

**KEYNOTE PAPER**

# **Evolving Trade Regimes: Multilateral Stalemates and Emerging Challenges in Agricultural Trade\***

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**ABSTRACT**

Global agricultural trade is experiencing significant disruptions, with volatility increasingly shaping international markets. For the global south, agriculture remains a cornerstone, underpinning food security, rural livelihoods, economic growth, export revenues, and poverty alleviation. Yet their agriculture sector continues to face deep structural vulnerabilities, including weak institutional support, fragmented landholdings, fragile safety nets, and recurring natural disasters. In ongoing trade negotiations, several cross-cutting issues have emerged beyond traditional market access and domestic support. Additionally, agricultural exporters face tariffs and a rising wave of sustainability-linked unilateral measures that function as non-tariff barriers. This paper highlights these developments, with particular attention to the potential legal obligations that may arise from negotiations and whether they are compatible with the varied socio-economic contexts of developing and least-developed economies. Ensuring progress on WTO-mandated issues, striking a balance between sustainability and equity, and aligning multilateral and regional approaches are key to achieving equity and inclusivity. The legitimacy of the international trading system will depend on whether it can deliver outcomes that address the needs of farmers and consumers in the most vulnerable economies.

**Keywords:** WTO, agricultural trade, Sustainable Development Goal, PSH, food security, tariff, SSM, cotton, subsidies, global south, sustainability.

**JEL Classification:** F13, F14, F18, Q17

**I**

**INTRODUCTION**

Global agricultural trade is currently experiencing significant disruptions, with volatility increasingly becoming the primary characteristic of international markets. In addition to the typical fluctuations caused by price cycles and weather disruptions, there is a notable rise in unilateral tariff and non-tariff measures. This shift marks a departure from the long-standing Most-Favoured-Nation (MFN) trading framework, ushering in a new era of uncertainty. The surge in protectionism is undermining confidence in the rule-based WTO multilateral trading system, which has historically provided stability for exporters. For many countries in the global south, this transition presents particular challenges, increasing market unpredictability and limiting opportunities for reliable access to global markets.

In most developing countries, agriculture is a cornerstone, serving not only as the backbone of food security and rural livelihoods but also as a key engine for

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economic growth, export revenues, and poverty alleviation. However, agricultural systems in these regions are often plagued by significant structural vulnerabilities, including inadequate institutional support, fragmented landholdings, reliance on smallholder producers, fragile safety nets, recurring natural disasters, and substantial deficiencies in inputs, storage, and post-harvest infrastructure (IFAD, 2015). In this challenging environment, any sudden global shock can swiftly impact domestic markets, leading to price volatility, disruptions in supply chains, and substantial income losses for farming communities.

Agricultural exporters also face an emerging wave of sustainability-linked unilateral measures that increasingly act as non-tariff barriers. A prime example is the European Union's Deforestation Regulation (EUDR), which requires that supply chains for key commodities, including coffee, cocoa, palm oil, rubber, soy, and cattle, as well as their derivative products, be deforestation-free (EUDR, 2023). This regulation introduces stringent standards for traceability and due diligence. Although these regulations aim to address pressing climate and environmental concerns, their unilateral nature, accelerated implementation timelines, and significant compliance costs impose considerable challenges on smallholders in developing and least developed countries (Sharma *et al.*, 2024). Such measures could devolve into green protectionism, exacerbating disparities in global agricultural trade and fueling further market fragmentation.

Sustainability challenges in the agriculture sector have garnered heightened attention on global policy platforms. Key concerns encompass the repurposing of agricultural subsidies (FAO, UNDP, and UNEP, 2021), environmental impacts, food security, and regulatory barriers like Sanitary and Phytosanitary (SPS) measures, among others. These issues are intricately linked to the Sustainable Development Goals (SDGs) and are actively debated in various multilateral and regional forums, including the G20, the Food and Agriculture Organization (FAO), the World Bank, BRICS, the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Environment Programme (UNEP), and the World Trade Organization (WTO). Within the WTO, discussions on sustainability and agriculture are taking place across several key bodies, including the Committee on Agriculture Special Session (CoASS), the Committee on Trade and Environment (CTE), and the SPS Committee (Sharma *et al.*, 2023a; Frezal and Deuss, 2025).

Agricultural issues at the WTO are primarily governed by the provisions of the Agreement on Agriculture (AoA). Within this framework, the Committee on Agriculture Special Session (CoASS) functions as the dedicated negotiating body, where all 166 members are currently engaged in discussions on critical aspects of food and agricultural trade. The negotiations encompass a comprehensive agenda, including Domestic Support, Market Access, Export Competition, the Special Safeguard Mechanism (SSM), Export Restrictions, Cotton, Transparency, and Public Stockholding Programmes for Food Security. Since 2015, WTO Ministerial

Conferences have yielded limited substantive progress, primarily due to significant and ongoing differences among member countries.

Several critical agricultural issues, beyond simple tariff reductions, are increasingly being integrated into the provisions of Free Trade Agreements (FTAs) (USMCA, 2020; CPTPP, 2018). For example, topics such as agricultural subsidies, export restrictions, export subsidies, genetically modified foods, sustainable food systems, SPS measures, and environmental standards are frequently addressed in both bilateral and mega FTAs. While these provisions are typically presented as tools for cooperation, many of them extend well beyond the legal commitments outlined in the multilateral trading system. In some cases, they create binding commitments for the signatory parties, which are subject to established dispute settlement procedures (Sharma *et al.*, 2023b).

The pivotal questions at hand concern the extent to which the evolving agricultural trading system effectively addresses the structural challenges faced by the global south. Furthermore, it is essential to consider the potential legal obligations that may arise from ongoing negotiations and assess whether these obligations would align with the varied socio-economic contexts of developing and least-developed countries. Furthermore, a crucial question is whether these emerging trade measures effectively balance all three dimensions of sustainability: environmental, social, and economic aspects. Such systemic issues warrant rigorous scholarly examination. This paper aims to provide a concise outline and critically engage with each of these dimensions.

