

Public Administration Challenges
of the *Sanitary and Phytosanitary*
***Agreement's* Notification Provision¹**

by

John Cash

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1.0 – Introduction

1.1 – International Trade, the Development Disparity, and the World Trade Organization

Trade has served as a conduit for the flow of goods and services since the dawn of civilization. Nations have relied upon trade to obtain scarce resources and improve their economies. The past 50 years have witnessed exceptional growth in world trade; exported goods have grown steadily during this period. Many countries have made major advancements in their economies during this period of history, but others have struggled to keep pace with the trade-related changes of a global economy; some countries have developed more quickly than others. Consequently, international political economy scholars have elaborated various “categories” (e.g., developed, developing, etc.) of countries, depending on the extent of their development. While the precise characterization of this disparity (and the country-categorizations themselves) is elusive,² many international agencies seek to address this development disparity.

The World Trade Organization (WTO) is one such agency. The WTO endeavors to address the development disparity by facilitating international trade. An inter-governmental organization dealing with rules of international trade, the WTO currently has 147 member countries which together account for most of globally traded goods and services.³ The goal of the WTO is to enable trade to flow freely and fairly, and it accomplishes this by administering trade agreements, assisting with negotiations, settling disputes, providing assistance to developing countries, and cooperating with other international agencies and organizations. Governments that join the WTO are bound by its rules and all the agreements attached to it; WTO member governments sign these agreements, which in turn serve as the legal ground-rules

² Precise understanding of the development disparity is confused by the many different approaches of economic measurement. See Ravallion, Martin. "The Debate on Globalization, Poverty and Inequality: Why Measurement Matters." *International Affairs* 79, no. 4 (2003): 739-753.

³ See chapter on World Trade Overview in "International Trade Statistics 2002" World Trade Organization available on line at http://www.wto.org/english/res_e/statistics_e/its2002_e/its02_toc_e.htm. Geneva: World Trade Organization. Last checked 2004.

for international commerce. Although technically unenforceable, the WTO agreements are contracts that both (1) guarantee member governments' trade rights and (2) oblige member governments to comply with agreed-upon rules and WTO dispute rulings.⁴ The overall objective of the WTO agreements is to help the stakeholders of international trade: producers, consumers, exporters, and importers.

Most of WTO members are identified as being lesser developed.⁵ For the benefit of both developed and developing countries, the WTO intends a world trading system featuring a greater choice of goods and services, increased access to resources, and a more prosperous, accountable, and peaceful economic world⁶. WTO agreements contain special provisions for developing countries to both (a) enhance their ability to trade and (b) provide their exporters with additional, preferential market access.

The WTO Committee on Trade and Development looks at developing countries' special needs and provides assistance for agreement implementation, technical cooperation, and increased participation in the global trading system.⁷ Technical assistance is provided to assist developing countries as they adjust to WTO rules and disciplines. Technical assistance often includes support to help build a country's public-administration infrastructure so that it can better

⁴ Typically, the mode of "enforcement" involves the WTO permitting those countries adversely affected by noncompliant SPS measures to retaliate—typically by suspending tariff concessions previously granted to the violating country. See Trebilcock, M., and R. Howse. *The Regulation of International Trade*. London: Routledge, 1999, page 37.

⁵ See WTO list of Member and Observer countries. Geneva: World Trade Organization available on line at http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm. Last checked 2004.

⁶ See report "Understanding the WTO: developing countries overview" available on the web at http://www.wto.org/english/thewto_e/whatis_e/tif_e/dev1_e.htm. Geneva: World Trade Organization. Last checked 2004. This website provides an overview of the general functions of the WTO and the services offered member countries especially those that are considered to be developing countries.

⁷ See report "The DAC Guidelines Strengthening Trade Capacity for Development." (2001). Organization for Economic Cooperation and Development. This report represents a case study conducted in collaboration with representative governments of developing countries and representatives of multilateral organizations including the World Trade Organization, International Trade Center, United Nations and the World Bank. Available on the web at http://www.wto.org/english/tratop_e/devel_e/d3ctte_e.htm.

carry out WTO work, handle disputes, and implement trade standards.⁸ This paper focuses on the public-administration challenges associated with a particular provision of a particular WTO trade agreement, and highlights the need for continued technical assistance for developing countries.

