

## JARGON EXPLAINED

### GLOSSARY OF TERMS COMMONLY USED IN THE WTO

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**133 Committee:** The 133 Committee is the European Union’s trade decision-making body. It takes its name from Article 133 of the EC Treaty (Treaty of Amsterdam), which provides for the establishment of a special committee appointed by the European Council to assist the European Commission. Each EU Member State is represented on the 133 Committee. Chaired by whichever Member State holds the EU Presidency, the Committee meets on a weekly basis, usually on a Friday. The 133 Committee discusses the full range of trade policy issues affecting the EU. Civil society groups criticize it for its non-transparent working methods.

**27.3(b):** Article 27.3 (b) of the WTO’s Agreement on Trade Related Intellectual Property Rights (TRIPS) governs the patentability of life forms. The Article stipulates that WTO Members are not required to issue patents on diagnostic, therapeutic and surgical methods, plants and animals (other than micro-organisms), nor on most biological processes for the production of plants or animals. However, plant varieties are subject to some form of

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intellectual property protection, for instance by a special (*sui generis*) system (see *sui generis* and *traditional knowledge* below).

**30 August Decision:** The 30 August 2003 Decision, taken by the WTO General Council, was a decision to create a waiver within the *TRIPS Agreement* to explicitly legalize *compulsory licensing*, enabling a generic medicines-producing country to export medicines to countries with insufficient pharmaceutical manufacturing capacity of their own. The Decision came about as a result of worldwide outrage about high drugs prices due to strict *Intellectual Property (IP)* rules, combined with intense lobbying by developing countries and civil society organizations. The Decision stipulates numerous conditions to prevent the ‘misuse’ of compulsory licences, e.g. drugs produced under a compulsory licence cannot be used for commercial purposes. The Decision led to the creation of the *TRIPS waiver*, which was eventually converted into a formal amendment of the *TRIPS Agreement* in December 2005, the first and only amendment to a core WTO Agreement to date. Although propagated as ‘proof’ by Pascal Lamy that “the WTO trading system is committed to humanitarian and development goals,”<sup>1</sup> the amendment has been heavily criticized by both WTO Members and civil society groups for being of little practical use, given the extremely complicated eligibility requirements and sheer amount of red tape that surrounds the mechanism. Indeed, as at February 2008, only one country has successfully used a compulsory licence to export drugs outside to other Members, namely Canada exporting anti-retrovirals to Rwanda. The full text of the decision is at [www.wto.org/english/tratop\\_e/trips\\_e/implem\\_para6\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/implem_para6_e.htm)

**301:** Section 301 is a provision of the *United States Uruguay Round Agreements Act 1994* which allows the US to respond to what the United States Trade Department (USTR) considers ‘foreign unfair trading practices’ wherever such practices occur. *Inter alia*, this law allows the USTR to retaliate unilaterally by raising tariff barriers on imports from a country it considers to be burdening or restricting US trade.<sup>2</sup> For example, in 1997, the US suspended 50% of Argentina’s benefits under the *Generalized System of Preferences*, citing the lack of patent protection for pharmaceutical products in Argentina.<sup>3</sup> Although Section 301 can be used for unilateral retaliation in any trade sector, it should be noted that the USTR annual ‘Special 301’ report, relates only to levels of intellectual property protection amongst US trading partners. Neither of the above terms should be confused with Super 301, which refers to the list the USTR compiles annually ranking countries in order of their culpability of ‘foreign unfair trading practices.’<sup>4</sup>

## A

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<sup>1</sup> ICTSD, ‘Members Strike Deal on TRIPS and Public Health: Civil Society Unimpressed,’ *Bridges*, vol.9 no.42, 2005, <<http://www.ictsd.org/weekly/05-12-07/story1.htm>>

<sup>2</sup> Walter Goode, *Dictionary of Trade Policy Terms*, Adelaide: Centre for International Economic Studies University of Adelaide, 1998, p.243.

<sup>3</sup> Office of the United States Trade Representative (USTR), *2001 Special 301 Report*, 2001, <<http://usembassymalaysia.org.my/pdf/301.pdf>>

<sup>4</sup> Executive Office of the President (USA), *Identification of Priority Foreign Country Practices and Foreign Countries Engaging in Discriminatory Procurement Practices; Request for Public Comment*, 64 FR 17053, 1999.

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**A2K:** means Access to Knowledge, a campaign that was initiated in 2004 to address “concerns with copyright law and other regulations that affect knowledge.” Many *intellectual property rights* (see *IPRs* below) potentially reduce access to, for example, educational materials and other forms of knowledge; the A2K campaign aims to reduce these restrictions. The first Access to Knowledge conference was convened in 2006 and the third in this series of meetings will be held in Geneva in September 2008. Issues for the upcoming meeting include global knowledge policy, including innovation systems, digital education, Internet governance, climate change, public health, and human rights.<sup>5</sup>

**ACP:** Bloc of African, Caribbean and Pacific states, linked to the EC States by the Lomé Agreements and now by the *Cotonou Agreement*, see [www.acpsec.org](http://www.acpsec.org) The EU is in the process of negotiating *Economic Partnership Agreements* (see *EPAs* below) with many individual ACP countries.

**ACP/LDC/African Group:** Now referred to as the *G90*, see below.

**Ad Valorem Tariff:** A tariff that has been calculated as a given percentage of the value of an imported good.

**African Growth and Opportunity Act (AGOA):** The African Growth and Opportunity Act is a US initiative adopted in 2000, which, according to the US government ‘offers tangible incentives for African countries to continue their efforts to open their economies and build free markets.’ AGOA is supposed to stimulate trade between the US and Africa, and whilst US sources have hailed the increase in exports from Africa to the US, NGOs say that this has been mostly in oil. Moreover, the Act has come under criticism for being a means for the US to impose political conditionalities on African countries.

**Aid-for-Trade:** the brain-child of Pascal Lamy, this initiative was launched in 2005, and is designed to complement the Doha Development Agenda through the provision of funds and technical support to help developing countries implement their present and future WTO commitments. The scheme is designed to assist developing countries with the liberalization process, for instance through improving infrastructure and addressing developing countries’ other supply-side constraints. Aid-for-Trade is indeed an excellent idea if liberalization is accepted as the solution to the problem that many developing countries have not become richer despite global trade liberalization. Critics argue that this programme simply allows for the entrenchment of liberalized policies under the cloak of aid, rather than address the real causes of poverty and underdevelopment, which may need as a remedy something very different from liberalization. In addition, Aid-for-Trade has been criticized by developing countries and NGOs for prioritizing trade policy and regulations to the neglect of other areas, such as trade-related infrastructure, which developing countries have frequently articulated as one of their priorities. In addition, despite initial suggestions to the contrary, Aid-for-Trade is not drawing on ‘new’ Official Development Assistance, but is instead being squeezed out of existing OECD pledges, valid till 2010.<sup>6</sup>

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<sup>5</sup> Yale Law School, *ISP to host A2K3 Conference September 8-10 in Geneva*, <http://www.law.yale.edu/news/6191.htm>

<sup>6</sup> Carin Smaller, *Geneva Update: The Hitchhiker’s Guide to Aid For Trade: everything you need to know to prepare for the upcoming Global Review*, November 2007, <http://www.tradeobservatory.org/genevaupdate.cfm?messageID=123007>

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**Airgram:** WTO parlance for the agenda of a WTO meeting (denoting the form in which it is sent to delegations).

**Alliance for Special Products (SPs) and a Special Safeguard Mechanism (SSM):** see **G33** below.

**Amber box:** The WTO Agreement on Agriculture divides domestic subsidies (see *subsidies* below) to the agricultural sector into three categories using a bizarre and incomplete traffic light analogy: **blue box** (permitted) **green box** (permitted), amber box (to be reduced). The amber box contains a list of subsidies that are considered the most trade distorting, for example US payments which “compensate a farmer if the price of an agricultural commodity drops below a level determined by the United States to be desirable.”<sup>7</sup> WTO Members with amber boxes, including the US, the EU, and Japan, have agreed to reduce these subsidies and members that did not have such subsidies at the time the Agreement on Agriculture was signed are not allowed to introduce any such subsidies.

**Amicus Brief:** From the Latin *amicus curiae* meaning ‘friend of the court,’ an *amicus* brief is a submission to a legal proceeding made by an interested party (who is not one of the parties to the dispute), usually by leave or discretion of the tribunal. The WTO dispute settlement system's Appellate Body has signalled a willingness to receive and consider *amicus* briefs, and has also ruled that panels may consider such briefs, as they have done in a number of cases. However, a number of WTO Members remain firmly opposed to this practice – saying that consideration of non-state *amicus* briefs could jeopardize the exclusively inter-governmental character of the WTO. Whilst it is unclear how – or even whether – this stand-off between the judicial and the political branches of the WTO will be resolved, non-governmental actors continue to submit *amicus* briefs in WTO disputes.

**APEC:** Once mocked for being four adjectives in search of a noun,<sup>8</sup> the Asia-Pacific Economic Cooperation is a forum for cooperation on trade and investment amongst Asian and Pacific countries. Its 21 members include Australia, Canada, Chile, People's Republic of China, Hong Kong China, Malaysia, Mexico, Peru, Philippines, Russia and Singapore.

**Applied Tariffs/Rates:** In contrast to *bound* rates, which are the highest tariff rates that a WTO Member can charge on imports, applied tariffs/rates are those actually applied at the border. In practice, countries' (particularly developing countries') applied tariffs are always lower than the bound rate (see also *bindings* below).

**Article XX:** This article of the General Agreement on Trade and Tariffs (GATT) sets out the general exceptions to the requirements of the GATT. Provided that states are not acting in an arbitrary or unjustifiably discriminatory fashion, Article XX allows them to derogate from GATT rules to protect various interests, including: public morals; human, animal or plant life or health; natural treasures of artistic, historic or archaeological value; or exhaustible natural resources

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<sup>7</sup> European Commission, *Fact Sheet: Key Technical Terms – Doha Round Negotiations*, Brussels: EC, 2005, <[http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc\\_126425.pdf](http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc_126425.pdf)>

<sup>8</sup> *The Economist*, 27 October 2001.

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**Article 29bis:** also known as Supplementary Article 29, is a proposed amendment to the TRIPS Agreement, first circulated in May 2006 by Brazil, India, Pakistan, Peru, Thailand and Tanzania (China and Cuba later joined those supporting the proposal). The purpose of the amendment is to ensure coherence between the *TRIPS* Agreement and the *Convention on Biological Diversity*. The amendment proposes that patent applicants must disclose the country of origin of biological resources or traditional knowledge (or both) that they used in the invention they are seeking to patent, and to disclose any new information that comes to light subsequently. Member governments would be required to publish the disclosed information and enforce the amendment's provisions.

**Automaticity:** Refers to the fact that in the WTO, each subsequent stage of the dispute settlement process unfolds automatically (panel established, panel report adopted, retaliation (if requested)) - within an established time frame unless there is consensus by Members to halt the process.

**Autonomous Liberalization:** (also referred to as *unilateral liberalization*). This term refers to trade liberalization measures a country takes unilaterally, before WTO negotiations. These are noteworthy in the WTO context, where the general rule is that countries liberalize in exchange for other countries' commitments to liberalize, i.e. on a reciprocal rather than a unilateral basis (see *Reciprocal Exchange of Concessions* below). One speaks of autonomous, or unilateral, liberalization, for instance, in the context of the General Agreement on trade in Services (GATS) negotiations, in which a number of developing countries are arguing that trade 'credits' should be granted to them in acknowledgment of their ('autonomous') liberalization efforts under IMF and World Bank structural adjustment programmes, before the GATS negotiations began.

## B

**Backloading:** This term is used most commonly in the context of discussions on the WTO Agreement on Textiles and Clothing, which requires industrialized countries to gradually reduce or eliminate import quota restrictions on textiles by 2005, and thereby increase developing country textile producers' access to industrialized country markets. Developing countries lament that industrialized countries are 'backloading' their commitments, i.e. that industrialized countries are refraining from allowing significant textile imports from developing countries until the last possible moment.

**Balance of Trade:** The ratio of a country's imports to exports of goods and services over a given period of time. The unstated aim of a country's trade policy is often to ensure that exports exceed imports, thereby creating a trade surplus. However, it is more often the case that imports exceed exports, thereby leading to a trade deficit.<sup>9</sup>

**Beggar-My-Neighbour Policy (also known as beggar-thy-neighbour):** A course of action through which a country tries to address its own domestic economic and social problems (recession, unemployment, balance of payments difficulties) by imposing measures that seek to push the problems outside its country and on to other states, i.e. by raising tariffs and instituting non-tariff barriers that impede imports (to protect domestic industries and maintain domestic

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<sup>9</sup> Walter Goode, *Dictionary of Trade Policy Terms*, Adelaide: Centre for International Economic Studies University of Adelaide, 1998, p.30.

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employment), or through competitive devaluation. This course of action was common in the 1930s and eventually led to a severe worldwide recession.

