The Importance of Multilateral Trade Negotiations for LLDCs and Mongolia in Particular

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Abstract

Mongolia and the other LLDCs suffer from extra border crossings, cumbersome and costly transit procedures, inefficient logistics systems, weak institutions and poor infrastructure. These challenges for the LLDCs are compounded by other difficulties such as dependency on a few markets, one or more transit neighbors, a small population, equally small markets, and dependency on a few commodities, etc. Therefore, this paper promotes the active participation of the LLDCs in the areas of multilateral, regional and bilateral trade negotiations.

This paper is based on the latest edition of the International Think Thank for LLDCs' "Multilateral Trade Negotiations and LLDCs: A Handbook for Negotiators and Practitioners", which focuses on multilateral trade negotiations (MTNs). It considers the overlapping agendas in regional trade agreements and the WTO, and the way forward for LLDCs. It also considers the accession process, given that six LLDCs are currently negotiating accession to the WTO. Furthermore, the paper suggests that Mongolia and other LLDCs should consider active engagement and cooperation at the domestic, regional and global levels to enhance their capacity for negotiation in order to benefit from the global market.

The author encourages LLDCs to utilize the existing trade agreements of the WTO containing provisions on trade facilitation, freedom of transit, and transparency and simplification of transit trade regulations. The paper also suggests the importance of group formation.

Keywords: LLDC, multilateral, regional, and bilateral trade negotiations, landlocked countries
JEL classification codes: L92, O19

1. General Background and Context

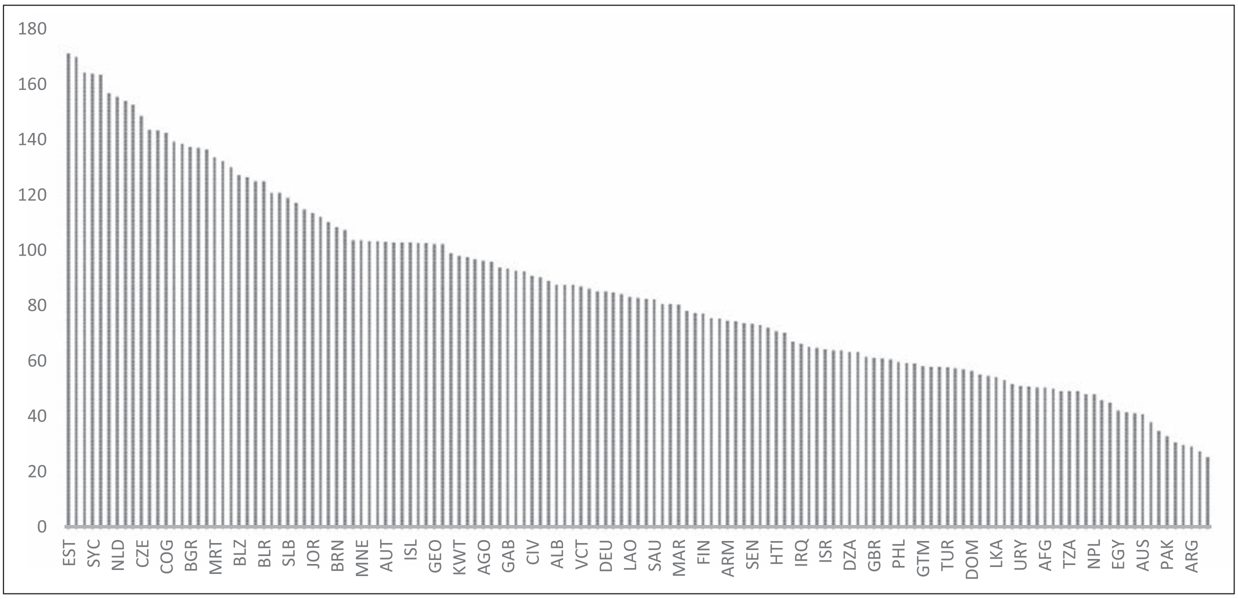
Mongolia is categorized as a landlocked developing country (LLDC). There are 32 countries that are categorized as LLDCs by the UN. 16 out of the 32 LLDCs are on the African continent, 2 in South America, 4 in Europe, and the rest are in Asia. There is a difference between LLDCs and landlocked developed nations like Austria, the Czech Republic and Luxembourg. Developed landlocked countries are naturally not part of the LLDC group, which is an official group at the United Nations.

2. The Trade Performance of LLDCs in General

The phenomenal rate of economic growth experienced by the LLDC group masks wide differences amongst the different countries. Kazakhstan's economy, for example, is 130 times larger than the smallest economy amongst the LLDCs. Kazakhstan has also experienced one of the most rapid growth rates in the group. Azerbaijan experienced the strongest performance of all the LLDCs. For some economies, in particular the top 10, the level of growth is so significant that the pursuit of economic growth alone should not be a policy primacy, but rather development ambitions (social, environmental and stabilization objectives) would be more relevant. For other LLDCs, there is still clearly a need for more buoyant economic growth to lift populations out of poverty.

