacerbated by or linked to the issue of definition of "developing country". The WTO does not have criteria to determine a developing country, every single member reserves the right to declare its own status. As a result, there are divergent opinions between the United States and developing countries on the definition of a developing country.

In relation to above cited issues, some developed countries notably the US and EU have been pushing for revising the way countries qualify for Special and Differential Treatment (S&DT). On one hand, the US calls for the categorization of developing countries to reflect the changing economic pattern. The US argues that an inability to differentiate among (developing) Members puts the WTO on a path to failed negotiations. Further, the US is of the view that developed countries have been severely disadvantaged in the WTO system due to Special and Differential Treatment (S&DT) flexibilities that all developing countries enjoy irrespective of their level of development (WT/GC/W/764). In its communication to the

³ Consultations held with Staff of the WTO Secretariat revealed that the intensive negotiations of July 2008 allowed WTO members to come very close to reaching an agreement but talks collapsed at the last minute over issues of agricultural trade between USA, China and India.

General Council (WT/GC/W/764) dated 15 February 2019, the US calls for moving away from the self-declaration status and proposes criteria graduating some developing countries out of Special and Differential Treatment⁴. On the other hand, the EU does not contest the right of WTO Members to self-designate themselves as developed or developing countries but proposes that each developing country's need for S&DT should be assessed on a case-by-case and evidence-based basis (European Commission ,2018). However, all these demands were rejected by all developing countries notably China, India, LDCs Group, ACP Group etc. arguing that S&DT provisions in the WTO agreements are unconditional rights for developing countries which should be preserved in current and future WTO agreements. In fact, some acknowledge that many developing countries became WTO Members because S&DT was part of the architecture of rules, without which they may never have become Members. In addition, larger developing countries such as China and India underscored that they still face tough development challenges in many areas of their economies and are still far from reaching the per capita income and standard of living of developed countries (WTO (WT/GC/W/765).

Secondly, the major problem alleged by developing countries that hinder the conclusion of DDA relate to the unwillingness of the US and the EU to make concessions in the agriculture sector and give up the agricultural support that distort markets. Unfortunately, interviews conducted with some EU delegates revealed that EU States are not yet ready to give up their agricultural subsidies on account of food security and social protection considerations. Though, they recognize that there is political will to move away from the agricultural subsidies. Developing countries and LDCs are of the view that such trade distorting practices should be stopped to allow a level playing field in international trade.

Thirdly, there is an issue of conflicting ambitions and objectives between developing countries who wish to use DDA to pursue their development needs and key developed countries who seek to utilize the Doha round negotiations to pursue their own trade interests and gain increased market access from larger developing countries. In the past, developed countries might have maneuvered to reach an accord as happened in the Uruguay round because developing countries lacked the capacity to pursue their own interests. However, the rapid changing global balance of power implies that most powerful developing countries -notably China and India- have not only joined the inner circle, but exercised significant influence on the negotiating agenda and core debates in the Doha Round (Kristen Hopewell, 2012). Besides, the negotiating capacity of other developing countries have increased over years. All these factors imply that developing countries have now the power to resist an unbalanced deal. While this balance is helpful for concluding a fair deal in the WTO, it has also led to an impasse in the negotiations, with neither side willing to change its position on key issues.

⁴WTO WT/GC/W/764 - Procedures to Strengthen the Negotiating Function of the WTO. The US propose categories of Members who will not avail themselves of special and differential treatment in current and future WTO negotiations. However, the US proposal was rejected by developing countries arguing that the criteria used are arbitrary and unjustifiable.

Fourth, the current apparent failure emanates from failure of political leadership among WTO members to preserve and nurture the multilateralism. This lack of political will is clearly portrayed in the 2015 WTO Ministerial Declaration in paragraph 30 as stated below:

"We recognize that many Members reaffirm the Doha Development Agenda (DDA), and the Declarations and Decisions adopted at Doha and at the Ministerial Conferences held since then, and reaffirm their full commitment to conclude the DDA on that basis. Other Members do not reaffirm the Doha mandates, as they believe new approaches are necessary to achieve meaningful outcomes in multilateral negotiations. Members have different views on how to address the negotiations."⁵

Furthermore, WTO observers, negotiators and staff of the secretariat who spoke on condition of anonymity indicated that positions of some delegations are characterized by stubbornness which portrays a lack of political will to drive final compromises required in multilateral negotiations. Due to the absence of political will to advance multilateralism, the proliferation of bilateral and regional trade agreements have accelerated among the WTO members and especially among developed countries⁶.