**Benchmarking:** An attempt to set minimum levels of liberalization in services. This approach was first advocated by industrialized nations prior to the Hong Kong Ministerial and reflects developed country dissatisfaction with the slow pace of service sector liberalization under the General Agreement on Trade in Services (GATS), which does not outline minimum requirements (see *request-offer approach* below). In contrast, benchmarking “would set quantitative liberalisation targets for Members, i.e., require them to open a fixed number of sectors and modes to foreign competition.”<sup>10</sup> Despite the fact that benchmarking was rejected in Hong Kong, industrialized countries show no signs of giving up on this approach as the Doha Round drags on.<sup>11</sup>

**Bilateralism:** Approach to international trade involving a treaty between two countries only (contrast with *plurilateral* and *multilateralism* below). Since 2003, an increasing number of countries, including WTO Members, have entered into bilateral trade agreements. Bilateral trade agreements frequently involve either the US or the EU or other strong economies, in partnership with a developing country or countries. Such agreements often have far more stringent conditions (relating to liberalization schedules, intellectual property standards etc) than WTO Agreements, given developing countries’ reduced negotiating power against more powerful economies. Moreover, many bilateral trade agreements have been criticised for the lack of transparency and participation in their negotiation. For details of bilateral trade agreements currently being negotiated, or that have recently been adopted, see <[www.bilaterals.org](http://www.bilaterals.org)>

**Bilateral Investment Treaty (BIT):** A treaty between two countries that has been designed to promote and protect investment between the two partners. Typically, BITs offer investors national or most favoured nation treatment; free transfer of funds and personnel, as well as guarantees against denial of justice, and expropriation without compensation. Unlike the WTO system, many BITs offer private entities (investors) a right to bring states to an international arbitration tribunal for settlement of disputes, with the possibility of award of damages as a remedy.

**Bind:** verb, see *bindings*.

**Bindings:** (see also *bound rate*). When a country commits not to raise the tariff on an item above a specified level, the level is called a ‘binding.’ The levels at which Members bind their tariffs is agreed to through negotiations in the WTO. Thus a binding (also called a concession) is a legal obligation not to raise tariffs on particular products above the specified rate agreed to in negotiations. This rate is incorporated into a country’s *schedule of concessions*. WTO Members can break a commitment (i.e. raise a tariff above the *bound rate*), but only through negotiations with the countries affected by this measure, which may require payment of compensation for trading partners’ loss of trade.

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<sup>10</sup> ICTSD, ‘Preparations Underway for New Services Text,’ *Bridges*, vol.11, no.38, 2007  
<<http://www.ictsd.org/weekly/07-11-07/story6.htm>>

<sup>11</sup> Carin Smaller, *Geneva Update: An Assessment of Where Things Stand: what happened to the political momentum?*, February 2008, <<http://www.tradeobservatory.org/genevaupdate.cfm?messageID=123444>>

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**Biofuels:** Fuels derived from the biomass of plants, increasingly propagated in recent years as an alternative to fossil fuels. Increased biofuel use is criticized for harming global food security. This occurs as biofuels are often produced in places where most people do not have access to sufficient food (and where much of the world's rapidly depleting biodiversity, the ultimate safeguard of food security, is located). Elsewhere, giving land over to biofuel production has led to worldwide staple food scarcity and / or price increases: wheat prices, for instance, have risen significantly.<sup>12</sup> Rising food prices hit net-food importing countries (which include some of the poorest nations in the world) and net buyers of food (especially poor urban and landless labourers), a fact to which recent riots in late 2007 in places like Indonesia and Mexico are testament.<sup>13</sup> With regard to the multilateral trading system, biofuels raise many unresolved issues, including whether they should be classified as agricultural, industrial or environmental goods and how government subsidies which promote biofuel production should be considered within the WTO system.<sup>14</sup> As an instance of the complexity of this point, take the US's ethanol programme, presently protected by more than 200 different government subsidies and high tariffs on Brazilian ethanol.<sup>15</sup> Finally, many critics point to the limits of this supposedly 'environmental' solution – should we really be dedicating huge swathes of land to biofuel production especially given that many studies show the carbon emissions savings of biofuels compared to fossil fuels is small?

**BIT:** see *Bilateral Investment Treaty* above.

**Blue box:** A category of domestic *subsidies* specific to the Agreement on Agriculture permitted only because they are believed to distort trade less than *amber box* subsidies. They are an exception to the general rule that all subsidies linked to agricultural production must be reduced or kept to minimal levels. These subsidies include payments linked to land size and livestock numbers under schemes such as the setting aside of agricultural land to limit over production.<sup>16</sup>

**Bottom-up Approach:** (also known as *GATS-type approach* or *positive-list approach*). This approach to liberalization allows countries to choose those areas in which they will open up their markets; areas not explicitly mentioned are presumed to be subject to no WTO commitment. This process is used in the WTO General Agreement on Trade in Services (GATS), where commitments to extend national treatment and market access to foreign service suppliers are made only in those areas where countries have expressly agreed to it. The bottom-up approach allows countries greater flexibility than the top-down approach (contrast with *top-down approach* below.)

**Bound Rate:** Refers to the specific level at which a tariff has been bound. By binding a tariff at a particular level, a country agrees not to raise the tariff above that level. In practice, countries'

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<sup>12</sup> 'The end of Cheap food: Rising food prices are a threat to many; they also present the world with an enormous opportunity,' *The Economist*, December 2007.

<sup>13</sup> 'The end of cheap food: Rising food prices are a threat to many; they also present the world with an enormous opportunity,' *The Economist*, December 2007.

<sup>14</sup> International Food & Agricultural Trade Policy Council, *WTO Disciplines and Biofuels: Opportunities and Constraints in the Creation of a Global Marketplace*, Washington DC: IPC, 2006, <<http://www.tradeobservatory.org/library.cfm?RefID=96515>>

<sup>15</sup> 'The end of cheap food: Rising food prices are a threat to many; they also present the world with an enormous opportunity,' *The Economist*, December 2007.

<sup>16</sup> WTO, *WTO Agriculture Negotiations: Background – Domestic Support: Amber, Blue and Green Boxes*, <[http://www.wto.org/english/tratop\\_e/agric\\_e/negs\\_bkgnd13\\_boxes\\_e.htm](http://www.wto.org/english/tratop_e/agric_e/negs_bkgnd13_boxes_e.htm)>

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(particularly developing countries') **applied rates** are usually lower than the bound rate. (see also **binding**.)

**Built-in Agenda:** As part of the Uruguay Round of trade negotiations, it was agreed that a number of areas – most notably agriculture and services – would be negotiated as part of the WTO agenda after the Uruguay Round was officially completed, and before a new Round was officially launched. Thus the post-Uruguay Round negotiations already contained a Built-in Agenda. This term was frequently used in the late 1990s but its use has dwindled since the WTO's Doha Ministerial.

## C

**Cairns Group:** Group of nineteen agricultural exporting nations lobbying for agricultural trade liberalization (particularly the elimination of export subsidies) that formed in 1986 in Cairns, Australia, just before the beginning of the Uruguay Round. Members include Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Fiji, Guatemala, Indonesia, Malaysia, New Zealand, Paraguay, Philippines, South Africa, Thailand and Uruguay. Hungary was a member until it pulled out in 1998 because of wanting to join the EU, whose position on agriculture in the WTO tends to be diametrically opposed to that of the Cairns group. Until Cancún, the Cairns group were the only other influential player in WTO agriculture negotiations, which were dominated solely by the US and EU. However, the Cairns Group performed poorly in Cancún, with many of its key players preferring to partner along other lines, and the **G20** took its place as the most influential grouping of countries in the agriculture talks, followed by the **G90** and the **G33**. Although it continues to make statements periodically, the group is now largely inactive with its members in one or more of the other groupings.

**Cancún:** Used in the WTO to refer to the WTO's Fifth Ministerial Conference, that took place in September 2003, and that ended abruptly and without agreement on the questions at issue.

**Capital Process:** Trade negotiations that take place between officials in the capitals of WTO Members (contrast with **Geneva process** below).

**Carousel Retaliation:** A proposed method of retaliation in a WTO dispute where the aggrieved country periodically change the list of goods targeted for **retaliation** in trade disputes. Carousel retaliation would be particularly damaging for the targeted country, as over time it would affect a maximum amount of trade sectors. The US first threatened to use carousel retaliation in 2000, to seek redress in two WTO trade disputes with the EU (relating to bananas and hormone-treated beef respectively). The EU countered that this would be contrary to the WTO Agreements. In the end, the United States did not use carousel retaliation, nor has any other WTO Member ever done so. "An EU challenge of US carousel retaliation [seeking an explicit WTO statement disallowing the practice] still stands in the WTO dispute process."<sup>17</sup>

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<sup>17</sup> Open CRS, *Trade Retaliation: The "Carousel Approach*, Washington DC: Centre for Technology and Democracy, 2002, <<http://www.opencrs.cdt.org/document/RS20715/>>



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**CBD:** see *Convention on Biological Diversity* below.

**Chairman's Text:** Draft proposal on a particular trade area drafted by the Chair (presumably a man) of a WTO negotiating committee. A Chairman's Text is meant to be a faithful record of the status of negotiations and a basis for reaching a consensus decision. However, Chairman's texts have been harshly criticised, particularly in the lead-up to Cancún, for failing to take into account all negotiating positions.

**Chapter 11 (NAFTA):** The investment provisions of the North American Free Trade Agreement (NAFTA) between Mexico, the United States and Canada. Modelled upon the United States' bilateral investment treaties and perceived by many as the template for the (failed) Multilateral Agreement on Investment (MAI), Chapter 11 offers a number of guarantees to foreign investors, including: freedom for financial transfers, national treatment, most-favoured nation treatment, transparency, protection from performance requirements, compensation in the event of expropriation, and access to a dispute settlement mechanism that allows private investors to sue a State. Chapter 11 has been a source of controversy as investors have used its dispute settlement mechanism to launch challenges, sometimes successfully, against environmental regulations in host states, arguing that such host state measures are 'tantamount' to (or indirect forms of) expropriation of the investor's property or profits. Similar chapters granting extensive rights to investors (sometimes stronger rights than the States involved themselves) can be found in numerous other bilateral trade and bilateral investment agreements (see also *Bilateral Investment Treaty* above).

**Codex:** The Codex Alimentarius Commission is a body of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) dedicated to the formulation and harmonization of food and hygienic standards. Codex attained much greater visibility after it was identified as a relevant standard-setting body under the WTO Agreements on Technical Barriers to Trade (TBT) and on Sanitary and Phyto-Sanitary Measures (SPS).

**Coherence:** In the WTO context, this term is generally used to refer to institutional coherence between the policies of the WTO and those advocated by the World Bank and the IMF, notably in relation to liberalization of trade and investment. Currently, the WTO perspective on coherence does not extend to broader social and development orientated policy aims, and is criticized by civil society groups and some developing countries for this reason.

**COMESA:** A trade Agreement involving 19 nations of Eastern and Southern Africa. COMESA came into effect in 1994, replacing an earlier preferential trade area. The current members are: Angola, Burundi, Comoros, Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe. For more details see [www.comesa.int](http://www.comesa.int)

**Committee on Trade and Development:** WTO Committee that holds Regular Sessions on development issues. The Doha Ministerial Conference mandated the CTD to identify which *Special and Differential Treatment* provisions were mandatory, and what would be the effect of making those that were currently not mandatory into mandatory obligations (see also *Enabling Clause*). The Committee also holds Special Sessions on **Small and Vulnerable Economies** (see below).

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**Commitment:** A legally binding undertaking made by a country under a WTO Agreement. Examples include tariff *bindings*, or commitments on services (see *schedules* below).

**Compulsory Licensing:** Process whereby countries are permitted to grant licenses to companies or individuals without the patent owner's consent, in order to manufacture, use, sell or import a generic version of a patented product. The WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) permits compulsory licensing for reasons such as public health (particularly in the face of a national crisis), but only where certain conditions (such as adequate compensation for the patent-holder) are respected. While compulsory licensing offers a crucial flexibility for WTO member states, it is criticized for being difficult to use in practice, a) due to the pressure on poorer countries (from other States and pharmaceutical companies) not to issue such a licence and b) because of the amount of red tape involved in the application procedure. Very few compulsory licences have been issued to date but the notable exceptions have been highly beneficial for developing countries (e.g. Rwanda, Thailand, India).

**Concession:** A tariff reduction agreed to by a particular state (see *bindings* above).

**Convention on Biological Diversity (CBD):** The UN Convention on Biological Diversity, or Biodiversity (adopted in 1992) has the objective of promoting conservation, sustainable use of resources and the fair and equitable sharing of the benefits arising out of the use of genetic resources. The CBD is one of the Multilateral Environmental Agreements whose rules may be considered as specific trade obligations (see *MEA* and *STO* below). The compatibility between the CBD and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is central to the debate on biodiversity, patents on life, traditional knowledge and benefit sharing (see also *27.3(b)* above). Issues of non-compatibility between the two Agreements, apparent, for example, in the fact that TRIPS does not require proof of prior informed consent or benefit sharing arrangements for patents using genetic resources and/or related traditional knowledge, are far from resolved (see also *Article 29bis* above).

**Core Labour Standards:** These refer to the cluster of rights contained in the 8 core Conventions of the International Labour Organization (ILO), covering freedom of association, equality, elimination of child labour and abolition of forced labour. Although the ILO has more than 180 conventions, the ILO's Governing Body has identified these 8 conventions as containing the fundamental worker rights that all ILO member states must respect.

**Core Modalities:** see *Modalities* below.

**Cotonou Agreement:** The successor to the *Lomé Convention* between the European Union and African, Caribbean and Pacific countries (see *ACP* above), this trade-and-aid agreement was signed in Benin in June 2000. The Agreement gives preferential access for certain ACP products to EC markets, and sets the basis for ACP countries to negotiate 'WTO-compatible' trade agreements (known as *Economic Partnership Agreements* or *EPAs*) during the period from 2002-2008. These trade agreements should be implemented from 2008 to 2020. The Cotonou Agreement in fact reduces many ACP countries' preferential trade access to the EU market: 'WTO-compatible' in practice means reducing ACP countries' trade preferences and introducing reciprocity into their trade relations with EU countries.