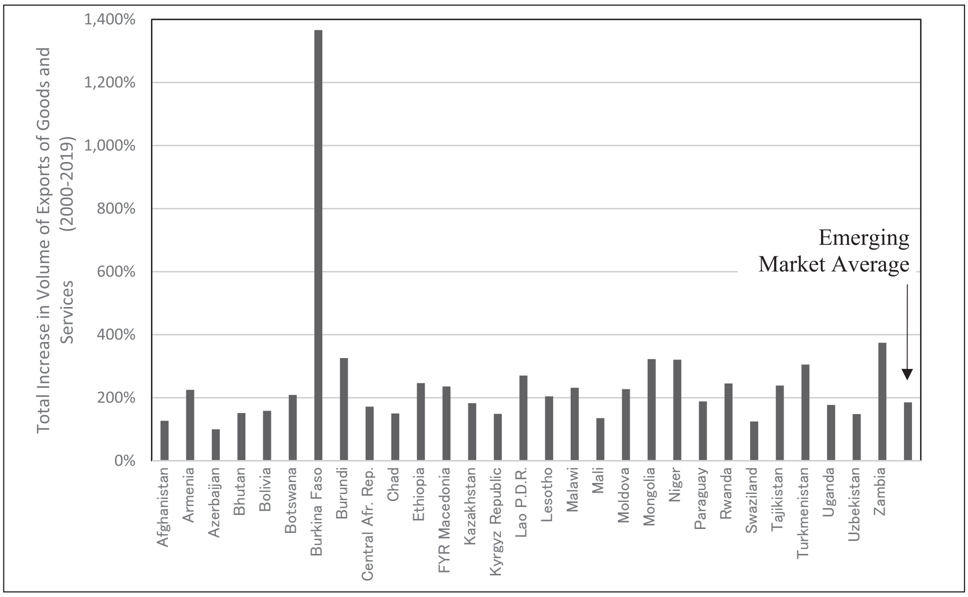
LLDCs often have relatively low levels of trade openness (as measured by the size of trade flows to GDP), have highly concentrated levels of RCA (Revealed Comparative Advantage) in a few sectors and typically experience low export survival rates in non-commodity exports. In comparison to other countries in the world, the ratio of trade to GDP is nevertheless variable (Figure 1).

Figure 1. Trade to GDP in Percentages for Selected Economies, 2013



Source: International Think Tank for LLDCs, 2015.

Figure 2. LLDC Increase in Exports of Goods and Services 2000–2019



Source: International Think Tank for LLDCs, 2015

Challenges for LLDCs

Mongolia lacks territorial access to the sea just like the 31 other LLDCs around the globe. Remoteness from major growth poles and markets as well as remoteness from major sea ports (See Figure 4) often translate into high transport and transit costs for landlocked developing countries (LLDCs). As a result, the cost of imports are higher, exports are less competitive and hence attracting foreign direct investment (FDI) more difficult. Thus, landlockedness hinders Mongolia and other LLDCs from fully participating in international trade and minimizes comparative advantage.

In addition to the geographical disadvantage, LLDCs, including Mongolia, suffer from additional border crossings, cumbersome and costly transit procedures, inefficient logistics systems, weak institutions and poor infrastructure. These additional costs and obstacles have a tremendous trade-reducing effect that puts Mongolia and other LLDCs at a disadvantage in fully harnessing their potential to support their sustainable development efforts.

These challenges of LLDCs are compounded by other difficulties such as

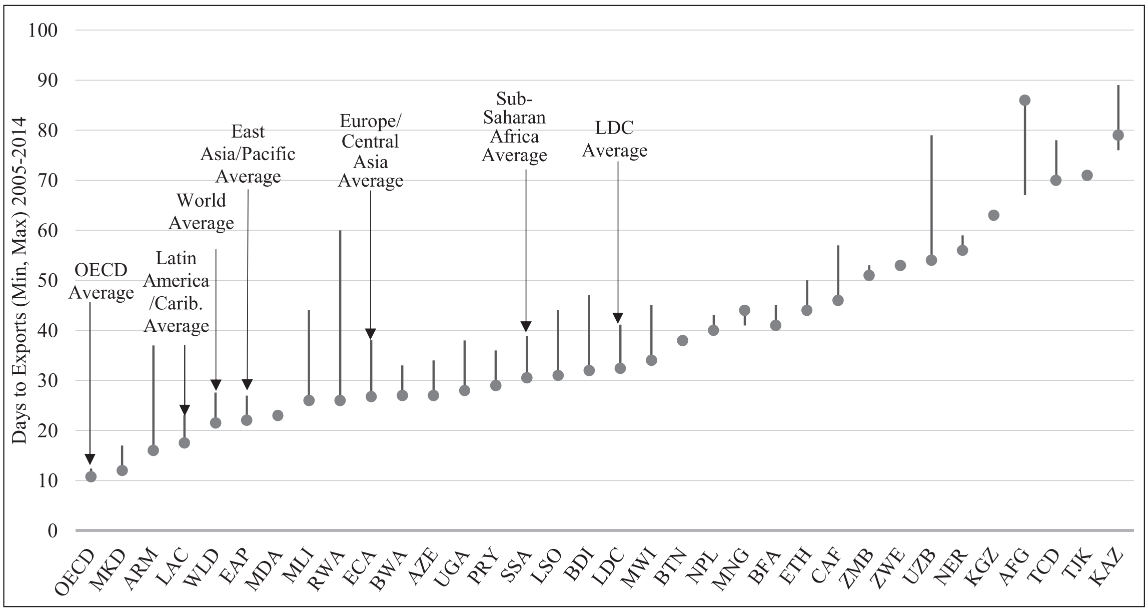
- Dependency on few markets;
- One or more transit neighbours;
- Small population;
- Equally small markets;
- Dependency on a few commodities, etc.

