

Capacity Building and Policy Coherence

A Role for a Leaders' Level G20?

“Background Briefing Paper for Session 2”

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1. Background

The Doha Declaration promises to place the needs and interests of developing countries at the heart of the WTO's work. By highlighting the importance of mainstreaming trade into development and poverty reduction strategies, particularly for the least developed countries, the Declaration recognized that trade is not an end in itself but rather a means to achieving broader development objectives. In practice, however, the spirit of this Declaration has been undermined by the failure of developed countries to make adequate development-friendly concessions in the ongoing negotiations and to fulfil commitments to positive development-oriented obligations.

Developed country commitments to improving the provision of technical assistance, capacity building and the “development” coherence of glob, capafl 4nncd coe7D 62ceors(pcu(n)2e001)12c o

- § The financial, institutional and human resource costs of compliance with WTO obligations and implementation of related regulatory reform².
- § Limited capacity to take advantage of market opportunities which negotiations yield due to significant resource, supply-side and competitiveness constraints.
- § Limited capacity to address non-tariff barrier constraints to market access (i.e., developed country sanitary and phytosanitary, packaging, and environmental standards) .
- § Limited capacity to withstand external shocks to domestic production and export opportunities.
- § The need to diversify economies and expand exports (50 WTO Members rely on just 1-3 export commodities).
- § Limited capacity of developing

how a Leaders' Level G20 might be able to offer some much-needed political guidance on these issues.

2. The WTO Negotiating Context

Trade-Related Capacity Building (TRCB)

Building on the capacity building commitments included throughout the Uruguay Round Agreements, the Doha Ministerial Declaration included commitments to TRCB in twelve different paragraphs (See Box 1). In the Declaration, WTO Members state that “technical cooperation and capacity building are core elements of the development dimension of the multilateral trading system”.

Calls for enhanced trade-related capacity building and coherence can only properly be understood in the context of the WTO discussion of special and differential treatment (S&D)—a principle embedded in GATT/WTO agreements since 1965. S&D is based on the recognition that WTO Members are not at equal levels in terms of resources and capacity in respect of participation in the WTO.

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to the General Council in December 2002 and a full report to the fifth Session of the Ministerial Conference on all issues affecting LDCs.

In addition, the Declaration is peppered with specific technical assistance and capacity building provisions related to the various negotiating mandates, notably in market access for non-agricultural products (paragraph 16), trade and investment (paragraph 21), trade and competition policy (paragraph 24), transparency in government procurement (paragraph 26), trade facilitation (paragraph 27) and the environment (paragraph 33).

Yet more specific technical assistance provisions are to be found in the Decision on Implementation-related Issues and Concerns (WT/MIN (01)/W/10) also adopted in Doha, notably in paragraphs 2.2, 3.5, and 3.6., 5.1, 5.3., 5.4, and 14.

Source: ICTSD, Doha Round Briefing Series, “Technical Assistance and Capacity-Building”, No. 12.

While a full discussion of the various debates and proposals for improving the implementation and utilisation of S&D provisions is beyond the scope of this paper, it is important to place the effort to improve capacity building and policy coherence in the context of current developing country efforts to negotiate for the translation of existing “best endeavour” commitments to S&D into secure, effective, and binding provisions—either in the sense that they are mandatory (i.e., countries are required to implement them) or in the sense that such provisions should not be undermined, rendered meaningless or made less available due to incoherence in global economic policymaking. While some S&D provisions are already mandatory or relatively precise, many have not been utilized or complied with, as demonstrated in various trade policy reviews of members.⁴

Developing countries also emphasize that action to improve TRCB should not be used to substitute for a lack of progress on their negotiation priorities regarding the meaningful operationalization of other aspects of S&D (e.g., greater flexibility in implementing and complying with obligations, more balanced rules, greater market access, and a fairer trading environment).⁵ In particular, developing countries have argued that their obligations for implementation of resource intensive WTO disciplines should be linked to their capacity constraints and considered in light of their other development priorities.

