

NEO PROTECTIONIST ACTIVITIES IN INTERNATIONAL TRADE

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Abstract. *The purpose of the work is consideration and analysis of the effect of neo-protectionist activities existing in the international trade on growth and/or decrease in the international trade within the framework of World Trade Organization (WTO) agreements; to what extent a particular non-tariff measure promotes or impedes international trade turnover. That is a very important and relevant issue for developing countries, including Georgia, the study of this issue should contribute to assessing risks and possibilities in commercial diplomacy. In the work, WTO's statistical data on tariff and non-tariff barriers is studied and its analytical review is presented. To what extent the trade liberalization measures taken within the framework of WTO contributed to increasing of neo-protectionism; whether they really promoted the expansion of international trade flows or not. The paper outlines the extent to which neo-protectionist measures would be important and useful for the development or promotion of local entrepreneurship; whether it is really better to apply them in comparison with tariff barriers. Non-tariff barriers are mainly applied by developed countries against developing ones, the reason for which is an aggravation of competition on the world market, and the country is striving for the protection of national producers' results from that. Oftentimes unilaterally introduced non-tariff regulation measures give rise to a whole chain of mutually restrictive actions. At the current stage, antidumping measures through increasing duties are the main legal import limitation instrument for WTO member countries. The number of antidumping investigations has been constantly increasing in the recent years. Transfer of non-tariff protectionism to the level of trade-economic groupings appears as another trend of its development. Within the framework of numerous regional integration structures and inside bilateral trade agreements non-tariff barriers are effectively applied both with respect to third countries and in member countries' mutual trade, and this takes place in conditions of significant liberalization of customs taxation. The conclusions made in the work deal with what should be taken into account by the countries in selecting a trade policy; how a concrete government should make a decision in the process of establishing of trade barriers and what measure it should opt for in a certain situation. It is a very important issue for the national governments of developing countries, especially from the viewpoint of protection of infant industries.*

Keywords: *Neo-protectionism; non-tariff barriers; antidumping; trade policy; WTO.*

Introduction

International institutions ensure permanence and stability in the changing world, they also create an interstate forum for consideration of their interests. Institutional, regional and national initiatives laid the basis for numerous regional free trade agreements, customs unions and regional cooperation arrangements in the whole

world, as well as special bilateral agreements with the purpose of settling such issues as investments, export credits, double taxation, etc.

The world is developing with the intensification of integration processes, which means the development of free trade. In view of such processes, developing countries are guided by promotion and development of foreign trade. The World Trade Organization and the trade system, in general, offer us a wider range of benefits. At the moment, tariff and non-tariff barriers are at the lowest level in more than a 50-year history of GATT/ WTO, and we all benefit from that: most of goods and services we have are a result of import.

International trade stimulates economic growth. Economic growth, in its turn, means the creation of additional workplaces, however, it is also true that some workplaces are lost with the expansion of trade. Here we face two problems: first of all, the matter concerns other factors – for example, technological progress has a great effect on employment and production, it increases benefits and number of some workplaces while impairing some others. On the other hand, the fact that trade clearly boosts the national income (and welfare) does not always mean the creation of new workplaces for those who lost their work as a result of competition with import. At the same time, in some countries finding new jobs by workers requires a rather long period of time. Facts also prove the extent to which protectionist policy contributes to unemployment growth. In other words, an attempt to cope with the problem by trade restriction in the short-run period turned into a greater problem in the long-run period (WTO, p.6).

Among topical issues for developing countries, including Georgia, is the effect of tariff and non-tariff measures existing within the international trade on its growth or shrinkage; how a concrete tariff measure promotes or impedes the international trade turnover. Based on that, studying of the mentioned issue should contribute to the assessment of risks and opportunities in commercial diplomacy.