The trade cost for exporting a container from Mongolia to other countries amounts to US$2,745, and the cost of importing a container amounts to US$2,950. The trade time for Mongolia is 49 days for exports and 50 days for imports, where the LLDC average is 37 days for exports and 42 days for imports. The abovementioned challenges impose serious constraints on LLDCs' overall socio-economic development, including their trade competitiveness.

A recent study[1] by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS) revealed that the LLDCs' trade was just 61% of the trade volume of coastal countries and their transport costs were 45% higher than a representative coastal economy in 2010. The close linkage between transit transport, international trade and economic growth has led landlocked and transit developing countries to take an increasingly active role in multilateral, regional and bilateral trade negotiations.

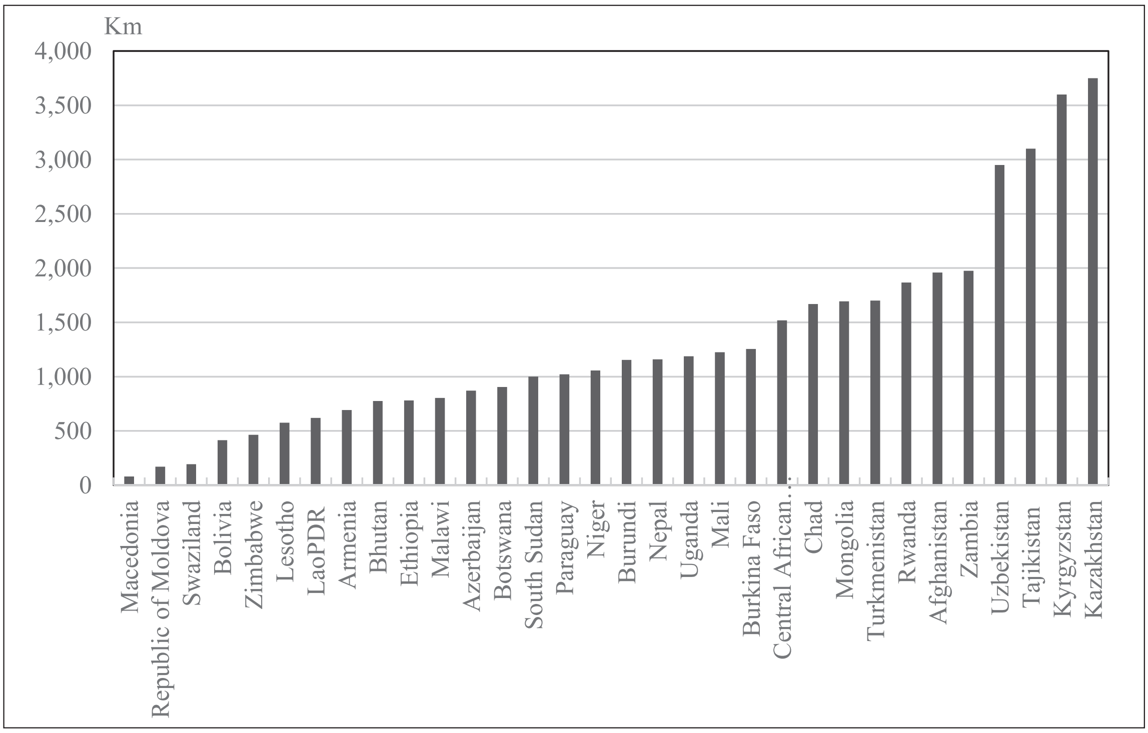
The UN-OHRLLS has emphasized the need to support the strengthening of South–South cooperation and triangular cooperation for diversifying trade opportunities, and increasing additional FDI flows for the sustainable development of LLDCs. UN Agencies and other international organizations, such as the WTO, the World Bank, the WCO and Regional Development Banks, can help mitigate the constraining effects of landlockedness, by providing more targeted technical assistance to LLDCs and supporting the strengthening of the negotiating capacities of LLDCs and their ability to implement trade facilitation measures, and thereby ensure their effective participation in the negotiation of multilateral trade agreements.