**Countervailing Duties:** If a country can demonstrate that its domestic industry is being injured due to subsidized imports from another country, the WTO Agreement on Subsidies and

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Countervailing Measures (SCM) allows the aggrieved importing country to impose custom duties on these subsidized exports.

**Covered Agreement:** Agreement that is covered by the WTO Dispute Settlement Understanding and may give rise to a complaint to the WTO dispute settlement system. The covered agreements are listed in the Annex to the Dispute Settlement Understanding and include all the WTO legal texts that apply to all WTO Members, including the General Agreement on Tariffs and Trade (GATT 1994), the General Agreement on Trade in Services (GATS), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Agreement on Agriculture (AoA).

**CTD:** see *Committee on Trade and Development* above.

## D

**DDA:** see *Doha Development Agenda* below.

**Decoupled:** Term used to refer to forms of government support (usually farm subsidies) which do “not provide an incentive to increase production. Farm subsidies that are decoupled are included in the *green box* and are therefore permitted by the WTO.”<sup>18</sup>

**De minimis (level):** In the WTO Agriculture context, the *de minimis* threshold (expressed as a percentage) is the amount of domestic support a country may exempt from its calculation of total domestic supports and therefore further reductions. For developed countries, the *de minimis* threshold is limited to 5 percent of total agricultural production, while for developing countries the *de minimis* threshold is 10 percent.<sup>19</sup> The *July framework* says *de minimis* will be reduced by an amount to be negotiated, with special treatment for developing countries, which will be exempt if they “allocate almost all *de minimis* support for subsistence and resource-poor farmers.”<sup>20</sup>

**Derbez text:** This term is used to refer to the text drafted by Mexico's Foreign Minister Luis Ernesto Derbez at the Cancún Ministerial, that was on the table but not adopted when the talks broke down on 13 September 2003. This text continued, during the first half of 2004, to be a reference point in WTO trade negotiations.

**Development Agenda:** see *WIPO Development Agenda* below.

**Development Box:** Mechanism of special and differential treatment (see *SDT or S&D* below) aimed at resolving issues of food security and development. The Development Box was proposed in the late 90s by a number of developing countries (with significant civil society input) in the

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<sup>18</sup> European Commission, *Fact Sheet: Key Technical Terms – Doha Round Negotiations*, Brussels: EC, 2005, <[http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc\\_126425.pdf](http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc_126425.pdf)>

<sup>19</sup> European Commission, *Fact Sheet: Key Technical Terms – Doha Round Negotiations*, Brussels: EC, 2005, <[http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc\\_126425.pdf](http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc_126425.pdf)>

<sup>20</sup> WTO, *Agricultural Negotiations: Backgrounder – August 2004 Framework: Domestic Support*, <[http://www.wto.org/english/tratop\\_e/agric\\_e/negs\\_bkgrnd27\\_boxesframework\\_e.htm](http://www.wto.org/english/tratop_e/agric_e/negs_bkgrnd27_boxesframework_e.htm)>

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context of the negotiations of the Agreement on Agriculture (AoA). The Development Box would have allowed developing countries flexibility to apply policies that are not necessarily AoA-consistent, such as domestic support to small farmers, promotion of domestic consumption, diversification of crops and improvement of export competitiveness (contrast with *amber box*, *blue box* and *green box*).<sup>21</sup> Despite intense discussions following the first proposals submitted to the Committee on Agriculture in 2000 and 2001, the 'Development Box' is no longer part of the debate, having been replaced by discussions on *Special Products* and the *Special Safeguard Mechanism*.

**Development Round:** This term was coined mainly by the United Kingdom's then Development Secretary Clare Short, to emphasise that the new round of trade negotiations that was expected to be launched at the Seattle Ministerial Conference in 1999 should be expressly geared to meet the development needs and trade priorities of poorer nations. In the event, the Seattle Ministerial Conference failed to launch new negotiations. In the immediate lead-up to the 2001 WTO Ministerial Conference in Doha, Mike Moore, at that time WTO Director General, called for WTO Members to embark upon a new Development 'Agenda' which was understood to be less ambitious than a 'round' of negotiations (see *Doha Development Agenda* and *round* below).

**Disciplines:** A term used to describe the binding rules contained in the WTO Agreements.

**Disclosure requirement:** Mechanism which requires patent applicants to disclose the sources of any genetic resource or traditional knowledge used in their inventions. This legal requirement is part of efforts to ensure that biological and cultural resources are acquired with prior informed consent of the communities from which they come, and that these communities are adequately compensated by the new patent holder for their contribution to any new invention. Although this is an attempt to improve the current intellectual property system in favour of indigenous communities, many critics continue to argue that any form of patent, even one obtained with the necessary disclosure requirements, is simply an imposition of western concepts of intellectual property and ownership that are neither appropriate nor beneficial to many people throughout the world.<sup>22</sup> Disclosure of origin is legally required by the *CBD* and discussions are underway to amend the *TRIPS* agreement to include similar provisions (see also *Article 29bis*).

**Doha Development Agenda:** This is the name given by the WTO Secretariat to the trade negotiations that WTO Members agreed to embark on when they met in Doha for the WTO's Fourth Ministerial Conference, in November 2001. It used the term 'development agenda' as opposed to 'round' to make the negotiations seem less threatening to those (particularly developing countries) who had opposed the launch of a new round of trade talks. However, the term 'Doha development agenda' is not defined or even mentioned in the text of the Doha Declaration, so many Members prefer the use of the term 'Doha work programme,' which is technically correct.<sup>23</sup> In addition, critics point out that, whatever it is called, the work programme

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<sup>21</sup> Duncan Green *et al.*, *Proposal for a 'Development Box' in the WTO Agreement on Agriculture*, 2001, <<http://www.fao.org/trade/docs/Green-Priyadarshi.htm>>

<sup>22</sup> ICTSD/IUCN *et. al.*, *Disclosure Requirements: Ensuring Mutual Supportiveness between the WTO TRIPS Agreement and the CBD*, Geneva: ICTSD, 2005, <[http://www.iprsonline.org/resources/docs/Disclosure\\_req\\_book.pdf](http://www.iprsonline.org/resources/docs/Disclosure_req_book.pdf)>

<sup>23</sup> Third World Network, *The Twists and Turns of the Singapore Issues: The Many Ways to Drop (or Not Drop) An Issue*, Penang: TWN, 2004.

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or agenda does not reflect the development priorities of developing countries. See also **G33**, **Special Products** and **SSM** below.

**Doha Work Programme:** The technically correct term for the WTO negotiations agreed to at the WTO Doha Ministerial.

**Drop:** (used in the context of discussions of the **Singapore Issues**, in the lead-up to the Cancún Ministerial Conference, but hardly ever used today). When WTO Members spoke of dropping the controversial Singapore issues, one critic pointed out that the word could mean different things:

1. 'Drop from the WTO, or from the WTO agenda or the WTO work programme,' which implies that the work will not continue.
2. 'Drop from the Doha work programme' implies they will not be on the Doha negotiating agenda; neither will it be on the discussion agenda, as the work of the working groups on Singapore Issues (and of the working groups on trade and finance, and trade and technology transfer) are part of the **Doha work programme**.
3. 'Drop from the **Doha development agenda**.'
4. 'Drop from the single undertaking.' This does not mean that there will be no negotiations. An EC paper refers to **plurilateral** agreements when it mentions its willingness to drop an issue from the single undertaking.<sup>24</sup>

**Dumping:** The export of products to other countries at prices below the cost of production, or at a price lower than the price normally charged in the national market. In economics, 'dumping' can refer to any kind of predatory pricing but the word is now generally used only in the context of international trade. The term has a negative connotation, but advocates of free markets see 'dumping' as beneficial for consumers and believe that protectionism to prevent it would have *net* negative consequences. Advocates for workers and labourers however, believe that safeguarding businesses against predatory practices, such as dumping, help alleviate some of the harsher consequences of free trade between economies at different stages of development.<sup>25</sup> The WTO Anti-dumping Agreement does "not pass judgement" on dumping, but rather focuses on "how governments can or cannot react to dumping."<sup>26</sup> This includes allowances for **retaliation** (*see below*) if dumping by an exporting country is found to threaten or cause material injury to a domestic industry in the importing country. However, most developing countries do not have the resources to prove dumping has occurred and, more importantly, can simply not afford to jeopardize their trading relations by instituting legal challenges against countries who dump.

## E

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<sup>24</sup> Third World Network, *The Twists and Turns of the Singapore Issues: The Many Ways to Drop (or Not Drop) An Issue*, Penang: TWN, 2004.

<sup>25</sup> Wikipedia, *Dumping (pricing policy)*, <[http://en.wikipedia.org/wiki/Dumping\\_%28pricing\\_policy%29](http://en.wikipedia.org/wiki/Dumping_%28pricing_policy%29)>

<sup>26</sup> WTO, *Anti-dumping*, <[http://www.wto.org/english/tratop\\_e/adp\\_e/adp\\_e.htm](http://www.wto.org/english/tratop_e/adp_e/adp_e.htm)>

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**Early harvest:** In the context of WTO negotiations, this term has been used to describe a decision by Members to agree to conclude part of the issues under negotiation even before agreement has been reached on all the issues being negotiated (contrast with *single undertaking* below).

**Economic Partnership Agreements:** see *EPAs* below.

**Economies of scale:** These occur when the mass production of goods or services results in a lower average cost per unit of product or service. For example, in the manufacture of a chair, the more chairs are produced, the lower the cost per unit of each additional chair.

**ECOWAS:** The Economic Community of West African States, a regional group of fifteen countries, founded in 1975. ECOWAS aims to promote greater economic integration at the regional level. Current members include: Benin, Burkina Faso, Cape Verde, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

**Enabling Clause:** The expression ‘enabling clause’ is used to describe the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries’ adopted in 1979, in GATT. The aim of this clause was to allow developed countries to derogate from the requirements of most favoured nation (*MFN*) and national treatment (*NT*) in order to stimulate trade with developing countries. It is the legal basis for the General System of Preferences (*GSP*) and special and differential treatment (*SDT or S&D*). There is currently some controversy in the WTO over the enabling clause: many developing countries feel that the clause has been used in a discriminatory fashion, favouring the developing countries that already have strong economic ties with particular developed countries (particularly ties between ex-colonies and their former colonizers), the most vulnerable of developing countries or as a means of imposing conditionalities on developing countries.

**Enchilada Talks:** see *Informal Meetings* below

**EPAs:** Economic Partnership Agreements between the EU and *ACP* countries. EPAs are designed to replace the EU’s long-standing policy of granting trade preferences (e.g. more favourable access to EU markets for Fijian sugar compared to sugar from a non-ACP country) to ACP countries. EPAs, the negotiation of which began following the signing of the Cotonou Agreement in 2000,, attempt to respond to the issue of WTO non-compatibility by phasing out preferences and introducing reciprocity into EU-ACP trade relations (meaning that the EU will provide duty-free access to its markets for ACP exports *and* ACP countries will provide duty-free access to their own markets for EU exports). The EU originally tried to negotiate regional agreements with each of the six ACP regions (West Africa, Central Africa, Southern Africa, East Africa, the Caribbean and the Pacific). However, this approach failed and the EU is instead now negotiating individual agreements with separate ACP countries. EPAs have been heavily criticized for imposing liberalization on particularly vulnerable sectors (e.g. services, fisheries), hampering regional integration, and curtailing *policy space*.<sup>27</sup>

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<sup>27</sup> South Centre, *EPA Negotiations in the Pacific Region: Some Issues of Concern*, Geneva: South Centre, 2007, <[http://www.southcentre.org/publications/AnalyticalNotes/Other/2007Nov\\_PACP\\_Background\\_Note.pdf](http://www.southcentre.org/publications/AnalyticalNotes/Other/2007Nov_PACP_Background_Note.pdf)>

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**Explicit Consensus:** The Doha Declaration required that the decision to launch negotiations on the four *Singapore Issues* (investment, competition policy, government procurement and trade facilitation) had to be taken on the basis of an “explicit consensus on the modalities of the negotiations.” The level of consensus Explicit Consensus requires has not been defined, although it is believed to require a very high threshold of explicit agreement between WTO Members. The term Explicit Consensus became a rallying cry in *Cancún*: NGOs handed out 'explicit consensus' necklaces that were worn by NGOs, delegates and journalists alike. One NGO commented that the fact that the rather arcane term 'explicit consensus' became a rallying cry spoke volumes about what was not going on in drafting texts.<sup>28</sup>

**External Transparency:** A term used to refer to calls to the WTO to open itself up to greater scrutiny by non-Member-state stakeholders, particularly called for by civil society groups (contrast with *internal transparency* below).

## F

**Fast-Track (Authority):** Now known as *Trade Promotion Authority*, referring to a power granted by the United States Congress to the President of United States. Under this power, the President can negotiate trade agreements that the House may accept or reject, but not amend. Advocates of Fast-Track note that if the President has Fast-Track, or Trade Promotion Authority, domestic political interests in the United States will not be able to undermine trade agreements negotiated between the US and other States. In contrast, public interest groups criticize Fast-Track as they fear that it could result in the US agreeing to trade agreements without domestic oversight to ensure that they take social and environmental concerns into account.

**FDI:** see *foreign direct investment* below.

**Five Interested Parties (FIPs):** Negotiating group formed in 2004 and consisting of Australia, EU, US, Brazil, and India. The group “brings together five parties with an interest in agricultural issues. Often extended as a negotiating format to FIPs-plus, to include additional WTO members with key agricultural interests, such as Argentina, Japan, Korea, and Canada.”<sup>29</sup> Also referred to as the *Quint* or the *NG5* or *Non-Group of Five Members*.