Signing an agreement on the Deep and Comprehensive Free Trade Agreement (DCFTA) between Georgia and the European Union has given a new impetus to the reforms in the spheres related to foreign trade. It is noteworthy that DCFTA is one of the integral parts of the Association Agreement, the purpose of which is to reach an agreement on deep and comprehensive free trade with each partner country and assumption of liabilities related to it. The agreement implies legislative harmonization and bringing the practices existing in various spheres in accordance with the EU standards. The EU requires from the Georgian government introduction of a new legislation and regulations with the purpose of approximation of the Georgian produce's quality to the European standards, which will provide for its entry to the EU market.

Research method

The study is based on the analysis of statistical data on foreign trade, tariff and non-tariff barriers contained in WTO's annual reports; data and recommendations of the UN Statistics Department, factual materials obtained from the National Statistics Office of Georgia, the Ministry of Agriculture and many other organizations.

The scientific study is founded on the general methodological basis of analysis and synthesis, abstraction, induction-deduction, and dialectics. Economic analysis and statistical methods are applied to it. In particular: observation, collection-grouping, analysis, graphic presentation of statistical information and other methods.

Tariff policy of the World Trade Organization

Trade policy should meet the country's commercial interests. In general, the country's government is a direct participant in trade negotiations, but private firms are its real clients. In other words, some companies may try to gain benefit in two (adverse) ways: they ask for placing their products on the world market and, at the same time, convince their own government to increase tariff barriers on the local market with the purpose of protection against import. A big part of trade policy rhetoric has to do with the professional interpretation of trade rules and agreement requirements.

Since the 1990s, within the framework of WTO, tariff liberalization has been taking place at a quick pace in both developed and developing countries. Customs tariffs in many developing countries are unstable since the countries have retained a possibility for significant increasing of customs duties: in entering WTO they "tied" the rates of customs duties at a high level but, in reality, they apply lower tariffs.

In view of the great difference in economy development level, a wide range of import tariff average arithmetic values are characteristic of different country groups. Developing countries with a comparatively low-income level apply for intensive customs-tariff protection comparably more often. In some African countries (Sudan, Tunisia, Morocco) the actual average tariff is 20% and higher. In oil producing countries (Saudi Arabia, Kuwait, Qatar, etc.) and in the countries having industrial potential and export capacities (The Philippines, the Republic of South Africa) import customs taxation is almost the same as in developed countries, the actual average tariff is within 5-10%. Average arithmetic tariffs in the majority of countries with growing markets range from 10-15% (Brazil – 13.6%, China – 9.6%, India – 13.5%, Thailand – 11.6%). A comparatively high customs taxation indicator gives an opportunity to fulfill protectionist tasks based on the interests of national production, as well as to replenish the revenue part of the budget. Like in developed countries, production of agricultural products in developing countries is under protectionist "umbrella" too. The exceptions are Argentine and Brazil where average arithmetic tariff on agricultural produce is fixed at a higher level. In Chile a uniform tariff level – 6% is set for all products. Customs barriers for the agricultural product are especially high in Egypt, where average arithmetic tariff indicator reaches 60.6%, Turkey – 42.2%, South Africa – 40.4%, India – 33.4% and Morocco – 27.4%. Clothes, leathers, footwear, transportation means, dairy products, sugar, and confectionery often appear in the commodity groups with imposed customs tax rates largely exceeding the average indicator for a given country. Along with the goods of the above-mentioned group, high customs barriers are introduced for grain import in China (22.6%), tea and coffee – in India (56.3%), fish and fish products – in Morocco (reduced from 46.6% to 14% in 2008-2014), in Tunisia (30.2%), etc. In a part of Asian and Arab countries very, high customs taxes are introduced for alcoholic beverages and tobacco (in Egypt - 803%, Malaysia – 103%, India – 69.1%) (WTO, 2015).

Relations with neighboring countries being our country's main trade partners have a crucial role in the process of foreign trade problematic study and strategy elaboration. From this point of view, important for Georgia are Armenia and Azerbaijan with their developing economies, as well as Russia, Ukraine, and Turkey which have growing markets.