Figure 3. Days to Export, 2005–2014



Source: The World Bank, World Development Indictors, 2014

Figure 4. Distance of LLDCs from the Sea

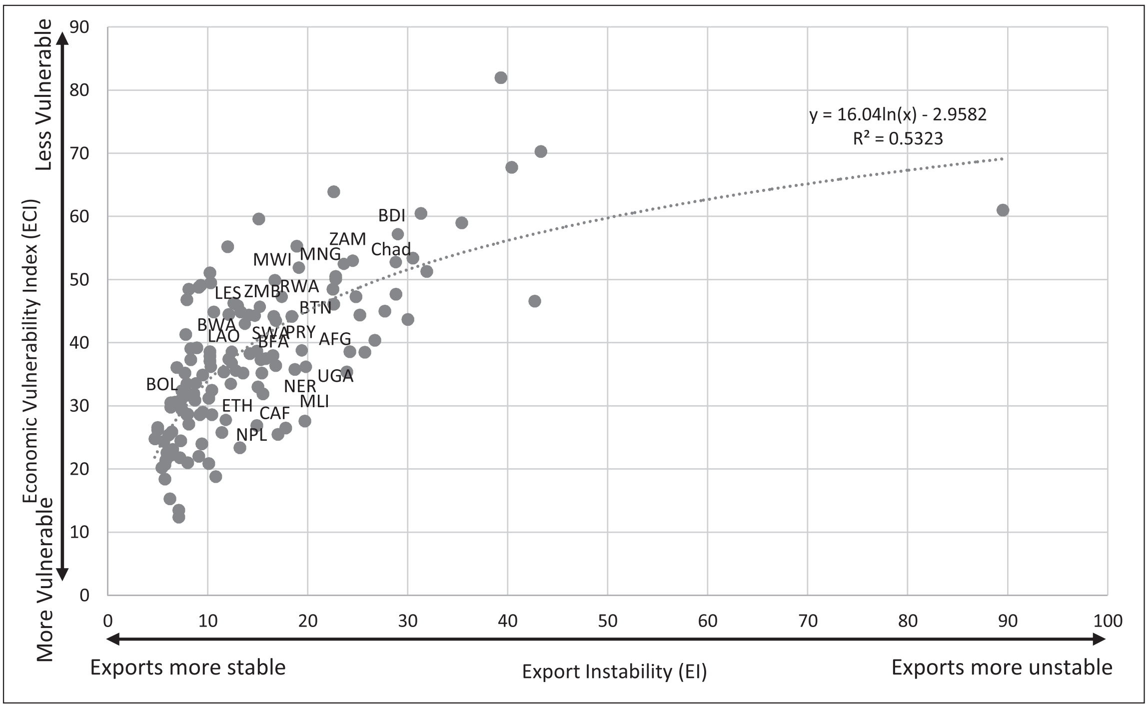


Source: UNCTAD, 2014b

3. Vulnerability of LLDCs and Mongolia

The economic vulnerability of LLDCs compared with that of developing countries can be seen from Figure 5. Each country is plotted according to its individual level of vulnerability and according to the stability or instability of its exports. Economic vulnerability is defined as the relative risk posed to a country's development by exogenous shocks (e.g. remoteness and environmental, economic, and migratory risks). The level of risk depends on the characteristics of the country concerned (e.g. that country's export concentration, the growth trend of exports of goods and services, agricultural production trends, and the share of population living in vulnerable regions, etc.), the magnitude and frequency of exogenous shocks, and the country's ability to adapt to such shocks (e.g. population size, victims of natural disasters). Export instability is defined as the volatility (measured by standard deviation) of export earnings from a long-term trend, using regression analysis. In analyzing the degree of vulnerability and export instability of LLDCs, we note the diversity of underlying characteristics facing LLDCs and that some are far more vulnerable than others. Some of these countries have been affected by wars and unrest, while in other cases, countries are plagued by weak institutions and inflationary policies, which are responsible for exacerbating their marginalization from the world economy.

Figure 5. Economic Vulnerability and Export Instability, 2012



Source: International Think Tank for LLDCs, 2015

The WTO aims toward helping LLDCs exercise their rights of WTO membership and fully participate in multilateral trade negotiations and assisting the least developed countries to integrate into the multilateral trading system, benefit from the progressive liberalization of world trade and participate fully in the negotiating process. Even though LLDCs can use ongoing trade negotiations at the WTO as important entry points to defend their interests, many LLDCs, including Mongolia, are failing to fully benefit from the WTO capacity building system. To date 26 of the 32 LLDCs are members of the WTO, while the rest are negotiating accession. Concerted group action has been demonstrated recently by the least developed countries (LDCs) and LLDCs, forming the foundation of successful negotiation strategies at the WTO.

The existing trade agreements of the WTO contain provisions on trade facilitation, freedom of transit and transparency and simplification of transit trade regulations, as well as loose commitments from developed countries to support developing countries, and particularly the least developed countries, in adopting standards and procedures prescribed by international conventions and WTO agreements.

In addition, Article IV of GATS on Increasing Participation of Developing Countries indicated: the strengthening of their domestic services capacity and its efficiency and competitiveness, inter alia through access to technology on a commercial basis, and; the improvement of their access to distribution channels and information networks.

4. Trade Overview of Mongolia

Mongolia's main exports are mineral products (mainly to China) and to a lesser extent, cashmere and meat products. As a landlocked country, located between the economic heavyweights of China and Russia, transit considerations and its dependency on China in particular have made transport issues a key area for Mongolia.

Despite a bright future and a fairly high GNI per capita (US$4,280 in 2014), Mongolia is facing several economic and development issues. One is that, as with any resource-dependent nation, Mongolia faces boom-and-bust cycles. It has to deal with fluctuating growth rates, ranging from −1.3% in 2009 to 17.3% in 2011.[2] Second, Mongolia's mineral deposit exploration requires substantial financial and technological inputs, making foreign investment essential. However, Mongolia has faced certain problems. In 2013, for example, investor confidence in the mining sector was shaken, owing to disputes with Rio Tinto over phase two of the Oyu Tolgoi copper and gold mine. Consequently, the Mongolian government revised investment-related legislation in 2013.