1.2 – The SPS Agreement's Notification Provision

The WTO agreements guide member countries in how to trade impartially by spelling out the rights and obligations of all members. For example, each member country receives assurance that its exports will be treated fairly and consistently in other countries' markets. Broadly speaking, the WTO addresses trade in both services and goods. The former category is generally subject to the *General Agreement on Trade in Services (GATS)*. The latter category is subject to a wide range of agreements, depending on their relevance. Goods-related agreements include, among several others, the *General Agreement on Tariffs and Trade (GATT)*, the *Agreement on Agriculture*, and the *Agreement on Textiles and Clothing*.⁹ Significantly, and at issue in this paper, there is also an agreement specifically devoted to food safety, animal health, and plant health regulation of the international agricultural and food trade: the *Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement)*.¹⁰

Like other WTO agreements, the *SPS Agreement* came into force in January 1995 with the establishment of the WTO.¹¹ The *SPS Agreement* recognizes the right of member

⁸ See report "Understanding the WTO: developing countries overview" available on the web at http://www.wto.org/english/thewto_e/whatis_e/tif_e/dev1_e.htm. Geneva: World Trade Organization. Last checked 2004. This website provides an overview of the general functions of the WTO and the services offered member countries especially those that are considered to be developing countries.

⁹ For a complete catalogue of the WTO agreements, see the following book: World Trade Organization. *The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations*. Cambridge: Cambridge University Press, 1999.

¹⁰ "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

¹¹ The WTO came into effect on 1 January 1995. Grimwade, Nigel (1996). *International Trade Policy: A contemporary analysis*. London: Routledge, Page 1.

governments to adopt and enforce sanitary measures (trade-restricting regulations designed to protect food safety and animal health) and phytosanitary measures (trade-restricting regulations geared to protect plant health).¹² However, the *SPS Agreement* couples with this recognition the stipulation that sanitary and phytosanitary (SPS) measures not represent arbitrary or scientifically unjustifiable restrictions on international trade.¹³ To this end, the *SPS Agreement* encourages countries to rely upon SPS regulatory standards agreed upon by three international standard-setting bodies—the Codex Alimentarius Commission (for food safety), the Office International des Epizooties (for animal health), and the International Plant Protection Convention (for plant protection).¹⁴ In the absence of agreed-upon SPS standards, or in lieu of existing standards (e.g., when a country seeks a higher level of health protection than what an international standard would provide), the *SPS Agreement* requires members to base their SPS measures on science, and to apply them consistently to all imports.¹⁵ These various provisions compel countries to establish science-based SPS standards that will facilitate harmony of international regulatory activity for the WTO's expressed dual purpose of health protection and free-flowing trade.¹⁶ The *SPS Agreement* aims to preserve the sovereign right of any country to adopt its own appropriate level of protection, but the agreement also aims to ensure that those rights are not abused for the

¹² Stated alternatively, the *SPS Agreement* deliberately affirms member governments' right to (a) ensure that food is safe for consumers and (b) prevent the spread of pests or diseases among animals and plants. See Page 29 of "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

¹³ "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

¹⁴ See page 29 as well as Annex A:3 of "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

¹⁵ For an explanatory discussion of this, see page 289 of Kastner, Justin, and Douglas Powell. "The SPS Agreement: Addressing Historical Factors in Trade Dispute Resolution." *Agriculture and Human Values* 19, no. 4 (2002): 283-292. See also, the definition for the term "appropriate level of sanitary or phytosanitary protection," in Annex A:5 of "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

¹⁶ See "Understanding the WTO Agreement on Sanitary and Phytosanitary Measures," available at http://www.wto.org/english/tratop_e/sps_e/spsund_e.htm#Intro. This web site provides general information of the basic provisions of the SPS Agreement. Geneva: World Trade Organization. Last checked 2004.

purposes of economic protectionism.¹⁷ The *SPS Agreement*, like other WTO agreements, may be referenced by countries when alleging trade manipulation by other countries; and the *SPS Agreement* has indeed served to unmask arbitrary and scientifically unjustifiable SPS measures.¹⁸

Much of the *SPS Agreement*'s provisions hinge on transparency; therefore, the *SPS Agreement* contains an additional provision whereby member governments are required to notify each other of new or anticipated SPS-related regulatory changes.¹⁹ This notification provision is designed to promote transparency among trading countries as well as the pre-emption of SPS-related trade disputes. As has already been mentioned, member governments are encouraged to adopt SPS standards agreed upon by the Codex Alimentarius Commission, the Office International des Epizooties, and the International Plant Protection Convention. However, agreed-upon standards do not always exist for a given commodity or agricultural-trade scenario. In such cases—or when a country wishes to adopt a higher level of health protection than what an international standard affords—member governments are to notify each other of proposed SPS regulatory changes.²⁰