The paper is structured into six sections. Following the introduction, the second section reviews emerging issues in agricultural trade governance, with a focus on tariff measures, the rise of unilateral sustainability-linked measures often framed as green protectionism, and sustainable food systems. The third section turns to the mandated issues that remain central to the developing countries' focal priorities under the WTO's agriculture negotiations agenda, namely public stockholding for food security, the Special Safeguard Mechanism, and cotton. The fourth section examines other persistent multilateral issues, including domestic subsidies, export restrictions, and the transition from export subsidies to export facilitation. The fifth section addresses cross-cutting themes as they appear in bilateral and regional trade agreements, highlighting how such commitments both complement and complicate the multilateral framework. The final section concludes by synthesising the key findings and outlining the pathways toward a more equitable, development-focused, and sustainable agricultural trade framework.

## II

### EMERGING ISSUES IN AGRICULTURAL TRADE GOVERNANCE

Contemporary debates on agricultural trade reveal a shifting terrain where old tensions resurface in new forms. Narratives around tariffs and protectionism sit

uneasily beside the rise of unilateral sustainability measures. At the same time, the framing of sustainable food systems has entered the WTO's agenda as both aspiration and contestation. In this section, the paper will explore these three strands individually, tracing how each illuminates the evolving intersections between trade, development, and sustainability in the governance of agriculture.

### *2.1 The Discourse Around Tariffs and Unilateral Tariff Protectionism*

In the current international discourse, few countries label developing and least developed countries, including India, as tariff kings and high subsidisers, while self-declaring themselves as champions of free trade. The narrative is crafted for naked commercial interest to access the agricultural markets of the global South.

While many developed countries vocally champion free trade and tariff liberalisation, they still uphold surprisingly high tariff protections in agriculture. This inconsistency truly underscores the significant disparity between their expressed values and the realities of their trade policies.

When discussing agriculture, it's striking how some of the most vocal proponents of "free trade" are also staunch defenders of their own markets. Take Japan, for example: its 457 per cent tariff on rice effectively eliminates any competition from imports. The European Union protects its agricultural interests with soaring tariffs exceeding 135 per cent on various dairy products and fruits. Canada reinforces its dairy sector behind staggering tariffs of 570 per cent (Figure 1). The United States is similarly protective, imposing tariffs of over 188 per cent on select cereals and dairy products, while peanuts face an astonishing 164 per cent tariff. Perhaps most paradoxical is Switzerland, the very home of the WTO, which enforces jaw-dropping tariffs of 962 per cent on meats, 888 per cent on dairy, 857 per cent on fruits, and 275 per cent on cereals (Sharma *et al.*, 2025). These figures starkly contrast with the free-trade rhetoric often directed at developing countries, revealing a complex paradox in global agricultural policies.

The barriers to market access arise not only from the sheer height of tariffs but also from the structural intricacies of tariff regimes. Developed countries, which maintain some of the highest tariff peaks globally, often utilise complex and opaque non-ad valorem duties that intensify the restrictiveness of their systems. In contrast, India keeps 99.7 per cent of its agricultural tariff lines in a clear ad valorem format, where tariffs are applied as a straightforward percentage of the import value. Most developed countries, however, implement various non-ad valorem tariffs, such as specific duties, compound rates, seasonal charges, and mixed formulas. These non-ad valorem measures create significant uncertainty for exporters, as it is challenging to determine their impact from published schedules, which may vary based on product categories, seasons, or fluctuating price levels. For producers in developing countries, the lack of transparency and predictability can be as much of a barrier as the tariff rates themselves. The extent of this complexity is striking: in the United States, 42

per cent of agricultural tariff lines are non-ad valorem; in the European Union, this figure stands at 32 per cent; in Switzerland, it reaches 67 per cent; and in the United Kingdom, it is 26 per cent (Figure 2) (Sharma *et al.*, 2025). Such structural designs render tariff schedules in advanced economies particularly challenging to navigate. Exporters face not only steep tariffs but also convoluted tariff descriptions that effectively serve as hidden forms of protection

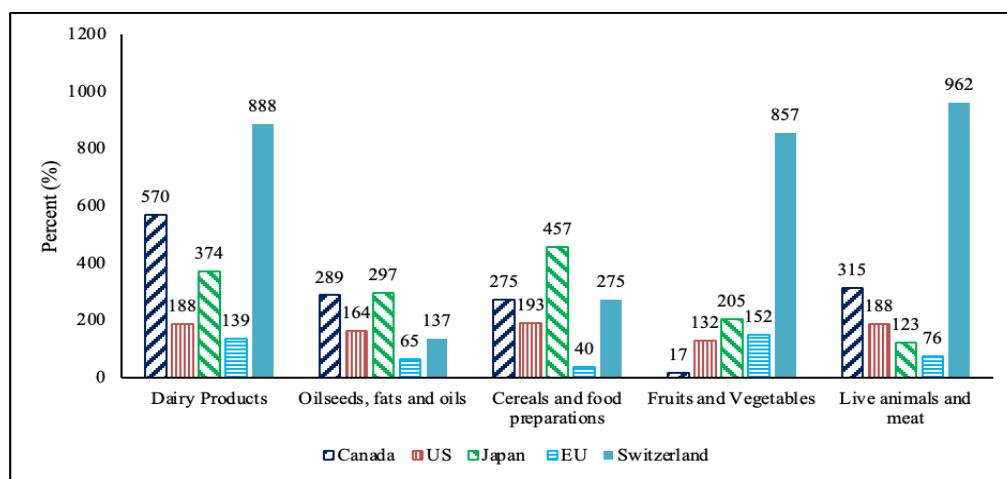


FIGURE 1. MAXIMUM MFN APPLIED DUTIES ON PRODUCT GROUPS BY SELECTED COUNTRIES  
Source: WTO Tariff Profiles of respective countries based on 2023 MFN applied duties

