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Making Market Access Meaningful: Implementation of Duty-Free Quota-Free Trade for Asia-Pacific Least Developed Countries

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Highlights

To integrate further least developed countries (LDCs) into the global and regional economies, a number of countries have introduced Duty-Free Quota-Free (DFQF) schemes for LDCs, allowing their imports to enter without paying tariffs. This note reviews those schemes and finds that:

- Asia-Pacific LDCs account for a small but growing share of global exports. In 2013 they accounted for 0.29% of global exports, up from 0.17% in 2003. Exports remain, however, heavily concentrated across a limited number of products, for instance garments and agricultural commodities.
- The EU remains the single largest market for Asia-Pacific LDCs receiving over $18bn of exports in 2013, followed by the United States, China and India.
- In line with decisions taken in the WTO since 2001, most developed countries now have DFQF schemes providing tariff-free access to at least 97% of LDC products, on a tariff line basis. Additionally, several developing countries in the region, notably China, India and the Republic of Korea, have also introduced DFQF schemes.
- The shares of exports by value from Asia-Pacific LDCs entering developed countries duty-free have risen on average since 2005, but for Myanmar, Cambodia and Bangladesh it remains below 80%.
- While improved market access through DFQF schemes is useful, the developmental benefits will be limited unless the schemes are relevant and usable. This means in particular that: product coverage should be aligned with LDCs export baskets; margins of preference should be substantial compared with the access granted to other trading partners; and rules of origin and other regulations should be simple and flexible. Current schemes could be improved further in these regards.
- Progress is also being made towards giving LDCs preferential access in services trade through the operationalization of the WTO services waiver. The February 2015 meeting of the WTO Services Council at which members indicated the preferences they intend to provide across different services sectors was a positive step forward, but rapid implementation remains important.

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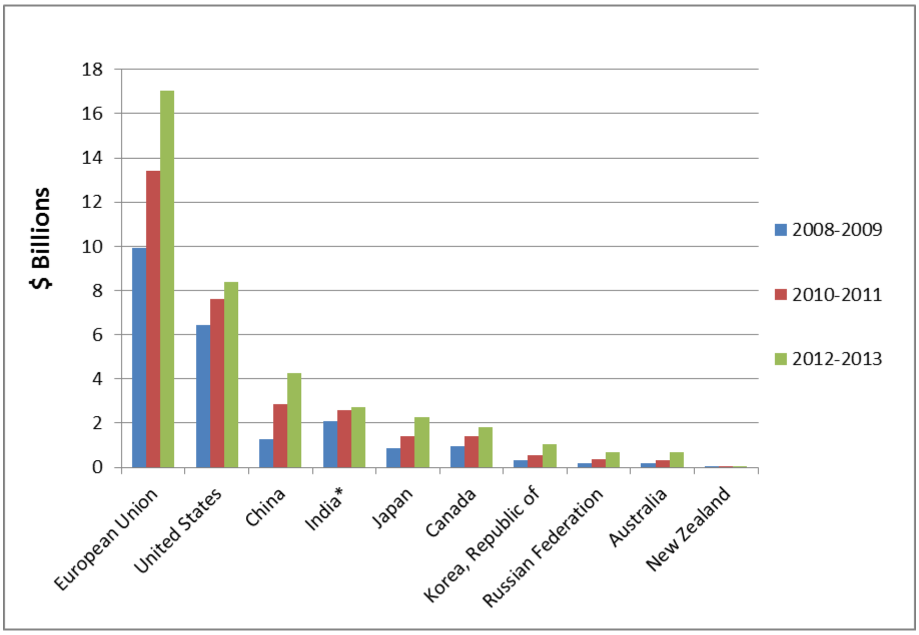
Introduction: Trends in the trade of Asia-Pacific LDCs

Least developed countries (LDCs) face severe structural impediments to growth and sustainable development. Globally 48 countries are classified as LDCs; 12 of these are in the Asia-Pacific region.[1] LDCs in the Asia-Pacific region vary widely by geography and by population size—ranging from over 150 million people in Bangladesh to just 10,000 in Tuvalu—but face in common the disadvantages of economic marginalization and the need for structural transformations. As a result they continue to lag behind the rest of the region in terms of human development. LDCs are typically economically vulnerable to both internal and external shocks, possess limited productive capacity, and suffer from severe infrastructure deficits.