**FIPs-plus/FIPs+:** see *Five Interested Parties (FIPs)* above.

**FOD:** see *Friends of Development* below

**Food security:** is achieved when an individual, community, or country has continuous access to a sufficient supply of food. International trade is linked to food security in multiple ways; for example, the food security of small-farmers is jeopardized when they are no longer able to earn a living in their own market (and therefore do not have the economic means to be food secure) as a result of an influx of artificially cheap agricultural goods. Other factors affecting food security include environmental destruction and biodiversity depletion, and market

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<sup>28</sup> Centre for Policy Analysis on Trade and Health (CPATH), *Turnaround at the WTO: Vitamins for Fair Trade*, San Francisco: CPATH, 2003.

<sup>29</sup> European Commission, *Fact Sheet: Key Technical Terms – Doha Round Negotiations*, Brussels: EC, 2005, <[http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc\\_126425.pdf](http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc_126425.pdf)>

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concentration of agricultural commodity buyers, traders and retailers (who are able to impose and maintain low prices for producers and high prices for consumers).

**Food sovereignty:** see *People's food sovereignty* below.

**Foreign Direct Investment (FDI):** An investment in a country other than that of the investor, involving a long-term relationship and control of an enterprise by the investor.<sup>30</sup> Liberalization of the economy coupled with the securing of investors' rights is seen by some as crucial to stimulating FDI which in turn is propagated as fundamental to economic development. Critics argue that FDI can lead to the takeover and destruction of certain parts of a nations' economy by investors whose sole objective is the increase of their profit margins and who are unaccountable to anyone except their own shareholders.

**Formulas:** see *modalities* below.

**Friends of Development (FOD):** Group of 14 developing countries who presented the original proposal for the establishment of the WIPO *Development Agenda* (DA) in September 2004.<sup>31</sup> Their proposal initiated a series of *IIMs* and eventually the WIPO DA was adopted in September 2007. The group includes Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, Sierra Leone, South Africa, Tanzania, and Venezuela.

**Friends of Multifunctionality:** Group of WTO Members including the EU, Switzerland, Norway, Japan, Korea and Mauritius, that advocate the multiple functions of agriculture beyond the provision of food and seeks to allow for agricultural policies that encourage environmental protection, rural development and food security.<sup>32</sup> Whilst this group was prominent in the late 1990s and until Doha, it has now been replaced by other country groupings (see for instance *G10* below).

**Friends of Services:** In the WTO General Agreement on Trade in Services (GATS) negotiations, a group of developed countries, led by the US and EU, with an active interest in services liberalization. Sometimes referred to as the Really Good Friends of Services or Very Close Friends of Services. Contrast with *NAMA II* below.

## G

**G4:** Group composed of the US, EU, India and Brazil, the four biggest agricultural traders, that met between early 2006 and July 2007 to try and forge consensus in the agricultural negotiations. The group is criticized for being totally unrepresentative and non-transparent, with the ability to neglect or override the interests and concerns of all WTO Members who are not major agricultural exporters. This group resolutely failed to reach agreement during a crucial meeting in

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<sup>30</sup> UNDP, *Human Development Reports: Glossary of Terms*,  
<<http://hdr.undp.org/en/humandev/glossary/#f>>

<sup>31</sup> ICTSD, 'WIPO Members Create New Forum to Discuss Development Agenda,' *Bridges*, vol.9 no.33, 2005, <<http://www.ictsd.org/weekly/05-10-05/story2.htm>>

<sup>32</sup> ICTSD, *Doha Round Briefing Series: Developments Since the Fourth WTO Ministerial Conference – Agriculture*, Vol.1, No.2 of 13, 2003, <<http://www.ictsd.org/pubs/dohabriefings/doha2-agric.pdf>>



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July 2007 and have not met since then; at the time of writing there was no suggestion that they would meet again. The group is sometimes augmented into the **Five Interested Parties**, see above. .

**G8:** The ‘Group of 8’ of the world’s most economically and militarily powerful states whose leaders meet annually to discuss issues of mutual concern, and particularly to coordinate their economic policies. France, Germany, Italy, Japan, UK, US, and Canada have met in this forum (previously known as the G7) since the oil crisis of the 70s, with Russia formally joining the group in 1998. The group, like other comparable global forums, has been criticized for being unrepresentative, especially given the changes in the global economy, such as the fact that the economies of India and China now far eclipse those of Canada and Italy. Furthermore, despite having the economic and military capacity to markedly improve the conditions for much of the world’s population by, for example, cancelling world debt, pledging adequate funds to fight the AIDS pandemic, or agreeing to equitable trade terms, the meetings rarely produce much more than vague promises on these matters.

**G10:** South Korea, Taiwan, Liechtenstein, Israel, Bulgaria, Norway, Iceland, Mauritius, Switzerland and Japan. The G10 countries are mostly industrialized countries that are not major agricultural exporters (many are net food importers) but have sizeable small-farmer based economies which are heavily subsidized. G10 countries are keen to maintain protection of their agricultural sectors. They advocate the multiple functions of agriculture beyond the mere provision of food, including its crucial role in food security, environmental protection, landscape conservation, and rural livelihoods and ways of life.

**G12:** Group of 12 WTO members who have met regularly since September 2007 in an attempt to push through certain key issues relating to the Agreement on Agriculture in the current Doha Round of negotiations. Members include Argentina, Australia, Brazil, Canada, China, the EU, India, Jamaica, Japan, Indonesia, South Africa, and the US.

**G20:** (Not to be confused with the G20 group of industrialised nations.<sup>33</sup>) A group of agricultural exporting countries who came together as one of the strongest negotiating forces during the WTO’s Fifth Ministerial Meeting, in Cancún. The group’s objectives are to ensure increased access to industrialized country markets for developing country agricultural products and to eliminate Northern export subsidies on farm products. Although often talked about as the group that finally stood up to the global trading bullies (US and EU), the group’s position is in fact essentially the same as that of their main rivals in that it is firmly pro-liberalization, its members simply want to promote Northern liberalization to ensure that the system works more ‘fairly.’ The G20 is led by Brazil, China, India and South Africa, and other members include Argentina, Bolivia, Chile, Costa Rica, Cuba, Ecuador, Egypt, Guatemala, Indonesia, Mexico, Pakistan, Philippines and Thailand. Together, these countries make up over half the world’s population and two thirds of its farmers. The varying references to the group as G20, G20+ or even G22 during the 2003 Ministerial itself is due to the fact that a few countries have joined, and others – such as Peru and Colombia – left since September 2003. This group remains one of the strongest negotiating groups in the Agricultural negotiations.

**G20+:** see **G20** above.

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<sup>33</sup> European Commission, *Fact Sheet: Key Technical Terms – Doha Round Negotiations*, Brussels: EC, 2005, <[http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc\\_126425.pdf](http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc_126425.pdf)>

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**G33:** This alliance, which formed just before the Cancún Ministerial Conference (2003), is united in agreement that simply applying *special and differential treatment* to developing countries in the agricultural context is not specific enough to address poverty alleviation and development goals. They thus advocate that developing countries be granted flexibility to designate a number of *Special Products* (SPs) on which they would not have to make any tariff reduction or tariff rate quota (TRQ) commitments. They also seek a new special safeguard mechanism (*SSM*) for developing countries to enable them to counter market volatility and sudden import surges. While certainly allowing greater flexibility than currently available to developing countries, the mechanisms advocated by the G33 are criticized by some NGOs for being far too weak and limited to be able to solve the food security and livelihood problems which they purport to tackle.<sup>34</sup> G33 Members include Barbados, Cuba, Congo, Cote d'Ivoire, Dominican Republic, Honduras, Indonesia, Kenya, Mauritius, Mongolia, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Senegal, Sri Lanka, Tanzania, Trinidad and Tobago, Turkey, Venezuela, Zambia and Zimbabwe.

**G90:** Group of countries that are members of the *ACP* and/or the African Group and/or are Least-Developed Countries (*LDCs*), who came together in an alliance during the WTO Ministerial Conference in *Cancún* (2003). The G90 releases statements principally to reiterate the 'pro-development solidarity' between the ACP/African Group/LDC countries, and to add political weight to the substantive proposals of the three groups.

**G110:** Group of countries led by Brazil that formed at the Hong Kong Ministerial in 2005. The group includes members of the *ACP*, African Group, *G33*, *G20*, Caricom, *NAMA-11*, and *LDCs*. Like the G90, this group releases statements to demonstrate solidarity between the various groupings of which it is composed.

**GCAP (Global Call to Action Against Poverty):** launched in 2005, GCAP is "the world's largest civil society movement calling for an end to poverty and inequality."<sup>35</sup> An alliance of trade unions, community groups, NGOs and others in over a 100 countries, GCAP's aim is to pressure governments to take the necessary actions to meet their promises to 'make poverty history.'

**Generalized System of Preferences:** Trading system allowed under the *enabling clause*, whereby developed countries offer preferential treatment, such as zero tariffs, to products originating in developing countries, without the requirement that the developing country reciprocate these measures. Given the fact that the countries granting this preferential treatment unilaterally choose what product ranges and which countries can benefit<sup>36</sup> from the System, richer countries have been criticized of using their GSP schemes to impose conditionality on developing countries.

**Generalized System of Trade Preferences (GSTP)** among developing countries: Originally conceived in the late 1970s, the GSTP was designed to promote trade amongst developing countries. It came into effect in the late 1980s, but was abandoned soon after, as a result of US pressures on developing countries as well as pressures from the IMF and World Bank. The *G20*

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<sup>34</sup> Carin Smaller, IATP, correspondence with author, 26 February 2008.

<sup>35</sup> Global Call to Action Against Poverty, *What is GCAP?*, <<http://www.whiteband.org/about-gcap/what-is-gcap>>

<sup>36</sup> WTO, *Development: Legal Provisions – Main Legal Provisions*, <[http://www.wto.org/english/tratop\\_e/devel\\_e/d2legl\\_e.htm](http://www.wto.org/english/tratop_e/devel_e/d2legl_e.htm)>

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revived the term again in June 2004, when it put forward the idea of launching a round of liberalisation using the GSTP.

**Geneva Process:** The negotiations that take place amongst the trade delegations of WTO Members at the WTO in Geneva (contrast with *Capital Process* above).

**Geographical Indications:** In the WTO context this term refers to products with names related to their place of production, where a specific quality, reputation or other characteristic of the good is essentially attributable to this geographical origin. Examples are champagne or Basmati Rice. “Two issues are debated in the TRIPS Council under the Doha mandate: creating a multilateral register for wines and spirits; and extending the higher...level of protection [currently permitted by GIs to wines and spirits] beyond wines and spirits.”<sup>37</sup> Major exporters of wines and spirits, including the US, Australia, and Argentina, are emphatic that there are no WTO negotiations on GIs on any products other than wines and spirits. Meanwhile other countries, led by the EC, maintain that the higher level of protection afforded to alcohol should be applied much more broadly. To date, there has been no progress in bridging Members positions on the issue.<sup>38</sup>

**GIs:** see *geographical indications* above.

**Global Call to Action Against Poverty:** see *GCAP* above

**Graduation:** In the WTO context, this term refers to the process of a WTO Member changing from being considered a least-developed country (*LDC*, see below) to being considered a developing country (contrast with *product graduation* below). This issue is highly sensitive as some developed countries would like to tie the level of special and differential treatment more closely to a country’s level of development. In essence, this would create several categories of *S&D* and include the concept of a Member’s ‘graduating’ to fewer privileges as its level of development improves. Also, whilst many developing countries feel there is a need to stay united regardless of their different levels of development, some feel they deserve more special treatment than others.

**Green box:** A category of domestic subsidies (see *subsidies* below) permitted by the WTO Agreement on Agriculture because they were believed to cause little or no trade distortion, and are funded by governments rather than consumers. The green box category includes direct payments to farmers that do not aim to encourage production, and payments for environmental protection measures (see also *amber box* and *blue box* above).<sup>39</sup> In an attempt to maintain current subsidy levels, the US and the EU have been accused of ‘hiding’ amber or blue box subsidies in their green boxes; currently approximately 70 per cent of total US and 25 per cent of total EU domestic supports can be found in the green box.<sup>40</sup> Green (and *Blue*) boxes do the “laundering”<sup>41</sup>

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<sup>37</sup> WTO, *TRIPS: Issues – Geographical Indications*,  
<[http://www.wto.org/english/tratop\\_e/TRIPS\\_e/gi\\_e.htm](http://www.wto.org/english/tratop_e/TRIPS_e/gi_e.htm)>

<sup>38</sup> Pascal Lamy, *Speech given at the WTO Trade Negotiations Committee on 17 April 2008*,  
<[www.wto.org/english/news\\_e/news08\\_e/tnc\\_17apr08\\_e.htm](http://www.wto.org/english/news_e/news08_e/tnc_17apr08_e.htm)>

<sup>39</sup> Kamal Malhotra, *Making Global Trade Work for People*, London: Earthscan, 2003, p.xxv.

<sup>40</sup> Peter M. Rosset, *Food is Different: Why We Must Get the WTO Out of Agriculture*, London: Zed Books, 2006, p.85.

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for the EU-US subsidy systems and make them appear devoid of export subsidies even though there is strong evidence to suggest that many green box subsidies in fact are trade-distorting. For instance, direct payments, even when '*decoupled*' (i.e. not linked to production), allow agricultural producers to survive and even expand, even when commodity prices are low and thus keep prices lower or push them even lower.