Third, Mongolia is faced by certain development issues, in particular those relating to environmental pollution and poverty, which has led to Mongolia's low rank of 90 on the UNDP's HDI in 2014. In fact in 2011, 29.8% of Mongolia's population was estimated to be below the poverty line.[3] In order to address development issues in the country, the government hopes to catalyze foreign investment in mining, petroleum and infrastructure to jump-start the next phase of development.[4] Mongolia became a WTO member in 1997. Mongolia's exports make up 0.02% of the world export total (ranking 112 within global exports).

Table 1. Mongolia Trade Snapshot

	Commodities Traded	Trade Partners (2014)
Exports	Copper, apparel, livestock, animal products, cashmere, wool, hides, fluorspar, other nonferrous metals, uranium, coal, crude oil	China 95.3%
Imports	Machinery and equipment, fuel, cars, food products, industrial consumer goods, chemicals, building materials, cigarettes and tobacco, appliances, soap and detergent	China: 41.5%; Russia: 27.4%; ROK: 6.5%; Japan: 6.1%

4.1. Mongolian Trade Agreements, an Overview

Mongolia's President Tsakhia Elbegdorj and Japan's Prime Minister Shinzo Abe met in Tokyo on 22 July 2014 to sign a Joint Statement affirming the final roadmap toward instituting an Economic Partnership Agreement (EPA). Aimed at promoting mutual trade and investment, the agreement was ratified by the parliaments of both nations in the first quarter of 2015. The EPA became the first such agreement for Mongolia and the fifteenth for Japan. Within the EPA, all Mongolian exports to Japan, including meat and raw minerals, and 96% of Japanese exports to Mongolia will be exempt from tariffs in the coming decade. Japan pledged to support policies to increase Mongolia's exports.

Statistics for 2012 from the Mongolian government show that 66.4% of Japan's export value to Mongolia (39.9 billion yen) was made up of automobiles and their components, followed by machinery at 18.5% and chemical engineering products at 5.1%. Meanwhile, 53% of Mongolia's export value to Japan, which totaled 1.9 billion yen in 2012, was of coal, followed by mineral products representing 25%, and clothing at 15.4%, according to the Japanese Finance Ministry. Mongolia's imports from Japan, mostly vehicles, are roughly 16 times the size of its exports to Japan. The agreement signed between Mongolia and Japan in 2014 calls for Japan to scale back tariffs on its imports of Mongolian products such as cashmere. The negotiation was made for three years and it showed the Mongolian public officers and experts lacked capacity and experience of negotiation. Many LLDCs have taken up various negotiation positions with different coalitions in a bid to influence negotiations (Figure 6).

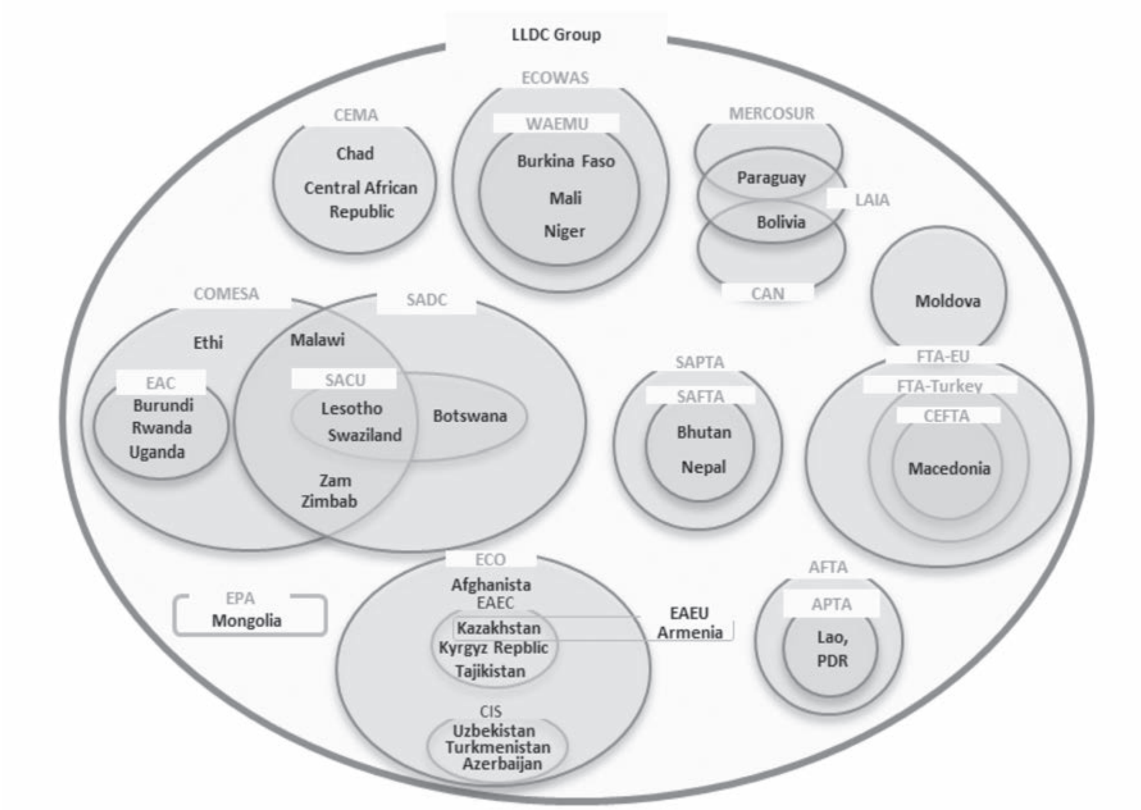
Table 2: The Trade Agreement Regime of Mongolia

