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## Informal Learning and WTO Renewal

Using Thematic Sessions to Create More Opportunities for Dialogue

Robert Wolfe



European University Institute

**Robert Schuman Centre for Advanced Studies**

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Italy

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## **Abstract**

Thematic sessions are a broad class of meetings that are sponsored by or associated with a WTO body in some way, but that are not part of its formal meetings. The WTO held over 100 such sessions in the three years from 2017 to 2019. They bring dynamism to WTO by allowing committees to consider what works well and what does not under an agreement, including by sharing experiences with implementation, and helping to define what is next on the agenda. This paper analyses how such meetings are organized, focusing on how themes are chosen, participation (who speaks), the degree of transparency, and funding, drawing on a database of all thematic sessions from the beginning of 2017 until the end of 2019. Enhanced use of thematic sessions can contribute to strengthening connections between Geneva delegations and capitals.

## **Keywords**

WTO committees; institutional reform; trade governance; international cooperation





## Introduction\*

The World Trade Organization (WTO) held over 100 thematic sessions in the three years from 2017 to 2019. A vital part of WTO renewal and improving its working practices is making better use of such informal deliberation among Members.

I use “thematic session” to refer to a broad class of meetings that are sponsored by or associated with a WTO body in some way, but that are not part of its formal meetings. The sessions often include presentations by the Secretariat, governments, other international organizations, business, NGOs, and academics. Such sessions ranged from a 2017 Workshop on Investment Facilitation for Development through a 2018 Symposium on the Agriculture Policy Landscape to a 2019 Experience-Sharing Workshop on Implementation of the Customs Valuation Agreement.

WTO bodies have an important operational agenda flowing from their agreements, an agenda that may inhibit policy dialogue on substantive issues in their domain. Members find it valuable to share their experiences with implementation of the WTO agreements that are now over 25 years old. Given how much world trade has changed during the life of the WTO, they also find it valuable to discuss what adaptations and new rules may be needed. Such informal discussions can identify emerging problems that may need anything from a clarification of a committee’s guidelines to negotiations on new rules. But some committees never hold thematic sessions, participation by capital-based officials from developing countries is uneven, and too few sessions have a forward-looking agenda. In its June 2020 statement (WTO, 2020) the Ottawa Group called for strengthening the relationship with stakeholders, including the business community on possible responses to the COVID-19 health and economic crises as well as broader WTO reform efforts. Thematic sessions are one way to do this.

This paper is about *how* the WTO can encourage institutional learning (Wolfe, 2018). Enhanced use of thematic sessions can contribute to strengthening the pipeline between Geneva and capitals, and to better understanding in Geneva of what is happening on the ground. But achieving that objective requires making better use of this tool. The paper has two objectives. The first is to take stock of current practices, which begins with an inventory of recent thematic sessions followed by analysis of the variations types of session observed, how themes are chosen, participation, the degree of transparency, and funding. The text box below compares WTO to other international organizations. The second objective is to draw lessons from recent experience as a basis for recommendations on how to improve the use of thematic sessions.

### ***Box: Stylised Facts on the Use of Thematic Sessions Outside the WTO (by Christian Bluth)***

While the focus of this paper is on the WTO, similar types of interactions occur in other international organizations. The OECD International Organization Partnership has been doing work on the structure, decision making processes, legal and policy instruments and budget and staff of international organisations (OECD, 2019a). While that project does not address our exact question, from interviews with the OECD Secretariat it reveals that equivalents to thematic sessions are also used in other international organisations. In some cases, these sessions are comparable to the practice at the WTO, in other cases they are substantially different.

A key determinant of the design and the use of thematic sessions across international organisation seems to be the size and autonomy of the Secretariat. If an organisation has a larger and more autonomous Secretariat, it is more likely to take the initiative in organising thematic sessions. In institutions with a

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weaker Secretariat, the agenda is more likely to be determined by the member states. The WTO Secretariat is somewhere in the middle of this spectrum: while it has large analytical capability, country-led institutions do not have much room for autonomous decisions. In cases with a weak Secretariat, committee work tends to focus on current issues. In contrast Secretariat-driven institutions, such as the OECD, tend to address a more forward-looking work agenda. They are also more likely to accompany any thematic sessions with analytical reports that are compiled by Secretariat officials.

Involving stakeholders is widespread in other international organisations, for example in those working on financial or environmental regulation. Stakeholders could include academic experts, NGOs and business associations.

Thematic sessions in organisations with a large Secretariat are usually well documented through an associated report, a dedicated webpage and making presentation materials available to committee members. Transparency is also increasing; many organisations make such materials available to the public in general. Such sessions are usually appreciated by the member state delegations, according to surveys that evaluate the usefulness of thematic sessions to the work of the committee in question.

It is also a widespread practice to bring in officials from the capitals of member states, but as at WTO the costs seem to be the responsibility of countries not the Secretariat. Participation of capital-based officials can help to address two problems: First, it may bridge a disconnect between work going on in international organisations and awareness of that work at the national level. Ideally, capital-based officials recognise the importance of workstreams in international organisation for their own agenda but leveraging thematic sessions helps to increase awareness. Second, bringing in capital-based officials can also help to overcome silo thinking within different parts of national administrations. Thematic sessions can provide a background that brings together different agencies and help them bridge their sometimes disparate work on related issues.