Policy Coherence

In the preamble to the Doha Declaration, WTO Members also recognized that the “challenges Members face in a rapidly changing international environment cannot be addressed through measures taken in the trade field alone” (see Box 2). Members committed to continuing to work with the Bretton Woods Institutions for greater coherence in global economic policymaking. The resulting Working Group on Trade, Debt and Finance has three core agenda items: the relationship between trade and debt, the relationship between trade and finance; and greater coherence between relevant institutions.

To date, there has been considerable frustration with the Working Group. Some developing countries have complained it amounts to little more than an analytical or theoretical seminar with few recommendations or concrete discussions underway. Many developed countries, on the other hand, consider the exercise of little benefit due to the limitations of the trading system in directly addressing international debt and finance issues.⁶

⁴ See WTO Secretariat note WT/COMTD/W/77Rev.1/Add.4.

⁵ See, for example, “Statement by Kenya on Behalf of the Africa Group Proposal on Special and Differential Treatment”.

⁶ ICTSD & IISD (2003) “Trade, Debt and Finance”, Doha Round Briefing Series, Vol. 1, No. 10.

mandated by the IMF and World Bank when granting structural loans. In a further example of incoherence, Korea notes that the EU initiated a WTO panel challenging IMF support to Korea—of which \$125 billion was used to strengthen its financial system in the wake of its recent crisis—as an actionable subsidy.⁸

A third aspect of incoherence of concern in the Group is where the international commitments of developed countries to development and poverty alleviation are undermined by their economic policies. One of the most glaring examples of policy in coherence plagues the cotton sector. A recent World Bank report cites cotton as an example of where “rich countries’ trade policy negates their own development assistance efforts.”⁹ The provision of highly-distorting subsidies to cotton in wealthy countries depresses global prices and damages the livelihood of millions of people in developing countries where cotton is often both a dominant cash crop and source of export earnings.

A final aspect of incoherence

areas of competence.¹⁰ In developing countries, a wide range of actors are involved from development agencies, to Ministries of trade and foreign affairs, as well as specialized agencies (such as customs and standards offices).

Post-Doha, there has also been an increased level of discussion among donors of the importance of TCRB for development, poverty reduction, increased funding and strengthened dialogue with trade policy makers and experts (as indicated by a series of high levels meetings among trade and development communities).¹¹ A large number of OECD countries now have a dedicated strategy to expand their activities in TRCB as part of a broader effort to shift their development cooperation to focus on investment and trade as engines for development and trade reduction.¹²

A wide range of activities fall under the broad category of TRCB, including: seminars, workshops, training programs in trade rules and procedures, courses on negotiating skills, legal advice and assistance with preparing draft laws, assistance

Despite efforts to respond to improve its quantity and quality, TRCB continues to fall far short of the commitments made to developing countries, let alone of meeting developing country needs. Moreover, the ways in which TRCB is conceived and delivered remain the subject of great concern. The question, as stated by Susan Prowse, is “not so much as to the need for a significant increase in “aid for trade” but “how” to deliver.¹⁶ While the task is without doubt a difficult one, it is fair to say that efforts to make trade an integral part of development cooperation policies and programmes have thus far fallen short of expectations.

The following discussion reviews several of the core TRCB initiatives, highlighting some of the concerns raised and the efforts to respond. The review is not exhaustive, but seeks only to highlight some of the key multilateral initiatives underway, leaving aside due to space constraints any detailed consideration of TRCB in particular sectoral areas (such as intellectual property, compliance with international standards, etc).¹⁷

Joint Integrated Trade Assistance Programme (JITAP)

The JITAP was developed jointly by the WTO, the ITC and UNCTAD to provide technical assistance to African countries.¹⁸ Established in 1998, its objectives include:

- § To build national capacity to understand the multilateral trading system
- § To adapt the national trading system of targeted countries to the obligations and conditions of the multilateral trading system, and
- § To help countries enhance readiness of their exports to participate in the trading system so as to enable them to reap the benefits of trade.

The JITAP began by providing capacity-building to eight African country partners to the end of 2002. A second phase of JITAP was launched in early 2003, exte

The Integrated Framework

The Integrated Framework (IF)—a programme jointly managed by the WTO, UNCTAD, the World Bank, the IMF, the International Trade Centre, and the UNDP—was launched in 1997 to help maximize the effectiveness of the resources used to help least-developed and other low-income countries respond to trade challenges and needs in the context of broader development strategies and policies.²⁰ By providing more coherent trade-related technical assistance, the IF aims to assist in integrating trade issues into national development strategies.²¹

In the face of lack of coordination, the IF aims to coordinate the responses of the various agencies and development partners (each in their own sphere of competence) to the TRCB needs identified by each of the LDC governments and national stakeholders.