Multilateral	WTO
Regional	None (See Figure 7)
Bilateral	China, Russia, Japan EPA

Table 3: Non-Exhaustive Overview of Mongolia's Trade and Transit Agreements with China and Russia

	China	Russia
1990s	Agreement on Road Transportation, 1991 Agreement on Transit Freight from China to Mongolia, 1991	Agreement on International Road Transport, 1996 Agreement on Reaching Seaports: Facilitate the access of Mongolian goods to seaports and set up special custom's warehouse or terminal zones for the purpose of storage, transit, grouping and other operations for goods
2014	Agreement on Access to and from the Sea and Transit Transport by Mongolia through Chinese Territory Agreement on Railway Transit Transport Cooperation	

Figure 6. LLDC Major Regional Integration Efforts



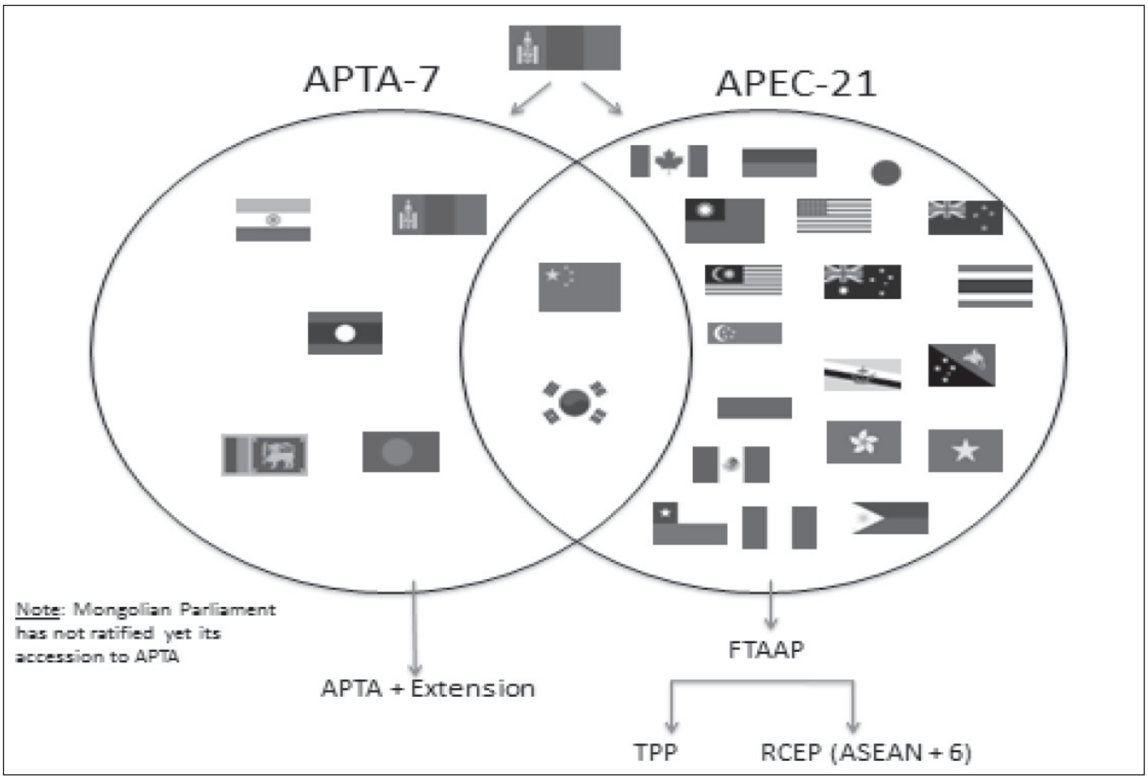
Source: International Think Tank for LLDCs, 2015

There is an urgent need for Mongolia and other LLDCs to strengthen their effective participation in multilateral trade negotiations. As a prerequisite, Mongolia must have a better understanding of its interests and of the relevant provisions in trade agreements, such as trade facilitation, freedom of transit, transparency and simplification of transit trade regulations.

As Table 3 indicates Mongolia has concluded several transit (rail and road) agreements with China in particular, and Russia. The latest round of transit agreements with China was concluded in 2014. Mongolia has been in discussions with China regarding the China-led OBOR (One Belt, One Road) project. Mongolia's transit agreements with Russia date back to the 1990s. In the context of the Russian-led EEU, discussions are underway on transport infrastructure, particularly railways, and the creation of a free trade zone as part of this customs union.[5] The EEU becomes relevant if Mongolia accedes to it.

Mongolia is also an active participant in the Trilateral Transit Traffic Agreement (Mongolia, China and Russia), which has been under negotiation for over fifteen years. The agreement is intended to facilitate transit trade among the parties by filling the gaps in international trade and transit conventions and agreements which the three countries are already parties to. In particular, it will guarantee freedom of transit by all modes of transport and promote simplification, harmonization and standardization of customs, administrative procedures and documentation.[6]

Figure 7. LLDC Major Regional Integration Efforts



5. The WTO and Mongolia

26 of the 32 LLDCs are members of the WTO, while the rest are observers and negotiating accession to the WTO. As of June 2015, six LLDCs (Afghanistan, Azerbaijan, Bhutan, Ethiopia, Kazakhstan and Uzbekistan) were negotiating their accession to the WTO.