## 1. Taking stock of practice

Thematic sessions are informal deliberative opportunities that are helpful for a committee, but not part of its operational work. Before trying to take stock of practice an inventory is needed of sessions that meet that simple screen. We systematically checked every WTO body starting with its landing page on the WTO website, looking at news releases, the events calendar, annual reports and minutes.<sup>1</sup> We also looked at the WTO news archive, and the WTO twitter feed, and we used the general search engine to identify potential sessions. The descriptors we looked for included: informal, educational, workshop, information, forum, exercise, leadership dialogue, symposium, experience-sharing, dedicated, discussion group and of course thematic.

We found 105 thematic sessions that met our screen. The number of thematic sessions seems to be increasing, with comparatively more thematic sessions held in 2019 than in 2017. Table 1 is a summary of our findings of all such meetings held in 2017-19 categorized as either Implementation (sharing experience on existing agreements) or Next steps (consideration of new issues, or what's next on the committee's agenda). Some sessions are Both. A detailed list can be found in the Appendix.

Nearly three quarters of the thematic sessions held by committees are based on sharing experiences in implementation of existing obligations or a technical aspect of the committee's domain. While not as prevalent, there are also session on trade-related issues not now well-covered at WTO, or new global trends or initiatives: for example, a workshop on *Gender Based Analysis and Trade*, held on March 16, 2018, or the *Global Trade and Blockchain Forum* held on December 2, 2019.

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<sup>1</sup> Samantha Kieffer prepared the tables, the appendix, and the underlying database of all thematic sessions held during this time period.

**Table 1: Summary of Thematic Sessions held in 2017-2019**

WTO Body	# of Events	Next Steps	Implementation	Both
<b>TOTAL</b>	<b>105</b>	<b>26</b>	<b>73</b>	<b>6</b>
Trade and Environment	8	2	6	0
Trade and Development	12	4	8	0
Micro, Small and Medium Enterprises	6	0	6	0
Economic Research and Statistics Division	1	1	0	0
Council for Trade in Services	13	6	7	0
Council for TRIPs	2	2	0	0
Agriculture	7	0	5	2
Sanitary and Phytosanitary Measures	11	1	10	0
Technical Barriers to Trade	9	0	8	1
Customs Valuation	2	0	2	0
Rules of Origin	3	0	3	0
Safeguards	4	0	4	0
Trade Facilitation	6	0	6	0
Anti-Dumping Practices	6	0	6	0
Government Procurement	1	0	1	0
Information Technology	1	0	0	1
Miscellaneous	13	10	1	2
MA, ILP, SCM, TRIMS, RTAs, BOP	0	-	-	-

*Note:* MA: Market Access; ILP: Import Licensing; SCM: Subsidies and Countervailing Measures; TRIMS: Trade-related investment Measures, RTAs: Regional Trade Agreements; BOP: Balance of Payments

Thematic sessions can also be a short-term alternative to negotiations. In the absence of progress on the Harmonization Work Programme (HWP), the chair of the Committee on Rules of Origin proposed in 2014 to initiate an “educational exercise” to share experiences and learn more about the non-preferential rules of origin currently being applied by some WTO Members. The first session held as a “dedicated item” in the committee took place in 2015. Subsequently the committee held a series of educational exercises to better understand what happen. These featured presentations by the World Customs Organization, the WTO Secretariat, the International Chamber of Commerce, UNCTAD, the International Trade Centre, capital-based officials, and firms. Presentations at the 2015 meeting were circulated in a restricted room document series, but detailed reports are in the committee minutes. The programs and presentations for the 2016 and 2018 meetings are on the web, however, and afterwards the Secretariat prepared detailed summary documents.<sup>2</sup> While the committee held other informal sessions in 2019, there were none on this topic, although it is possible that these sessions facilitated progress during that year on simplification of preferential ROOs for LDCs.

When looking for thematic sessions our desk research was supplemented by confidential interviews in October and November 2019 with WTO officials in all the main areas of work, and with some committee chairs. The purpose of interviews was to see if we had missed a session, to verify that what we found did fit the screen, to seek details not available through desk research, and to solicit informed views on the purpose and value of such sessions.

We had a standard set of questions about each session that fit the screen. We asked about the theme for a session, and whose idea it was, Secretariat or Members? Next, who made presentations, are they available online, was the session reported in committee minutes, and is there any evidence of impact on

<sup>2</sup> G/RO/M/63, G/RO/M/64, [https://www.wto.org/english/tratop\\_e/roi\\_e/privatesec21916\\_e.htm](https://www.wto.org/english/tratop_e/roi_e/privatesec21916_e.htm), [https://www.wto.org/english/news\\_e/news18\\_e/roi\\_20apr18\\_e.htm](https://www.wto.org/english/news_e/news18_e/roi_20apr18_e.htm). Also see G/RO/W/162 and G/RO/W/175.

the subsequent work of the committee? We looked for evidence of engagement with officials from capitals and stakeholders including business, and we were interested in funding—was the budget for the session sufficient to bring to WTO the people who care, people who know, people who are responsible for the issues in capitals? The following sub-sections analyze variation in how meetings are organized, which is related to (1) the type of session, (2) how themes are chosen, (3) participation (who speaks), (4) the degree of transparency, and (5) funding.