The first step toward receiving support through the IF is the Diagnostic Trade Integration Study (DTIS). These studies identify supply-side constraints, the sectors of greatest export potential and recommend appropriate plan of action including policy reforms, technical assistance priorities, and institutional capacity needs. This Plan of Action is then to be integrated in the national development plan (such as the Poverty Reduction Strategy Process (PRSP)) and subsequently implemented in partnership with the development cooperation community.

The IF Trust Fund (created in 2001) has two funding instruments which rely on voluntary contributions from bilateral and multilateral donors: Window I (which finances preparation of the Diagnostic Study) and Window II (which provides bridging money for small assistance or capacity-building activities that are part of the DTIS Matrix). Funding of the implementation Action Plans relies primarily on bilateral donors as part of their overall responses to national poverty reduction strategies.

While the IF has recently launched a revised second phase, several recent reviews have highlighted a number of ongoing factors limiting the effectiveness of the IF.²² These include:

- § the conflicting mandates of the agencies involved,
- § emphasis on technical assistance over direct aid and infrastructure,
- § disorganization and confusion about which agency to approach for which kind of assistance,
- § inadequate resources,
- § weak transparency of implementation, particularly in respect of the selection and criteria for the selection of beneficiary countries,
- § inadequate focus on primary commodity dependence and other factors important to the trade of LDCs,
- § inadequate developing country leadership or scope for leadership in the preparation of the Diagnostic studies.

In addition, concerns have been raised about the stand-alone nature of much trade-related assistance and inadequate linkages to broader development strategies. Some analysts have questioned whether

²⁰ The IF is convened by a Working Group (responsible for management) which includes 10 members—two of which are LDCs) and a Steering Committee (which provides overall policy direction and includes representatives from agencies, donors and LDCs).

²¹ For further information on the Integrated Framework, see www.integratedframework.org

²² Rajapartirana et al, (2000), Hormeku, 2003, p4. Prowse, 2002

be expanded. In terms of design, WTO assistance has been criticized for an overly formulaic, top-down approach. Too few resources move beyond the provision of one-off seminars and trainings for a limited number of officials, and little systematic attention is paid to tailoring WTO assistance to the particular circumstances and strategic needs of countries.

The substantive focus of WTO TRCB also attracts considerable informal criticism from developing countries. In training countries to comply with the WTO commitments, the WTO Secretariat offers narrow interpretations of the flexibilities and options countries have in respect of the implementation of their WTO obligations. As developed countries continue to work to push new issues onto the WTO negotiating agenda, the limited absorptive capacity of developing countries is too often devoted to TRCB focused on helping them participate in discussions of these new issues (such as the “Singapore Issues”). The need for more dynamic, responsive and independent sources of technical assistance is clear. Given the limited availability of TRCB resources, there is a strong case for careful consideration of the extent to which the WTO is the right organization to undertake the provision of assistance, or whether the funds would be better channelled through other organizations and initiatives less constrained by bureaucratic and political pressures.²⁷

In addition to channelling donor funding through its GTF, the WTO has also taken up a central role in capacity building through the Trade-Related Assistance and Capacity Building Database (established jointly in 2002 by the Secretariats of both the WTO and the OECD) which maintains details and funding levels of the TRCB activities of bilateral, regional and multilateral donors.²⁸ Disappointingly, the database omits the many activities, particularly those supported independently by non-profit organizations, private foundations, and universities which often place greater emphasis on initiatives which aim to build long-term local capacity, draw on local expertise, match independent international expertise with national needs, put together multidisciplinary teams of experts, organize events with a diversity of stakeholders, and focus on tailoring legal and policy advice regarding implementation of WTO agreements on development objectives.