2.0 – Public-Administration Challenges of the SPS Agreement's Notification Provision

2.1 – Politics, Policy, and Public Administration

Politics, policy, and administration are inextricably linked. Politicians set the agenda by making policy while public administration implements policy. Politics frames policy while

¹⁷ For an excellent comparative discussion on *protection* versus *protectionism*, see page 6 of WTO. *The WTO Agreement Series: Sanitary and Phytosanitary Measures*. Geneva: World Trade Organization, 1998.

¹⁸ See pages 289-290 of Kastner, Justin, and Douglas Powell. "The SPS Agreement: Addressing Historical Factors in Trade Dispute Resolution." *Agriculture and Human Values* 19, no. 4 (2002): 283-292.

¹⁹ See Article 7 and Annex B:5-10 of "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

²⁰ The *SPS Agreement* requires notification "[w]henver an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the [proposed] regulation may have a significant effect on trade of other Members." Annex B:5 of "Agreement on the Application of Sanitary and Phytosanitary Measures." In *The WTO Agreement Series: Sanitary and Phytosanitary Measures*, by the WTO, pp.29-49. Geneva: World Trade Organization, 1998.

public administration executes policy. The extent to which a policy operates is determined by public administration. Underestimating the importance of public administration as an area of focus in domestic or international rule-making process is a grave mistake that overlooks the realities of the contemporary political economy and administrative system. Decision-makers who oversimplify the role of public administration overlook the enormous impact public administration has on executing decisions.²¹

For the subject of this paper, the policy is the *SPS Agreement's* notification provision; this policy was elaborated during the 1986-1994 Uruguay Round of Multilateral Trade Negotiations, which culminated in the establishment of the World Trade Organization in January 1995.²² The 147 WTO member governments in turn act as the public administrators of this policy.

2.2 – Comparative Administrative Systems (John: is this the right title for this section? Maybe, instead, call it Cultural Dimensions of Public Administration)

Civilization has promoted administration and administration has promoted civilization. Both have contributed and continue to contribute to the development of each other. State administrative systems have their origins in civilizations; established traditions, cultural values, and deeply-held beliefs—that is, the anthropological dimensions of civilizations—have shaped individual countries' administrative systems. Non-governmental entities and other grassroots organizations have also contributed to public administration systems. For example, civil-society

²¹ See page 55 of Rainey G. H., (1997) "Understanding & Managing Public Organizations." Second edition. Jossey-Bass Inc. San Francisco.

²² World Trade Organization. *The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations*. Cambridge: Cambridge University Press, 1999; and Grimwade, Nigel (1996). *International Trade Policy: A contemporary analysis*. London: Routledge, page 1.

groups are at the forefront of increased demands on the state, and they take an active role in monitoring the actions and performance of public administrators.²³

Social, economic, and cultural forces—all of which affect public administration—greatly influence the extent to which trade contributes to development.²⁴ Administering and executing policy involve can often disrupt the status quo of these social, economic, and cultural forces—usually by advancing a particular set of interests and objectives at the expense of others.²⁵ The execution of a policy is a value-driven endeavor infused with politics.

To be competitive in the global trade market, any administrative system needs to efficiently and effectively implement trade policies. For the subject of this paper, this means that developing countries must efficiently and effectively participate in the *SPS Agreement's* notification provision.

2.3 – Administration of the *SPS Agreement's* Notification Provision

The WTO recognizes the importance of administration in effectively executing the obligations of the *SPS Agreement*, including its notification provision. Therefore, the *SPS Agreement* provides for administrative assistance in the form of technical assistance, special and differential treatment, and final provisions. Technical assistance provides developing country members the facilitating, training, researching, consulting, staffing, equipment, technologies, and financial resources needed to comply with the *SPS Agreement*.²⁶ Special and differential

²³ Brinkerhoff, Derick W. & Coston, Jennifer M. (1999). "International Development Management in a Globalized World." *Public Administration Review* 59 (4): 346-361.

²⁴ See report "The DAC Guidelines Strengthening Trade Capacity for Development." (2001). Organization for Economic Cooperation and Development. This report represents a case study conducted in collaboration with representative governments of developing countries and representatives of multilateral organizations including the World Trade Organization, International Trade Center, United Nations and the World Bank. Available on the web at http://www.wto.org/english/tratop_e/devel_e/d3ctte_e.htm.