Entering WTO in 2000 Georgia assumed a number of obligations having to do with a wide range of issues, such as licensing of entrepreneurial activities and export-import, tax system, standardization-certification, sanitary and phytosanitary measures, subsidization, intellectual property trade aspects, etc. Liberal foreign trade policy is one of the basic principles of Georgia's economic policy. The Georgian government has carried out reformation of both the tariff policy and the technical regulation, as a result of which Georgia currently has one of the most liberal foreign trade policies in the world, which means a simplified foreign trade regime and customs procedures, low import tariffs, and minimal nontariff regulation. According to WTO's data, Georgia's simple average tariff makes up 1.5%, while on a worldwide scale it is in the range of 15-20% (Mikaberidze, 2016) (Figure 1).

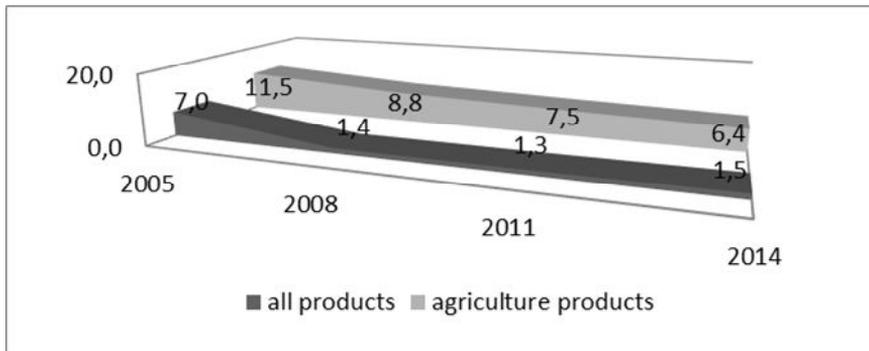


Figure 1. Average Tariff Rate of Georgia (2005-2014)
(WTO World trade report 2006; 2009; 2012; 2015).

It is noteworthy that among Georgia's main neighbor trade partners Armenia, Turkey, Ukraine, and Russia are members of the World Trade Organization, while Azerbaijan has the status of an observer. Accordingly, their customs-tariff regulation is adapted to the norms widely introduced in the world practice. In the years of market reforms in the majority of CIS (Commonwealth of Independent States) countries, a large-scale liberalization of import regime was carried out, which resulted in customs tariffs reduction, an increase in the number of non-taxable tariff items, drop in the number of tariff peaks and non-ad valorem customs tax rates.

Table 1. Customs-tariff regulation (WTO, 2014; 2015)

	Georgia	Ukraine	Russia	Armenia	Turkey	Azerbaijan
Number of MFN applied tariff lines	10254	10481	11637	9658	16524	9956
Average MFN applied tariff rate	1.5	4.7	8.4	3.7	10.7	9.0

Average MFN applied agricultural produce tariff rate	6.4	9.2	11.6	6.8	42.2	13.3
Average MFN applied non-agricultural produce tariff rate	0.7	3.7	7.9	3.2	5.4	8.3

The lowest average arithmetic import tariff after Georgia (1.5%) is in Armenia - 3.7% and Ukraine - 4.7%. The highest is in Turkey - 10.7%, Azerbaijan - 9.0% and Russia - 8.4%. In all six countries tariffs on agricultural products are higher than on non-agricultural ones: the especially significant difference is in Turkey between average arithmetic tariffs on two extended product groups (36.80%) (WTO, 2014, 2013, 2012, 2009, 2008).

A comparatively low customs tax is set on the import of motor cars, mechanical devices, electric appliances and electronics - on average, no more than 3% in Armenia, Georgia; 5% - in Ukraine and Turkey. With the exception of Georgia, the countries have above the average customs taxes on imported clothes, footwear, leather and textile goods.

In the recent period, in contrast to the practice that existed in 1970-80s, developing countries more often apply nontariff means for protection of the national production and home market, which is related to the liberalization of trade regimes and demonstrative effect of similar measures being taken by developed countries.