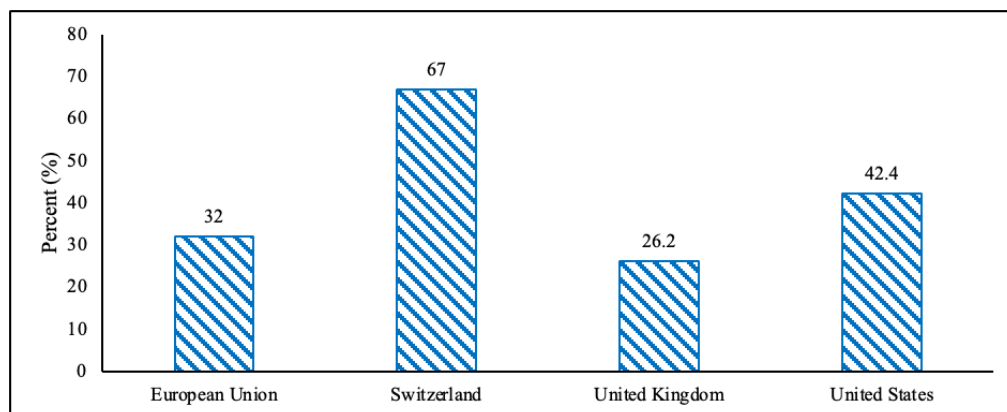


FIGURE 2. NON-AD VALOREM TARIFFS (%) ON AGRICULTURE PRODUCTS IN SELECTED COUNTRIES  
Source: WTO Tariff Profile of respective countries based on 2023 NAV in % for MFN applied.

Beyond high tariff peaks and opaque tariff structures, developed countries also reserve extensive flexibilities for themselves under the WTO framework, particularly through the use of Special Agricultural Safeguards (SSGs) under Article 5 of the AoA (Das *et al.*, 2021). These measures enable members to impose

additional duties beyond the bound level when imports surge or prices fall below a specified threshold, providing an emergency tool to protect domestic producers. Many developed members continue to notify and apply SSGs across a wide range of tariff lines, effectively allowing them to exceed their WTO-bound tariff commitments whenever domestic producers are deemed at risk, without any need to demonstrate actual injury to the domestic industry, which is usually a prerequisite for the imposition of ordinary safeguards under Article XIX of the GATT. Most developing countries lack this flexibility under the WTO.

Developing countries should approach narratives on trade liberalisation with caution, as these often present a one-sided view. It is essential to recognise the various layers of protection that developed countries implement, which include both tariff and non-tariff measures. This understanding can help create a more balanced perspective on international trade dynamics.

## 2.2 *Unilateral Measures and the Challenge of Green Protectionism*

While the opacity of tariff structures serves as a major protectionist barrier, the emergence of unilateral trade measures adopted and justified in the pursuit of sustainability has become another significant contesting issue in agriculture.

In this regard, concerns have been mounting heavily in the Global South regarding how the pursuit of sustainability through unilateral trade measures could effectively erode the balance achieved through multilateral frameworks. It is within this context that the European Union's Green Deal, and specifically its *Deforestation-Free Supply Chain Regulation* (EUDR), has become a lightning rod of international debate (Sharma *et al.*, 2024).

The EUDR targets a wide range of commodities, including wood, cattle, soy, palm oil, cocoa, rubber, and coffee, as well as their derived products. It specifically aims to reduce global deforestation, curb greenhouse gas emissions, and conserve biodiversity. Formally adopted in June 2023, its implementation was originally slated to begin in December 2024 but has since been postponed due to implementation challenges (EUDR, 2024). When it enters into force, market access to the EU for the covered products will be conditioned upon strict compliance. Exporters will be required to establish detailed *due diligence systems* comprising three steps: collecting extensive supply-chain information, conducting a risk assessment process, and implementing mandatory risk mitigation measures.

This measure has not remained confined to the EU's domestic space. At the WTO, it has drawn sustained scrutiny in the *Committee on Trade and Environment* (CTE) and the *Committee on Agriculture* (CoA), where members have raised pointed questions about its compatibility with WTO rules and its broader trade impacts. Countries such as Argentina, Brazil, Colombia, and Paraguay have emphasised that the regulation risks distorting competitiveness, disproportionately affecting

developing country exporters that supply a significant share of the EU market in these commodities. Beyond its compliance costs, the measure could disrupt access for hundreds of thousands of small and medium-scale producers and exporters, potentially driving poverty and even aggravating the very deforestation it claims to address.

Other members, including the UK and the United States, have signalled interest in introducing similar due diligence-based frameworks (Sharma *et al.*, 2024). This has fuelled apprehension that unilateral sustainability requirements could proliferate, fragmenting trade regimes into competing regulatory silos and further burdening exporters from the Global South.

The contestation has spilled over into the climate arena as well. At COP28, debates on unilateral measures in agriculture and trade once again sharpened divides between developed and developing countries. While proponents defended such initiatives as necessary to drive urgent climate action, developing members warned that they risk undermining both multilateral cooperation and global food security. What emerges, then, is a fragile and contested balance between legitimate environmental imperatives and the long-standing principle that trade rules should not be unilaterally rewritten to serve domestic regulatory preferences.

### *2.3 Sustainable Food Systems*

The other significant cross-cutting discussion in agricultural trade policy governance across multilateral and bilateral talks on agricultural trade has been the emergence of ‘Sustainable Food Systems (SFS)’. The 2021 United Nations Food Systems Summit highlighted the vital role of Sustainable Food Systems in achieving the 2030 Sustainable Development Goals, while addressing the interconnected global challenges of climate change, biodiversity loss, and food insecurity. According to the FAO, a sustainable food system is defined as one that ensures food security and nutrition for all, without jeopardising the economic, social, and environmental foundations of food security for future generations. This means that SFS must be economically viable, socially inclusive, and environmentally sustainable. Achieving this delicate balance is essential for reconciling the goals of trade, development, and sustainability in our food systems (Sharma *et al.*, 2024).

In recent years, the importance of sustainable food systems has increasingly become a focal point in multilateral trade policy discussions. A key entry point for this dialogue has been the WTO Sanitary and Phytosanitary (SPS) framework. Here, the intersection of food safety, animal and plant health, and trade facilitation aligns with broader sustainability goals. Notably, in 2021, the EU and Norway presented a proposal (WTO, 2021b) to the SPS Committee that explicitly linked the One Health approach, embracing the interdependence of human, animal, and environmental health, with the resilience of food systems. Concurrently, the United States, Brazil, and Canada put forth a proposal (WTO, 2020) aimed at evaluating the impact of

emerging challenges, including climate change, pest infestations, and evolving trade dynamics, on the implementation of SPS disciplines. This collaborative effort underscores the necessity for robust and adaptable frameworks to promote sustainable practices within the global food system.