### 1.1.1 Types of sessions

The simplest way to have an informal meeting is for a Member to invite a small group of delegates and experts to come to its mission to discuss a topic of its choosing. In their work on rules of origin, for example, the Swiss have invited firms and experts to their mission along with the 15 or so WTO members that they work with. Most such meetings are not in our screen. More ambitious meetings are harder to organize. We found six models or types of thematic session that vary by how they are organized.

#### 1. Standing working groups with a built-in agenda for informal discussions: 6 events

Although not called thematic sessions, they function in a similar way, with an easier process for reaching a consensus on topics and speakers. There are two such examples under the Committee on Anti-Dumping Practices (ADP), for example. The first is the Working Group on Implementation, which meets twice a year, with participation of experts involved in the actual implementation of the rules. In 2015 the Group agreed on a new approach for work based on a topic-centred discussion, a discussant assisting the Chair to facilitate the informal dialogue, deformed submissions and a general non-attributable summary report circulated by the Secretariat following the meeting. The aim is that Members continue to learn from each other about their respective practices in this area. The Informal Group on Anti-Circumvention functions in a similar way. The ADP minutes record that a meeting took place, the topics discussed, and proposed topics for the next meeting, but nothing more, and the presentations are not available on the web.

#### 2. Informal meetings that require little organization: 12 events

One Member makes a proposal and seeks Committee endorsement, and the Secretariat assists in providing logistical support and in providing the names of potential speakers. For example, our database has two sessions under the Safeguards committee in 2019. Trade remedy is very sensitive, and it is hard to get consensus for thematic sessions, so interested delegates just do it on the margins. The Safeguards sessions were informal discussion group meetings open to all Members. The idea was to provide a broader perspective, removed from discussion of individual cases, and to focus more on each other's experiences.

#### 3. Sessions that are part of a committee work plan: 23 events

For example, the Technical Barriers to Trade (TBT) committee develops a plan for thematic sessions as part of its Triennial Review process; these sessions are relatively straightforward to organize.

#### 4. Committee consensus that delegates wish to discuss a particular issue: 4 events

Some thematic sessions emerge slowly and arduously in committee discussions. There can be more resistance when a session seems likely to consider whether there is a need for something new. That is why it is harder to get agreement for the Secretariat to organize a session as opposed to a Member just doing it and paying.

#### 5. Side events: 28 events

Side events organized either by the Secretariat or by a Member held in conjunction with a committee, sometimes just to have an audience. Such meetings are not always reported to the

committee or recorded in the minutes in any detail. For example, on the margins of the November 2019 Committee on Trade and the Environment (CTE), Canada as part of the Friends for Advancing Sustainable Trade (FAST) worked with the International Chamber of Commerce (ICC) and the World Business Council for Sustainable Development to organize a Workshop on Circular Economy and the Business Perspective.<sup>3</sup> We have also characterized some seminars organized by the Economic Research and Statistics Division as side events because they are not associated with a specific committee, but are meant to be learning opportunities for delegations.

#### 6. Symposia: 32 events

Events organized by the Secretariat on its own initiative, like the Symposium on the Agriculture Policy Landscape in June 2018.

The numbers of each of these 6 types of event are summarized in Table 2.

#### 1.1.2 Choosing a theme

Organizing a thematic session is never easy, but it seems an element of forward planning helps. For example, one part of the TBT Triennial Review is a systematic discussion of implementation challenges and emerging issues where the committee would benefit from an informal discussion. The result is a three-year plan for thematic sessions that makes organizing the sessions easier for the Secretariat and facilitates planning for attendance by capital-based officials. The two ADP working groups now have a built-in process for considering themes for future meetings. At each meeting of the Trade Facilitation committee Members are asked what new themes they would like next for the informal meetings on implementation of the Agreement. In a new step the chair of the Committee on Government Procurement has proposed that Members plan a thematic session each year.

At the other end of the spectrum is CTE. The committee has no WTO Agreement to implement and struggles with continuing debates on its proper domain. Thematic sessions might help to promote learning on the links between trade and the environment but reaching consensus on the theme for a session is arduous. A thematic session can represent an agreement by a committee that it will address a topic, which is the part that is hard for CTE. Some delegates worry that a discussion of anything related to climate change, for example, is a slippery slope towards consideration of matters best left for UNFCCC. And yet thematic sessions can be an important part of a committee's work program when delegates are uncertain how to handle issues, which is why the FAST group has been trying to encourage more thematic-type discussion in the CTE on trade and sustainability issues.

#### 1.1.3 Transparency

The diversity of types and purposes of thematic sessions is reflected in the available information about their programs, presentations, and what is discussed. In some cases, presentations are circulated as restricted room documents and there is no detail in the minutes because such sessions are held only for the committee. Part of the purpose of other thematic sessions seems to be educational, as suggested by the opportunity for outsiders to register to attend (e.g. the June 2019 agriculture symposium). The presentations made at thematic sessions are often posted online, and some sessions are livestreamed, or a video or audio record is posted later. Often summary reports of varying detail are circulated to a committee, and sometimes what was said in an informal discussion is recorded in the minutes. Other times the Chair reports orally. For example, many workshops take place on issues related to the work of the CTE that do not fit our screen—they took place outside Geneva—but often the organizers of such sessions report to the committee, which is reflected in the minutes.