Neo-protectionism and antidumping policy within the framework of the World Trade Organization

Any country prefers to export its products freely and without any restrictions, however, it does not hurry to open its home market for free competition. According to GATT's terms, changing of once decreased tariff rates in the opposite direction is not allowed. That is why in the implementation of their protectionist policy they put increasingly more emphasis on application of nontariff barriers. For example, the amount of subsidies allocated for local producers has been increasing since the 1980s; cases of import prohibition of the goods that do not comply with strict standards are increasing; administrative protractedness during customs clearance become more frequent; agreements on "voluntary" export restriction are concluded, etc. And all these happens when the application of these measures is prohibited by GATT/WTO rules.

If as a result of GATT's activities customs taxes were decreasing, application of nontariff barriers, on the contrary, was growing. This trend is known in the trade as neo-protectionism or "new protectionism" (Grilli & Sassoon, 1990, p.11). Today about 2.7% of the total import of developed industrial countries is covered by the area of application of nontariff measures, in the US - 42%. According to the UN classification,

nontariff measures can be of the following types: Sanitary and phytosanitary measures; Technical barriers; Preliminary inspection of shipments and other formalities; Price control measure; Licenses, quotas, bans and other quantitative restriction measures; Taxes, premium and other nontariff measures; Antimonopoly measures; Trade-related investment measures; Distribution bans; Bans on after-sale service; Subsidies (except for export subsidies); Restrictions on state purchases; Intellectual property; Rules of origin; Export measures (UNCTAD, 2010).

The reasons for neo-protectionism are related to cyclic factors (economic crisis, exchange rate fluctuations, and high unemployment rates). Besides, they are related to the governments' attempts to raise international competitive ability of the national production and protect interests of separate groups (Grilli & Sasson, 1990, p.11). Anyway, that is related to the fact that producers profiting from import restrictions protect their interests in the government in a more orderly way (for instance, by means of trade unions) than consumers who, as a rule, come off as losers as a result of trade barriers. Activation of the protectionist policy started in the US and Western Europe in the mid-1970s. In these countries, a transfer from traditional protectionism to selective protectionism was observed in individual sectors, which impedes indiscriminate access of foreign goods to the home market. Foreign trade protectionism became most vividly apparent in the agricultural sphere, particularly in the European Union.

The statistics of nontariff measures being currently in force is very noteworthy. In WTO's annual report nontariff measures between member-states are divided into three categories: 1. Measures clearly promoting trade; 2. Trade protection measures and 3. Other trade-related measures. In 2013-2014 the total number of trade promoting measures was 177, which increased by 70 units compared to the previous year's data (in 2012-2013 it made up 107 units); in 2013-2014 the total number of trade protection measures was 337, which decreased by 18 units compared to the previous year's indicator (355); while other trade-related measures made up 168 units and decreased by 22 units compared to 2012-2013 (190). Trade promotion measures cover 6.4% of the world goods import, which makes up almost 1,8183.4 billion USD (WTO secretariat). More than 80% of the mentioned measures are the result of tariff reduction and are temporary ones. The main beneficiaries of the trade promotion measures in the mentioned period were machine building, automatic devices, organic chemistry products, steel and its products, plastic, animal fat and vegetable oil.

Most part of trade protection measures falls at antidumping measures – 267 units. 36 compensatory and 34 protective measures. As for other trade-related measures in 2013-2014, they made up 168 units, of which 119 were imposed on import, and the remaining 9 – on export. Import restriction measures introduced by WTO members covered a wide range of goods, mainly: iron and steel products, organic chemistry, electronic machines and mechanical devices, textiles, clothes, and accessories, as well as cinder and residuals (WTO secretariat).

Non-tariff barriers – primarily anti-dumping and compensatory measures, subsidization, ecological, sanitary and phytosanitary regulation, technical standards, voluntary export limitation mechanism – are mainly applied by developed countries against developing ones, the reason for which there is an aggravation of competition on the world market, and the countries' striving for protection of national producers

results from that. Trade contradictions arising between countries generate conflicts that sometimes turn into prolonged trade wars. Oftentimes unilaterally introduced non-tariff regulation measures give rise to a whole chain of mutually restrictive actions (Financial Times, 2003).