²⁵ Brinkerhoff, Derick W. & Coston, Jennifer M. (1999). "International Development Management in a Globalized World." *Public Administration Review* 59 (4): 346-361.

²⁶ Text *SPS Agreement* "The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (*SPS Agreement*)." Article 9, available on line at http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

treatment calls for members to take into account the special needs of developing countries to allow for phased introduction to meet the agreement's requirements. This special treatment requires administrative assessment to adequately determine the capacity of the administrative system with regards to implementing the SPS requirements.²⁷ The final provisions allow developing countries time allotments in the application of the *SPS Agreement*. Developing countries may delay the administration of the agreement for a set period of time, depending on their lack of technical expertise, technical infrastructure, or resources.²⁸ In summary, the *SPS Agreement* calls for assistance to developing countries to enable them to strengthen their participation in the activities required by the agreement.

2.4 – Current Public Administration of the *SPS Agreement*'s Notification Provision

To measure the degree to which WTO member countries have administered the *SPS Agreement*'s notification provision, the author participated in a Kansas State University Food Science Institute Food Safety and Security policy internship project. The project, embodied on the web at <http://www.foodsci.ksu.edu/fss/wtosps.html>, highlights, member by member, SPS notification activity during a sample period of January 2003 - June 2004. The website, which is interactive and uses Macromedia FLASH technology, is interactive and worth visiting. Data extracted from the web-based project is summarized below.

Developing countries clearly account for the majority of SPS notification activity. Of all SPS notifications issued globally during the sample period, the United States accounted for 26% (370 notifications), the European Communities (the WTO's legal name for the European Union) accounted for 10% (140 notifications), New Zealand account for 8% (116 notifications), Canada

²⁷ Text SPS Agreement "The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)." Article 10, available on line at http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

²⁸ Text SPS Agreement "The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)." Article 14, available on line at http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

account for 7% (99 notifications), China account for 5% (77 notifications), and South Korea account for 5% (69 notifications). Among all WTO member countries, 4% (6 countries) are responsible for 61% (871) of all SPS notifications. Table 1, which is lengthy and begins on the following page, lists the WTO member countries not notifying during the sample period. A large number of “not-notifying” countries are developing countries. Of all WTO members, 59% (87 countries) did not notify during the time of this study, 36% (53 countries) have no record of ever notifying, and 23% (34 countries) have notified before but not during the sample period.

Figure 1, which appears on the page following Table 1, reveals the frequency of the five rationale categories cited in SPS notifications. Of all the rationale from which member governments choose, food safety accounted for 62.7% (881), animal health 27.8% (390), plant protection 24.5% (344), human protection 12.7% (179), and territory protection 5.1% (71) of all notifications.

Table 1 “Not notifying” World Trade Organization member governments issuing no SPS notifications during the sample period, January 2003 – June 2004	
WTO member not notifying	Explanatory notes
Albania	Has issued SPS notifications before, but not during sample period
Angolia	Has <i>never</i> issued SPS notifications
Antigua & Barbuda	Has <i>never</i> issued SPS notifications
Armenia, Republic of	Has <i>never</i> issued SPS notifications; became a member during sample period (on 5 February 2003)
Austria	Member of the European Union (for WTO legal purposes, the “European Communities”), which issues SPS notifications collectively on behalf of all European Union countries
Bahrian, Kingdom of	Has issued SPS notifications before, but not during sample period
Bangladesh	Has <i>never</i> issued SPS notifications
Barbados	Has issued SPS notifications before, but not during sample period
Belize	Has <i>never</i> issued SPS notifications
Benin	Has issued SPS notifications before, but not during sample period
Botswana	Has issued SPS notifications before, but not during sample period
Burkina Faso	Has <i>never</i> issued SPS notifications
Burundi	Has <i>never</i> issued SPS notifications
Cameroon	Has <i>never</i> issued SPS notifications
Central African Republic	Has <i>never</i> issued SPS notifications
Chad	Has <i>never</i> issued SPS notifications
Congo	Has <i>never</i> issued SPS notifications