Building on these twin proposals, members at the WTO MC12 in 2022 adopted the SPS Declaration on Responding to Modern SPS Challenges. For the first time, this declaration formally recognised the relevance of sustainable food systems within the WTO. The declaration mandated a work programme, tasking the SPS Committee to reflect on how the Agreement could be better implemented in light of new global challenges. Five themes structured this exercise: facilitating global food security and sustainable systems; ensuring SPS measures remain science-based; adapting SPS measures to regional conditions; enhancing cooperation with international organisations; and increasing the participation of developing countries and LDCs in SPS standard-setting and implementation.

Despite this formal incorporation of SFS into WTO deliberations, the practical path forward remains unsettled. A draft report circulated in mid-2023 acknowledged the role of science, research, and innovation in advancing sustainable food systems (WTO, 2023). Yet, it also revealed sharp divergences in members' positions, and no consensus was reached in time for the MC13 in 2024.

The fault lines are clear. The European Union and like-minded members emphasise agroecological approaches, biodiversity conservation, reduced dependence on chemical pesticides, and animal welfare, all embedded within a “One Health” framing. By contrast, Canada, the United States, Argentina, and Brazil emphasise the role of innovation, particularly in biotechnology and GMOs, as essential for enhancing food system resilience. These members consistently highlight the need to minimise trade disruptions from divergent GMO regulations. Developing countries, including India, have raised a different concern: that the SFS discourse may evolve into a new form of disguised protectionism. They caution against the imposition of stringent Maximum Residue Limits (MRLs) on pesticides that exceed Codex standards, as this could threaten to exclude small producers from global value chains and exacerbate food insecurity in the Global South.

Taken together, these developments reflect a growing recognition that sustainable food systems are not an abstract aspiration, but rather a contested terrain where trade rules, development priorities, and sustainability objectives are actively being negotiated.

### III

#### MANDATED ISSUES AT THE WTO: PSH, SSM AND COTTON

Given how global hunger and exacerbating food insecurity have remained persistent problems throughout the second decade of the 21<sup>st</sup> century, the issue of



Public Stockholding (PSH) for Food Security has emerged as a significant point of contention in agricultural negotiations at the WTO. The need for policy space for developing countries to implement price support-backed public stockholding programs, ensuring domestic food security and distributing foodgrains to the most vulnerable social sections, has emerged as a prominent bone of contention. For most developing countries, achieving a permanent solution is paramount and represents a long-standing mandate stemming from the Bali Ministerial Decision in 2013 (WTO, 2013), with far-reaching implications for global food security and the ongoing struggle against hunger.

In many developing countries, PSH programs are crucial for ensuring food security and shielding farmers from price fluctuations (Sharma, 2016). These programs encompass the procurement, storage, and distribution of food grains. While storage and distribution costs are classified under the Green Box and exempt from AoA limitations, procurement at administered prices must be notified under the Amber Box, which has strict financial limits. A key challenge with these programs is the outdated formula used for support calculations. It compares the current administered price with an external reference price (ERP) established between 1986 and 1988, and the resulting market price support (MPS) cannot exceed the *de minimis* limit, i.e., 10 per cent of the value of production (Brink & Orden, 2023). This rigid framework has increasingly restricted the ability of developing countries to effectively manage and implement PSH schemes, hindering their potential to implement food security policies compatible with their socio-economic conditions.

Since 2000, developing countries have been calling for a solution. Before the Bali Ministerial in 2013, the G-33 proposed options, including a peace clause and updates to the ERP (WTO, 2012). The Bali Peace Clause was adopted as a temporary solution to protect PSH programs from legal challenges, even if they exceed domestic support limits (WTO, 2013). However, it has certain restrictions: it applies only to “traditional staple crops,” protects only programmes established before Bali, and includes extensive anti-circumvention rules. The Peace Clause was later made perpetual in 2014 (Sharma *et al.*, 2023a), with a requirement for members to establish a permanent solution by 2017. The commitment was reaffirmed at the 10<sup>th</sup> Ministerial Conference (MC) in Nairobi (2015), where accelerated and focused negotiations were mandated. India is the only country that has invoked this safeguard to protect its food security policy, as rice support exceeded the 10 percent *de minimis* limit (Figure 3).

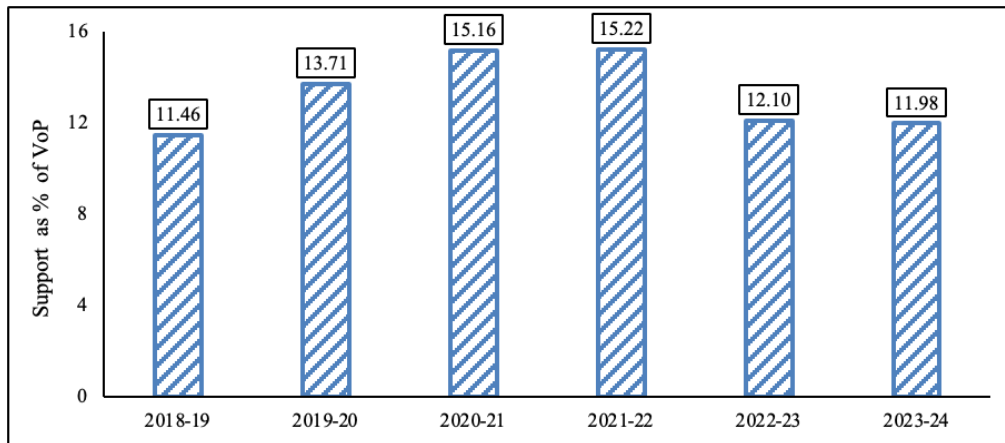


FIGURE 3. INDIA'S SUPPORT TO RICE AS A PERCENTAGE OF VALUE OF PRODUCTION (VoP)  
Source: Authors' Calculation based on India's Domestic Support (DS:1) Notifications to WTO.

The MC11 in Buenos Aires, the MC12 in Geneva, and the MC13 in Abu Dhabi have all fallen short of their intended objectives. Currently, over 75 member countries, including those within the G-33, the African, Caribbean and Pacific (ACP) group, and the African Group, continue to advocate for a comprehensive and permanent solution. This solution should broaden its coverage to encompass new programs and food products, implement a dynamic ERP that adjusts for recent price fluctuations or inflation, and ensure meaningful flexibility to address the evolving needs of member states (WTO, 2022b; Sharma & Shajahan, 2024).