**Green Room:** Refers to a process of informal consultations amongst a small number of WTO Members that have endured, despite coming under fire for being untransparent and undemocratic. In the days of the GATT, the Director General would convoke a small number of key trading powers to negotiate in a room near his office that was painted green, or according to other sources, in any room with a green baize-covered table. A decision brokered in the Green Room would be presented to the wider Membership as a *fait accompli*. In common usage Green Room has become a pejorative term used to denote trade negotiation processes which are exclusionary and lacking in transparency (see also *Informal Meetings* below).

**Group of 20, Group of 77** and other groups, see *G20, G77, etc* above.

**GSP:** see *Generalized System of Preferences* above.

**GSTP:** see *Generalized System of Trade Preferences* above.

## H

**Hardcore Cartel:** Used in the context of the WTO trade negotiations on the interaction between trade and competition policy (see *Singapore issues* below), this term describes formal agreements between corporations aimed at sharing markets or reducing competition between them.

**Heads of delegations (HOD):** These are the ambassadors that head the trade delegations of WTO Members in Geneva. The WTO Secretariat, in the lead up to the *Cancún* Ministerial Conference, convened frequent meetings of HOD in order to stimulate the pace of negotiations.

**HOD:** see *heads of delegation* above

## I

**IBSA (also referred to as IBSA trilateral forum or IBSA Dialogue Forum):** Launched in 2003, IBSA is a trilateral, developmental initiative between India, Brazil and South Africa to promote South-South cooperation and exchange.<sup>42</sup> Government officials of the three countries meet regularly to promote dialogue, trade, investment, poverty alleviation, exchange of

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<sup>41</sup> Statement by the European Farmers' Coordination (CPE) in Peter M. Rosset, *Food is Different: Why We Must Get the WTO Out of Agriculture*, London: Zed Books, 2006, p.116.

<sup>42</sup> India-Brazil-South Africa (IBSA) Trilateral, Homepage, <<http://www.ibsa-trilateral.org/>>

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technology, information and skills, as well as cooperation in areas such as agriculture, climate change, defence, energy or health.

**IF:** see *integrated framework* below

**Implementation:** In the WTO context, implementation means more than just giving effect to a treaty or an agreed course of action. The term, which was commonly used in the WTO from 1998 until after the Seattle Ministerial, refers to the difficulties developing countries face in implementing existing WTO commitments, as well as their displeasure at the fact that many industrialized countries have still not implemented their obligations, particularly in areas of concern to developing countries such as removing obstacles to textile imports.

**Industrial goods:** In the WTO context, this refers to goods that are being discussed in the current (Doha) negotiations on Non-Agricultural Market Access (*NAMA*). NAMA negotiations focus on cutting tariffs on all industrial goods. These include manufacturing products, fuels, mining products, fish and fish products and forestry products. NAMA negotiations have been criticized for requiring excessive tariff cuts for developing countries on industrial goods, relative to the concessions made by developed countries regarding agricultural products. The inclusion of fish and forest products as ‘industrial’ goods whose trade should be liberalized under the NAMA negotiations has drawn criticism from environmental groups for accelerating ecological destruction.

**Informal Meetings/Talks/Consultations:** Meetings of WTO Members that take place outside of the official agenda of negotiations. These talks are given a myriad of different names, including Green Room, Room E or Room F consultations, or even more ‘creative’ names, such as the Enchilada Talks (discussed in this paragraph). Despite the different monikers, these meetings all have the same purpose: to achieve consensus amongst a smaller group of WTO Members, in the hopes of ultimately achieving consensus amongst all 151 countries. These meetings are called by the different Chairs of the various negotiations and are in fact the point at which the main decisions are made. Although their unofficial nature raises issues of accountability and transparency (especially given the fact that no official records of these meetings are circulated), and while they will never be truly representative (as Chairs invite selected Members and exclude the vast majority), some observers feel these talks are much more representative than they used to be.<sup>43</sup> A recent example of informal talks include the so-called Enchilada Talks, held by Ambassador de Mateo, the Chair of the services negotiations in the Doha Round, with a select group of officials from about two dozen countries.<sup>44</sup> These talks were designed to inform de Mateo’s Report on Services (released in February 2008), which will serve as the guideline for future market access discussion relating to services.

**Integrated Framework (IF):** This term describes the plan of action whereby six agencies (IMF, ITC, UNCTAD, UNDP, the World Bank and the WTO) coordinate the technical assistance they provide to least developed countries (see *LDCs* below). This technical assistance includes: institution-building to handle trade policy issues, strengthening of export supply capacity, trade support services, trade facilitation, training and human resource development and the creation of

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<sup>43</sup> Carin Smaller, IATP, correspondence with author, 26 February 2008.

<sup>44</sup> ICTSD, ‘Preparations Underway for New Services Text,’ *Bridges*, vol.11, no.38, 2007  
<<http://www.ictsd.org/weekly/07-11-07/story6.htm>>

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a supportive regulatory and policy framework that will encourage trade and investment.<sup>45</sup> A number of civil society groups have criticized this framework for focusing solely on trade liberalization, to the detriment of other aspects or methods of development.

**Intellectual Property Rights:** see *IPRs* below.

**Internal Transparency:** Refers to efforts within the WTO to ensure that all Members are informed of and able to participate in, WTO negotiations (see also *Green Room* or *Informal Meetings* and contrast with *external transparency* above).

**IPRs:** Intellectual Property Rights including copyrights, patents, trademarks, trade secrets, industrial designs etc. IPRs grant the right-holder (a person or company) a period of near monopoly control over the use of an invention of the mind. Through the granting of what some term ‘monopoly privilege rights’ IPRs attempt to reward the rights-holder for their intellectual efforts. IPRs have been criticized for being biased in favour of private interests over the public good. In addition, the intellectual property system, as increasingly globalized by *TRIPS* and other international Agreements, is accused of failing to meet the needs of developing countries (see also *WIPO* and *WIPO Development Agenda*). Moreover, the term itself ‘intellectual property’ has been criticized on two main grounds. First, many cultures do not recognize any kind of ownership of ideas, traditions or cultural practices (including the development of seeds and plants). On a different level, the term intellectual property is criticized for grouping together very different systems for granting monopoly privileges, i.e. serving as a ‘catch-all to lump together disparate laws’<sup>46</sup> (relating to patents, copyright and trademarks) thus resulting in overgeneralization. Another criticism of the term is that the use of the word ‘rights’ has been misused by the corporate sector to claim that intellectual property rights are human rights – which they are clearly not.<sup>47</sup>

## J

**July Framework, also known as July Agreement and July Package:** Agreed to on 1 August 2004, this text relaunched the Doha Round in 2004 following its collapse in *Cancún* the previous year. “The Framework consists in an overview of general commitments for the Doha Agenda, followed by a series of annexes on specific agreements.”<sup>48</sup> The Package emphasized “the need to push ahead the talks in five areas, namely agriculture, non-agricultural market access (NAMA), development issues, trade facilitation and services.”<sup>49</sup>

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<sup>45</sup> WTO, *Development: Integrated Framework – The Integrated Framework for Least Developed Countries (IF)*, <[http://www.wto.org/english/tratop\\_e/devel\\_e/teccop\\_e/if\\_e.htm](http://www.wto.org/english/tratop_e/devel_e/teccop_e/if_e.htm)>

<sup>46</sup> Richard M. Stallman, *Did You Say ‘Intellectual Property’? It’s a Seductive Mirage*, <<http://www.gnu.org/philosophy/not-ipr.html>>

<sup>47</sup> 3D → Trade – Human Rights – Equitable Economy, *Intellectual Property and Human Rights: Is the Distinction Clear Now? An assessment of the Committee on Economic, Social and Cultural Rights’ General Comment No. 17*, October 2006, <[www.3dthree.org/en/page.php?IDpage=27&IDcat=5](http://www.3dthree.org/en/page.php?IDpage=27&IDcat=5)>

<sup>48</sup> IATP, *The WTO July 2004 Framework Agreement: An Overview of Agriculture*, Minneapolis: IATP, 2004.

<sup>49</sup> ICTSD, ‘WTO: July Framework Agreed at the Eleventh Hour,’ *Bridges*, vol. 8 no. 27, 2004, <<http://www.ictsd.org/weekly/04-08-03/story1.htm>>

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## L

**Least Developed Countries (LDCs):** Least Developed Countries are the poorest countries in the world, characterized by low gross domestic product (GDP), poverty amongst their inhabitants, and a low level of economic diversification. Different international bodies use different definitions of LDCs. The WTO uses the UN approach, which is to work from an agreed list. There are currently 50 least-developed countries on the UN list, 32 of which are WTO Members including Angola, Bangladesh, Benin, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, DRC Congo, Djibouti, Gambia, Guinea, Guinea Bissau, Haiti, Lesotho, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Senegal, Sierra Leone, Solomon Islands, Tanzania, Togo, Uganda, and Zambia. Ten additional LDCs are in the process of accession to the WTO. They are Afghanistan, Bhutan, Cape Verde, Ethiopia, Laos, Sao Tome & Principe, Samoa, Sudan, Vanuatu and Yemen.<sup>50</sup>

**(Trade) Liberalization:** The removal of barriers (such as tariffs or national controls) in order to create a 'free' market in goods, services or finance. Liberalization is a political philosophy that supports a reduced government role in the economy. It believes that markets should, as far as possible, be left to the forces of supply and demand.

**Like Minded Group (LMG):** This term was commonly used in the WTO until about 2001, to refer to a loose coalition of WTO Members with similar concerns about the WTO agenda. The term is hardly ever used in the WTO anymore. Although not all members signed on to all proposals, the LMG generally included: Cuba, Dominican Republic, Egypt, Honduras, India, Indonesia, Jamaica, Kenya, Malaysia, Mauritius, Pakistan, Sri Lanka, Tanzania, Uganda and Zimbabwe. Pet LMG issues have included opposition to negotiations on the Singapore issues, strong emphasis on implementation concerns and S&D, and calls for more transparent WTO procedures. Other LMG groups exist in other fora, notably the United Nations Commission on Human Rights and the Convention on Biological Diversity, however their purpose and composition differ from each other, as well as from that of the WTO LMG.

**Like Product:** Under WTO rules, imported and domestic products that are 'like' must not be treated differently. On several occasions, WTO Panels have sought to define 'like' products and have used criteria such as the intended end-use of a product, the product's properties and the commercial substitutability of the two products. In one recent case (*Asbestos*) the WTO Appellate Body emphasized the importance of the consumer perspective in determining whether products are or are not 'like'; thus considerations such as the health impacts of different products might well be of critical importance, if they affect the preferences of the consumer. However, critics contend that the determination of 'like' products does not take into sufficient account the processes through which products are made – processes that may not be visible in the final product, but that result in more or less environmental harm, or more or less respect for human rights and that might affect consumer preferences. (see **National Treatment** below). Many

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<sup>50</sup> WTO, *Understanding the WTO: The Organization – Least Developed Countries*,  
<[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org7\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org7_e.htm)>

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developing countries believe that allowing distinctions between products based on the way they are made will provide a new means for industrialized countries to disguise protectionist measures and discriminate against developing country exports.

**Linkages:** In WTO talk, the term has been commonly used to refer to linkages between the different areas under negotiation, i.e. such as conditioning progress on industrial tariffs to progress in agriculture, and other trade-offs between different areas. This term is also used (usually negatively) by some groups to refer to attempts to bring non-trade issues such as environment, human rights and labour issues into the WTO, thus linking trade with non-trade issues that may have protectionist intentions.

**LMG:** (see *Like Minded Group* above)

**Lomé Convention:** The Lomé Convention (1975) regulated trade and development co-operation between the European Union and *ACP* countries. It was succeeded in 2000 by the *Cotonou Agreement* which, *inter alia* outlined the basic framework for the change in EU-ACP relations, in the form of *EPAs*, many of which are in the process of being signed (see *EPAs* above).

## M

**Market Access:** The openness of a national market to foreign products. Market access in the WTO context means the conditions, tariff and non-tariff measures, agreed by a government for the entry of specific goods into their markets. A government that increases market access reflects its willingness to permit imports to compete with similar domestically produced goods.. WTO goods negotiations are in large part a battle to gain increasing market access to other countries' markets. While increased market access to developed country markets is purported by those who believe in trade liberalization as the miracle solution that will bring about the end of poverty and propel the economic development of poorer nations, critics argue that in reality only elite minorities with the ability to export, and a handful of transnational companies who dominate international trade benefit from such market opening, to the detriment of the vast majority of traders who participate in local and domestic markets.

**Marrakesh Agreement:** The binding Agreement signed at the Marrakesh Ministerial Conference in April 1994 setting up the WTO and containing the results of the Uruguay Round (see *Uruguay Round* below).

**MC6:** Ministerial Conference 6, an abbreviation often used to refer to the sixth WTO Ministerial Conference, held in Hong Kong in December 2005.

**MEA:** see *multilateral environmental agreements* below.

**MFN:** see *most favoured nation treatment* below.

**Mid-Term Review:** Assessment of the state of negotiations half way through a round of negotiations (see *round* below) often taking place at a WTO Ministerial Conference. The only



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Mid-Term Review to date was in Montreal in 1988, which reviewed the progress of the Uruguay Round negotiations.

**Millennium Round:** The Round that wasn't. What the round to have been launched at Seattle (see *Seattle* below) was likely to have been called.

**Mini-Ministerial:** Meeting of a select group of WTO Members aimed at furthering WTO negotiations. Mini-Ministerials are a relatively recent practice (dating from 2001), organized by a host country, outside the realm of the official meetings organized by the WTO Secretariat. These meetings are heavily criticized as they exclude most of the WTO Membership and are seen as part of the untransparent and exclusionary decision-making process of the WTO.