Mongolia faced difficulties in complying with the WTO rules and commitments after its accession to the WTO, which were:

- Its strong degree of state control over the private sector;
- Appropriately regulating its trade regime;
- It still does not have a trade policy or trade law in place;
- Its lack of knowledge on the principles of the WTO;
- Its weak implementation and monitoring of the market access provisions (the weak implementation has led to a certain loss of confidence in the benefits of the WTO practices since no advancement had been made in the provisions for landlocked countries in order to facilitate their transit of goods);
- It had negotiated its accession protocol without fully consulting the industries which would be most affected by the commitments taken.

The most common and effective way of participating in the WTO is through coalition building. Coalition groups often speak with one voice using a single coordinator or negotiating team. LLDCs belong to a number of major coalition groups of the WTO. These include: ACP; the African group; Asian developing members; APEC; ASEAN; the EU; MERCOSUR; the G-90; the least developed countries (LDCs); small, vulnerable economies (SVEs) for agriculture; small, vulnerable economies (SVEs) for non-agricultural market access (NAMA); small, vulnerable economies (SVEs) for rules; recently acceded members (RAMs); low-income economies in transition; the Cairns group; the tropical products group; the G-10; the G-20; the G-33; the Cotton-4; the NAMA 11; “Paragraph 6” countries; Friends of Ambition (NAMA); Friends of Anti-Dumping Negotiations (FANs); Friends of Fish (FoFs); “W52” sponsors, and; joint proposals.

But there is no formal LLDC coalition group or negotiating team at the WTO, although LLDC representatives do meet in Geneva to discuss issues of common interest and occasionally prepare position papers. Some LLDCs are also not members of the WTO but belong to Regional Economic Commissions and/or negotiate bilaterally with other WTO members. LLDCs that were not members of the WTO as of June 2015 include Afghanistan, Azerbaijan, Bhutan, Ethiopia, Kazakhstan and Uzbekistan, but all have observer status and have been negotiating their accession to the WTO. The Asunción Platform, the Almaty Programme of Action and the Vienna Plan of Action for LLDCs are examples of common communications made by LLDCs. The LLDC group also appointed Paraguay as their coordinator in matters regarding multilateral negotiations.

6. Importance of Capacity Building in the Field of Negotiation

LLDCs can strengthen their bargaining position in the negotiation of transit and trade agreements by demonstrating the value of the transit business provided to the neighbors, taking into account not only the direct costs involved, but also income generated through additional multiplier effects.

However, in addition to the constraints imposed by their landlockedness, the LLDCs, especially Mongolia, are constrained by their lack of experience of effectively negotiating and bargaining at multilateral trade negotiations to overcome the negative effects of being landlocked.

The latest publication “Multilateral Trade Negotiations and LLDCs: A Handbook for Negotiators and Practitioners”, which has just been published by the International Think Thank for LLDCs, focuses on Multilateral Trade Negotiations (MTNs), the outcome of past negotiation rounds and the topics of the highest relevance to LLDCs in the current Doha Round. It considers the overlapping agendas in Regional Trade Agreements and the WTO, and the way forward for LLDCs. It also considers the accession process, given that six LLDCs are currently negotiating accession to the WTO.

The main chapters of the handbook are devoted to introducing key concepts for negotiating trade in goods and services, as well as forming LLDC positions. The chapter on goods focuses specifically on negotiations in non-agricultural market access, special and differential treatment, rules of origin, sanitary and phytosanitary (SPS) measures, technical barriers to trade (TBT), trade facilitation and customs, subsidies and countervailing measures, safeguards, export taxes and public stockholding. The chapter on services considers in depth the negotiation proposals and ends with an in-depth review of ICT, transport and tourism services. The handbook also explores the negotiations linked to trade-related intellectual property rights (TRIPS), social and environmental standards, rules on regional trade agreements, and the dispute settlement mechanism.

The handbook reviews all relevant multilateral trade agreements and related articles of the respective resolutions on LLDC issues and provides LLDCs with recommendations on effectively participating in multilateral trade negotiations and using the articles of existing multilateral agreements efficiently for negotiations. The handbook also provides practical guidance on the areas identified in the Asunción Platform for the Doha Development Agenda 2005, the Bali Ministerial Declaration 2013 and the Ministerial Communiqué adopted at the 12th Annual Meeting of the Group of LLDCs held in New York in 2013. The handbook also provides an introduction and mapping of existing handbooks and guidelines on multilateral trade and negotiations produced by the relevant UN system organizations and other international organizations.