Fifthly, some negotiators believe that it is really cumbersome to reach a compromise by consensus in an institution as large as WTO with members totaling 164 countries with differing needs and interests. As depicted in the Figure 1 below, global international trade rounds have taken longer periods to complete as more countries join the negotiations. The previous round (the Uruguay Round) took almost seven years (87 months) to conclude, when WTO member countries were at 128 and less divided. The DDA has been underway for 18 years. It should be noted that it has 40 more participating countries than its previous round.

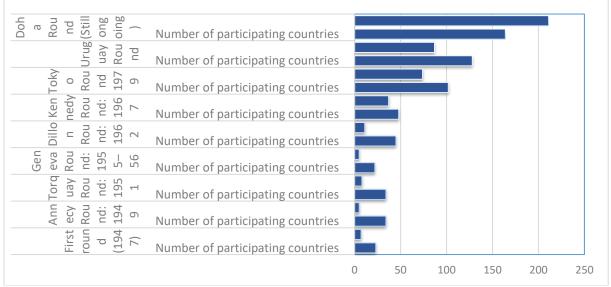


Figure 1: Length of previous world's trade negotiation rounds

Source: WTO

⁵ Paragraph 30 of the 2015 Ministerial Declaration can be accessed at <u>https://www.wto.org/english/thewto_e/minist_e/mc10_e/mindecision_e.htm</u>

⁶ https://www.wto.org/english/tratop_e/region_e.htm

Sixthly, some delegates also argue that DDA was buried alive by some developed countries who do not wish to discuss anything under the umbrella of the Doha development Agenda mandate. All countries agree with the Doha issues but some do not agree with the Doha mandate.

In conclusion, the negotiations have stalled because some countries have not shown any flexibility in their positions and keep repeating their demands rather than trying to negotiate a balanced outcome. Importantly and unfortunately, the Doha round stalled on account of lack of strong political commitment to promote multilateralism, fair and equitable trade among WTO major trading nations.

In case countries with protectionism measures are not willing to remove them, all efforts in negotiations will certainly be doomed to failure.

3. IMPLICATIONS OF DOHA ROUND'S FAILURE ON LDCs AND DEVELOPING COUNTRIES

Failing to conclude the DDA would mean losing the opportunity to more liberalized international trade. It also implies the failure of the international trade community to fairly integrate developing countries in the multilateral trading system and thus failure to affirm the role of international trade in the promotion of economic development and the alleviation of poverty. This clearly indicates that DDA failure will significantly harm all developing countries and mostly the LDCs; which is obvious given its developmental dimension.

One of the direct negative implications of the DDA round impasse so far has been the prominence of regional trade, bilateral and plurilateral agreements which have accelerated since early 2000 and threatening the multilateral trade negotiations. For example, the number of RTAs in force grew drastically from 87 in 2002 to 294 in 2019 (which represents a 230% growth) (WTO database, 2019).

The subsequent part of this chapter will look at the sectorial implications by focus on agriculture, market access and services:

3.1 AGRICULTURE

Agriculture is very important for developing countries because almost 80% of the population in developing countries live in rural areas and the large majority are dependent on agriculture. Yet, developing countries have been adversely affected by the ways the developed countries have traditionally supported their agricultural sectors in the form of domestic support and export subsidies. As envisaged by the DDA, developed countries were expected to reduce their protection in all those areas (e.g. domestic support and export subsidies).

In reality, however, many developed countries provide substantial subsidies to farmers, for production and exports. These subsidies promote increased production, and distort markets. Especially different kinds of export subsidies lower world market prices, in some cases by 10% or more. This leads to increased competition for developing countries which in turn results in lower market shares for certain products and reducing income from agricultural exports and therefore making developing countries less attractive in terms of investments than would be

the case without subsidies. The continued application of subsidies implies that the affected countries are always forced to sell their produce below equilibrium world price because subsidies indulge world price falls (OECD, 2014).