Application of non-tariff barriers by developed countries expands following the development of industrial production in a whole range of developing countries. This kind of barriers are more intensively applied to knitted and weaved produce, footwear, wood and cellulose-paper products, synthetic threads and fabrics, oil products, steel, receivers, electronic computing machines, office and electric devices, motor cars, watercrafts and other manufactured goods. A high level of nontariff restrictions on developing countries' agricultural produce export has been retained in the developed countries (42,8%), while the frequency of application of nontariff barriers for individual products is even higher: fish and shellfishes (from 50 to 63%), grain crops (from 65,5 to 82,3%) (Baccetta & Bora, 2001, pp.44-47).

Developed countries' export, in its turn, faces much lower nontariff barriers on developing countries' market, first of all, with respect to agricultural and fish products, medicaments, transportation means (buses and passenger cars), oil and oil products. Application of nontariff regulation measures between developing countries depends on the level of their socio-economic development and the extent of their integration into the international division of labor according to individual types of products.

It is important that the highest nontariff barriers are encountered by the least developed countries' exporters with respect to the products which are most interesting for them (fish, shellfish, fruit, nuts, coffee, grain crops and other agricultural products, as well as textiles, wood). That concerns practically all regions, especially the US, the EU, Japan, Canada, Central Asian and North African countries. At the same time, less developed countries don't often resort to nontariff regulation measures. They actively protect their markets against agricultural and fish products that are exported by them. As for manufactured goods, except for remedies and medicaments (47,7%), oftentimes the frequency of application of nontariff measures does not exceed 1%, sometimes it ranges from 2 to 5-7% (WTO).

In the framework of the Association Agreement signed with the European Union (Agreement on Deep and Comprehensive Free Trade Area - DCFTA), Georgia is developing the national quality infrastructure in accordance with the international and EU standards. About 98% of the standards approved by Georgia are either international or comply with the EU ones. Georgia signed several agreements regional trade agreements dealing with sanitary and phytosanitary issues. According to Chapter IV of the DCFTA, the EU and Georgia assume the obligation to ensure: transparency of sanitary and phytosanitary measures; approximation of the Georgian legislative system to the EU laws; subsequent implementation of the WTO agreement's principles regarding sanitary and phytosanitary measures; in the recent period (2009-2015) there were not any problems among WTO members in the Technical Barriers to Trade Committee concerning Georgia's technical regulations (WTO TBT).

In the 1990s, there was an intensification of antidumping activities of those numerous countries that eased their import regimes. That can be explained by the fact that antidumping procedures are an important tool for supporting national production

disadvantaged by cheap import. At the current stage, antidumping measures through increasing duties are the main legal import limitation instrument for WTO member countries. The aim of this policy is the eradication of unfair price-related competition with respect to producers in the importing countries. The number of antidumping investigations has been constantly increasing in the recent years (Figure 2).

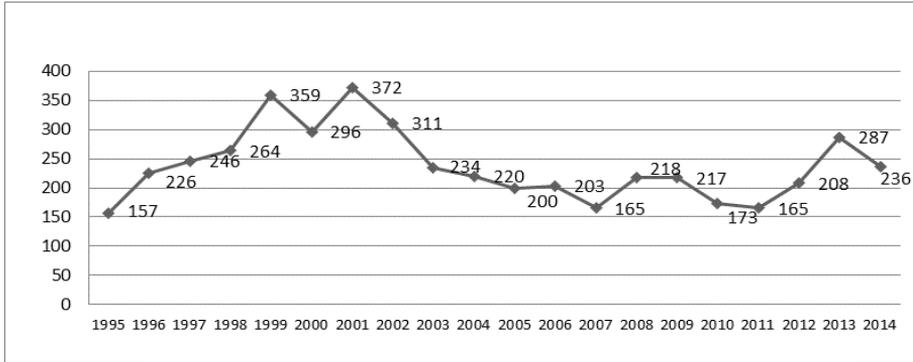


Figure 2. The number of antidumping investigations (1995-2014)
 (WTO, http://wto.org/english/tratop_e/adp_e/adp_e.htm)

The level of antidumping investigations in the world is high again. In 2014 antidumping investigations were initiated against 41 countries. Among them, most of all against China (63 cases). Figure 3 shows the countries against which more than 30 investigations were initiated in 2000-2014.