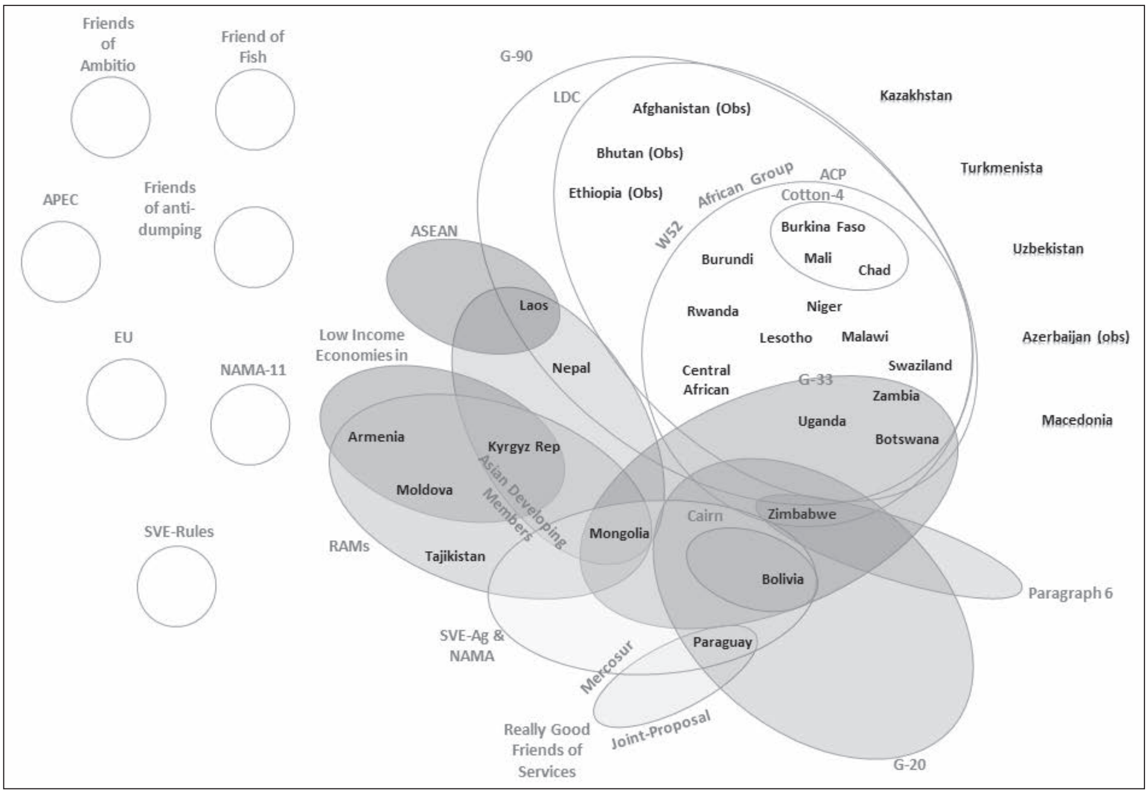
It is in the interest of Mongolia that such handbooks are widely used in universities and other institutions which provide training in the area of trade. Only by doing so can a country create a community of trade experts that would support the development efforts of the government in the long run. The newly adopted SDGs and the Vienna Programme of Action for LLDCs call for structural change in economies and the diversification of economies in developing nations around the globe.

In addition the diversification of the economy increasing the capacity to negotiate mutually beneficial agreements can be a firm foundation for the successful implementation of the newly adopted SDGs. There are currently many activities being carried out in Mongolia by such donors as the Asian Development Bank, the European Union and the European Bank for Reconstruction and Development, which work precisely on strengthening the trade policy framework and the private sector-related institutions.

But none of those, apart from UN ESCAP and UNCTAD, are really dedicating their powers toward building capacity in the area of bilateral and multilateral trade negotiations. The WTO provides training for member states via the Virtual Institute, but these courses and training require membership and the membership itself has to be negotiated.

Once inside, the WTO member states are free to join courses and capacity building activities as well as join one or more negotiation structures. Figure 8 demonstrates which structures exist and the membership of an LLDC will vary due to their interests. However, membership does not necessarily indicate active involvement.

Figure 8. LLDC Membership of Negotiation Structures in the WTO



Source: International Think Tank for LLDCs, 2015

7. The Way Forward

The International Think Tank for LLDCs sees great potential in intra-LLDC cooperation, and cooperation with development partners, as well as the private sector in general. Mongolia and other LLDCs should work together in order to overcome common and specific challenges of development by building their capacity to negotiate more successfully in the area of bilateral and multilateral trade.

For that to happen Mongolia should consider active engagement on three levels.

I. Domestically

a. Mongolia should improve the capacity of trade experts in government agencies and in the private sector;
b. Better involve the private sector in negotiations and even before the country enters multilateral trade negotiations;
c. Improve the coordination between domestic actors, better coordination and exchange of information between ministries and other government institutions;
d. Improved and frequent training modules for practitioners and stakeholders of the relevant trade-related issues;
e. More training for national experts on WTO-related issues such as membership, dispute settlement, and training.

II. Regionally

a. Mongolia should strengthen its effective participation in multilateral trade negotiations;
b. Intensify negotiations with neighbors and partners to become party to regional integration efforts;
c. Better understand and make use of regional multilateral trade- and development-related initiatives;
d. Organize more frequent training activities in cooperation with UN ESCAP, the GTI, and regional banks.

III. Globally

a. Make better use of WTO membership and participate actively in the activities of the WTO;
b. Organize more training for negotiators in cooperation with UNCTAD, the WTO, the ICT and the ICTSD;
c. Better understand and make better use of already existing agreements, recently signed agreements and new conventions related to trade, trade facilitation, transit transportation and logistics;
d. Experience sharing with other LLDCs within the framework of South–South Cooperation;
e. Promote and better utilize North–South and triangular cooperation;
f. Continue to promote the special needs and challenges of LLDCs to the global community and speak as one for achieving the most favorable treatment or better inclusion in aid for trade.

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