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<sup>3</sup> [https://www.wto.org/english/tratop\\_e/envir\\_e/cte\\_week\\_251119\\_e/fast\\_group\\_flyer.pdf](https://www.wto.org/english/tratop_e/envir_e/cte_week_251119_e/fast_group_flyer.pdf)

**Table 2: Types of Event**

<b>WTO Body</b>	<b># of Events</b>	Type 1	Type 2	Type 3	Type 4	Type 5	Type 6
<b>TOTAL</b>	<b>105</b>	<b>6</b>	<b>12</b>	<b>23</b>	<b>4</b>	<b>28</b>	<b>32</b>
Trade and Environment	8	0	0	0	2	4	2
Trade and Development	12	0	0	4	0	1	7
Micro, Small and Medium Enterprises	6	0	5	0	0	1	0
Economic Research and Statistics Division	1	0	0	0	0	1	0
Council for Trade in Services	13	0	0	1	1	3	8
Council for TRIPs	2	0	0	0	0	0	2
Agriculture	7	0	1	0	0	2	4
Sanitary and Phytosanitary Measures	11	0	0	4	0	3	4
Technical Barriers to Trade	9	0	0	6	0	2	1
Customs Valuation	2	0	0	1	1	0	0
Rules of Origin	3	0	2	0	0	0	1
Safeguards	4	0	4	0	0	0	0
Trade Facilitation	6	0	0	6	0	0	0
Anti-Dumping Practices	6	6	0	0	0	0	0
Government Procurement	1	0	0	1	0	0	0
Information Technology	1	0	0	0	0	0	1
Miscellaneous	13	0	0	0	0	11	2
MA, ILP, TRIMS, SCM, RTAs, BOP	0	0	0	0	0	0	0

Whether or not the Chair reports for the minutes, the prime value of a thematic session is the thing itself, but general WTO transparency is served the more information is released. On the other hand, some delegates worry that a committee discussion can be used by the Appellate Body to interpret the rules—in TBT the question of whether to include a disclaimer on the legal status of guidelines for Good Regulatory Practice (GRP) has held up approval for years, but the committee continues to advance its understanding of the issues through thematic sessions on GRP (WTO, 2019b). The ADP Working Group on Implementation has a rigid mandate to discuss non-binding recommendations on best practices. On one occasion the Appellate Body apparently mentioned something that had been discussed in the working group as if it created a rule, so delegates became cautious, which is perhaps why there is now no reporting in the ADP minutes of what was discussed in the working group.

#### 1.1.4 Participation

One reason to have thematic sessions is to bring to Geneva the people who care, people who know, people who are responsible in capitals. But who actually attends thematic sessions? A definitive answer is impossible, because the Secretariat does not record attendance at WTO meetings. Anecdotal information suggests that the Members with the largest delegations are the most active participants, smaller delegations less so, and LDC participation is infrequent. Most meetings are closed, but some allow outsiders to attend if they register, as was the case with 22 of the sessions in our database—although registration itself can be burdensome due to WTO security procedures.

It is easier to track who speaks—see Table 3. We found evidence of speakers from other international organizations, business, NGOs, and academics. Committees vary though—some have few outside speakers (TBT) while others have many. For example, at the Council for Trade in Services (CTS) Thematic Seminar on “Mode 4 at Work” in 2018 speakers came from international organizations, industry, and academia along with capital-based officials.

The continuum extends from all speakers being from the Secretariat and/or Members through large participation of outsiders. When there is uncertainty, or when a committee is trying to build awareness, delegates may want to hear from people with on the ground experience. When the session is technical delegates may only want to include practitioners if no outsiders have the required expertise.

**Table 3: Types of Speakers**

<b>Total # of Speakers</b>	<b>1153</b>
Geneva*	285
Other IOs	219
Business	166
Total Capital Based	253
Capital Based non-G20	88
Capital Based LDC	22
NGO	65
Academic	77

\* WTO officials and Geneva-based delegates

As we see in Table 3, over 40% of speakers in thematic sessions are either Geneva-based or come from other international organizations. Thematic sessions typically have capital-based speakers, and virtually every session has speakers from the leading traders, but only 53 sessions had speakers from non-G20 countries and only 18 sessions had speakers from LDCs. Put differently, barely a third of the total number of capital-based speakers came from non-G20 Members. Less than 20% of sessions featured LDC speakers. The largest LDC participation as one might expect was in Trade Facilitation and the Trade and Development but LDC participants also spoke more than once in events in Sanitary and Phytosanitary Measures (SPS), services, customs valuation, and environment. The results are consistent with measures of participation in STCs (Wolfe, 2020b) and the dispute settlement system (Fiorini, Hoekman, Mavroidis, Saluste, & Wolfe, 2020).

While business participation is significant, it would be better for Members to have even more private sector engagement, because they are grounded. Inviting the private sector can be tricky, however, if the Secretariat is seen as simply providing a megaphone for business to talk to Members. One solution is sessions organized by business at the annual Public Forum, or with side events organized by firms in cooperation with Members.

### 1.1.5 Funding

One reason for skewed patterns of participation, and perhaps for the limited number of events in some bodies, is funding. There is little information available on who pays for most thematic sessions. My understanding is that funding comes in six ways. First, some events, and some logistics, can be covered from the regular budget. Second, speakers based in Geneva incur no expenses. Third, international organizations and speakers from large firms pay for themselves. Fourth, some funds come from the WTO Institute for Training and Technical Cooperation (ITTC) to fund travel costs for academic experts, NGOs and some capital-based officials (WTO, 2019a, p. para 167). Fifth, sometimes one or more Members provide funds for an event. Finally, if Members suggest a speaker from their country, they are expected to pay the costs, which leads to more developed country than developing country speakers from capitals.

