Development at the World Trade Organization

SONIA E. ROLLAND
Contents

List of Tables and Figures xv
Table of Cases xvii
List of Cited GATT Panel and Working Party Reports and their Common Abbreviations xxi
List of Cited WTO Panel and Appellate Body Reports, Other Initiated WTO Disputes, and their Common Abbreviations xxiii
Table of Conventions and Treaties xxix
List of Abbreviations xxxv

Introduction 1
The Current Practice: What Informs the Development Dimension at the WTO? 1
First Paradigm: Development as an Idiosyncrasy 4
Second Paradigm: Development as a Normative Co-constituent 6
Methodology and Organization of the Book 7

I DEVELOPMENT AND ITS INSTITUTIONS IN INTERNATIONAL ECONOMIC LAW: WHO DECIDES WHAT DEVELOPMENT MEANS?

1 The Multiple Meanings of Development 15
1. Development Economics Theories: From Political Economy to Microeconomy 16
2. Integrated Perspectives on Human Development: Rights-based Approaches 24
3. “Law and Development” Perspectives 29
4. Conclusion 33

2 The Contribution of International Organizations to Development Policy-Making 35
1. The Colonial Heritage for Development Instruments 36
2. The United Nations: Public International Law Approaches to Development 42
3. The Bretton Woods Institutions: From International Reconstruction to Domestic Restructuring 48
4. Institutional Arrangements and Development Ethos in South-South Economic Organizations 53
5. Conclusion 58
II FRAMING DEVELOPMENT AT THE GATT AND WTO

3 The Trade and Development Relationship during the GATT Years and the Genesis of the WTO 61
   1. The Trade and Development Component of the ITO and the GATT’s First Steps 63
   2. The UNCTAD Legacy for the GATT 69
   3. The Expansion of GATT Subject Matters 72
   4. Towards a Free Trade Consensus? The Context of the Uruguay Round 74
   5. Conclusion 76

4 “Developing Member” and Least-Developed Country Status at the GATT and WTO: Self-Designation versus the Politics of Accession 78
   1. The Traditional Practice: “Developing Country” Self-Designation and LDC Status 79
   2. Restricting “Developing Country” and LDC Benefits through Accessions 83
   3. Conclusion 88

5 From the Uruguay Round to the Doha Round: Changing Dynamics in Developing Countries’ Participation 89
   1. The Singapore Ministerial Meeting: Understanding the Importance of Agenda-setting 91
   2. The Seattle Ministerial Meeting: Fighting for Participation 91
   3. The Doha Round: Shaping the Negotiations 94
   4. Conclusion 103

III UNDERSTANDING AND CONTEXTUALIZING WTO DEVELOPMENT PROVISIONS

6 Special and Differential Treatment in the WTO Agreements: A Legal Analysis 109
   1. A Substantive Overview of SDT in the WTO Agreements 110
   2. Trends in Legal Drafting of SDT Provisions: Towards a Reinterpretation 117
   3. SDT: What Use by Developing Members? 130
   4. Conclusion 136

7 Invoking Development in Dispute Settlement 139
   1. A Brief Overview of Developing Country Practice in Dispute Settlement at the GATT and WTO 140
   2. Development Arguments in Disputes 144
   3. Development in Disputes Regarding Implementation of Panel and AB Reports 174
4. Moving Away from All-or-Nothing Negotiations 311
5. Systemic Issues: Empowering Groups of Developing Countries at the Institutional Level 317
6. Conclusion 326

Conclusion 328

Bibliography 333
Index 355

Annexes at <http://ukcatalogue.oup.com/product/9780199600885.do>:
• Annex 1 SDT Provisions by Agreement and Decision
• Annex 2 Notified Recourse to Balance of Payments Restrictions
• Annex 3 Subsidies Notifications
• Annex 4 Development Arguments in GATT and WTO Disputes
• Annex 5 Time Periods Granted in Article 21.3(c) Arbitrations