Côte d'Ivoire	Has <i>never</i> issued SPS notifications
Cuba	Has issued SPS notifications before, but not during sample period
Democratic Rep. of the Congo	Has <i>never</i> issued SPS notifications
Denmark	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Djibouti	Has <i>never</i> issued SPS notifications
Dominica	Has <i>never</i> issued SPS notifications
Dominican Republic	Has issued SPS notifications before, but not during sample period
Ecuador	Has <i>never</i> issued SPS notifications
Egypt	Has <i>never</i> issued SPS notifications
Estonia	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Fiji	Has issued SPS notifications before, but not during sample period
Finland	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Former Yugoslav Republic of Macedonia	Has <i>never</i> issued SPS notifications; became a member during sample period (on 4 April 2003)
Gabon	Has <i>never</i> issued SPS notifications
The Gambia	Has <i>never</i> issued SPS notifications
Ghana	Has <i>never</i> issued SPS notifications
Grenada	Has <i>never</i> issued SPS notifications
Guinea Bissau	Has <i>never</i> issued SPS notifications
Guinea	Has <i>never</i> issued SPS notifications
Guyana	Has <i>never</i> issued SPS notifications
Haiti	Has <i>never</i> issued SPS notifications
Ireland	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Israel	Has issued SPS notifications before, but not during sample period
Italy	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Kuwait	Has <i>never</i> issued SPS notifications
Kyrgyz Republic	Has <i>never</i> issued SPS notifications
Latvia	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Lesotho	Has <i>never</i> issued SPS notifications
Liechtenstein	Has <i>never</i> issued SPS notifications
Lithuania	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Luxembourg	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Madagascar	Has <i>never</i> issued SPS notifications
Malawi	Has issued SPS notifications before, but not during sample period
Maldives	Has <i>never</i> issued SPS notifications
Mali	Has <i>never</i> issued SPS notifications
Malta	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Mauritania	Has <i>never</i> issued SPS notifications

Moldova	Has <i>never</i> issued SPS notifications
Mozambique	Has <i>never</i> issued SPS notifications
Myanmar	Has <i>never</i> issued SPS notifications
Namibia	Has <i>never</i> issued SPS notifications
Niger	Has <i>never</i> issued SPS notifications
Nigeria	Has <i>never</i> issued SPS notifications
Oman	Has <i>never</i> issued SPS notifications
Pakistan	Has issued SPS notifications before, but not during sample period
Papua New Guinea	Has <i>never</i> issued SPS notifications
Paraguay	Has issued SPS notifications before, but not during sample period
Portugal	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Qatar	Has <i>never</i> issued SPS notifications
Rwanda	Has <i>never</i> issued SPS notifications
Saint Kitts and Nevis	Has <i>never</i> issued SPS notifications
Saint Lucia	Has <i>never</i> issued SPS notifications
Saint Vincent & the Grenadines	Has <i>never</i> issued SPS notifications
Senegal	Has issued SPS notifications before, but not during sample period
Sierra Leone	Has <i>never</i> issued SPS notifications
Slovak Republic	Has issued SPS notifications before, but not during sample period
Solomon Islands	Has <i>never</i> issued SPS notifications
Sri Lanka	Has issued SPS notifications before, but not during sample period
Suriname	Has <i>never</i> issued SPS notifications
Swaziland	Has <i>never</i> issued SPS notifications
Sweden	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Tanzania	Has issued SPS notifications before, but not during sample period
Togo	Has <i>never</i> issued SPS notifications
Tunisia	Has <i>never</i> issued SPS notifications
Turkey	Has issued SPS notifications before, but not during sample period
Uganda	Has issued SPS notifications before, but not during sample period
United Kingdom	Member of the European Union (for WTO legal purposes, the "European Communities"), which issues SPS notifications collectively on behalf of all European Union countries
Uruguay	Has issued SPS notifications before, but not during sample period
Zambia	Has issued SPS notifications before, but not during sample period
Zimbabwe	Has <i>never</i> issued SPS notifications