LDCs in the Asia-Pacific grew at an average of 5.6% a year for the past four years. While acceptable, this growth rate is below that achieved in the period prior to the global financial crisis. Worryingly, from 2011-2013 growth was also below with wider regional average suggesting that LDCs are failing to converge with other regional economies. Among the Asia-Pacific LDCs, only those in South-East Asia achieved the desired threshold of 7% annual growth set in the internationally agreed Istanbul Programme of Action (ESCAP, 2015).[2]

To accelerate growth and development in LDCs requires their further integration with the global and regional economy. Trade is thus an important component of many LDCs' development strategies. The ability of LDCs to expand export earnings depends on growing world trade, market access and the ability to diversify export products. LDCs, already facing internal supply constraints, need to be able to export without undue barriers; market access is therefore a crucial factor in countries ability to participate in global and regional trade.

Figure 1: Exports from Asia-Pacific LDCs to major markets, annual averages by period



Source: UN COMTRADE (2014)
Notes: *Data not available for 2009. For consistency exports from the Maldives were included in all periods despite graduating in 2011.

[1] The Asia-Pacific LDCs are: Afghanistan, Bangladesh, Bhutan, Cambodia, Kiribati, Lao People's Democratic Republic, Myanmar, Nepal, Solomon Islands, Timor-Leste, Tuvalu and Vanuatu. Having graduated to developing country in January 2014, Samoa is no longer considered an LDC but is included in this note for past comparative purposes.
[2] The Istanbul Programme of Action, agreed in 2011, defines a programme of international assistance for LDCs with the goal of facilitating graduation from LDC status by 2020.

LDCs are succeeding, albeit slowly, in capturing a somewhat higher share of world trade. The share of Asia-Pacific LDCs in global exports rose from 0.17% in 2003 to reach 0.29% in 2013. Their share in imports was somewhat higher, increasing over the same period from 0.25% to 0.44% (ESCAP, 2015). In terms of destinations for Asia-Pacific LDC exports, the EU remains the single most important market by some margin (figure 1; table 1). In 2013, annual exports to the EU from Asia-Pacific LDCs were worth $18.6 billion. This was considerably more than the approximately $8.6 billion of exports to the United States over the same period, the second largest market. China and India were the third and fourth largest markets, worth $5.2 billion and $2.8 billion respectively.

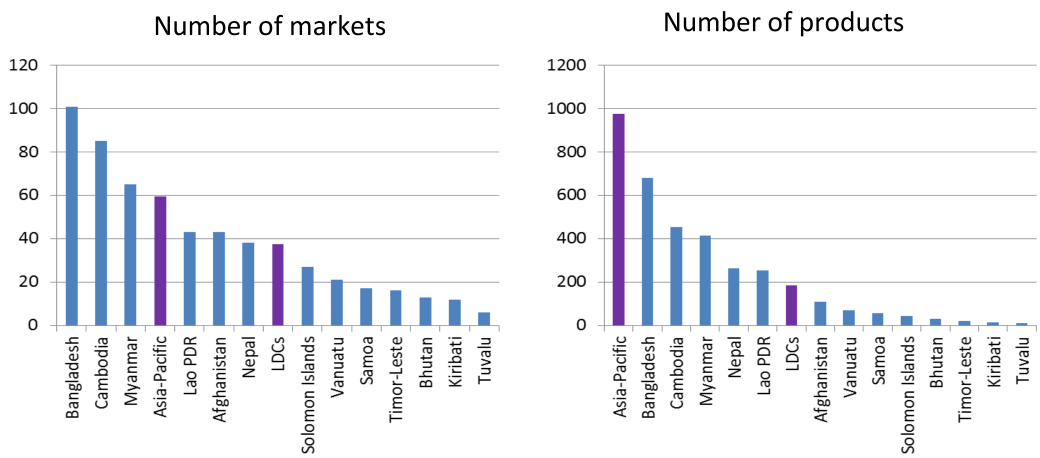
Table 1: Exports from Asia-Pacific LDCs to major markets ($ millions, 2013)