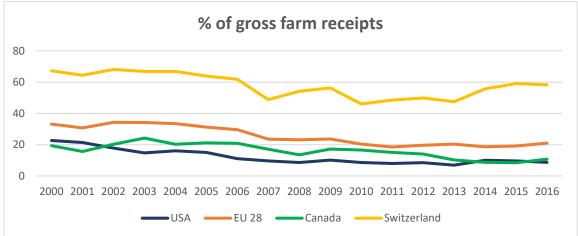
Country	Share of exports affected (percentage)
Benin	85
Mali	84
Chad	82
Burkina Faso	78
Malawi	76
Burundi	73
Tanzania	68
St Lucia	64
Uganda	63
Sudan	60
Zimbabwe	59
Rwanda	59
Dominica	58
St Vincent	57
Paraguay	55
Cuba	51
Cote D'Ivoire	49
Guinea Bissau	50
Nicaragua	50

Table 1: Countries dependent on exports of goods subsidized in other WTO members

Source: World Bank

Besides, Farmers in developing countries lose export opportunities and associated revenues on account of limited market access in the developed countries that use subsidies. Developing countries also lose part of their own domestic markets due to the artificially cheap imports from the subsidizing countries. In recent years, many developing countries have experienced surges in imports of many agricultural products. Often, imports were artificially cheapened by domestic and/or export subsidies (South Centre, 2010).

Figure 2: Agricultural Support by developed countries

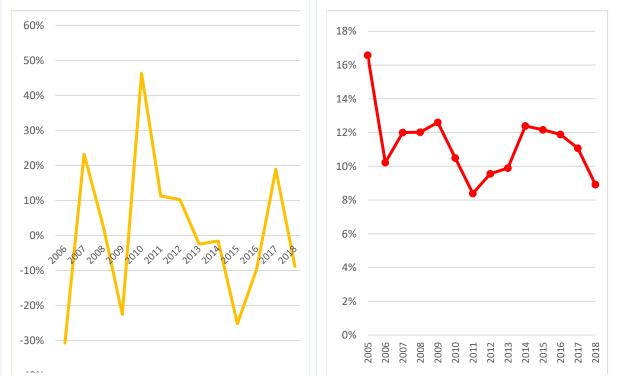


Source: OECD

The continuous use of the agricultural subsidies has had a negative impact on developing countries in general and Africa in particular as they are hit by cheap and subsidized imports from developed countries. This also implies that the welfare of farmers' net exports is reduced since they are forced to sell at lower prices.

Cotton, soya beans and sugar are some of the examples of commodities that are of vital interest to some developing countries but where developed countries' agricultural policies create considerable distortions.

In cotton, Africa's exports share has fallen drastically from 17% in 2005 to 9% in 2018. At the same time, the trend of Africa's cotton exports growth has been very inconsistent and largely moving downward.







The OECD study reveals that agricultural subsidies in the US are the main cause of a significant drop in world cotton prices, which have fallen by half since the mid-1990s, with particularly devastating impacts on West and Central Africa, where more than 10 million farm households depend on cotton production. OECD Research estimates that removal of US subsidies would raise cotton prices by 26%⁷.

Now, the African market of soya beans is largely dependent on the US, Argentina and Brazil imports with an average share of 47%, 18% and 10% respectively. This indicates that the poorest countries are the most hurt by agricultural domestic support of developed countries

Source: ITC Trade map data 2019

⁷ OECD, Key Issues for Policy Coherence for Development - Agriculture

because large developing countries like Brazil and Argentina are now able to provide the same support and thus able to compete with the US in the African market.