**Ministerial Conference:** This is the top official organ of the WTO, composed of representatives of all WTO Members and required to meet at least once every two years. It has the power to make decisions on all aspects of the WTO Agreements. Ministerial Conferences so far: 1<sup>st</sup>: Singapore (December 1996), 2<sup>nd</sup>: Geneva (May 1998), 3<sup>rd</sup>: Seattle (November-December 1999), 4<sup>th</sup>: Doha (November 2001), 5<sup>th</sup>: Cancún (September 2003) 6<sup>th</sup>: Hong Kong (December 2005). The 7<sup>th</sup> Ministerial Conference is as of yet unscheduled and will only take place when Members request it.

**Modalities:** the formulas, in both NAMA and Agriculture negotiations, for cutting tariffs and subsidies. Formulas include: the *Swiss Formula*, the *Uruguay Round Approach*, and the Tiered Formula.

**Most Favoured Nation Treatment (MFN):** A commitment by a state to extend the same treatment it accords to its most-favoured trading partner, to all its trading partners. For instance, if Canada imposes a 1 per cent tariff on imports of kiwi fruit from New Zealand, MFN treatment would demand that Canada extend the same treatment to the imports of kiwi fruit from other WTO Members. Together with *national treatment* (see below), MFN is at the core of the non-discrimination principle that lies at the heart of trade law.

**Multifunctionality:** The idea that agriculture is not limited to producing food and fibre, but that it is also has other functions, such as food security, environmental protection, landscape conservation and the preservation of rural employment.<sup>51</sup> In the context of the WTO agriculture negotiations, these functions fall under the category of 'non-trade concerns' (see *non-trade concerns* below). The word multifunctionality was used by a small group of countries, known as the *Friends of Multifunctionality* (see above) between 1998 and 2003. These countries asserted the importance of the numerous functions of agriculture mentioned above. Other countries shunned the word because of the broad scope advocated by its supporters, preferring the term 'non-trade concerns,' which they do not see as synonymous with multifunctionality. This term is no longer in use in WTO negotiations and the group supporting the idea now goes by the name the *G10* (see above).

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<sup>51</sup> WTO, *Glossary of Terms: An Informal Press Guide to 'WTO Speak'*, [http://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/brief\\_e/brief22\\_e.htm#\\_Toc528136427](http://www.wto.org/english/thewto_e/minist_e/min01_e/brief_e/brief22_e.htm#_Toc528136427)

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**Multilateralism:** Approach to international trade negotiations requiring the participation of a large group of countries<sup>52</sup> (contrast with *bilateralism* and *plurilateralism* below). The WTO is the heart of the multilateral trading system.

**Multilateral Environmental Agreements (MEA):** Term used in the WTO context to describe international environmental treaties. In the WTO, MEA usually refers to those treaties that contain trade-related measures, including the Basel Convention (on hazardous wastes); the Convention on Biological Diversity (see *CBD* above); the Convention on International Trade in Endangered Species (CITES); the International Tropical Timber Agreement (ITTA); the Montreal Protocol on the ozone layer; and the United Nations Framework Convention on Climate Change (UNFCCC).

## N

**NAMA:** Non-agricultural market access, refers to a process mandated by the Doha *Ministerial*, aiming to liberalize trade in industrial and consumer products, in particular on products of export interest to developing countries. As of early 2008, NAMA negotiations remain highly contested; the key area of contention (being) the tariff reduction formula and the flexibilities for developing countries to deviate from the main formula.<sup>53</sup> Some developing countries, led by Brazil and Argentina, are very critical of the NAMA negotiations and argue that the demands that developed countries are making far outweigh the offers they are making to developing countries in the agricultural negotiations. Indeed, in the current negotiations, NAMA and agriculture are the two main contentious issues, concessions in one area being expected in exchange for concessions in the other.

**NAMA 11:** Formed shortly before the *Hong Kong Ministerial* in 2005, this negotiating group includes Argentina, Brazil, Egypt, India, Indonesia, Namibia, the Philippines, South Africa, Tunisia, and Venezuela. The group opposes industrialized nations' demands for big industrial tariff cuts, citing the need to protect industrial development and employment in their countries.<sup>54</sup>

**National Treatment (NT):** A commitment by a state to treat foreign products in the same manner as they would treat domestic products – provided that the foreign products are 'like' their domestic counterparts (see *like products* above).

**Negative list approach:** (also known as *top-down approach*) In the context of the General Agreement on Trade in Services (GATS), this is a list of the items to which the Agreement will

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<sup>52</sup> Walter Goode, *Dictionary of Trade Policy Terms*, Adelaide: Centre for International Economic Studies University of Adelaide, 1998, p.187.

<sup>53</sup> Carin Smaller, *Geneva Update: The Hitchhiker's Guide to Aid For Trade: everything you need to know to prepare for the upcoming Global Review*, November 2007, <<http://www.tradeobservatory.org/genevaupdate.cfm?messageID=123007>>

<sup>54</sup> Carin Smaller and Anne-Laure Constantine, *Geneva Update: Now or Never: A Dangerous Scramble to the End*, 2007, <<http://www.iatp.org/tradeobservatory/genevaupdate.cfm?messageID=122257>>

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not apply. A WTO Member therefore commits to applying the Agreement to all remaining items. (Contrast with *positive list* below).<sup>55</sup>

**New Issues:** (see *Singapore issues*, below).

**New Quad:** see *G4* above and *Quad* below.

**NG5:** Non-Group of Five Members, see *Five Interested Parties (FIPs)* above.

**Non-Agricultural Market Access:** see *NAMA* above.

**Non-Group of Five Members:** see *Five Interested Parties (FIPs)* above.

**Non-Tariff Barriers (NTB):** This can refer to a vast array of domestic measures or policies, apart from tariffs, which serve to or result in, discouraging imports. Non-Tariff barriers may include customs procedures, administrative requirements and even domestic regulations such as health, environmental or labour standards.<sup>56</sup>

**Non-Trade Concerns:** (see *multifunctionality* above) Term used in the WTO Agreement on Agriculture (AoA) to describe purposes of agriculture apart from food production, such as food security and environmental protection. WTO Members also cite rural development and employment, and poverty alleviation.<sup>57</sup>

**Notification:** Obligation of WTO Members to report to the WTO any new trade measures that might affect other Members' trade.<sup>58</sup>

**NT:** (see *national treatment* above)

**NTB:** (see *non-tariff barriers* above)

**Nullification and Impairment:** This refers to a practice of a country that results in nullifying or impairing a commitment it has made under the WTO, thus damaging the trade benefits of other Members.

## P

**Paragraph 6:** Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health instructs the Council for TRIPS to find an 'expeditious solution' to the fact that WTO Members

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<sup>55</sup> Alan Deardorff, *Deardorff's Glossary of International Economics*, <<http://www-personal.umich.edu/~alandear/glossary/>>

<sup>56</sup> For a list of some of the most common non-tariff barriers, see Alan Deardorff, *Deardorff's Glossary of International Economics*, <<http://www-personal.umich.edu/~alandear/glossary/>>

<sup>57</sup> WTO, *Glossary of Terms: Informal Press Guide to 'WTO Speak'*, <[www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/brief\\_e/brief22\\_e.htm](http://www.wto.org/english/thewto_e/minist_e/min01_e/brief_e/brief22_e.htm)>

<sup>58</sup> Walter Goode, *Dictionary of Trade Policy Terms*, Adelaide: Centre for International Economic Studies University of Adelaide, 1998, p.202.

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with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in acquiring essential medicines due to strict intellectual property protection. This paragraph is at the centre of the debate on access to medicines. WTO Members took nearly two years from the *Doha* Ministerial to find a solution, and only reached agreement on 30 August 2003 with the *30 August Decision*, which permits countries to issue compulsory licences for the export of generic versions of drugs to countries with insufficient pharmaceutical manufacturing capacities, after several postponed deadlines, last-minute deadlocks and late-night meetings.

**Parallel importation:** This term is used in the context of intellectual property. It signifies a retailer taking advantage of lower prices in a different country to import products from that country in order to be able to sell locally at a price lower than the local price.

**Peace Clause:** Exemption of certain agricultural subsidies (including *green box* subsidies and export subsidies) from challenge in the WTO. ‘Peace clause’ was the common way of referring to the ‘due restraint’ clause set out in Article 13 of the WTO Agreement on Agriculture.<sup>59</sup> The peace clause expired on 31 December 2003.

**People’s food sovereignty:** A concept developed by La Via Campesina, the international peasant movement, based on the idea that every country and people must have the right and ability to define their own food, farming and agricultural policies. The concept includes prioritizing local agricultural production, safeguarding the right of farmers to produce foods and ensuring populations’ right to make agricultural policy choices. Food sovereignty goes beyond the concept of *food security* which says nothing about where that food comes from or how it is produced.<sup>60</sup> La Via Campesina and other organizations that support the concept of people’s food sovereignty argue that such sovereignty is only attainable if numerous changes are made to the global trading system including an effective ban on dumping, anti-monopoly rules that can be applied nationally and globally, effective regulation of over-production in large agro-export countries, and the elimination of subsidies that enforce low prices and over-production.<sup>61</sup>

**Plurilateral:** In the words of Professor Deardorff ‘Among several countries: more than two, which would be *bilateral*, but not a great many, which would be *multilateral*.’<sup>62</sup> In the WTO context, plurilateral agreements refer to the two WTO Agreements that involve a smaller group of countries than the full WTO membership. All the other WTO Agreements are multilateral since they apply to all WTO members. The two plurilateral Agreements are those on Trade in Civil Aircraft, and the Agreement on Government Procurement.

**Plurilateral requests:** The GATS negotiating formula was initially based on the bilateral ‘request-offer’ approach through which every WTO Member had the right to reject or accept a request from another Member to liberalize a specific service sector (see also *bottom-up*

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<sup>59</sup> WTO, *Agricultural Negotiations: Backgrounder – Phase 1: The Peace Clause*, <[http://www.wto.org/english/tratop\\_e/agric\\_e/negs\\_bkgrnd13\\_peace\\_e.htm](http://www.wto.org/english/tratop_e/agric_e/negs_bkgrnd13_peace_e.htm)>

<sup>60</sup> Peter M. Rosset, *Food Sovereignty: Global Rallying Cry of Farmer Movements*, Oakland: Food First/Institute for Food and Development Policy, 2003  
<<http://www.foodfirst.org/pubs/backgrdrs/2003/f03v9n4.pdf>>

<sup>61</sup> Peter M. Rosset, *Food is Different: Why We Must Get the WTO Out of Agriculture*, London: Zed Books, 2006, p.35.

<sup>62</sup> Alan Deardorff, *Deardorff’s Glossary of International Economics*, <<http://www-personal.umich.edu/~alandear/glossary/>>

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**approach**). Due to the desires of many developed countries to accelerate the opening up of service sectors worldwide, a number of industrialized nations proposed the plurilateral approach at the Hong Kong Ministerial, whereby *groups* of (developing country) Members would be requested by another Member or group of Members (e.g. the EU) to allow foreign market access to a service sector or sectors. Experiments with this approach have been largely unsuccessful, which is perhaps one of the main reasons why industrialized nations have continued to push for **benchmarking**, which would set mandatory liberalization requirements.

**Policy Space:** Regulatory freedom for governments to be able to adopt and promote policies adapted to their country's development needs. This demand for policy space arises as the increasingly stringent and wide-reaching scope of WTO and other trade rules leaves less and less room for countries to determine their own national policies in a wide range of areas.

**Positive Agenda:** Trade measures that are thought to be supportive or beneficial to developing countries and least developed countries (see **LDCs** above), such as special and differential treatment, the right to obtain affordable medicines, and fundamental reforms to agricultural subsidies (see **special and differential treatment** below).

**Positive List Approach:** (also known as **bottom-up approach**) In the context of the General Agreement on Trade in Services (GATS), this is a list of those items to which the Agreement *will* apply, with no commitment to apply the Agreement to anything else.<sup>63</sup> (Contrast with **negative list** or **top-down approach** and **benchmarking**).

**PPM:** (see **process and production methods** below)

**Precautionary Principle:** The precautionary principle originated in international environmental law. It states that where there is a risk of serious or irreversible harm, lack of full scientific certainty should not be used as a reason for postponing measures to protect the environment. The principle is supported by most countries. In the WTO context the application of the principle is still subject to controversy. In cases where the EU, for instance, sought to ban imports of products that it considers potentially damaging to human health or the environment (such as beef produced with hormones or genetically modified products), the US and others have responded that countries should only be allowed to restrict imports of products based on 'sound science.' For example, in response to attempts to apply the precautionary principle to ban imports of genetically modified organisms, the US asserts that this is not 'science based' because there is no scientific evidence to suggest that these organisms are harmful.<sup>64</sup>

**Process and Production Method (PPM):** A familiar feature of the trade and environment debate. It is conventional wisdom in the WTO that countries may not discriminate against products merely on the basis of how they were produced; however, in the case of National Treatment, the significance of this distinction is somewhat questionable given that the kinds of considerations that have been ruled relevant to 'likeness,' such as consumer habits and preferences, seem to cut across the division between products/and processes (see **like product** and **National Treatment** above).

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<sup>63</sup> Alan Deardorff, *Deardorff's Glossary of International Economics*, <<http://www-personal.umich.edu/~alandear/glossary/>>

<sup>64</sup> Peter M. Rosset, *Food is Different: Why We Must Get the WTO Out of Agriculture*, London: Zed Books, 2006, p.32.

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**Product Graduation:** In the context of the WTO Agreement on Special and Differential Treatment (see *special and differential treatment* below) this term relates to the rule that once subsidized exports of developing countries become competitive then the subsidies have to be gradually eliminated (not to be confused with *graduation* above).