UNCTAD²⁹

UNCTAD has been providing assistance to the developing countries in the area of trade negotiations since the GATT Tokyo Round: its mandate on "trade and development" has always included support for the effective participation of the developing countries in multilateral trade negotiations. At UNCTAD IX (Midrand, 1996) and X (Bangkok, 2000), this mandate was strengthened in view of the establishment of the WTO with the launching of two UNCTAD technical assistance instruments: the "Positive Agenda" and the Commercial Diplomacy Programmes. The mandate to provide support to regional trade agreements among developing countries was also strengthened. In February 2002, UNCTAD's Secretary-General announced a "post-Doha technical assistance and capacity building plan" based on specific requests made to the UNCTAD secretariat by the developing countries. Importantly, together with UNDP, UNCTAD has also played a central role in together and

With the upcoming UNCTAD XI meeting in Sao Paolo, UNCTAD's role in TRCB is again under scrutiny. Developing countries and many civil society groups hope to strengthen UNCTAD's role in TRCB. For these constituencies, UNCTAD is the most favoured of the international agencies involved in trade and development because it is considered to be the agency most reliably focused on the concerns of developing countries. There have noted with concern the shift of donor resources away from UNCTAD and toward the WTO's "development" program (despite the WTO's limited capacities on this front) and the World Bank. Others, such as the US, would like UNCTAD to confine itself to a tightly-defined research and analysis role, with only a limited technical assistance and capacity building function. As a standing program of the UN, UNCTAD derives its core income from the UN headquarters. Any special programmes are funded from extra-budgetary contributions (the main contributors to which are the EU, Norway and Switzerland with the US making no extra-budgetary commitments).

The IMF and the Trade Integration Mechanism (TIM)

The IMF, working with the World Bank, works to address the issue of the availability of adequate trade financing for developing countries, particularly in times of financial crisis. In early 2004, the IMF introduced a new policy—the Trade Integration Mechanism—to help reassure low income developing countries that they will receive assistance from the international community to deal with adjustment difficulties they encounter from the loss of trade preferences likely to result from any lowering of most-favoured nation (MFN) tariffs in the Doha Round. That is, the TIM makes funds available only for countries which suffer damages as a result of *others'* liberalisation (i.e., where countries could lose preferential market access or the benefit of subsidised agricultural products).

Since its recent announcement, the TIM has provoked a variety of responses. While few argue against the concept of the TIM, and many welcome it as a useful step forward, a number of developing country members argue that the TIM's focus on balance of payment problems is too limited as it is restricted to damages inflicted by changes in the multilateral regime. Questions have also arisen as to the methodology used for calculating damages caused to a country by others' liberalization, the potential use of conditionalities, and the fact that assistance will come in the form of loans—not grants—which could add to the existing debt burden of countries. Some NGOs have offered a broader critique of the TIM arguing that its real purpose is simply to neutralize or delegitimise developing countries concerns about the adjustment costs of further liberalisation, serving in reality as a new "insurance policy" to entice developing countries back to the multilateral trade table.³⁰

The World Bank

The World Bank has significantly stepped up its support to trade activities in recent years, augmenting resources and staff, and establishing a new Trade Department in 2002 to coordinate its trade-related policy, research and capacity-building. These activities include: trade lending operations, support for domestic policy reform, institutional building, training of government officials and researchers to formulate policy, undertaking analytical work and research, participate in the preparation of the Diagnostic Trade Integration Studies in the context of the IF (and leading

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the IF Steering Committee), contributing to the IF Trust Fund, and assisting developing countries to meet product standards.³¹ In the latter area, the Bank is implementing trade facilitation projects to improve quality standards in developing countries. The World Bank also leads the Standards and Trade Development Facility—an inter-agency partnership with the WTO, FAO and WHO—which will deliver technical assistance for food safety and related standards. The Bank’s activities in trade-lending include adjustment lending to support trade reforms, loans for export development, insurance schemes, and loans for trade financing (primarily lines of credit to private sector exporters and importers in developing countries). Finally, the Bank’s lending also includes loans for strengthening institutions (such as physical infrastructure and building capacity in customs administration).

