

THE INTERSECTION OF AGRICULTURE AND TRADE IN THE WTO

The WTO-IICA Reference Center and the Center for Strategic Analysis for Agriculture (CAESPA) of the Inter-American Institute for Cooperation on Agriculture (IICA) prepared this paper to discuss the backdrop behind the convergence of international trade, agriculture, the WTO and IICA.

IICA, which holds observer status in the WTO Committee on Agriculture and Committee on Sanitary and Phytosanitary Measures, invites officials from its member countries, as well as governmental officials and individuals from other sectors of society, to make contributions that will enrich the information set forth herein.

I. The expansion and liberalization of international trade¹

A. Background

As navigation technologies blossomed in the 17th and 18th centuries,

http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact4_e.htm

http://www.revistasice.com/CachePDF/ICE_827_17-24_01B50204EBAC368AB094AD82C24909F8.pdf

international trade began to spread; however, it was not until the 19th century that trade took off in vigorous growth and expansion. Toward the middle of that century, steam navigation combined with other developments such as refrigeration and the submarine electronic telegraph, cutting the costs of transportation and communication; international trade grew more quickly than ever.

As a consequence, the countries began to specialize their production; technology spread and trade diversified. Economic development started pushing into all countries, in varying ways and not always at the same pace, and an economic and political gap began to open up between the industrialized countries of the North (core) and those of the South (periphery) that supplied raw materials.

The industrialized countries were the first to adopt measures for trade liberalization. The United Kingdom began the process in 1846 when it eliminated grain tariffs. It then repealed laws restricting foreign trade between Britain and its colonies, and finally, it undertook negotiations with France on a bilateral tariff reduction treaty featuring the principle of non-discrimination.

The final three decades of the 19th century and the early years of the 20th century (1870-1914) passed in a climate

¹ Sources:

WTO (World Trade Organization, CH). 2013. World Trade Report 2013. p. 46-52.

WTO, 2013. The GATT years: from Havana to Marrakesh. Available from:

Government of Spain, 2013. Información Comercial Española. ICE Journals. Available from:

IICA, 2004. Situación y perspectivas de la agricultura y de la vida rural en las américas; p. 16-17.

of relative calm and order at the world level, but political conflicts soon began to emerge. The worldwide process of trade integration was advancing more swiftly than the countries' move toward domestic and foreign political economic structuring needed for adapting to profound new changes. Finally, territorial expansion, the race for economic growth, weaknesses in the monetary, political and trade systems and the aftermath of an economic recession unleashed World War One (1914-1917).

The inter-war (1918-1939)years witnessed exchange-rate competition and highly restrictive trade measures (especially tariffs) that triagered economic and political reprisals blocking major markets and products. producers affected states, and consumers alike. The impact was less drastic for the states and producers that bore the political and economic cost of blocking the entry of raw materials and consumer goods in their territories and had to produce these things themselves at high prices; and more so for consumers, blocked from obtaining more and better products and forced to indirectly shoulder the costs of subsidies to support inefficient production. This trade war (compounded by other social and economic factors) sustained a prevailing climate of political and economic instability and ultimately triggered the economic depression of the 1930s and raised the curtain on World War II (1939- 1945).

Ultimately, the world wars were set off by unemployment, high inflation rates, poverty, political insecurity and social problems, and finally the countries began to realize that it was time to restore order, stability and world peace, negotiate market standards and agree on trade rules. This could be done only by rebuilding trust through dialog and cooperation.

1. The triad of the new economic order

The move to rebuild the world economic system led to the 1944 United Nations Monetary and Financial Conference in Bretton Woods, New Hampshire in the United States. This Conference set the groundwork for a triad of institutions that would create a new economic order: the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD, today's World Bank) and the International Trade Organization (ITO) as part of the United Nations (UN). The three were founded between 1945 and 1947, the same year that a number of countries also signed the General Agreement on Tariffs and Trade (GATT).

The IMF and IBRD began operations in 1947. The IMF was created to guarantee stability of international payments, while the purpose of the IBRD was to invest in reconstruction and development. The ITO, in turn, would regulate trade relations among the countries and manage GATT, but this organization never officially came into being.

In addition to setting up disciplines for world trade, the ITO would have dealt with standards of employment, commodity agreements, restrictive trade practices, international investments and services. The ITO never took shape because several countries were fearful of adapting to international legislation on such matters, and in the end, their congresses did not ratify organization's agreement (the Havana Charter).