The two extremes are in the Rules area where the costs come out of regular funds, in part because there is no need to bring in outside experts, and the Trade Facilitation Committee, which has a dedicated

trust fund that sponsors attendance at its sessions by an official from any developing country Member that needs it. Most committees have neither a dedicated trust fund nor a budget for informal sessions.

The effort to find money can delay the organization of a thematic session by many months, and can lead to further delays as the organizers try to balance who wishes to speak, the availability of funds, and the agenda—speakers who live close to Geneva are cheaper than ones who have to travel some distance, while regional and gender balance can be difficult depending on the speakers Members propose.

Finding money from technical assistance funds is difficult and time-consuming because of the current model, which favours university-like training, which may not be the best way to learn how to use a committee. When a thematic session is held back to back with a committee, it offers a great training opportunity if officials are able to come to the committee, participate in a thematic session, and attend lectures, but the available training funds are often earmarked for a standard classroom experience

## **2. Lessons from recent experience**

What can be done to improve the use of thematic sessions? I have two sets of recommendations, first on substance and then on process.

### ***2.1 Substance: Other possible themes for thematic sessions***

My focus is the infrastructure for making good use of thematic sessions more than the substance of what should be discussed, but the database shows some substantive gaps. For example, there could be more “next steps” thematic sessions on new issues designed to identify and think about how to address systemically important negative spillover impacts of non-tariff policies. I do not mean that WTO should try to compete with OECD, a think tank with a huge staff. WTO is a forum for solving problems, and its discussions are never theoretical, but that leaves considerable scope to use thematic sessions for learning. I suggest three sorts of issue for more thematic sessions.

First is an issue that crosses many committees, regional trade agreements (RTAs). Every committee could organize thematic discussion of systemic issues posed by RTAs and of what can be learned from the operation of RTAs in their respective policy areas (Hoekman, 2018). RTAs may pursue innovative approaches towards cooperation on trade policies. A regular focus on discussion of national experiences with different RTAs would not only improve transparency, but more important, support a process of learning about approaches that might be multilateralized.

A second set of issues that crosses many committees is ex post discussion of the consequences of dispute settlement decisions. Surveillance by the Dispute Settlement Body is not the only avenue for follow-up. Any committee could decide that the consequences of recent decisions have raised issues for its Agreement that the committee might wish to discuss informally in a thematic session. For example, the SPS Committee Thematic Session on Fall Armyworm held on March 19, 2019 began with a Secretariat presentation on the implications of dispute settlement reports relevant to the operation of the SPS agreement.

Third is a set of issues in one committee. The SCM committee does not hold thematic sessions, but maybe such sessions could be a means to supplement the woeful notification record in this area. Informal discussion of the conceptual challenges with subsidies transparency might help (Hoekman & Nelson, 2020). In the short term, if agreement on binding rules is not possible, work can proceed on developing more informal discipline on subsidies based on information and dialogue (Shaffer, Wolfe, & Le, 2015). Here are five possibilities.

1. The Director-General’s annual monitoring report no longer provides data on general economic support (WTO, 2019c, p. section 3.7). The reports originally captured responses to the financial crisis when just knowing the facts helped countries avoid an over-reaction. The report should now



be capturing responses to the uncertainty associated with the trade policy response to the COVID-19 pandemic (Wolfe, 2020c). It is not. The stated reason for dropping the section is the dismal response to the Director-General's questionnaire asking for data on general economic support measures, but the problem is not mechanical. Do Members agree on why general economic support should be tracked? If the problem is a lack of consensus on the definitions and impact of such support, then perhaps a thematic session in the SCM committee could help.

2. The OECD has recently done important work estimating the incidence of subsidies in the semiconductor and aluminum industries (OECD, 2019b, 2019c). An informal briefing on that work might help the SCM committee to think about current notification requirements, which do not pick up all the various forms of support governments give firms in these global value chains. Such a session might also consider whether an index like the OECD Producer Support Estimate (PSE) might be useful for industrial subsidies (Wolfe, 2020c).
3. In a similar vein, informal discussion of the nature of state-owned enterprises (SOEs) in all Members might contribute to learning about how WTO might address the thorny issues in this area (Wolfe, 2017).
4. Whatever committee is assigned responsibility for implementing a new agreement on fisheries subsidies could hold a regular thematic session to promote understanding of fisheries regimes and specific topics more informally. Observer organizations could be asked to help provide data and experts would be encouraged to attend from capitals. Such a special session ought to be an occasion to ask questions about whether the information available to Members on fisheries subsidies is good enough for them to do their work. If it is not, what can be done?
5. Finally, a thematic session might be the best place to discuss how to improve the SCM notification template. A subsidies notification is hard for many Members to complete, produces documents that even delegates to the SCM committee struggle to understand, and that do not capture many of the important subsidies identified in the OECD aluminium and semiconductor studies.

These examples for the SCM committee are illustrative of what other WTO bodies might be able to do with thematic sessions.