The diversity of the Bank’s activities in trade limits the usefulness of any general observations about the lessons and/or limitations about their effectiveness. Suffice to say that suggestions and criticism have been offered from the academic and NGO community about a broad range of these activities.³² A common theme of these contributions is a concern that the World Bank’s activities embody a bias toward particular kinds of economic policy advice (e.g., a *prima facie* preference for unilateral liberalization) and that the expansion of the World Bank’s activities and the substantial resources it can bring to bear may crowd out attention to alternative economic proposals and the role of agencies with deeper experience on the issues (e.g., UNCTAD).

As noted above, this review of initiatives is meant to be indicative, not exhaustive. Many other bilateral, regional and multilateral initiatives exist (including, for example, EU efforts in respect of its relations with ACP countries, the creation of an EU-LDC network which includes a trade component, and the establishment of the Advisory Centre on WTO Law, based in Geneva which assists developing countries to bring cases under the WTO’s dispute settlement mechanism).³³

5. Complaints, Mistakes and Shortcomings

The most commonly-cited problems in respect of TRCB fall in six broad categories:

Inadequate resources. While the level of TRCB commitments has increased significantly in recent years, the availability of TRCB still falls far short of needs. Moreover, in some instances, TRCB represents a diversion of resources from other pressing development priorities rather than an allocation of new resources.

Inappropriate orientation and focus of assistance. TRCB programs too often retain a “one-size fits all”, standardized approach to developing country needs. The mandate of most international organizations is to administer so-called “neutral assistance”. In the context of strong economic, political and ideological tensions about appropriate economic policies, the concept of neutrality is

³¹ The recognition of international standards in the WTO opens the prospect of disputes against those countries that do not comply (where as formerly international standard-setting organizations only set voluntary guidelines). The needs in this area are numerous, including support to meet the costs of the implementation requirements of the TBT and SPS agreements (which can amount to an entire year’s development assistance budget in some least develo

problematic. For developing countries, the primary concern is for not for neutral assistance, but for assistance that will help them evaluate options in light of their needs and circumstances and to situate trade policies within a broader set of development needs and strategies.

Numerous experts and organizations have raises substantial concerns about whether technical assistance is appropriately ta

about specific technical aspects of cooperation programmes (such as financial information).³⁸ Without such tools, it is difficult to monitor, assess or improve the contribution of TRCB to the trading prospects of developing countries.³⁹ A related evaluation problem concerns the tendency to evaluate only individual projects or programmes of particular institutions or initiatives.

TRCB activities are closely related to the issue of policy coherence. Just as there are important questions of capacity building for what and whom, the coherence agenda raises questions about coherence among whom and for what purpose? Many developing countries have expressed concern that the coherence agenda may be misappropriated—resulting in their being even more vulnerable to a unified, “one-size fits all” approach to economic policy from the international donor community. They fear that the policy coherence agenda could lead to a crowding out of the diversity of ideas from which they should be able to benefit in formulating economic policies. The preferred developing country conception is one of coherence between the international economic architecture, developed country policies and developing country abilities to pursue their development objectives.

From a developing country perspective, policy coherence demands attention at three

organizations in developing countries, donors can build the durability and long-term cost-effectiveness of TRCB.⁴² Such organizations provide a far greater potential for independent and responsive advice—unencumbered by bureaucratic constraints and donor-driven strategic agendas/ Actors outside government can also be repositories of long-term capacity from which governments can draw over time—beyond the tenure of particular government officials. The development of local capacity also helps foster the articulation of variety of perspectives and informed engagement of national stakeholders—vital to a healthy process of trade policy development within a country.

Two further steps which could help minimize bias and the donor-driven nature of much TRCB would be to: a) structure multilateral funding programs such that developing countries are able to specify particular needs and then competitively select the providers that offer the best proposal for meeting those needs; and b) develop a set of guidelines and a professional certification scheme for providers of technical/legal assistance and policy advice to developing countries. These should include strong requirements for disclosure to developing country recipients of the professional background of consultants and any potential conflicts of interest, as well as principles of professional responsibility. This in turn, should be combined with the broader professional concept of the “duty to refer” where providers should be prepared to acknowledge their limitations institutionally or in respect of technical know-how or local needs that might affect their ability to provide appropriate assistance.⁴³ The duty should be on the provider to make known to clients their positions, expertise and perspectives in relation to other providers. Developing countries should also be empowered to veto the donor’s choice of technical assistance providers (e.g., developing countries should not be forced to accept experts with close ties to the pharmaceutical industry to draft WTO-compliant legislation regarding access to essential medicines).