However, the opposition against a Permanent Solution based on the expansion of the existing Bali Peace Clause is strong. Several Cairns Group members, the EU, and the US are arguing that the proposed solution would grant developing countries unlimited trade-distorting benefits. Thus, they advocate linking the Permanent Solution on Public Stockholding (PSH) to broader negotiations on reducing domestic support or increasing market access, and additionally propose new conditions based on export or import performance (WTO, 2022a; WTO, 2024). In contrast, supporters of the PSH emphasise that this issue should remain a standalone issue, arguing that a permanent solution is essential and cannot be compromised, given that ensuring domestic food security remains a critical sovereign imperative for developing countries.

Alongside the debate on public stockholding for food security, which has assumed particular urgency, two further issues, the Special Safeguard Mechanism (SSM) and cotton, remain central to the unfinished 'Development agenda' at the WTO. In essence, these three mandates, together, capture the developmental priorities of the global South in agricultural trade reform.

Developing countries have also consistently demanded the Special Safeguard Mechanism (SSM) since 2004, as a vital policy instrument to shield their vulnerable producers from sudden import surges and steep price declines. Designed as a counterpart to the Special Safeguard (SSG) available to developed members under the Agreement on Agriculture, the SSM would allow developing countries to temporarily raise tariffs in such circumstances without having to prove injury.

The issue of cotton has followed a similarly difficult trajectory. It first gained prominence in 2002 with the publication of Oxfam's report, *Cultivating Poverty*, which exposed how massive subsidies granted by the United States depressed world prices and undermined the livelihoods of millions of smallholder farmers in West Africa, especially in the so-called C-4 countries—Benin, Burkina Faso, Chad, and Mali. The moral and developmental urgency of the cotton subsidy issue was recognised at the 2005 Hong Kong Ministerial, where members pledged to address cotton “ambitiously, expeditiously, and specifically” – even more so than the general formula agreed for agricultural domestic support (Oxfam, 2002). Despite this commitment, progress has remained uneven. The C-4 countries have tabled repeated proposals calling for steep reductions in trade-distorting domestic support to cotton, particularly under the Amber and Blue Boxes. Yet developed members have insisted that outcomes on cotton must be tied to broader agricultural packages, a position that has perpetuated deadlock.

Taken together, public stockholding, SSM, and cotton represent the three central pillars of the WTO's agricultural reform agenda from a developmental perspective. Of these, PSH has gained the most significant attention at the WTO in recent times.

#### IV

##### OTHER MULTILATERAL ISSUES AT THE WTO

Following the examination of emerging concerns and the long-standing mandated issues, attention must also turn to other multilateral questions that continue to shape the agricultural negotiations. Prominent among these are the debates on agricultural subsidies, the contested role of export restrictions, and the gradual transition from export subsidies to export facilitation. Each of these issues has generated extensive discussions within the Committee on Agriculture and will be addressed in turn in the subsections that follow.

#### *4.1 Disciplining Agricultural Subsidies and Issues of Sustainability*

Disciplining agricultural subsidies has emerged as a pivotal issue in global discussions surrounding sustainability, climate change, and food systems (Sharma *et al.*, 2024). In 2019, the agriculture and food sectors accounted for nearly one-third of global greenhouse gas emissions, underscoring the substantial impact that agricultural subsidies have on environmental outcomes. Projections suggest that financial support

for agricultural producers could escalate to USD 1.8 trillion by 2030 (FAO, UNDP, and UNEP, 2021; Bellman, 2022), amplifying the urgency for reform. The conversation around this topic has evolved from a narrow emphasis on trade distortion to a broader examination of environmental impacts, resource efficiency, and social equity. At COP28, the emphasis on repurposing agricultural support was articulated in clear terms: reducing or phasing out trade-distorting subsidies while reallocating resources to non-trade-distorting initiatives, such as agricultural research, extension services, and climate adaptation programs (UNFCCC, 2023).

TABLE 1. DOMESTIC SUPPORT UNDER THE AOA

Boxes	Type of support	Financial limits	Availability
Green Box (Annex 2)	Minimal or no trade-distorting support	None	All members
Blue Box (Article 6.5)	Direct payments under production-limiting programs		
Development Box (Article 6.2)	<ul style="list-style-type: none"> <li>Investment subsidies</li> <li>Input subsidies to low-income or resource-poor producers,</li> <li>Support to diversify from illicit narcotic crops.</li> </ul>	None	Only to developing members, including LDCs (Exception: China and Kazakhstan)
Amber Box (Article 6.3 & 6.4)	Product and non-product specific trade-distorting measures	strict financial limits	All members

Source: Author's compilation based on the WTO Agreement on Agriculture.

Within the WTO, these debates intersect directly with the ongoing negotiations under the Agreement on Agriculture (AoA). Article 20 mandates a continuing program of reform. The preamble to the AoA makes clear that this reform must proceed equitably, with due regard for food security, environmental protection, and the need for special and differential treatment for developing members. It is under this mandate that discussions of disciplining agricultural subsidies have intensified, including through the lens of sustainability.

Notably, domestic support measures under the AoA are classified into different boxes. Green Box, Blue Box, and Article 6.2 (Development Box) measures are exempt from financial limits, as measures under the Green box are considered minimally or non-trade-distorting, the measures under the Blue box are production-limiting payments, and the Development box embodies a vital Special and Differential Treatment Provision allowing developing members special flexibilities to subsidise agriculture according to their socio-economic realities. By contrast, Amber Box measures cover the most trade-distorting forms of support, both product-specific

(such as administered price support for wheat or rice) and non-product-specific (such as input subsidies applied across agriculture). These measures are disciplined either through *de minimis* limits—set at 10 percent of the value of production for developing members, 5 percent for developed members, and 8.5 percent for certain acceding members such as China and Kazakhstan—or through Final Bound Aggregate Measurement of Support (AMS) entitlements. AMS entitlements were established for members who, during the 1986–88 base period or under accession commitments, provided support above the *de minimis* level, thereby securing permanent additional policy space. Today, around 95 percent of global AMS entitlements are held by developed countries, including the European Union, the United States, and Japan, which enables them to maintain significant levels of trade-distorting support. Moreover, these entitlements can be concentrated in a few strategic commodities, with Canada directing nearly its entire Amber Box allowance to dairy in 2018 and Japan using almost ninety percent of its entitlement to support beef and veal in 2019. By contrast, members without AMS entitlements remain confined to their *de minimis* thresholds, leaving them with far less flexibility to respond to agricultural vulnerabilities.