## ***2.2 Infrastructure for thematic sessions: Process improvements***

The second set of improvements to the use of thematic sessions concern process. The following suggestions might best take the form of a General Council decision. Committees need no permission to hold thematic sessions, but some central actions would be helpful.

1. To increase the confidence of Members in holding informal discussion of emerging issues, there could be a General Council decision that the Appellate Body may not make use of any record of discussion in a thematic session as evidence of "subsequent agreement" in the sense of Article 31 of the Vienna Convention on the Law of Treaties.
2. Thematic sessions of all types ought to include capital-based officials in order to facilitate dialogue among all Members. One obstacle to enhanced developing country participation is cost. To ensure greater participation the General Council should create a central budget with appropriate criteria to assess committee applications for funding. The Committee on Trade and Development (CTD) and Committee on Budget, Finance and Administration (CBFA) that jointly supervise the technical assistance and training plan might seek input from other bodies when developing the biennial plan.
3. Video conferencing technology can lessen the cost of participation. Officials should be able to follow a meeting from capitals. I would generalize Brazil's suggestion for the SPS committee: When organizing thematic sessions and workshops, the Secretariat shall provide the means for remote participation (through live streaming) (WTO, 2019d). I would add that there ought to be provision to allow remote questions in all three WTO languages. Privacy and security concerns will vary by type of meeting. In some cases, only registered participants should be able to ask a question. In

others only designated national officials should be able to log in at all. The Secretariat solved these sorts of technical issues in organizing online meetings of WTO bodies during the COVID-19 lockdown.

4. Engagement with people who have on the ground experience is particularly important. Given sensitivities about outsider participation in some bodies, more targeted use could be made of the annual Public Forum as an adjunct to the program of thematic sessions. WTO Directors ought to have a role in evaluating proposed sessions, and some scope to encourage sessions of direct relevance to the work of the committees for which they are responsible. If Directors help write the annual call for Public Forum proposals, they could signal to the private sector and other stakeholders themes where their input might be especially helpful. Using the Public Forum to bring in stronger voices of people who actually trade might avoid the impression of giving business more of a voice than other stakeholders in thematic sessions.
5. WTO reform is not a one-shot deal. Committees should always be asking if the information available to them is good enough (Wolfe, 2018). One part of that effort should be an annual conversation about whether it would be useful to have one or more thematic sessions on implementation of existing agreements or on what is next on the committee's agenda. Every committee should consider as part of its forward work plan whether the systemic impact of RTAs in its area of work should be a subject for thematic sessions. The General Council should require each committee to detail its plans for thematic sessions in their Annual Report.

## **Conclusion**

Shifting the focus from a “business as usual” approach centred on defending long-standing positions on mandates and work programs of committees to one that starts with Members asking what each WTO body's activities (tasks) should be and how they can more effectively pursue them may make the “normal business” activities of WTO bodies more salient to the constituencies that have a stake in the subject areas covered by the different WTO agreements (Hoekman, 2018). In each area Members need a common understanding of an issue and whether and how rules are needed to address it. Such learning might lead in time to new rules, but it first should allow delegates to lift their heads out of a transactional agenda in order to think about what they want to achieve together.

In addition to inadequate funding, resistance by leading Members also creates obstacles to making better use of thematic sessions. One often hears that proposals for innovative sessions are killed by some developing country Members who insist on sticking to existing mandates and resist any discussion that might possibly lead to an infringement of their policy space. But proposals are also resisted by a large country that thinks that the Technical Assistance Division not individual committees should be responsible for anything that might look like training. The WTO is not a development agency, they say. That country is also critical of what they perceive as the Secretariat bringing in people and teaching them what to say. That country is said to see a risk of the Secretariat setting the agenda not committees, which may be an unfair criticism when Members suggest a theme, and then ask the Secretariat to organize.

Members who say that WTO reform is needed ought to take a more comprehensive view of the value of enhanced dialogue. WTO reform has to include the possibility of new thinking. It is too bad when Members simply block the possibility of new negotiations before it is clear whether they are needed. Some of the resistance may come at working level in delegations; the impetus for reform in this area may need to come from the General Council where ambassadors must accept responsibility.

Policy dialogue in WTO bodies should be framed as an open process with a view to considering what works well under their agreements, what is not working, and what is next on the agenda. Committees also need to know what the stakeholders who use their agreements think. The program for informal sessions has to be specific enough to engage the people who care, the people who are trying to live with

the agreement. That objective requires new thinking on how to organize, and fund, thematic sessions, and new ways to facilitate engagement with more capital-based officials, especially in developing countries.

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## Appendix

### List of all thematic sessions, 2017-19

Prepared by Samantha Kieffer, MPA candidate, School of Policy Studies, Queen's University

Note: sessions are coded according to the categories in Table 2 (types of sessions) and Table 1 (N for next steps; I for implementation, B for both)

<b>Trade and Environment</b>
1. Talking Trade and Trash – An Informal Trade and Environment Division Chat June 7, 2017 6/N
2. The Green Transition: a driver to expand trade opportunities? February 4, 2019 6/N
3. Workshop on trade and environment for LDCs July 26, 2019 4/I
4. Second workshop on trade and environment for LDCs November 11, 2019 4/I
5. What role for the WTO in addressing plastics pollution? November 25, 2019 5/I
6. Circular Economy and Trade – Advancing Economic Development and Combating Climate Change November 25, 2019 5/I
7. Workshop on Circular Economy and the Business Perspective November 26, 2019 5/I
8. Circular economy– the Swedish business experience November 27, 2019 5/I
<b>Trade and Development</b>
9. Aid for Trade, Trade Costs Indices and Design and Implementation of Policies to Reduce Trade Costs February 10, 2017 3/I
10. Natural Disasters and Trade Symposium April 26, 2018 6/N
11. Industrialization, Structural Transformation and Economic Diversification November 5, 2018 3/I
12. Economic diversification and empowerment with a focus on youth and women, (including in rural areas) November 5, 2018 3/I