**Protectionism:** Favouring domestic business or producers over foreign competitors, in violation of the principles of 'free' trade.

## Q

**Quad:** A term used to refer to four historical trading heavyweights – USA, Canada, Japan and the European Union – who, for a long time, were the most powerful countries within the WTO. This group collapsed in *Cancún*, in part a result of changes in the balance of power in the multilateral trading system, for instance, with the accession of China to the WTO.

**Quint:** also known as the *Five Interested Parties (FIPs)*, see above

## R

**RAMs (Recently Acceded Members):** RAMs include all WTO Members who joined the Organization after 1995, or, according to other definitions, after the initiation of the Doha Round in 2001. As a group, they “argue that they deserve additional flexibility because of the deep liberalization commitments they made during the accession process - concessions that went far further than those required of countries already belonging to the WTO when it came into being in 1995.”<sup>65</sup> Regarding Doha Round commitments for cutting tariffs and subsidies, RAMs are currently pushing for a grace period of five years and an implementation period of at least 5 years longer than other developing country Members.<sup>66</sup> As in the case of the *SVEs*, there is disagreement regarding the type of treatment RAMs should be entitled to, especially in the case of China which is a RAM despite its dominant position in the world trading system.<sup>67</sup>

**Recently Acceded Members:** see *RAMs* above.

**Reciprocal Exchange of Concessions:** The process traditionally used to bargain in WTO negotiations, whereby WTO Members arrive at binding agreements via bilateral exchanges of trade concessions. The results of bilateral agreements are then granted to all other Members according to the MFN principle (see *MFN* above).

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<sup>65</sup> ICTSD, ‘Recently-Acceded Members Table New Agriculture Proposal,’ *Bridges*, vol.11 no.9, 2007, <<http://www.ictsd.org/weekly/07-03-14/wtoinbrief.htm>>

<sup>66</sup> ICTSD, ‘Recently-Acceded Members Table New Agriculture Proposal,’ *Bridges*, vol.11 no.9, 2007, <<http://www.ictsd.org/weekly/07-03-14/wtoinbrief.htm>>

<sup>67</sup> Carin Smaller, *Geneva Update: Trade Negotiators Prepare the Groundwork But are the Politicians Ready to Decide?*, May 2006, <<http://www.tradeobservatory.org/genevaupdate.cfm?messageID=119673>>

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**Retaliation:** A measure available in the context of the WTO dispute settlement system, allowing a WTO Member whose exports have been harmed by measures taken by another country, to increase tariffs or withhold other trade benefits relating to imports from the injuring country if that country has been found to be in violation of its WTO obligations (see *bindings* above). Despite having the legal right to retaliate, most developing countries simply do not have the resources to prove they have suffered injury and, more importantly, can simply not afford to jeopardize their trading relations by instituting legal challenges against countries who have caused them harm.

**Room E (consultations):** see *Informal Meetings* above

**Room F (consultations):** see *Informal Meetings* above

**Round:** A session of multilateral trade negotiations aimed at reaching an agreement that will reduce barriers to world trade (see *Development Round* and *Uruguay Round*).

**Rules** (as in ‘Rules negotiations in the WTO’): at the Doha Ministerial Conference (2001) Members agreed to initiate negotiations regarding WTO Rules. Rules to be discussed include the Agreement on Implementation of Article VI of GATT 1994 (better known as the Anti-dumping Agreement); the Agreement on Subsidies and Countervailing Measures (including fisheries subsidies); and WTO provisions applying to regional trade agreements. Discussions regarding these rules were supposed to be completed by 1 January 2005,<sup>68</sup> however at present these discussions are pending, along with the rest of the Doha Round.

## S

**S&D:** see *Special and Differentiated Responsibility* below.

**SAFTA:** South Asian Free Trade Area, enforced from 1 January 2006. Under the Agreement, Members, viz., Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka are required to lower their customs duties to between 0-5 percent by 2012 for developed Members while least developed country Members are required to do the same by 2018. SAFTA is to be fully operationalized by 2016.

**Schedules:** A country’s schedule is the document which sets out the terms, conditions and qualifications under which it will import foreign goods or open service sectors to foreign competition. Each WTO Member has its schedule which sets out the areas in which it has made WTO commitments, for instance, the maximum tariff level (see *binding* or *bound* rate) for a particular product, or the service sectors to which it will apply the market access and national treatment obligations of the General Agreements on Trade in Services (GATS). Since schedules list a country’s commitments sector-by-sector, they are long and complex documents.

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<sup>68</sup> WTO, *The Rules Negotiations*, <[http://www.wto.org/english/tratop\\_e/rulesneg\\_e/rulesneg\\_e.htm](http://www.wto.org/english/tratop_e/rulesneg_e/rulesneg_e.htm)>

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**SDT or S &D:** (see *special and differential treatment* below).

**Seattle:** In WTO-speak Seattle is the WTO's Seattle Ministerial Conference that took place in November-December 1999, where Members failed to reach an agreement on a new round of negotiations, and where anti-globalization protesters demonstrated so massively against the organization that Ministerial participants were subject to curfew.

**Sectoral Initiative:** In the context of the second phase of WTO Agricultural negotiations this term relates to initiatives that aim to eliminate all tariffs on imports of specific products. A recent sectoral initiative is that put forth by four West and Central African (WCA) countries; Benin, Burkina Faso, Chad and Mali, demanding the elimination of cotton subsidies, and compensation for losses suffered as a result of subsidies. Several Members also support – and others oppose – sectoral liberalization for certain industrial goods.

**Sensitive products:** following the *July Agreement* of 2004, WTO Members agreed that all WTO Members, both developed and developing, would be able to designate an 'appropriate number' of agricultural products as 'sensitive'; such products would be subject to more lenient tariff reductions.<sup>69</sup> So far no consensus has been reached as to how many products each country could designate as sensitive, or what the tariff cut formula approach to sensitive products should be. Many WTO Members which support full agricultural liberalization, including the *Cairns Group* and the US, want to limit the percentage of agricultural products that are eligible for 'sensitive' tariff cuts as much as possible, while other members including the EU, the *G10*, and numerous developing countries argue in favour of higher percentages to be designated as sensitive. The *G20*, although in favour of agricultural liberalization, also argues that developing countries should be allowed to designate up to 15 per cent of products as 'sensitive' in order to protect their agricultural sectors.<sup>70</sup>

**Singapore Issues** (previously *aka New Issues*): The four Singapore Issues are: investment, competition policy, government procurement and trade facilitation. Their name comes from the fact that at the WTO's first ministerial conference in Singapore in 1996, working groups were set up to study the investment, competition policy, government procurement and trade facilitation. The idea was that these issues would become part of the WTO agenda at a subsequent date. Many countries (particularly developing countries) have since then resisted the inclusion of these issues as part of the multilateral trade negotiating agenda (see also *drop* above). The Singapore issues were most controversial in the lead-up to the *Cancún* Ministerial Conference – and it was because of lack of agreement on these issues that the Conference ended without agreement. The countries pushing to negotiate on the Singapore issues in the WTO were led by the EU, Canada, Japan. Civil society and countries like India, Malaysia and LDCs vocally opposed this. Since Cancún all except one of the four issues (Trade Facilitation) have been *dropped* from the WTO's agenda. However the EU is still trying to get its way, particularly through its Economic Partnership Agreements (*EPAs*).

**Singapore Work Programme:** This term referred collectively to the progress and prospects of the four *Singapore Issues* within the WTO.

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<sup>69</sup> ICTSD, 'AG Chair Describes 'Centre of Gravity' for Realistic Doha Deal,' *Bridges*, vol.11, no.15, 2007, <<http://www.ictsd.org/weekly/07-05-02/story1.htm>>

<sup>70</sup> European Commission, *Fact Sheet: Key Technical Terms – Doha Round Negotiations*, Brussels: EC, 2005, <[http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc\\_126425.pdf](http://trade.ec.europa.eu/doclib/docs/2005/december/tradoc_126425.pdf)>



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**Single Undertaking:** In the WTO context, this term refers to the manner in which Members accept the results of trade negotiations. A single undertaking requires Members to accept or reject the whole package resulting from the negotiations, instead of being able to selectively accept parts of the negotiations (contrast with *early harvest* above).

**Small and Vulnerable Economies (SVEs):** Small and vulnerable economies are a group of mainly landlocked or island countries who feel they need more lenient liberalization conditions, given their, inter alia, “physical isolation and geographical distance to main markets, lack of adequate market access opportunities for their exports, a high degree of vulnerability and, in some cases, low levels of production, insufficient supply and low competitiveness.”<sup>71</sup> The need for the WTO to examine the needs of SVEs is mandated by the Doha Declaration.<sup>72</sup> However, who exactly will be allowed in this group and what kind of treatment they will be entitled to is still undecided. Many non-SVE developing countries have reiterated the fact that they face similar problems to SVEs and questions regarding the difference in treatment between developing countries and SVEs remain. For example, will [SVEs] be allowed a lesser formula cut to tariffs than other developing countries? Will they be allowed to exempt more of their products than other developing countries from the tariff formula cut? Will they be able to have a longer period for implementing their commitments?

**Special and Differential Treatment (SDT or S&D):** Preferential treatment that WTO rules accord to developing countries, and which can be manifested in different ways: developing country exports may enjoy preferential access to developed country markets, developing countries may not be expected to offer full reciprocity in trade negotiations, or developing countries may enjoy greater flexibility and longer periods of time to phase in new commitments.

**Special Products (SPs):** As of yet, no country has named any specific products for negotiations as SPs, however, SPs could include agricultural products that contribute significantly to rural employment or livelihoods, products that are essential for the food security of communities or countries, or products that are particularly important to poorer sectors of the population.<sup>73</sup> Prior to the Cancún Ministerial (2003), the **G33** formed to advocate the establishment of a category of ‘special products,’ which later became a fundamental mechanism included in the **July Framework**. Such products, would not be subject to any tariff reduction or tariff rate quota (TRQ) commitments. This label would only be available for developing countries and only for use in the agricultural sector. Discussions regarding what indicators should be used to define special products, and how many products developing countries would be able to designate, continue to be hotly contested.

**Special Safeguard Mechanism:** see **SSM** below.

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<sup>71</sup> WTO, *Small Economies: Trade Challenges for Small Economies*,  
<[http://www.wto.org/english/thewto\\_e/minist\\_e/min03\\_e/brief\\_e/brief16\\_e.htm](http://www.wto.org/english/thewto_e/minist_e/min03_e/brief_e/brief16_e.htm)>

<sup>72</sup> WTO, *Small Economies: Trade Challenges for Small Economies*,  
<[http://www.wto.org/english/thewto\\_e/minist\\_e/min03\\_e/brief\\_e/brief16\\_e.htm](http://www.wto.org/english/thewto_e/minist_e/min03_e/brief_e/brief16_e.htm)>

<sup>73</sup> Luisa Bernal, *Methodology for the Identification of Special Products (SP) and Products for Eligibility Under Special Safeguard Mechanism (SSM) by Developing Countries*, Geneva: ICTSD, 2005,  
<<http://www.ictsd.org/dlogue/2005-10-14/Luisa%20Bernal%20Methodology%20paper.pdf>>

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**Specific Trade Obligation (STO):** This term is used in the WTO context to describe binding obligations in Multilateral Environmental Agreements (see *MEA* above) that have an effect on trade. An example would be a treaty that prevents its parties (who are also WTO Members) from trading in an endangered species, or restricts trade in that species, and thus affects the trade of a State that is not a party to that treaty, but is a WTO Member. However, there is no consensus in the WTO on how to define STOs (so there is also no consensus on which *MEAs* contain STOs).

**SP/SSM Alliance:** see *G33* above.

**SSM:** the Special Safeguard Mechanism has been an integral part of the *Doha Development Agenda* since the *July Agreement* of 2004. Liberalization of agricultural sectors often results in developing countries being flooded with highly subsidized agricultural products from developed countries, with devastating effects for domestic markets. The SSM would allow developing countries to raise their *tariffs* for a particular agricultural product, and thus protect local producers against import surges. During the WTO Mini-Ministerial held in Geneva in July 2008, conflict over how much import volumes would have to increase to ‘trigger’ the SSM and how much developing country tariffs could be raised to protect local agricultural sectors was one of the main reasons the talks collapsed. The *G33* (led by China and India) were pitted against the US and other developed countries on this issue, seen to be emblematic of the struggle to orient the Doha Round to its pro-development objective.

**Standstill:** An undertaking not to impose new restrictions on trade after the date the undertaking was made. In the context of the General Agreement on Trade in Services (GATS), this provision requires that only restrictions that were already in existence at the time a WTO Member committed to GATS may be permitted.

**State trading enterprises:** “An enterprise authorised to engage in trade that is owned, sanctioned, or otherwise supported by the government. Many STEs enjoy monopoly control over imports or exports.”<sup>74</sup> State-run marketing agencies (and other similar bodies) have often been used by countries to ensure low cost imports to consumers and serve as intermediaries to poor farmers with limited opportunities to market their goods. However, WTO rules consider that these institutions represent undue state interference in the ‘free’ market. These are supposed to be ‘disciplined’ while trading oligopolies (such as that which controls the trade in grains) face no such ‘discipline.’

**STO:** see *specific trade obligation* above.

**Strategic Products:** see *G33* above.

**Subsidies:** Assistance provided by governments to producers or exporters, consisting of direct or indirect financial contributions or assistance in-kind. In the agricultural context, subsidies are divided into three ‘boxes’ or categories – *amber box* (see above), *blue box* (see above) and *green box* (see above). The current WTO mantra presents all subsidies as essentially ‘bad’ and in need of reduction, in order for the market to truly function ‘freely.’