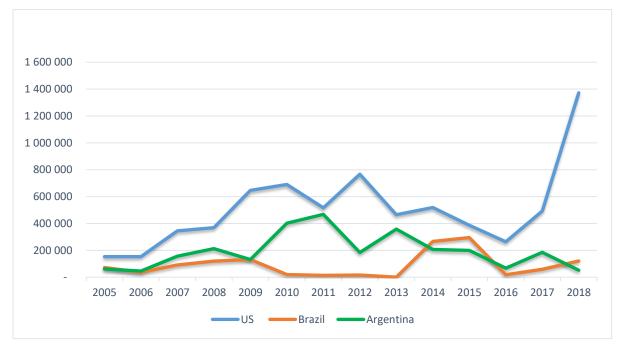


Figure 5: Africa's main suppliers of Soya beans

The Doha round aims to liberalize agricultural trade in favor of developing countries⁸. However, little progress has been made in this area and failure to achieve a consensus on this contentious issue means that developing countries will continue to suffer from the unfair competition as developed countries continue to use agricultural subsidies to promote their agriculture sector. What is on the table on the WTO DDA would constrain agricultural export subsidies in developed countries and drastically reduce the scope for distorting domestic support.

3.2 Market Access

Market access requirements are more relaxed on raw agricultural products while they are tough for non-agricultural products and thus contribute to limiting the effectiveness of preferences for manufactured exports, particularly for small, low-income countries (UNCTAD, 2003; Hinkle and New farmer, 2006). Doha had a noble mandate in the area of non-agricultural market access which aims at reducing or as appropriate eliminating tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries (Doha Mandate 2001). In Doha, countries committed themselves to negotiate opening agricultural and manufacturing markets, as well as trade-in-services (GATS).

Source: ITC Trade map data 2019

⁸ WTO Doha Ministerial Declaration, November 2001: Concluding the Doha Development Round would address the trade distortions which plague the agriculture sector to the detriment of developing countries, many of which enjoy a comparative advantage in this sector.

Failure to reach an agreement on non-agricultural market access (NAMA) means developing countries might lose market access opportunities which would come with substantial cuts on high tariffs in manufactured products. Such failure would also imply that most LDCs and developing countries will continue to be specialized in exports of certain raw agricultural products, and this is very unfavorable for development because of volatile and adverse terms of trade (Ng and Yeats, 2002), the "resource curse" and the absence of dynamic learning effects.

Regarding services, the failure to conclude the DDA would mean the impossibility of fully operationalizing WTO LDC services waiver partly because WTO members (especially developed countries) do not recognize qualifications acquired in LDCs.

Finally, the failure of the DDA implies that developing countries would lose the opportunity to get a better access to the developed markets and risk to see their policy space be reduced to only RTAs/FTAs where, for the smaller economies like LDCs and other developing countries, the negotiation playing field is not balanced at all.

4. POSSIBLE SOLUTIONS TO THE IMPASSE

After more than 18 years of frustration with the DDA negotiations and with seemingly uncompromising positions among WTO members, it is highly probable that business as usual will not work anymore and thus it is time for rethinking a new approach to come up with alternatives to bring negotiations to a successful conclusion. Finding new approaches is imperative because the prevailing differences amongst WTO members indicate that no amount of talks with the Doha round negotiations in the current form would result in a breakthrough in the near future. Thus, the following section discusses a number of approaches proposed to avert imminent or permanent failure of the Doha round negotiations.

4.1 Plurilateral

In the past, plurilateral agreements were resorted to in order to break the impasse in the Tokyo Round negotiations⁹. Given the current hardship to conclude negotiations on DDA issues multilaterally, engaging in plurilateral negotiations with the 'coalition of the willing' countries may be taken as a temporary solution.

Plurilateral agreements could encourage WTO members to come forward and make commitments within the framework of the WTO and allow other countries to adhere to any agreement reached later whenever they choose to sign. Thus, several of the DDA negotiation issues could be put into plurilateral agreements comparable to the WTO Agreement on Government Procurement. Such plurilateral agreements would offer a way out of the ongoing impasse of the DDA and give countries something to agree to and fine-tune through constructive negotiations. One of the necessary conditions for the success of such plurilateral solutions is adhesion by a large number of members with different economic status

⁹ Peter Draper and Memory Dube, Plurilaterals and the Multilateral Trading System, E15 Expert Group on Regional Trade Agreements and Plurilateral Approaches 2013.

(developed, developing and least developing countries) and should be done in a way that does not undermine the multilateral trading system but complement it instead. Besides, we recognize that such plurilaterals may be positive only if concluded on the basis of fairness and inclusiveness to ensure that developing countries are not left behind and that their development needs are taken into account.