13. Natural Disaster Symposium December 14, 2018 6/N
14. Sustainable Development and the green economy February 5, 2019 6/I
15. Connectivity and digital skills development February 5, 2019 6/I
16. Natural Disasters and Trade Symposium May 10, 2019 6/N
17. Workshop on the 2019 Aid-For-Trade monitoring and evaluation exercise 20-May-19 6/I
18. Workshop on Women in Digital Trade 01-Jul-19 5/N
19. MSMES and access to finance 05-Nov-19 3/I
20. Natural Disasters and Trade Symposium 29-Nov-19 6/I
<b>Micro, Small and Medium Enterprises</b>
21. Workshop on How to Support MSMEs: Sharing of National, Regional and Multilateral Experiences 31-Oct-17 5/I
22. Open-ended Thematic Session on Improving Access to Information for MSMEs 27-Mar-18 Source: INF/MSME/R/7 2/I
23. Open-ended Thematic Session on Improving Access to Information for MSMEs 22-May-18 Source: INF/MSME/R/7 2/I
24. Open-ended Thematic Session on Improving Access to Information for MSMEs 08-Jun-18 Source: INF/MSME/R/7 2/I
25. Open-ended Thematic Session on Improving Access to Information for MSMEs 27-Jun-18 Source: INF/MSME/R/7 2/I
26. Open-ended Thematic Session on Improving Access to Information for MSMEs 31-Oct-18 Source: INF/MSME/R/7 2/I

<b>Economic Research and Statistics Division</b>
27. ERSD - Trade in Ideas Pilot Study: Next Steps 26-Nov-18 5/N
Trade in Services
28. Workshop on Trade and Investment 20-Mar-17 5/I
29. Seminar on E-commerce and Investment Facilitation 24-Jul-17 5/N
30. Measuring Services Trade in the Digital Age 01-Mar-18 6/N
31. The African Continental Free Trade Area and Services Integration in Africa "State of Play and Prospects" 03-May-18 6/I
32. Cyber Security by and for Service Providers 22-May-18 6/N
33. Global Financial Development Report 2017/2018 - Bankers without Borders 20-Jun-18 6/N
34. Jurisdiction on the Internet: Implications for digital services 20-Sep-18 6/I
35. CTS Thematic Seminar: "Mode 4 at Work" 10-Oct-18 4/I
36. Recent Preferential Trade Agreements' Disciplines for Tackling Regulatory Divergence in Services: How Far beyond GATS? 10-May-19 6/I
37. Digitalization in Maritime Transport: Recent Trends and Implications for Trade Policies 14-May-19 6/N
38. Trade in Legal Services –Current Realities and Future Possibilities? 20-May-19 6/N
39. MIKTA Workshop - Regulatory Frameworks to Facilitate Trade in Services 14-Nov-19 5/I
40. WORKSHOP - LDC Services Waiver Dedicated Session of the Council for Trade in Services 29-30 Oct 2019 3/I
TRIPs
41. WHO-WIPO-WTO Technical Symposium on Sustainable Development Goals: Innovative technologies to promote healthy lives and well-being

26-Feb-18 6/N
42. Trilateral Symposium to address opportunities and challenges of cutting-edge health technologies 31-Oct-19 6/N
<b>Agriculture</b>
43. FAO-AMIS Seminar: Artificial Intelligence for Market Intelligence 14-Nov-17 6/I
44. Workshop on reviewing agriculture domestic support notifications 21-Feb-18 5/I
45. Thematic Session on Tariff Quota Administration and Underfill 26-Nov-18 Source: G/AG/W/192 2/I
46. Workshop on cotton by-products (CBPs) 07-Jun-19 6/I
47. Information session on international food aid 26-Jun-19 5/I
48. Symposium on the Agriculture Policy Landscape 13-14 Jun 2018 6/B
49. The Role of Trade in the Global Agri-Food System Symposium 27-28 Jun 2019 6/B
Sanitary and Phytosanitary Measures
50. SPS Committee thematic session on Notification of Trade Facilitating Measures 22-Mar-17 5/I
51. SPS Committee Thematic Session on Regionalization 11-Jul-17 5/I
52. Thematic Session on Pest-Free Areas 27-Feb-18 5/I
53. SPS Committee Thematic Session on Equivalence Part 1 30-Oct-18 3/I
54. Thematic Session on Equivalence (Part 2) 18-Mar-19 3/I
55. Thematic Session on Fall Armyworm 19-Mar-19 3/I
56. Thematic Session on Approval Procedures