b) Improve support for mainstreaming trade policy reforms into broader development and poverty reduction strategies

TRCB must not be seen simply as a tool through which to achieve compliance with WTO rules or to reduce the resistance of developing countries to new WTO disciplines. Instead, it should focus on enabling countries to understand and consider the complex role of international trade in their national development strategies and the pros and cons of different options. Importantly, this also means placing WTO commitments in the context of broader national development strategies. Given domestic priorities and the risks of resource-diversion, it may not, for example, be that the WTO agenda should always come first.

Policy analysis, research and advice must include suggestions on how flexibly to implement rules and should draw the attention of developing countries to a range of different policy options and implications.⁴⁴ Greater assistance should also be provided to developing countries to enable them to

⁴² ICTSD & IISD (2003) “Technical Assistance and Capacity Building”, *Doha Round Briefing Series 1:12 and Reality of Aid Network* (2004: 17).

⁴³ This concept is drawn from Musungu (2003).

⁴⁴ At least two recent conferences have explicitly addressed questions of how TRCB can help improve the quality of research and research capacity in developing countries. For a summary of the discussions at a March 2001 IDRC meeting entitled “Trade Policies in Developing Countries: What Role for Capacity Building and Research?”, see Joekes, J. & R. Medhora (2001) “Trade Negotiations and Trade Policies in Developing Countries: What Role for Capacity Building and Research?”, *Economic and Political Weekly*, May 26. A second conference “International Layers and Economists Against Poverty (ILEAP): Launch of a New Initiative

(which includes commitments to TRCB) and to monitor any difficulties in this regard.⁴⁶ According to their proposal, the ambit of this Mechanism could include initiating and considering recommendations on complying with obligations under S&D, preparing country profiles setting out detailed and quantified needs, as well as opportunities and benefits, providing a time-frame for countries within which to comply with recommendation, and regular reporting to the CTD on measures adopted to implement the recommendations.⁴⁷

d) Harmonization and simplification of procedures.

Donors need to continue attention to avoiding duplication and minimizing reporting requirements and other administrative procedures which can overload the capacity of developing countries. Joint funding arrangements should be encouraged, particularly given the limited absorptive capacity of developing countries. Donors should also work to ensure the stability, predictability and rapid dispersion of funding for TRCB.

e) Innovative approaches: compensation, supply-side support, institution-building and risk management.

Developed and developing countries must work together to create more innovative, dynamic and integrated responses to the capacity challenges developing countries face. In a political context,

to developing countries of building the institutional and human resource capacities to meet WTO commitments extend far beyond what their budgets or aid can realistically meet, and risk the diversion of precious resources from other national priorities. Agreement on a “cooling off” period in which an assessment of the budgetary cost of implementation for developing countries is

In sum, possible commitments to which a Leaders' Level G20 could agree include:

1. **Increasing resources for “aid for trade”, and in particular for supply-side capacity building in developing countries.** Leaders could agree that increases in TRCB must not detract from other development-related aid, or substitute for development-related concessions in trade rules and meaningful market access outcomes in WTO negotiations.⁴⁸ Agreeing to resist a quid pro quo approach. G20 Leaders should agree that TRCB funding and design must not be allowed to be linked to concessions in negotiations.
2. **De-linking TRCB and technical assistance from donor economic priorities and promoting greater developing country ownership.** In addition to untying aid, G20 Leaders could agree to ensure TRCB is designed to more effectively and flexibly respond to developing country circumstances and needs, and that developing countries are more clearly in the lead of assessment, design, and implementation. This would include commitments to ensuring TRCB responds to the needs already articulated in developing country initiatives such as NEPAD. Working in partnership, developed and developing country G20 members could commit to diversifying the providers and recipients of capacity building, and to developing monitoring and evaluation mechanisms that promote donor compliance with TRCB commitments and accountability for the effectiveness of aid.
3. **Promoting greater consistency between domestic economic policies, external trade strategies and commitments to international development objectives.** The G20 Leaders could commit to mechanisms for closer cooperation between trade and development

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