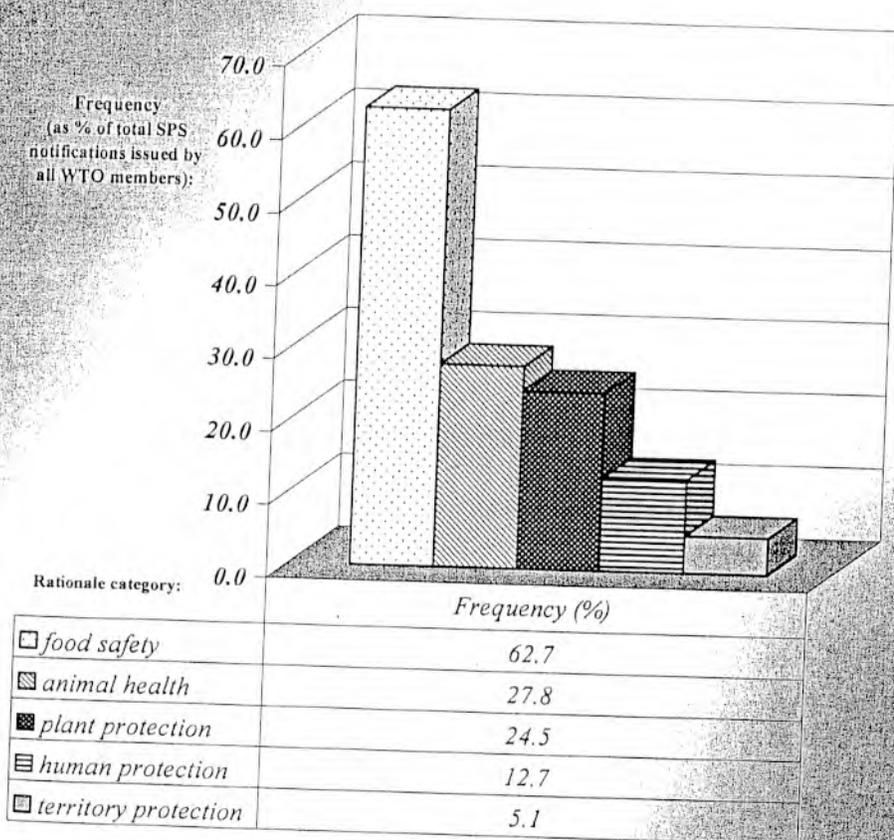


Figure 1: Reason(s) for SPS notifications: frequency of the five different rationale categories cited in SPS notifications issued during the sample period, January 2003 - June 2004

3.0 – Discussion and Conclusion

Despite the efforts and public-administration technical assistance programs in place, the data from section 2.4 shows that the goals of the *SPS Agreement*'s notification system are not being met. Many developing countries are not notifying, the frequency of notifications is

considerably lower for some countries than for others, a small portion of all WTO members does most of the notifying. The data exposes the need to improve the SPS notification process.

Building public-administration capacity within developing countries would help them effectively meet the several goals of the *SPS Agreement*—not just the notification provision. As section 2.2 hinted, public-administration capacity-building must take into account not just research, policy, and management, but also countries' political, culture, and religious dimensions. Capacity-development of this kind promotes values of empowerment and self-determination.²⁹

Steps must be taken to ensure that developing countries' administrative systems have the capacity to carry out the *SPS Agreement's* notification provision, which, as section 2.1 explained, is a policy to be administered by individual member governments. An inability to administer such trade policies can translate into reduced capacity to participate in international trade.³⁰

A growing number of markets have emerged from the globalization of trade, and trade can provide a wider array of goods, services, technologies, knowledge, and jobs, while producing foreign-exchange earnings. However, not all countries have fully captured the benefits of trade, in part because of public-administration deficiencies. The degree to which countries have carried out the *SPS Agreement's* notification provision is but one example of these deficiencies. The type of administration present in most developing countries is, quite simply, a reflection of financial realities. Although the *SPS Agreement* attempts to provide a way for dealing with the challenges faced by developing countries, problems still persist. Decision-makers involved in public affairs must recognize the totality of economic, political, technological, and social forces

²⁹ Brinkerhoff, Derick W. & Coston, Jennifer M. (1999). "International Development Management in a Globalized World." *Public Administration Review* 59 (4): 346-361.

³⁰ See report "The DAC Guidelines Strengthening Trade Capacity for Development." (2001). Organization for Economic Cooperation and Development. This report represents a case study conducted in collaboration with representative governments of developing countries and representatives of multilateral organizations including the World Trade Organization, International Trade Center, United Nations and the World Bank. Available on the web at http://www.wto.org/english/tratop_e/devel_e/d3ctte_e.htm.

at the root of these problems.³¹ Ultimately, politicians, public administrators, private sector actors, and civil society itself all must play a role in improving the public administration of key policies like the *SPS Agreement*'s notification provision.

³¹ Brinkerhoff, Derick W. & Coston, Jennifer M. (1999). "International Development Management in a Globalized World." *Public Administration Review* 59 (4): 346-361.

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