Exporter	Australia	Canada	China	EU	India	Japan	Korea, Rep.	New Zealand	Russian Federation	USA	Total
Afghanistan	1.0	2.0	9.6	74.0	213.2	0.5	0.1	0.3	14.3	40.8	**355.8**
Bangladesh	447.8	1156.3	602.4	14358.9	530.8	891.9	332.5	46.9	591.4	5594.1	**24552.7**
Bhutan	0.5	0.2	0.0	13.7	137.1	2.2	0.4	0.0	0.1	0.6	**154.7**
Cambodia	76.6	677.5	363.6	3313.1	12.8	583.0	136.3	8.1	128.1	2878.8	**8178.1**
East Timor	2.2	1.7	0.4	9.3	0.6	7.3	185.5	0.4	0.1	0.1	**207.5**
Kiribati	0.2	0.1	0.5	0.1	0.0	4.9	3.6	0.1	N/A	1.2	**10.6**
Lao PDR	50.6	10.8	1010.1	335.7	111.3	107.2	12.5	1.8	1.6	32.4	**1674.1**
Myanmar	20.5	8.3	2856.9	295.7	1366.2	759.3	487.8	1.1	35.2	31.4	**5862.2**
Nepal	6.1	11.8	43.2	114.1	376.7	15.4	1.5	0.6	1.0	83.4	**653.9**
Solomon Islands	90.0	0.4	404.5	64.0	3.9	5.2	13.3	5.9	0.0	10.1	**597.3**
Samoa	1.6	0.1	0.0	1.0	0.1	0.3	0.9	1.9	0.0	5.2	**11.1**
Tuvalu	0.4	N/A	0.0	0.3	N/A	4.9	0.7	0.0	N/A	0.0	**6.5**
Vanuatu	2.0	0.0	2.2	1.6	N/A	43.2	0.9	1.3	0.0	4.4	**55.7**
Total	**699.6**	**1869.2**	**5293.4**	**18581.4**	**2752.7**	**2425.4**	**1175.9**	**68.3**	**771.8**	**8682.5**	

Source: UN COMTRADE (2015)

The composition of merchandise exports differs substantially among the LDCs reflecting the heterogeneity of their economies. While manufacturing goods, for instance garments, are the largest single product category (71% of total exports), many LDCs depend on the export of raw materials, agricultural goods, and food. Generally, each Asia-Pacific LDC only exports a limited number of products; this concentration makes them particularly vulnerable to external shocks. This economic concentration also reinforces the importance to LDCs of pursuing longer-term economic diversification of their productive capacities (ESCAP, 2011a). However, the larger LDCs—Bangladesh, Myanmar and Cambodia—are already considerably more diversified across both markets and products than the smaller LDCs (figure 2).

Figure 2: The concentration of exports from Asia-Pacific LDCs by products and markets



Source: ESCAP calculations based on data from Tariff Outcomes Indicators available from WITS

Exports from Asia-Pacific LDCs to developing economies have been rising faster than total exports. However, substantial product differentiation remains between LDC exports to developing and developed markets. Developing economies, like China, are now the major destination for LDC commodity exports of minerals, wood products, and cotton. Sectors where South-South trade is becoming increasingly important for LDCs are also those which have generally seen volatile prices in recent years such as minerals and agricultural commodities. Developed economies, in contrast, remain the primary destination for manufactured articles such as clothing, where prices have been generally more stable. Managing the macroeconomic impact of commodity price fluctuations, so as not to impede the diversification and wider development of other productive capacities, will be an ongoing challenge for LDCs (ESCAP, 2012; Saggu, 2015).

Duty-Free Quota-Free access for LDCs

Recognizing that developing countries may require preferential market access to fully benefit from trade, a number of particular initiatives within the multilateral trading system have been introduced, for example non-reciprocal preferences under the Generalized System of Preferences (GSP).[3] Most of these efforts have focused on reducing tariffs in order to create favourable margins of preference (i.e. differences in the tariff rates applied on imports) thereby providing exporters from developing countries with a cost advantage over suppliers from elsewhere.