**Sui Generis:** In the context of the WTO’s TRIPS Agreement (see *27.3(b)* above), a *sui generis* regime is a legal regime different and more country-specific than patents, which could be

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<sup>74</sup> OECD, *Glossary of Statistical Terms*, <<http://stats.oecd.org/glossary/detail.asp?ID=2541>>

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designed to suit local considerations, for instance in a way that gives communities the ability to protect their traditional knowledge. Under the TRIPS Agreement one example of a *sui generis* regime for protecting plant varieties is the UPOV Convention, although UPOV is in itself controversial for being suited to industrial-scale rather than small-scale farming.

**Supplementary Article 29:** see *Article 29bis* above.

**SVEs:** see *Small and Vulnerable Economies* above.

**Swiss Formula Approach:** A tariff reduction formula, originally proposed in Agricultural negotiations but now agreed for use in *NAMA* negotiations, that requires that WTO Members narrow the gap between high and low *tariffs* (known as ‘harmonizing the tariffs.’) The Swiss formula stipulates that larger tariffs should be subject to greater reductions than smaller tariffs, in order for all tariffs to approach similar levels.

## T

**Tariff:** A duty or tax on goods, imposed at the border.

**Tariff Escalation:** Policy whereby tariffs are low for raw or unfinished materials, somewhat higher for semi-finished products and highest for finished products. This policy aims to encourage local manufacture and employment and to discourage import of finished goods. It is commonly applied by industrialized countries and harmful to developing countries.

**Tariff Line:** Countries list all of their tariffs in a tariff *Schedule*, organized product-by-product. A tariff line refers to any single line (i.e. any single product) in this tariff schedule.

**Tariff Peak:** A tariff that is much higher than the average national tariff. A tariff peak would mean that the product or group of products in that tariff line is benefiting from higher protection than the other products in the schedule. Peak tariff rates are to a large extent a relative concept, though during the Uruguay Round they were defined for negotiating purposes as any tariffs above 15 per cent.<sup>75</sup>

**TK:** see *traditional knowledge* below.

**TNC:** Trade Negotiations Committee. In the WTO the TNC refers to the General Council meeting in special negotiating session, to oversee multilateral trade negotiations. It is currently in charge of the *Doha work programme* launched in November 2001. TNCs exist in other contexts: there is a Trade Negotiations Committee (TNC) for the Free Trade Area of the Americas (FTAA) negotiations. The acronym TNC is also used to refer to Transnational Corporations, as in the Draft Norms on the human rights obligations of TNCs, adopted by the UN's Sub-Commission on Human Rights in August 2003.

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<sup>75</sup>Walter Goode, *Dictionary of Trade Policy Terms*, Adelaide: Centre for International Economic Studies University of Adelaide, 1998, p.215.

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**Top-Down Approach:** (also known as *negative list approach*) A list of the items to which parts of the General Agreement on Trade in Services (GATS) will *not* apply. The WTO Member therefore commits to applying the Agreement to all remaining items. (Contrast with *bottom-up approach* and *positive list approach* above).

**TPA or Trade Promotion Authority:** see *Fast-Track Authority* above.

**Traditional Knowledge:** Knowledge that has been used by indigenous and local communities, often for many generations. Examples include traditional production processes, biological resources such as medicines and seeds, as well as cultural expressions including musical works and handicrafts. This is a critical issue today due to the risks raised by patenting by private interests of biological processes and resources originating from traditional knowledge, and shortcomings in the international Intellectual Property regime in recognizing Traditional Knowledge in a way suited to the culture and beliefs of indigenous and local communities. Debates regarding how best to protect traditional knowledge are highly contested. Discussions regarding the need for coherence between *TRIPS* and the *Convention on Biological Diversity (CBD)*, which attempts to protect traditional knowledge through disclosure of origin and prior informed consent, are underway (see, for example, *Article 29bis* above.) In addition, in 2000 *WIPO* established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (known as the 'IGC') as a forum for debate on this issue.

**Trade Negotiations Committee:** see *TNC* above.

**TRIPS:** The WTO's Agreement on Trade-Related Intellectual Property Rights. TRIPS was novel in the sense that it was the first multilateral agreement to require minimum standards of *intellectual property* protection. The Agreement has essentially globalized European and North American forms of knowledge regulation and in so doing, substantially raised intellectual property rights standards in most developing countries. TRIPS includes numerous 'flexibilities,' such as the right to suspend patents for reasons of *ordre public*, to exclude plants and animals from patentability, and to issue *compulsory licenses* in times of national emergency (see also *30 August Decision*). However, the Agreement is heavily criticized by developing countries and segments of civil society for curtailing national *policy space* and prioritizing private rights to the detriment of public needs. Heated debates continue in the TRIPS Council (for example, *Article 29bis*) and in WIPO (see *WIPO DA* below), regarding how best to amend the Agreement to ensure intellectual property rights are more development-oriented.

**TRIPS-plus:** refers to intellectual property agreements or rules that go beyond what is required by the TRIPS Agreement. TRIPS-plus provisions include extensions of patent terms (for 'unreasonable delays' in the granting of a patent) beyond the 20 years set out by TRIPS, patents for new uses of existing substances (under TRIPS only new substances can be patented), or full implementation of TRIPS at a date earlier than the deadline set by TRIPS. Many bilateral trade agreements between the US or EU and developing countries include TRIPS-plus requirements. TRIPS-plus requirements face heavy criticism for imposing on developing countries even more stringent requirements and lack of flexibilities than TRIPS.

**TRIPS waiver:** alternative name for the *30 August Decision*, which ultimately led to the amendment of the TRIPS Agreement in 2005, enabling countries to issue compulsory

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licences for the export of generic versions of drugs to countries with insufficient pharmaceutical manufacturing capacities.

**Tropical products:** agricultural commodities, including many different types of fruits, flowers, onions, coffee, cocoa, tobacco, cotton, rice, sugar, bananas, upon which developing and least-developed country economies are particularly dependent. The Doha agriculture mandate requires the ‘fullest liberalization’ of tropical products in return for the protection accorded by *special* and *sensitive products*. Tropical products remain a highly sensitive issue for developing countries, given the importance of such products for their economies, and livelihoods. However, there are also marked differences between developing country approaches to tropical products. For example, Latin American Member countries, having been disadvantaged by EU trade preferences which favour tropical products from the ACP countries, are in favour of tropical product liberalization, while the ACP countries advocate the need for long implementation periods of tariff cuts on tropical products to prevent the collapse of their economies following the erosion of trade preferences.<sup>76</sup>

## U

**Unbound Tariff:** Tariffs that can fluctuate and are not fixed at a particular level (contrast with *bound/bindings* above).

**Unilateral Liberalization:** see *autonomous liberalization* above.

**UPOV:** International Union for the Protection of New Varieties of Plants (commonly known as UPOV, Union Internationale pour la Protection des Obtentions Végétales), is an international Convention outlining the conditions for plant breeders’ rights, which grant commercial breeders 20 or 25 years of near-monopoly control over novel, distinct, stable, and uniform plant varieties. The original UPOV Conventions are based on the premise that plant breeders’ rights are only justifiable if they do not prevent other commercial breeders from accessing the protected material<sup>77</sup> and therefore allow other commercial breeders to continue accessing protected material for the development of new plant varieties. However, since being adopted in 1961 UPOV has been revised several times; the last revision, in 1991, made plant breeders’ rights significantly more stringent, making access to protected material more difficult for commercial breeders<sup>78</sup> and placing additional restraints on farmers’ ability to re-use the seeds of protected varieties.<sup>79</sup> These

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<sup>76</sup> ICTSD, *Tropical Products, Trade, Natural Resources Management and Poverty*, <<http://www.ictsd.org/dlogue/2007-12-03/2007-12-03-desc.htm>>

<sup>77</sup> Graham Dutfield, ‘Turning Plant Varieties into Intellectual Property: The UPOV Convention,’ in G. Tansey and T. Rajotte (eds.), *The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Biodiversity and Food Security*, London: Earthscan, 2008, p.71.

<sup>78</sup> For example, the UPOV 1991 reduces access because breeders can now place a plant breeders’ right and a patent on their plant variety (this double-protection was formerly prohibited). Philippe Cullet, ‘Intellectual Property Rights and Food Security in the South,’ *Journal of World Intellectual Property*, vol.7, no.3, 2004, p.5, <[http://www.ielrc.org/research\\_intellectual\\_property.php](http://www.ielrc.org/research_intellectual_property.php)>

<sup>79</sup> Earlier UPOV Conventions placed no restrictions on the rights of farmers’ to re-use, exchange, and in some cases even sell protected seeds to other farmers, the 1991 Revision permits *only* the saving and re-

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restrictions on gene flow have serious potential consequences for farmers' livelihoods and cultures, agricultural biodiversity, and the future of the global food supply.

**Uruguay Round:** The multilateral round of trade negotiations that began in 1986 and concluded at the Marrakesh Ministerial meeting in April 1994. The Uruguay Round had many significant outcomes including the creation of the WTO.

**Uruguay Round Approach:** Tariff reduction formula put forth in the agriculture negotiations, that requires WTO Members to reduce tariffs on agricultural products by the same percentage, no **matter** what the starting tariff level of a product is, i.e.: whether it is 70 per cent or 5 per cent of the price of a product, these tariffs percentages would all be reduced by a further 35 per cent (see **tariff** above). This method is less ambitious than the **Swiss Formula approach** (see above), in that it would still allow some tariff rates on particular agricultural products to remain high. In the lead-up to Cancún, this approach to tariff reduction is supported mainly by the EU, Norway, Switzerland, Mauritius and India.<sup>80</sup>

## W

**Waiver:** Permission granted by (at least three quarters of) WTO Members allowing a WTO Member not to comply with certain of its normal commitments under the WTO Agreements. Such waivers have time limits and are subject to regular review.

**WIPO:** see *World Intellectual Property Organization* below.

**WIPO Development Agenda/WIPO DA:** starting in 2001, the *Group of Friends of Development* and numerous civil society actors began calling for a WIPO Development Agenda to deal with the widespread sentiment that the intellectual property system, as increasingly globalized by *TRIPS* and through *WIPO*, has failed to support development needs. In September 2007 a series of proposals were finally adopted by the WIPO General Assembly, which aim to ensure that WIPO activities and IP discussions are driven towards development-oriented and public interest-oriented results.<sup>81</sup> WIPO DA recommendations include carrying out impact assessments to assess the effects of intellectual property at the national level and ensuring that technical assistance programmes (as provided by WIPO to aid TRIPS implementation) promote understanding and use of the flexibilities allowed by the TRIPS Agreement. The Committee on Intellectual Property and Development, which is mandated to oversee WIPO DA implementation met for the first time in March 2008. At the

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sowing of seeds on their own land. *International Convention for the Protection of New Varieties of Plants, of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978, and on March 19, 1991*, Art. 15(2), <<http://www.upov.int/en/publications/conventions/1991/act1991.htm>>

<sup>80</sup> ICTSD, *Doha Round Briefing Series: Developments Since the Fourth WTO Ministerial Conference – Agriculture*, Vol.1, No.2 of 13, 2003, <<http://www.ictsd.org/pubs/dohabriefings/doha2-agric.pdf>>

<sup>81</sup> Maria Julia Oliva, 'Promoting and Extending the Reach of Intellectual Property: The World Intellectual Property Organization (WIPO),' in G. Tansey and T. Rajotte (eds.), *The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Biodiversity and Food Security*, London: Earthscan, 2008, p.77.

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time of writing, little progress had been made regarding how the WIPO DA will be carried out in practice.

**World Intellectual Property Organization (WIPO):** The WIPO is an institution of the United Nations dedicated to protecting and regulating *intellectual property rights*. In addition to overseeing several international intellectual property conventions, WIPO is mandated to aid the implementation of the WTO's *TRIPS* Agreement, through the provision of technical assistance and capacity building programmes. Despite being an organ of the UN, WIPO has been criticized for "acting as a 'church of intellectual property' rather than looking at IP as an instrument of public policy."<sup>82</sup> Moreover, although officially an intergovernmental organization, concerns have been raised regarding the influence of the private sector in WIPO's activities, given that about 90 per cent of its funding comes from intellectual property rights holders (through fees paid for the use of global IP protection systems which facilitate the registration of or filing for an IP right in several countries).<sup>83</sup> Attempts to direct the organization's activities towards development-oriented goals are being promoted through the *WIPO Development Agenda* and questions regarding how best to protect *traditional knowledge* are being discussed in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

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<sup>82</sup> Maria Julia Oliva, 'Promoting and Extending the Reach of Intellectual Property: The World Intellectual Property Organization (WIPO),' in G. Tansey and T. Rajotte (eds.), *The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Biodiversity and Food Security*, London: Earthscan, 2008, p.71.

<sup>83</sup> IPRs Commission, 2002 in Maria Julia Oliva, 'Promoting and Extending the Reach of Intellectual Property: The World Intellectual Property Organization (WIPO),' in G. Tansey and T. Rajotte (eds.), *The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property, Biodiversity and Food Security*, London: Earthscan, 2008, p.71.

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Alan Deardorff, *Deardorff's Glossary of International Economics*, <<http://www-personal.umich.edu/~alandear/glossary/>>

Agency for international trade information and cooperation (Aitic), *Aid for Trade Glossary*, <<http://www.acici.org/aitic/AidForTrade/Glossary.htm>> also available in Spanish and French

Agritrade, *Glossary of Terms Relating to Agricultural Trade*, <<http://agritrade.cta.int/en/content/view/full/59>>

Business Roundtable, *The Language of Trade*, <<http://trade.businessroundtable.org/glossary/index.php>>

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