Developing country members have long argued that the WTO Agreement on Agriculture (AoA) is structurally imbalanced (Table 1). The Aggregate Measurement of Support (AMS) entitlements granted to developed members during the Uruguay Round enable them to provide a huge amount of trade-distorting subsidies without breaching their commitments. In practice, these entitlements have allowed support to be concentrated in a limited number of products, thereby depressing world prices and undermining producers in the developing world. In contrast, the flexibilities available to developing members are narrow, constrained by a *de minimis* limit of only 10 percent of the value of production (Brink & Orden, 2023). For this reason, many developing countries maintain that any meaningful reform of domestic support must begin with the elimination of AMS entitlements, which institutionalize historical inequities in the trading system. They have also consistently opposed proposals to cap Article 6.2 subsidies, which are critical for providing input support to low-income and resource-poor farmers (Sharma *et al.*, 2023a).

Several members of the Cairns Group have advocated for the establishment of a Total Trade-Distorting Support (TTDS) entitlement limit. This proposal aims to cap the overall support provided under the Amber Box, Blue Box, and Article 6.2 (Development Box), including the *de minimis* allowances. Proponents highlighted that TTDS entitlements among WTO members have been escalating rapidly (Figure 4) (WTO, 2019). They warn that these flexibilities could potentially compromise global sustainability and climate goals, undermining efforts to achieve a more balanced and equitable agricultural trade system.

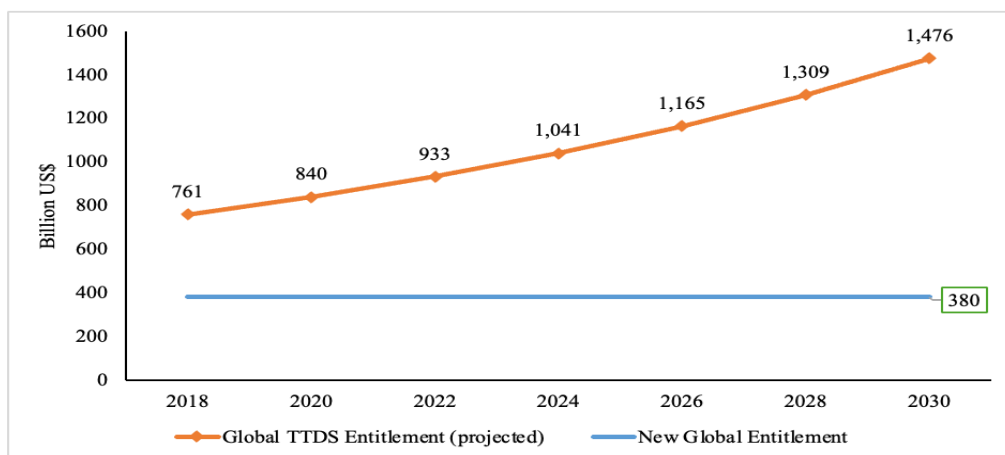


FIGURE 4. COMPARISON OF PROJECTED AND NEW GLOBAL TTDS ENTITLEMENTS  
 SOURCE: AUTHORS' CALCULATION BASED ON MEMBERS' DOMESTIC SUPPORT NOTIFICATIONS  
 AND FAOSTAT

To tackle this issue, members are proposing that the total trade-distorting support (TTDS) should be capped and subsequently reduced by at least 50 per cent by 2034 (WTO, 2024). According to their proposal, each member's TTDS will be calculated based on its existing flexibilities under Article 6 of the Agreement on Agriculture (AoA), with the global TTDS representing the aggregate of all members' entitlements. The reductions will be applied proportionately according to the size of each member's entitlement. Since the cap on TTDS will be defined in fixed monetary terms, the ability to provide trade-distorting support is expected to decrease over time as agricultural production grows. However, this structure maintains flexibility for Green Box measures, which are recognized as being either minimally or non-trade-distorting, thereby motivating members to shift their support away from Article 6 subsidies.

Most developing countries have rejected this proposal, arguing that it would weaken the Development Box and significantly limit their *de minimis* support under the TTDS framework (Sharma *et al.*, 2023a). Additionally, several G10 countries and China are concerned about the idea of capping the Blue Box, especially since China has recently provided considerable support to its cotton and corn farmers through this mechanism. The United States insists that any discussion of domestic support should be part of a larger agricultural agreement that also addresses market access, a sensitive issue for the European Union. Meanwhile, Least Developed Countries (LDCs), including those that have recently transitioned out of LDC status, are seeking exemptions from commitments related to capping or reducing support. There are also demands to regulate domestic support based on per-farmer entitlements, which would take into account the significant socio-economic disparities between developed and developing nations (Sharma *et al.*, 2021).

In summary, the discourse surrounding agricultural subsidies is located at the crossroads of trade, sustainability, and development equity. While developed countries defend their long-standing entitlements that permit extensive trade-distorting support, developing countries advocate for reforms that address historical injustices and protect their food security and livelihoods. Initiatives like capping Total Trade-Distorting Support signal a growing effort to align trade regulations with climate and sustainability goals. Still, these measures could also diminish the limited flexibilities available to poorer nations. Consequently, the challenge is to create a balanced and forward-thinking reform agenda that not only curtails excessive subsidies in wealthier countries but also maintains sufficient policy space for developing and least-developed nations to prioritise their food security, rural development, and climate adaptation needs. Only by achieving this balance, the multilateral trading system becomes more credible, equitable, and responsive to the challenges of the 21st century.

#### 4.2 Export Restrictions

During food crises, governments frequently implement trade measures to protect their domestic population and mitigate inflationary pressures (Sharma *et al.*, 2024). These measures typically include export restrictions and reductions in import tariffs to ensure a steady supply of essential foodstuffs. Importantly, these actions are not limited to a specific category of WTO membership; both developed and developing countries have employed export restrictions in recent years.