Since 2000 there have also been concerted efforts to give additional preferential access to exports from LDCs. These go beyond the preferences available to other developing countries, in special recognition of the severity of the structural and other challenges LDCs face in integrating with global trade. For instance, Millennium Development Goal 8 set an ambition for increasing the "proportion of total developed country imports from developing countries and least developed countries, admitted free of duty." Subsequently, at the launch of the Doha Round in 2001, WTO members committed themselves to the objective of providing DFQF market access to LDCs.

Following decisions at the WTO 2005 Hong Kong Ministerial Conference, most developed economies and several developing countries, including some in the Asia-Pacific (notably China, India and the Republic of Korea), have introduced Duty-Free, Quota-free (DFQF) access schemes for LDC products, although the terms of specific arrangements vary in terms of product coverage and implementation (table 2). Subsequently, at the WTO Bali Ministerial Conference in December 2013, Ministers decided that developed-country members not yet providing DFQF access for at least 97% of products[4] originating from least developed countries, should "seek to improve" such access. At present, among major developed country members, only the United States does not yet meet these terms.

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[3] In addition to preferences available under non-reciprocal GSP schemes, Asia-Pacific LDCs may also benefit from preferences under reciprocal bilateral and plurilateral preferential trade agreements (PTAs) though these are not reviewed here.

[4] Defined at the HS six-digit tariff-line level

Table 2: Duty-Free Quota-Free Schemes for LDCs in selected major markets, 2014

Provider	Duty free Coverage (major exclusions)	Number of dutiable tariff lines
Australia	100%	0
Canada	98.6% (dairy, eggs and poultry)	105
China (2013)*	61.5% (chemicals, machinery,paper and wood products, cotton,textiles, steel products, etc.)	3170
European Union	99.0% (arms and amunition)	91
India	94.1% (Meat and dairy products, vegetables, coffee, tobacco, iron and steel products, copper products, etc.)	674
Japan	97.9% (rice, sugar, fishery products, articles of leather)	197
Korea, Republic of	90.4% (meat, fish, vegetables, food products, etc.)	1180
New Zealand	100%	0
Russian Federation (2012)	38.1% (exclusions cover a wide range of tariff lines including petroleum products, copper, iron ores, articles of leather, articles of apparel and clothing, etc.)	6885
Turkey (2011)	79.7% (meat, fish, food, steel products, etc.)	2384
United States**	82.6% (dairy products, sugar, cocoa, articles of leather, cotton, articles of apparel and clothing, other textiles and textile articles, footwear, watches, etc.)	1864

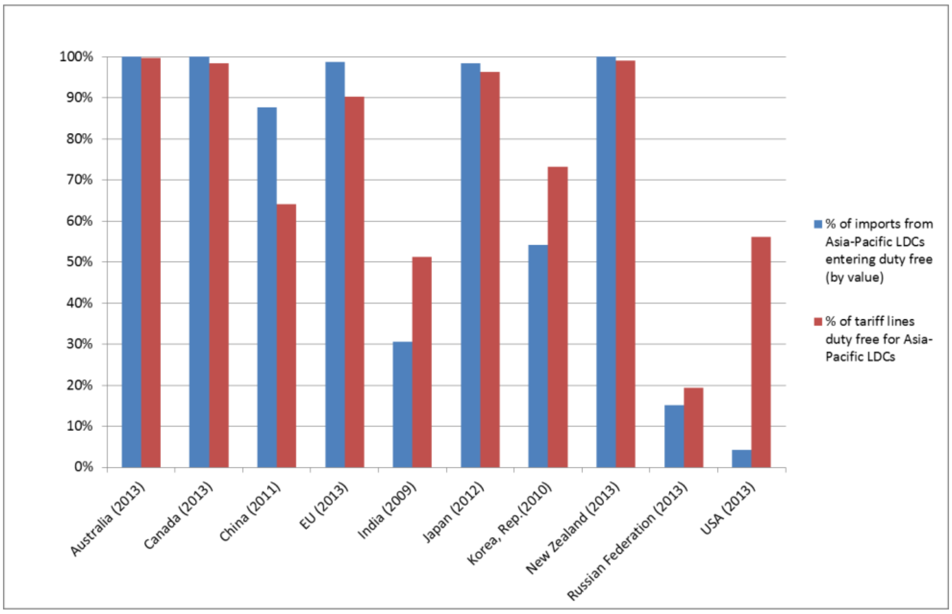
Source: WTO (2014)
Notes: *China has extended DFQF coverage for LDCs to 95% of its tariff lines in 2013. It has reported in WTO meetings that an updated notification in this regard would be submitted soon.
**The GSP scheme of the United States expired on 31 July 2013. The US Congress is considering legislation that would extend the authorization of GSP beyond this date.