4.2 Conclusion of targeted Bilateral Trade Agreements

Though Bilateral Trade Agreements have been mentioned earlier among the threats of multilateralism and the DDA in particular, they can also serve to solve the impasse if they are administrated for that purpose since they can allow countries to negotiate some issues which may seem impossible to be addressed multilaterally.

The current impasse in the WTO DDA negotiations is largely due to the divergent positions between developed countries (US, EU) and emerging economies (led by China, India and Brazil). On one hand, the US have long complained about the self-declaration development status which according to them grants unfair privileges in the form of Special and Differential Treatment to some wealthier countries. On the other hand, developing countries led by China and India assert that preferential treatment is an important cornerstone of the global trading system. The US and other developed countries have been contesting the use of S&DT by large developing countries because they want more market access in those countries.

Given this situation, one might argue that WTO negotiations would be much easier if for example the US and the EU conclude bilateral trade agreements (BTAs) with BRICs (China, India, and Brazil). However, the scope of such BTAs should be limited to specific issues affecting the conclusion of the DDA.

Engaging in such bilaterals could potentially open up an opportunity for those countries to settle their differences outside the WTO and avoid taking everyone hostage during the WTO negotiations and possibly reach an agreement in certain areas like Special and Differential Treatment. This optimism arises from the fact that the US have recently (May 2019 GC) made it clear that they only seek to avert the unjustifiable use of the S&DT provisions by what they call "wealthiest WTO members". If this assertion is genuine, any comprise between the US and the so called wealthier developing countries would ultimately ease negotiations in the WTO at least on the issue of S&DT.

However, it is worthy to note that these arrangements would only be helpful if developed countries are willing to make developmental concessions in favor of developing countries as anticipated by the Doha Development Agenda. Besides, it rests to be seen if those countries would still be interested to negotiate a multilateral deal if they get what they wanted from each other.

4.3 Pursuing a political solution

As its name clearly indicates, DDA was meant to advance the cause of development. However, this noble mission has been hindered by the domestic politics of developed countries which merely could not accommodate the cause of development in political terms.

The conclusion of the Doha round negotiations will largely depend on strong political will among major members of the WTO because political concessions involved cannot be completed solely by trade negotiators. World's leaders are better placed to provide the needful guidance and mandate to facilitate negotiators reach a level of negotiations' ambition that entices the compromise from all. This so, because technical solutions have never been applied as solutions to political issues and the WTO is not going to be an exception.

In this regard, it is critical to mobilize necessary political support from WTO members to achieve a momentum of political mobilization necessary for securing champions/leaders to drive the negotiations' process especially among developed members. However, it is not yet clear where this highly sought leadership will come from as some developed countries who used to be strong advocates of multilateralism and liberalization have now turned to protectionism and unilateralism.

For increased ownership and dedication, WTO members should increase the engagement of Ministers beyond the biennial Ministerial Conferences. This will make many Ministers feel fully engaged and deliver effectively during the WTO Ministerial Conferences. Besides, regular engagement with capitals may entice domestic economic politics of some members to prioritize the WTO work agenda and work towards finding related political solutions collectively.

5. CONCLUSION

In conclusion, the Doha Round impasse is largely caused by the refusal of developed countries to embrace its objectives which clearly state that improving the trading prospects of developing countries should be the centrality of negotiations. In contrast, developed countries now perceive the development nature of the Doha Round as a liability, rather than an opportunity¹⁰. On that pretext, they have turned a deaf ear to the voices of developing countries and thus to the DDA mandate and want to use it to pursue their own commercial and political interests instead. In the face of this reality, developing countries and particularly LDCs are the ones losing the most as the DDA was sought to remedy the imbalances in international trade caused by previous WTO agreements which largely benefit developed countries.

Despite difficulties in the negotiations and antagonistic positions, a DDA agreement could be reached if there is a strong political will to embrace the DDA mandate from developed countries and that is the only best solution to address the issues pertaining to the Doha round. Equally important, large developing countries must be willing to accommodate some of the needs of developed countries. Besides, DDA success will also require a dedicated commitment to multilateralism from all WTO members.

¹⁰ Sungjoon C., The Demise of Development in the Doha Round Negotiations, Chicago-Kent College of Law.

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