

Chapter 14

The WTO Agreement on Agriculture

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1 Introduction

The Agreement on Agriculture (AoA) concluded during the Uruguay Round of multilateral trade negotiations marked a step change in the attitude of Members of the World Trade Organization (WTO) to the regulation of international trade in agricultural products. Although the WTO's predecessor, the *General Agreement on Tariffs and Trade* (GATT), applied equally to agricultural and industrial products, the Contracting Parties managed to evade the obligations which it imposed and the weaknesses of the GATT dispute settlement mechanism did not assist in the implementation of the obligations. The WTO has brought with it a new (and much stronger) dispute settlement mechanism and new disciplines for agriculture, but it would be wrong to think that the process of reform is complete.

Article 20 of the AoA promised a further agreement to continue the process of establishing, in the words of its Preamble, a 'fair and market-oriented agricultural trading system' through 'substantial progressive reductions in agricultural support and protection sustained over an agreed period of time, resulting in correcting and preventing restrictions and distortions in world agricultural markets'. The Article 20 negotiations began in 2000 and were subsumed within the negotiations launched by the Doha Declaration which are still to be concluded. This contribution seeks to outline the history of international regulation in agriculture by looking briefly at the GATT provisions before a more extended treatment of the discussions leading to the AoA. The AoA is then discussed through an examination of its provisions (and associated jurisprudence) on market access, domestic support and export competition. The chapter concludes with a brief survey of the negotiations for a new Agreement on Agriculture.

2 Agriculture in the GATT

2.1 The GATT Provisions

Only one of the original provisions of the GATT Article XI:2(c) specifically refers to agriculture and this was inserted at the insistence of the United States

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