Making market access meaningful: Evaluating DFQF schemes

The commitments to DFQF access for LDCs reiterated at Bali are welcome, but they may not confer substantial additional developmental benefits unless schemes are made relevant and usable. In particular, the utility of DFQF schemes for Asia-Pacific LDCs depends on: (i) the inclusion of products that are of export interest to LDCs; (ii) sizeable margins of preference that provide real cost advantages; and (iii) workable programmes which are easy for exporters to utilize, including through simple and flexible rules of origin.

Product Coverage
As noted above, many LDCs have export sectors that are highly concentrated in a few tariff lines, for instance in agricultural products and textiles. Whether these products are included and subsequently maintained within the (at least) 97% of lines given DFQF access is therefore of considerable importance. The number of tariff lines available DFQF to LDC exporters has risen in recent years as a result of both MFN reductions and new DFQF initiatives in key developed and developing country markets. The European Union now offers DFQF access on all tariff lines except arms through its Everything But Arms (EBA) policy. Australia and New Zealand also offer 100 per cent coverage, with Canada and Japan offering 98.6% and 97.9% respectively.

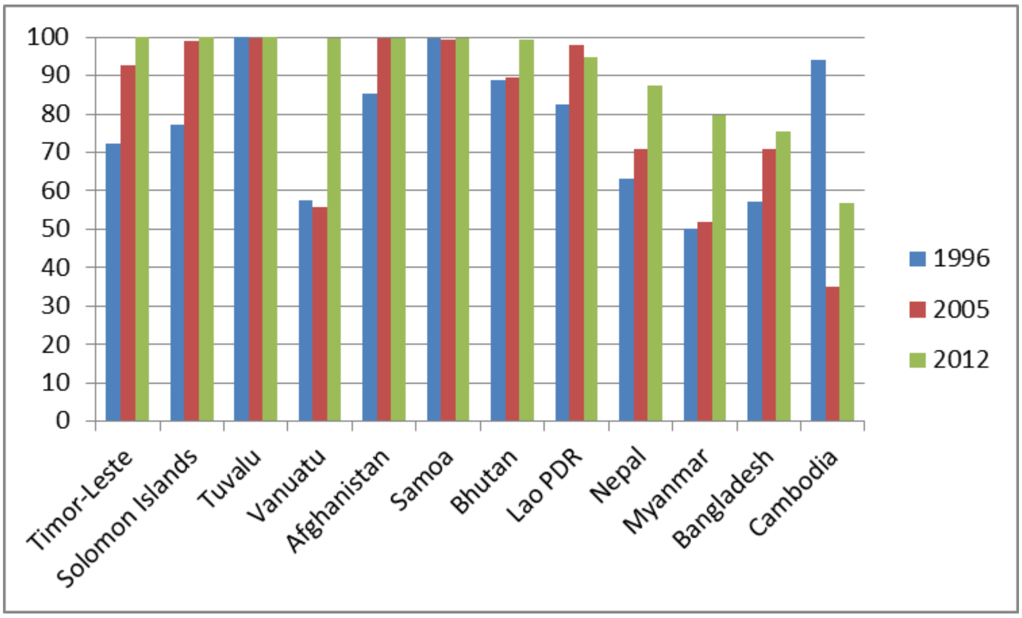
Figure 3: Share of tariff lines available DFQF and share of imports entering DFQF



Source: WITS (2014)
Notes: China and India have substantially increased the share of tariff lines available to DFQF to Asia-Pacific LDCs since the years included here. However, data on the share of imports entering DFQF from LDCs is not available beyond the years indicated.