However, GATT was in effect for nearly 50 years (1948-1994) as a provisional measure for regulating trade (until such time as an organization could be created to be in charge of world trade). Standards and agreements on lowering trade barriers for goods were negotiated through a series of formal discussions called "rounds" of negotiations.

B. GATT and the post-war trade system

During the post-war years, the countries set about restoring the food supply, stabilizing food prices and regaining prewar levels of agricultural production and productivity. Agrarian reform and agricultural aid programs were based on price support systems that kept market prices high in response to domestic pressure to stimulate production.²

GATT allowed exceptions and exemptions, some of which mentioned agriculture, and as a result, most of the developed countries set high levels of aid and protection for their agricultural sectors.³

By 1970, commodities had the highest subsidies and the highest prices. Fear of food shortages pushed up prices, leading the European Communities (EC) and the United States to boost production and lower certain subsidies. Nonetheless, conditions changed in the 1980s, and these measures were no longer enough for the new landscape. Demand fell due to the recession and

rising interest rates, and as a result, prices declined and government stockpiles grew. In such a setting, the countries found that export subsidies offered a solution for placing surplus goods on other markets, where they would artificially fetch more competitive prices.

The developing countries were thus forced to compete with subsidized production and exports in wealthier countries, while at the same time coping with the export taxes and low prices that their own governments imposed on their goods. Farmers in the developing countries stood at a disadvantage, with no incentives to produce more. The combination of these policies severely distorted agricultural trade.⁴

Domestic support policies galvanized the interest of many experts and organizations international that conducted studies on aid levels and their effect on other countries.⁵ These studies found that if agricultural supports were reduced, production would fall and prices would rise. Even so, subsidies were of little help to small-scale producers, as most of the money went to a few large farmers and to food processing industries. Studies showed that these national policies were affecting the world market and that countries that did not apply them had to

² The system could be sustained by setting target prices. If the domestic price rose above these target prices, imports were allowed in, but if the domestic price fell below the target price, export subsidies were used to reduce domestic supply or the state bought and stored the product.

³ GATT had no specific rules for agriculture. Agricultural products were covered by the rules for trade in goods, some of which did make specific mention of agriculture.

⁴ According to the WTO *Dictionary of Trade Policy Terms*, a distortion is "a measure, policy or practice that shifts the market price of a product above or below what it would be if the product were traded in a competitive market. Measures causing distortions include subsidies, import restrictions and restrictive business practices." This means that factors other than market conditions, such as government intervention, sway the decisions of producers, businesses, importers and exporters.

⁵ The Organization for Economic Cooperation and Development (OECD) was one of the lead organizations in carrying out these studies. The 1987 report "National Policies and Agricultural Trade" presented findings on agriculture policies in Australia, Austria, Canada, the EC, Japan, New Zealand and the United States.

face stiffer competition, enjoyed fewer export opportunities and fetched lower prices on the world market.

It was thus no surprise when a group of agricultural exporting countries came together to exert greater pressure toward reform of trade rules for agriculture. The Cairns Group was founded in 1986 to bring agriculture effectively into GATT.⁶ At the time, the overriding objective was to consensus among all the countries, bringing them into agreement to approve standards for trade liberalization in other areas. However, the Cairns Group was willing to join the consensus only if agriculture were included in the negotiations.

The studies performed and the positions taken by the Cairns Group clearly showed that the disarray in the agri-food trade went beyond mere access to imports. and that disciplines were needed on other trade-distorting practices as well, including national agricultural policies, export subsidies and sanitary and phytosanitary measures.

The last round of GATT negotiations (the Uruguay Round) began in 1986 and was critical for the international agri-food trade, as it was the first time the countries undertook negotiations to liberalize the international agri-food trade. In so doing, the Contracting Parties of GATT recognized that agricultural trade had features and challenges different from those of trade

in other goods, and therefore rules better suited to agriculture were needed.

The Uruguay Round was completed in 1994 with the Marrakesh Agreement under which the members of GATT agreed to create a new system that would include a permanent, independent organization responsible for administering the newly negotiated rules of international trade, including those pertaining to international agricultural trade.