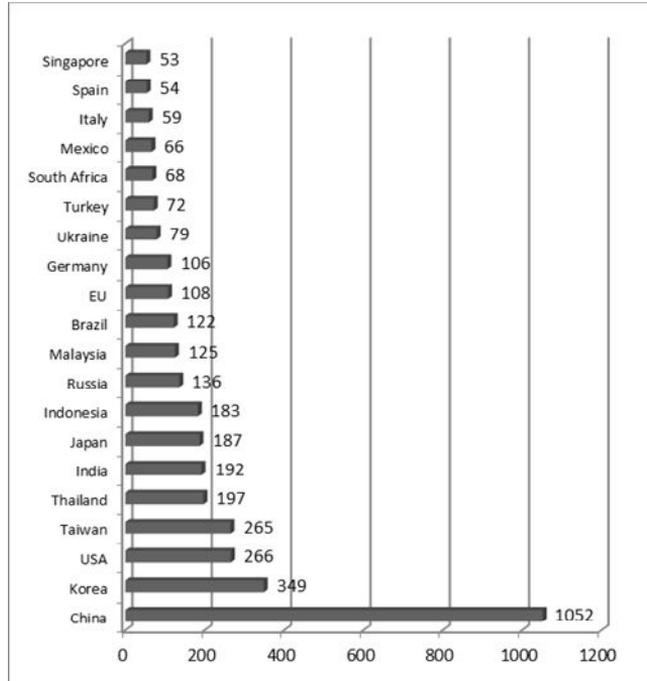


Figure 3. The number of antidumping initiations against countries (2000-2015)
 (WTO, http://wto.org/english/tratop_e/adp_e/adp_e.htm)

It is noteworthy that 5 countries out of the ones given in figure 3 are Georgia's main import partners. It is also worth mentioning that Georgia has not initiated any dumping investigations in the recent years. Moreover, up to now Georgia has no antidumping legislation. The country finished work on the antidumping bill at the end of the last year, sent it to the EU's respective office and now is waiting for a reply as for its compliance with the EU principles. Adoption of the law will be a step forward in protecting local entrepreneurs against unfair competition.

It is noteworthy that it is not developed countries (in contrast to the past) that are mainly found to be involved in dumping activities but developing ones (which are constantly criticizing the antidumping policy of developed countries as a form of protectionism, by means of which they discriminate developing exporting countries). The spread of antidumping practice is closely associated with developing countries' strong desire to restrain competition on the part of import produce, for which they eliminate main trade barriers.

Transfer of non-tariff protectionism to the level of trade-economic groupings appears as another trend of its development. Within the framework of numerous regional integration structures and inside bilateral trade agreements non-tariff barriers are effectively applied both with respect to third countries and in member countries' mutual trade, and this takes place in conditions of significant liberalization of customs taxation.

According to WTO's studies, countries taking part in customs unions and agreements on free trade zones try to unify nontariff regulation measures currently existing within the integration framework and gradually lift them. As a rule, this kind of agreements cover the entire industrial goods and individual kinds of agricultural products.

The lifting of quantitative import restrictions is possible right after the agreement's entry into force, during a certain period of time or with respect to individual kind of goods. Rules of subsidization and state assistance to producers are usually described in general "non-impeding free competition" terms and their application is only specified in some regional trade agreements. A possibility of the introduction of emergency protective measures for national producers is associated with special threat emergence conditions and they are quite widely applied within the framework of many integrations. Most of the regional agreements forbid application of antidumping and compensatory measures inside a group or require preliminary consultations between the interested parties and the necessary period of time for dispute settlement. Only 2/3 of regional trade agreements restrict the application of technical standards and 1/3 – use of sanitary and phytosanitary measures. Organization member states try to impede third countries' competitive import. In this case, the impact of nontariff regulation essentially increases, first of all, due to the consolidation of positions of the countries participating in the international trade and their economic and political strengthening.