While the US offers LDCs DFQF access on over 4,500 product lines through its GSP scheme (though this is suspended at present), Asia-Pacific LDCs are at a relative disadvantage as they do not enjoy the extra product coverage also available to African LDCs under the African Growth and Opportunity Act (AGOA) (figure 3). This particularly affects those LDCs with considerable manufacturing exports which show much lower shares of total exports entering developed country markets duty-free. A lack of DFQF access for Asia-Pacific LDCs garment exports to the United States is a significant factor behind the much lower shares seen in, for instance, Bangladesh and Cambodia (figure 4).

Figure 4: Share of exports entering developed country markets duty-free



Source: United Nations MDG Database (2014)

Margins of Preference

As MFN tariffs are reduced and regional trade agreements extend better-than-MFN tariffs to a growing number of states, the value of preferential treatment available to LDCs necessarily falls. A general tariff reduction resulting from a multilateral round of trade negotiations has therefore, not only benefits for LDCs, but also costs, through an erosion of their existing preference margins. Further, even where there is no clear erosion in LDC preferences when compared with MFN rates this may be less relevant than how LDCs are treated *vis-a-vis* competitors including other developing countries which might also enjoy preferential access under GSP.

Indeed, considered against exports from other developing countries, the gap in the number of products in which LDC exports enjoy preference margins may have diminished despite DFQF. In 1996, 53% of the developing country exports enjoyed duty-free access, compared to 68% of LDC exports. Mainly as a result of MFN liberalization, by 2012 the share for developing countries had risen to 83%, while the LDCs' share had increased to around 90% (UN, 2014). Some Asia-Pacific LDCs (such as Bangladesh, Cambodia and Myanmar) may be especially vulnerable to preference erosion as exports are concentrated in sectors like textiles where greater liberalization has occurred. In addition, these countries are also not covered by 'preference protection' schemes like the EU's special arrangements for African, Caribbean and Pacific (ACP) countries or the African Growth and Opportunity Act of the United States (ESCAP, 2011b). The EU, however, introduced a reformed GSP system in 2014 under which higher or middle income countries will cease to be beneficiaries. This will increase the relative benefits of continued preferential access for LDCs (EC, 2013).

'True' preferential duty-free access is defined as the percentage of exports offered duty-free treatment under the GSP for LDCs, and other preferential schemes like DFQF, as compared to products offered duty-free entry under the MFN treatment. Around 54% of LDC exports were eligible to enter developed-country markets duty-free under true preferences in 2012, compared with 35% in 2000. The UN reports that, the preference gap in favour of LDCs has also increased somewhat since 2010 (United Nations, 2014). For agricultural products, the average tariff on exports from LDCs registered continued to decline after 2004, to stand at less than 1%. This has resulted in a preference margin of 6.8% compared with competing products from other developing country exporters (ibid, p51).

Utilization rates and non-tariff measures including Rules of Origin

Even where DFQF preferences are granted, in some cases LDCs may not be able to actually utilize the preferential market access. This can be for multiple reasons including restrictive rules of origin or high administrative costs. Low utilization rates may be an indicator that preferences are hard to use in practice, or do not confer enough value to make compliance with conditions worthwhile. Overall, the rate of utilization of preferences has been improving over time, standing at an estimated 87% in selected developed markets (WTO, 2011). But particular problems remain.

Stringent Rules of Origin (RoO)[5] can restrict LDC eligibility for preferences. Or in some cases, LDC products would meet RoO, but the process of verification can be so cumbersome as not to be worthwhile. Instead they may choose to export under the MFN regime, or may not be able to engage in exporting at all. Recognizing this, the WTO Bali Ministerial Conference adopted guidelines on Preferential Rules of Origin for LDCs, calling on members to "ensure that preferential rules of origin applicable to imports from LDCs are transparent and simple, and contribute to facilitating market access" (WTO, 2013). Some economies, notably the EU have already taken steps to reform RoO, for instance to allow regional cumulation (that is, allowing products that have obtained originating status in one partner country to be further processed or added to products originating in another participating country) (WTO, 2013). Some critics, however, think even these new EU rules do not go far enough in liberalizing RoO.