Export restrictions take various forms, ranging from export bans and quotas to tariffs and other regulatory mechanisms. While they serve immediate domestic objectives, these measures are widely criticised for their potential to inflate international prices, disrupt global supply chains, and undermine the food security of importing countries. Exporting countries also risk being labelled as unreliable suppliers, while domestic producers and traders may incur opportunity costs.

Within the WTO framework, export restrictions are regulated under Article XI of GATT 1994, which generally prohibits quantitative restrictions but permits temporary bans or limitations in situations of “critical shortages” of foodstuffs or other essential products. Article 12 of the AoA supplements these rules by requiring members imposing such measures to notify the Committee on Agriculture, consider the food security interests of importers, and consult affected members. Notably, most developing members, except those classified as net exporters of the concerned commodity, are exempted from these procedural obligations.

The sensitivity of the issue was recognised at the Twelfth WTO Ministerial Conference (MC12), where members agreed to exempt humanitarian food purchases by the World Food Programme from the ambit of export restrictions (WTO, 2022c). Building on this, some members, including the United Kingdom and Japan, have proposed tighter disciplines such as mandatory advance notifications, clarification of

terms like “critical shortages,” and new notification formats, as well as exemptions for LDCs and NFIDCs (Sharma *et al.*, 2024).

However, these proposals have met with resistance from many developing countries. For them, export restrictions are indispensable instruments for managing domestic food security in emergencies, particularly in times of scarcity. Obligations such as thirty-day advance notification are considered impractical and even counterproductive, as they may incentivise speculative exports before restrictions take effect, undermining the very purpose of the measure. Divergence over these approaches prevented consensus at the Thirteenth WTO Ministerial Conference (MC13).

India’s experience illustrates the multifaceted nature of this debate. In recent years, India has imposed restrictions on wheat, rice, sugar, and onions, while exempting certain vulnerable countries to honour food security commitments. The rationale has been clear: to prevent domestic shortages, stabilise inflation, and secure the food security of 1.4 billion people. At the same time, India has provided humanitarian exports to neighbours and contributed to the World Food Programme, demonstrating that its measures are not designed for profiteering but for balancing domestic imperatives with global responsibility. Moreover, India has cautioned that unhindered exports during crises can force exporters to later re-import the same commodities at higher prices, destabilising both markets and vulnerable populations. India’s approach, therefore, rests on the principle that the food security of exporting members is as vital as that of importers.

Thus, while export restrictions remain a recognised legal instrument within the multilateral trading system, their use continues to generate deep fault lines. For food-importing countries, they are viewed as destabilising barriers; for food-exporting developing countries, they remain vital lifelines in times of food insecurity. As debates advance in Geneva, reconciling these positions remains one of the most difficult challenges in the WTO’s agricultural negotiations.

#### *4.3 Export Subsidies to Export Facilitation*

Before the creation of the WTO, major agricultural exporters like the US and the EU provided substantial export subsidies, allowing them to flood the international market with their products, which depressed farm incomes in poorer nations. The WTO’s AoA allowed these countries to continue granting such subsidies, a privilege not extended to other members, including India, which had not historically utilised export subsidies (WTO, 1994). Under Special and Differential Treatment (S&DT), developing nations like India were permitted to offer export subsidies solely to compensate for marketing and transportation costs associated with agricultural products.



The issue of export subsidies has remained a significant point of contention in the WTO negotiations, with developing countries regularly advocating for their elimination at key Ministerial Conferences, such as those in Hong Kong (2005) and Bali (2013). A significant advancement occurred at the Nairobi Ministerial in 2015, where an agreement was reached to eliminate export subsidies entirely. However, the decision also extended the S&DT provisions, allowing developing countries to continue offering subsidies related to marketing and transportation until the end of 2023, while Least Developed Countries (LDCs) were granted this flexibility until 2030 (WTO, 2015b).

India had utilized these provisions to mitigate infrastructural inefficiencies and high costs, providing export support for products like tea, coffee, fruits, vegetables, and sugar. Despite this, India's export measures faced rigorous scrutiny at the WTO. In 2018, the US challenged these export-related measures, impacting both agricultural and non-agricultural products. Furthermore, in 2019, Australia, Brazil, and Guatemala launched disputes concerning India's sugar sector support. Although these disputes are still pending with the WTO Appellate Body, the conclusions from the Nairobi decision mean India must cease providing export subsidies after 2023. The absence of such subsidies exacerbates the pre-existing challenges faced by exporters from developing countries, including domestic infrastructure issues, stringent international quality standards, and inadequate export promotion strategies, thereby placing them at a significant disadvantage compared to their counterparts in developed countries.

Recognising these hurdles, the Indian government has rolled out various WTO-compliant export promotion initiatives. Organisations like APEDA are offering financial aid for infrastructure enhancement, ensuring food safety compliance, and facilitating market promotion abroad. Programs like the Districts as Export Hubs initiative, e-certification systems, Krishi UDAN for transporting perishables by air, DESH (Development of Enterprise and Service Hubs), RoDTEP (Remission of Duties and Taxes on Exported Products), and the inclusion of food processing industries under the PLI scheme are designed to fortify India's agricultural export ecosystem.

While there has been considerable progress, India faces a challenging path toward achieving its target of \$100 billion in agricultural exports by 2030, as outlined in its agricultural export policy (Sharma *et al.*, 2023c). With the elimination of export subsidies, strategies must pivot towards market development, brand establishment, and proactive involvement from state governments. The growing trend toward protectionism, coupled with the increase in Non-Tariff Barriers (NTBs), especially Sanitary and Phytosanitary (SPS) measures, adds further complexity. Enhancing traceability systems will be crucial for addressing concerns regarding biosecurity and food safety, as well as for improving market access. Initiatives like APEDA's GrapeNet for horticultural exports set a promising precedent in this regard. Product

differentiation and branding are equally crucial. Capitalising on Geographical Indications (GI) can help India market products at a premium in global markets, leveraging their distinct reputation and characteristics. Moving forward, developing countries must focus on strengthening traceability, promoting GI products, and developing world-class export infrastructure to foster a resilient and competitive agricultural export system.