The main tasks of customs-tariff regulation at the modern stage of Georgia's economic development are as follows:

- Promotion of the economy's modernization by means of simplification of Georgian companies' access to advanced foreign equipment and technologies.

- Stimulation of production's competitive ability on the home and world markets and, hereupon, diversification of the national economy's structure and formation of a renewed specialization of the country's foreign trade with the purpose of its more effective inclusion into the world economy.
- Creation of favorable conditions for the development of the production that provide for employment, stability and the country's economic security (agricultural sector, food, pharmaceuticals, textile industry and other sectors).
- Optimization of import's geographical structure.

Conclusion

The countries' economic integration agreements are considered effective if they lead to real growth in trade turnover. Measures taken by the government or a non-governmental organization in the sphere of international trade, in particular – mutual trade liberalization, harmonization of certain spheres, concrete single policy, lifting of customs duties and quantitative restrictions, introduction of a single external tariff inside the partnership should lead to impressive results from the viewpoint of growth and expansion of trade flows.

The introduction of competition regulation rules on an international scale contributes to the most effective distribution of resources and, as a result, to global efficiency of production, which impacts on directions of trade flows, as well as geographic and goods structure. It should be also stressed that intensification of the EU's integration, whose economic policy is aimed at regulation of both trade and competition, makes it possible for the countries to considerably extend mutual trade, which is one of the factors of economic growth.

Trade liberalization carried out by GATT/ WTO resulted in significant reduction of tariffs and lifting of a number of nontariff barriers between the member states, which contributed to significant growth in the volume international trade. At the same time, antidumping regulations envisaged by WTO often act as protectionist measures. With the purpose of reducing negative effects of activities of international monopolies and cartels, the issue of adopting regulations in the international competition policy is considered within the framework of WTO at a new stage.

Types of international trade policy are not static, they undergo evolutionary development together with the development of the world economy – realization of neo-protectionism takes place at a new global level. The peculiarity of application of technical, sanitary and phytosanitary nontariff measures is that common criteria for trade regulation by these measures are still in the process of elaboration, and in practice, there are various approaches to import restriction. For example, the EU actually imposed a general moratorium on importing raw materials for manufacturing genetically modified food products, feedstuff, and finished food products, while the US, Canada, and some other countries only regulate importing of these potentially hazardous products to their territory. Application of nontariff measures can be based on various factors; the main point is that these measures must be justified and correctly aimed, but not at retaliation to the actions taken by the partner countries.

Against the background of great capabilities of nontariff restriction mechanisms, it is necessary to stress that they should be mainly aimed at temporary application, based on the interests related to ensuring the competitive ability of domestic producers, and not only as directed by WTO rules. Excessively prolonged protection against fair foreign competition may have a negative effect on the activities of local companies, not to speak of interests of domestic producers that will be harmed in terms of import restriction and, accordingly, competition on the home market.

Today protectionism and free trade are not contradictory principles of economic policy, but two interrelated ways of regulation of interstate relations. With the purpose of maximally effective inclusion of national economies into world economic relations, it is necessary to optimally combine these two ways of economic regulation and to balance liberalization of foreign trade with rational protectionism.

DCFTA gives Georgia an opportunity to carry out further trade policy related reforms aimed at overcoming nontariff barriers, particularly from the viewpoint of hygienic standards for agricultural products, approximation of the regulations on manufactured goods to the international standards, protection of intellectual property rights on the border, approximation of the state purchases rules and the service sphere to the EU standards. Georgia will be obliged to bring the quality of its produce into compliance with the established EU requirements not only in exporting products but also in the case of consumption inside the country. All this implies the process of improvement of sanitary and phytosanitary standards, protection of intellectual property rights, perfection of competition and technical regulations on industrial products as well as the promotion of customs and trade procedures.

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