[5] Rules of Origin are used to determine which country an imported product is judged to originate from, and hence whether it might be eligible for preferences. Rules vary considerably by products and by country, creating complexity for exporters.

Box: Towards preferential LDC access in services trade

Trade in services is of growing importance for LDCs. Services exports comprised 18% of total Asia-Pacific LDC exports in 2012, and they represent a much higher share for some economies, particularly Pacific Islands where tourism is a critical sector. In recent years trade in services has also been shown to be vital in supporting other industries, as services often provide much of the 'hidden value' in merchandise trade. However, unlike in the case of merchandise trade, there is currently no preferential access given to LDCs' services exports. Whereas the 1979 Enabling Clause provided a permanent legal mechanism in the WTO for preferences to be offered on merchandise trade, until recently there was no equivalent relating to services trade.

This changed in 2011 with the adoption of the WTO services waiver (lasting 15 years) which will allow countries to give better-than-MFN treatment for services and service suppliers from LDCs. Implementation has, however, not been rapid. Problems encountered have included the lack of reliable data on LDC services exports, as well as conceptual difficulties which makes the granting of services preferences more complex than in the case of tariffs. Some momentum was provided by the WTO Bali Ministerial Decision which included a work programme for operationalization of the LDC services waiver provisions.

Although the initial deadline for completion by 2014 was not met, some progress was made at the meeting of WTO Services Council in February 2015. At the meeting over 25 WTO members indicated the preferential access to LDCs on services sectors, as well as modes of supply, that they intend to provide. Most, though not all, of the 74 sectors which LDCs collectively requested be covered, were addressed. Specifically, sectors included in the offers, primarily across modes 1 (cross-border trade) and mode 3 (commercial presence), were: professional and other business services services; construction; distribution; financial services; travel and tourism; and maritime and air transport. In terms of the movement of natural persons (mode 4) some members offered to extend visa stays or streamline visa procedures for service suppliers from LDCs. Some members whom are also participants in the plurilateral negotiation on Trade in Services Agreement (TISA) indicated their intention to extend their TISA treatment to LDCs upon completion of that negotiation.

Following up on this meeting, in March the Council on Services will meet to receive the members' assessment of the offers given. Based on these, the LDC Group of WTO members will prepare a collective assessment report. Formal written notifications are to be submitted by 31 July 2015. The waiver's life span extends until 2026 meaning that it is important that members undertake implementation work quickly so that LDCs can begin to see real benefits.

Source: WTO (2015)

Conclusions

While securing preferential market access can provide important advantages to LDCs, tariff reduction alone is not a panacea. Non-tariff measures—often consisting of regulatory standards such as sanitary and phytosanitary measures (SPS)—can create even more significant border barriers to LDC exports. And 'behind the border' barriers, including unnecessary regulations, can also reduce or limit market access. As tariffs have also fallen under MFN liberalization – in some cases to zero - the margin of preference for LDC products can be squeezed with adverse impacts on LDC's relative competitiveness. Further, even when barriers in destination markets are reduced, LDCs can still lack the capacity, in hard or soft infrastructure, to be able to take advantage of export opportunities. Assistance in building supply-side capacity, for instance through the Aid for Trade initiative, thus remains essential.

DFQF schemes are of greatest value to LDCs when they: (i) cover export products where LDCs have a comparative advantage at present and clear potential of developing one in future; (ii) offer 'true' preferential market access - over and above what is offered to other developing countries through GSP or via MFN; (iii) have simple Rules of Origin that reflect the current reality of international commerce where much trade is in parts rather than finished goods, are easy to comply with, are sensitive to sectors of importance now and in the future, and allow cumulation over LDCs.

Current DFQF schemes have some way to go before they meet these requirements. DFQF schemes offered by other Asia-Pacific developing countries, notably India and China, are to be welcomed and it is hoped they will continue to expand product coverage in future. But they should also aspire to best practice in product coverage and rules of origin regimes. At present, the schemes in use in the EU and Canada, come closest to meeting these requirements.

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