## V

### CROSS-CUTTING ISSUES IN BILATERAL AGREEMENTS

As reaching consensus in the WTO and other multilateral platforms has become more difficult, bilateral Free Trade Agreements (FTAs) and Regional Trade Agreements (RTAs) have emerged as the main venues for exploring and establishing more comprehensive agricultural rules. Initially focused mainly on tariff reductions, these agreements now address a wider range of topics, including sustainability, regulatory collaboration, biotechnology, and food security. Consequently, they are transforming the framework of agricultural governance through legally binding commitments made outside of the multilateral system.

A particularly striking development is the proliferation of environment-related provisions (ERPs) in RTAs. As of May 2024, a total of 371 RTAs are in force, with 21 new agreements notified since 2022 (FAO, 2024). Within these agreements, agriculture-specific ERPs, covering agriculture, fisheries, and forestry (Ag-ERPs), have multiplied dramatically. Sustainable food systems (SFS) have likewise become embedded in FTAs. The European Union has included dedicated SFS chapters in its agreements with Chile and the United Kingdom, and has pursued similar provisions in its ongoing negotiations with India. These chapters adopt a “One Health” framework, addressing agroecology, biodiversity conservation, animal welfare, and antimicrobial resistance. Conversely, the United States and Canada have advanced an innovation-driven model, embedding rules on genetically modified organisms (GMOs) in the United States–Mexico–Canada Agreement (USMCA) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). These commitments are not merely aspirational; many are legally binding, providing parties with recourse to dispute settlement. Indeed, the recent dispute between the United States and Mexico over trade in GM corn, brought under the USMCA, demonstrates the enforceability of such commitments and their potential to escalate into formal litigation (Sharma *et al.*, 2023b).

Another related development is the rise of mutual recognition agreements (MRAs) on maximum residue levels (MRLs) for pesticides and veterinary drugs within FTAs. These MRAs aim to facilitate trade by reducing duplicative testing and harmonising standards, thereby lowering transaction costs.

FTAs are also becoming vehicles for negotiating “Agreement on Agriculture (AoA)-plus” commitments that go well beyond multilateral disciplines. Export

restrictions (ERs) provide a case in point. While the General Agreement on Tariffs and Trade (GATT) and the WTO's Agreement on Agriculture permit temporary ERs in cases of critical shortages, several recent FTAs have introduced far stricter rules. The USMCA, for instance, requires thirty days' advance notification before an export restriction can be imposed, alongside defined time limits and narrower grounds for use. Such provisions significantly curtail the flexibility that many developing members rely upon to manage food shortages and protect domestic consumers.

These trends collectively highlight a significant transformation in the agricultural sector within free trade agreements (FTAs). The focus has shifted beyond traditional concerns of tariffs and quotas to include critical elements such as sustainability chapters, Sustainable Food Systems (SFS) provisions, mutual recognition agreements (MRAs) for food safety, and binding AoA-plus regulations addressing sensitive topics like export restrictions, export subsidies, and domestic support. This evolving landscape presents both valuable opportunities and inherent risks.

On the one hand, FTAs provide a platform for advancing sustainability and aligning agricultural trade with global environmental objectives. On the other hand, they risk entrenching asymmetries, fragmenting commitments, and imposing enforceable rules that far outpace multilateral consensus.

For developing countries like India, this poses particular challenges, as the negotiation of WTO-plus disciplines on sensitive issues such as export restrictions, sustainability, and domestic support through bilateral or regional deals can gradually erode multilateral flexibilities and narrow policy space. The growing density of such provisions within FTAs, while framed in terms of sustainability or cooperation, thus raises serious doubts about whether they will reinforce a fair and inclusive global trading system, or instead deepen the divides between those able to shape the rules and those compelled to follow them.

## VI

### CONCLUSION

Agricultural trade sits at the confluence of some of the most pressing global challenges of our time. The negotiations under the WTO's Committee on Agriculture Special Session reveal this vividly: questions of market access and tariff flexibility remain unresolved; domestic support continues to tilt heavily in favour of developed members; and long-standing mandated issues such as Public Stockholding, the Special Safeguard Mechanism, and cotton remain unfinished business despite repeated ministerial mandates. These are not peripheral debates but central to the credibility of the multilateral trading system.

The last decade has also shown that the multilateral agenda cannot be divorced from cross-cutting concerns. Food security crises, climate change, and

shifting consumer expectations have brought sustainability to the forefront of agricultural trade debates. Through the entry of sustainable food systems into the WTO's Sanitary and Phytosanitary work programme, members have acknowledged that resilience and sustainability are no longer optional. Yet, the risk that sustainability standards become vehicles for green protectionism is real, particularly for developing and least developed members who face significant capacity gaps. The European Union's deforestation regulation, even as its implementation is postponed, epitomises this tension between environmental ambition and equitable trade.

Alongside these multilateral debates, regional and bilateral agreements have surged ahead, embedding disciplines that go well beyond WTO rules. From mutual recognition agreements on maximum residue limits in FTAs, to dedicated chapters on sustainable food systems in EU agreements, to provisions on biotechnology, the architecture of agriculture in trade agreements is becoming increasingly fragmented. These agreements reflect ambition but also introduce asymmetries, with developing country exporters often left navigating multiple and conflicting regimes. Even provisions on export restrictions, still unresolved at the WTO, are appearing in FTAs in stricter and more binding forms.

When viewed together, these strands highlight a system in flux. The WTO has yet to resolve the core mandates of its agricultural negotiations. Cross-cutting debates on sustainability risk entrenching divisions if they are not anchored in inclusivity and development. And bilateralism, while dynamic, cannot substitute for a multilateral framework that guarantees fairness and predictability for all.

What is at stake is more than a series of negotiating texts. It is the ability of the multilateral trading system to respond to twenty-first-century challenges without abandoning its foundational promise to the global south. For developing countries, this means crafting cohesive and coherent negotiating strategies across multilateral and bilateral forums, ensuring that fragmented commitments do not dilute their sovereign imperatives in agriculture. It also requires shaping a global south narrative of sustainability, one that balances environmental imperatives with social and economic realities, and where progress toward intergenerational equity does not come at the cost of perpetuating present intragenerational inequities. For if sustainability is allowed to justify protectionism while ignoring the lived vulnerabilities of today, then entrenched inequalities will not vanish with time; they will calcify.

The future of global agricultural trade will be judged not by the speed of new regulations or the breadth of bilateral commitments, but by whether the system delivers for farmers and consumers in the global south.

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