II. WTO and the new trade order⁷

A. About the WTO

The countries failed to implement the ITO in 1948, but they did make great strides in the international trade system with GATT, which went into effect that same year. One of these milestones was the 1994 Marrakesh Agreement that agreed to create the WTO, the only international organization that deals with rules to govern trade among countries. The WTO came into being in 1995 as an independent organization, unlike the ITO that would have been part of the UN.

GATT, as one of the contracts or agreements administered by the WTO, still retains some of the original 1947 provisions, but for the most part, it was reformed to comply with the newly negotiated trade rules.

The WTO is an umbrella organization for a number of bodies, committees and working groups. It has legal force and its standards are binding. Each member country is represented by its minister of

⁶ It originally consisted of 14 countries: Argentina, Australia, Brazil, Canada, Chile, Colombia, Fiji, Hungary, Indonesia, Malaysia, New Zealand, the Philippines, Thailand and Uruguay. Fiji and Hungary are no longer in the Cairns Group, but newer entrants are Bolivia, Costa Rica, Guatemala, Pakistan, Paraguay, Peru and South Africa.

⁷ WTO. 2010. Course: Agriculture in the WTO (online). Geneva, CH, WTO E-Learning (2010). Agriculture in the WTO. Consulted June 28, 2012. Available from: http://etraining.wto.org/default.asp?lang=En

officials trade and by that the government posts to its permanent embassy to the WTO, for negotiations on standards and for making decisions on multilateral trade policy in the WTO.8 framework the of organization currently has 160 countries or members (as of December, 2013), and other countries are in the process of negotiating accession to the WTO.9 Bahamas is the only IICA Member State that is not yet a member of the WTO.

The main functions of the WTO are to administer multilateral agreements signed by the member governments on different subjects (tariffs, agriculture, services, sanitary and phytosanitary measures, technical barriers to trade, etc.), 10 promote negotiations of trade rules and settle trade disputes that members bring before the WTO.

B. WTO rules for agriculture¹¹

Rules currently in place for trade in agricultural products are the result of changes stemming from the Uruguay Round, such as clarification of a number of earlier rules, inclusion of new areas in The first stage in the reform program for agricultural trade culminated with the WTO Agreement on Agriculture (AA) and the lists of commitments assumed by the countries to reduce supports, lower import duties on agricultural goods and lessen export subsidies. This stage obligated the countries, for the first time, to limit the size of the agricultural export subsidies and trade-distorting supports

they were granting, and to bind tariffs on

most agricultural products.

the trade system (such as services and

intellectual property rights), creation of a

new system for dispute settlement, and

agreements on agriculture and the

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Sanitary and Phytosanitary Measures

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Agreement

In the framework of the Uruguay Round, other essential results for agriculture were also achieved in addition to the AA and the SPS Agreement, including the Ministerial Decision on the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries.

1. Reconciling national policies with international trade reform

The development and application of new rules for trade in agricultural products is intended to create a package of regulations for international trade that will also allow the countries to pursue their legitimate national interests, 12 even in areas not directly related to trade

⁸ The term "multilateral" in WTO parlance is similar to "world." However, the WTO is not worldwide in scope, as not all the world's countries are members.

⁹ The WTO uses the word "country" in reference to all its members, but the legal term for its members is "customs territory." A customs territory is the area within which a State applies its customs rules and where WTO agreements apply. Some States have territories where different customs rules apply, and whose trade behavior and characteristics are different from those of the rest of the territory. These are called "separate customs territories" and may be members of the WTO if they have express approval from their State to enter trade agreements. For example, Chinese Taipei and the People's Republic of China are both members of the WTO because China granted Chinese Taipei the power to sign international multilateral trade agreements (of the WTO) and to be a member of the Organization.

The term "multilateral agreement" is understood to mean an agreement signed at the WTO by all its members. The list of agreements can be found at http://wto.org/english/docs_e/legal_e/legal_e.htm

¹¹ The WTO understands agriculture as basic agricultural products and goods derived therefrom. It covers tariff chapters 01 to 24.

Legitimate interests for this purpose are understood to mean those matters of public interest for which the government is responsible and that are substantially related to public well-being or harm, such as national security, human and animal health, education, the environment, and the like.

(non-trade concerns¹³). In this sense, it is important for governments to reconcile the many diverse interests that arise domestically and to analyze different ways of making domestic rules or national policies consistent with international policies before concluding agreements with other countries.