05-Nov-19 3/I
57. Thematic SPS Workshop on Transparency and Coordination 15-16 July 2019 6/I
58. WTO International Forum on Food Safety and Trade 23-24 Apr-19 6/N
59. Workshop on Transparency 30-31 Oct-17 6/I
60. Workshop on Sanitary and Phytosanitary (SPS) Control, Inspection and Approval Procedures in Geneva 9-10 Jul-18 6/I
<b>Technical Barriers to Trade</b>
61. Thematic Session on Conformity Assessment 28-Mar-17 3/I
62. Thematic Session on Good Regulatory Practice 28-Mar-17 3/I
63. Thematic Session on Risk Assessment 13-Jun-17 5/I
64. Good Governance in Developing Modern Quality Infrastructure Systems 20-Jun-18 5/B
65. Addressing Tensions and Avoiding Disputes 21-Jun-18 6/I
66. Thematic Session on good regulatory practice 05-Mar-19 Source: G/TBT/GEN/256 3/I
67. Thematic Session on conformity assessment procedures 05-Mar-19 Source: G/TBT/GEN/257 3/I
68. Thematic Session on Standards (incorporation) and CAP 12-Nov-19 3/I
69. TBT Thematic Session Transparency 18-19 June 2019 Source: G/TBT/GEN/265 3/I
<b>Customs Valuation</b>
70. Experience-Sharing Workshop on Implementation of the Customs Valuation Agreement (CVA) 14-Feb-19

4/I
71. Workshop on the Moratorium on Customs Duties on Electronic Transmissions 29-Apr-19 3/I
<b>Rules of Origin</b>
72. Educational exercise on the impact of existing non-preferential rules of origin 2-Mar-17 Source: G/RO/M/68; G/RO/W/170 2/I
73. Information Session on Proofs of Origin and Certificates of Origin 18-Apr-18 Source: G/RO/W/175 6/I
74. Educational exercise and experience sharing about non-preferential rules of origin 15-6 Oct-18 Source: G/RO/M/71 2/I
<b>Safeguards</b>
75. Informal Discussion regarding Safeguard Proceedings Apr-17 Source: G/SG/M/51; G/L/1192 2/I
76. Informal Discussion regarding Safeguard Proceedings 23-Apr-18 Source: G/SG/M/53; G/L/1275 2/I
77. Informal Discussion regarding Safeguard Proceedings Apr-19 Source: G/L/1346 2/I
78. Informal Discussion regarding Safeguard Proceedings Nov-19 Source: G/L/1346 2/I
<b>Trade Facilitation</b>
79. Experience sharing/Thematic discussions at the meeting of the committee on trade facilitation 26-Jun-18 3/I
80. Experience sharing/Thematic discussions at the meeting of the committee on trade facilitation 25-Jun-19 3/I
81. Experience sharing/Thematic discussions at the meeting of the committee on trade facilitation 12-13 Feb-19 3/I
82. Experience sharing/Thematic discussions at the meeting of the committee on trade facilitation 15-16 Oct-19 3/I
83. Experience sharing/Thematic discussions at the meeting of the committee on trade facilitation

2-3 May-18 3/I
84. Experience sharing/Thematic discussions at the meeting of the committee on trade facilitation 9-11 Oct-18 3/I
<b>Anti-Dumping Practices</b>
85. Working Group on Implementation Informal Discussion 26-Apr-17 Source: G/ADP/M/52 1/I
86. Working Group on Implementation Informal Discussion 1-Nov-19 Source: G/ADP/26 1/I
87. Working Group on Implementation Informal Discussion 2-3 May-19 Source: G/ADP/M/56 1/I
88. Working Group on Implementation Informal Discussion 25-26 Oct-18 Source: G/ADP/M/56 1/I
89. Working Group on Implementation Informal Discussion 26-27 Apr-18 Source: G/ADP/M/55 1/I
90. Working Group on Implementation Informal Discussion 26-27 Oct-17 Source: G/ADP/M/53 1/I
<b>Government Procurement</b>
91. Symposium on Sustainable Procurement 22-Feb-17 3/I
Information Technology
92. Symposium on the 20th Anniversary of the Information Technology Agreement 22-Jun-17 6/B
<b>Miscellaneous</b>
93. Workshop on Investment Facilitation for Development 10-Jul-17 5/B
94. Technology, Globalisation and World Trade Governance 30-Oct-17 6/N
95. High-level Seminar on Global Deal and Trade 22-Nov-17 5/N

96. Workshop on Gender Based Analysis and Trade 16-Mar-18 5/N
97. Trade Dialogues with Business 07-Jun-18 5/B
98. Updating Trade Cooperation: An Economic View 11-Dec-18 5/N
99. Workshop on Gender in Trade Agreements 28-Mar-19 5/N
100. Trade Dialogue with consumer organizations 06-May-19 5/N
101. Graduate Women International 100th Anniversary: "Peace through Education" - WTO keynote discussion on Women's Empowerment 26-Jul-19 5/N
102. Luncheon on investment facilitation for development 05-Nov-19 5/I
103. Global Trade and Blockchain Forum 02-Dec-19 6/N
104. Opportunities and challenges of establishing an international framework on investment facilitation for development in the WTO 11-Dec-19 5/N
105. Conference on Trade and Gender Closing the Gender Gaps 6-7 December 2018 5/N

**Author contacts:**

**Robert Wolfe**

School of Public Studies, Queen's University

138, Union Street, Suite 301

Kingston, Ontario, Canada K7L 3N6

Email: [robert.wolfe@queensu.ca](mailto:robert.wolfe@queensu.ca)



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