The Agreement on Agriculture that went into force on January 1, 1995, reflects changes taking place in the international setting, which led to international reform of the agricultural products trade and national policies for adapting to the new demands of the environment. The Agreement on Agriculture is the outcome of lengthy negotiations and covers basic principles, with a few exceptions. Even the texts could be subject to varying interpretations.

Other rules, agreements and a number of understandings in the WTO are also associated, to varying degrees, with the Agreement on Agriculture. This is why achievements made in any trade area (such as intellectual property rights) may influence rules in another area (such as agriculture). Such effects could come to the fore through the WTO mechanism for dispute settlement, where a member that feels its commercial interests have been injured in one or more areas simultaneously may invoke several

Non-trade concerns are understood as other areas of agricultural trade that are not directly related to the exchange of agricultural products. The WTO Glossary defines them as: "Similar to multifunctionality. The preamble of the Agreement on Agriculture specifies food security and environmental protection as examples. Also cited by members are rural development and employment, and poverty alleviation." For more references on trade terms in agriculture, see: "Basic glossary of terms commonly used in the World Trade Organization (WTO)," available from:

http://www.iica.int/Eng/Programs/StrategicAnalysis/Boletin/20 13/N00/WTO%20Glossary.pdf, or the WTO glossary at

http://www.wto.org/english/thewto_e/glossary_e/glossary_e.h_tm.

agreements as applicable to a single case (such as articles from the Agreement on Agriculture, GATT, and the Agreement on Intellectual Property Rights).

Governments should analyze and decide for themselves whether their domestic commitments are consistent with their international obligations so they can fully comply with both. Certain incompatibility in compliance can arise when governments yield to domestic pressures that push them out of compliance with international rules, especially in highly vulnerable sectors such as agriculture. Governments need to understand the flexibilities permissible under the Agreement on Agriculture and other related WTO agreements, so they can respect their WTO commitments and at the same time meet their own national objectives for agriculture.

The importance of rules to govern trade in agricultural goods lies in their ability to facilitate a form of trade that is easier, more predictable and more stable, for exporters and importers alike. Armed with these rules, countries can also use domestic support policies to sustain the rural economy (in ways that are less trade-distorting) and adopt measures to lighten the burden of adapting national policies to international rules. In addition, certain provisions are in place that provide a degree of flexibility when commitments are applied.

Economic, political, social and even environmental conditions are in a state of constant flux and very rapid change. Countries and organizations such as the WTO and IICA must be ready to adjust whenever new issues arise in agriculture, development, environment, technology, food safety measures, marketing and the like.

2. Issues currently under discussion: the Doha Round

Because international dynamics in this globalized world are in constant flux, the multilateral trade system and policies of the countries clearly must adapt to change. The most recent round of trade negotiations among WTO Contracting Parties began in 2001: the Doha Round in Qatar. Its purpose is to perform a first review of current trade rules for the 21st century on issues of negotiation, application, analysis and oversight. The idea of the Development Round is to promote negotiations and development. It seeks to build in greater flexibilities so that developing countries can join the negotiations more dynamically and take on the challenges of applying the rules more vigorously, while strengthening rules to promote and improve their participation in the multilateral trade system.

The political. economic and social spheres have been undergoing transformation in this new century, creating new challenges and trends that call for the development of appropriate international trade rules. For example, the 21st century has been called the century of the "great convergence," by contrast to the "great divergence" of the 19th century. In the 21st century, economic and political geographic, distances are shrinking at an ever-faster economic leaders pace. new emerging (such as China) and a variety of economies and populations in Latin America, Asia and South Africa are growing by leaps and bounds.14

Another change is the use of trade barriers or restrictions. Rules-based barriers can be divided into two basic categories: tariffs (ad valorem and specific) and non-tariff measures. Tariffs are still the most common mechanism restricting trade, although their relative importance has declined. According to the WTO Integrated Data 2010-2011. Base. in developed countries charged a mean tariff on all imports of around 5%, while the mean rate applied to non-agricultural goods was no more than 2.5 percent. 15

At the same time, the number of products covered by non-tariff measures (NTMs) also rose, as did the number of countries using them. 16 Governments commonly apply NTMs, whether as technical barriers to trade (TBTs), SPSs or taxes and subsidies, in order to meet legitimate national public objectives, such as protecting consumer health. However, these policies can also be used for improper protectionist purposes: examples could include skewing the trade balance, or protecting producers foreign national from competition by means that are detrimental to competitors.

The Doha Round negotiations are themselves described as a "single undertaking" (a set of negotiations covering nearly 20 topics). Each country signs the agreement just once and cannot pick and choose among the different issues; signing does not occur until consensus has been reached. Related declarations and ministerial decisions have already been drafted on a variety of issues such as food security,

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 $^{^{\}rm 14}$ WTO (World Trade Organization, CH). 2013. World Trade Report 2013. Geneva, CH.

¹⁵ WTO (World Trade Organization, CH). 2011. World Trade Report 2011. Geneva, CH.

¹⁶ WTO (World Trade Organization, CH). 2012. World Trade Report 2012. Geneva, CH.

development, and the like. While they not included in the single undertaking, they derive from the initial Doha declarations and are binding for all WTO members. Several draft texts now ready will reform rules or set new standards on topics such as trade facilitation, agriculture, services and more. However, no compilation of these texts can be considered definitive or closed until negotiations are completed and all members have given their final endorsement to all the topics covered by the Round.

The Doha negotiations are moving very slowly, having produced agreement on certain points of several issues, but the countries have yet to develop consensus positions (100% acceptance) on a number of specific decisions involving services, intellectual property rights, agriculture, environment, development and others. The WTO Members have that certain recognized substantial changes need to be made in the multilateral trade system and that negotiations need to move along more quickly. They have been working on several negotiation "packages" intended to settle differences or at least bring about serious commitments to work on certain topics, such as tariff quotas, food security and agricultural subsidies, scheduled for discussion in the WTO Ninth Ministerial Conference in Bali, Indonesia from December 3 to 6, 2013. CAESPA published a bulletin presenting more detailed information on subject.¹⁷

III. Why IICA cares about WTO international agricultural trade rules

A. Agriculture as a share of all international trade

In 1945, agriculture made up 57% of world exports of goods. This share has been in gradual decline since that time, finally dropping to 9% in 2011. By contrast, fuels and mining goods saw their share rise from 14% in 1990 to 22% in 2011, while the trade of manufactured goods slipped from 70% to 65% in the same period. 18

However, price fluctuations on basic commodities can have a major impact on export-based income for developing countries and also affect their food security and access to industrial supplies. According to the International Monetary Fund (IMF), international food prices rose by 214% between January, 2000 and December, 2002, while the prices of agricultural raw materials grew by only 40%. 19 Food prices tend to experience drastic swings. To this should be added the soaring prices for products from the mining sector, which rose by 293%, and fuel prices, which climbed by 396%. The prices of manufactured goods rose by only 20% (WTO, 2013).²⁰

In 2011, the world exported a total of USD 1.66 trillion in agricultural goods. North America accounted for 11.84% of this value,²¹ while South America and

¹⁷ "Topics discussed at the 71st Regular Meeting of the WTO Committee on Agriculture and at the 2013 Public Forum." Consulted November 1, 2013. Available at http://www.iica.int/Eng/Programs/StrategicAnalysis/Boletin/2013/N08/N08 71stRegularMeetingCoA-2013PublicForum.pdf.

¹⁸ WTO (World Trade Organization, CH). 2013. World Trade Report 2013. Geneva, CH.

¹⁹ Cited in: WTO (World Trade Organization, CH). 2013. World Trade Report 2013. Geneva, CH.

WTO (World Trade Organization, CH). 2013. World Trade Report 2013. Geneva, CH.

²¹ Made up of Bermudas, Canada, Mexico, United States of America and other unspecified territories in the region.

the Caribbean made up only 4%,²² giving it the smallest share of all regions, comparable to the Commonwealth of Independent States (CIS).²³.

Four IICA Member States are among the world's ten largest agricultural exporters (in USD): United States (second place), (third), Canada Brazil (fifth) (eighth). Argentina Three of the Institute's Member States rank among the world's top ten importers: United States (second), Canada (sixth) and Mexico (eighth). The United States and Canada report a positive trade balance, possibly meaning that they import products to which they add value by means of substantial processing.

Another field of action for the WTO is settlement of international agricultural trade disputes. Several countries of the Americas are currently involved in various disputes before the WTO, as either applicants or respondents. From 1995 through 2012, IICA Member States took part in 65 different dispute cases involving agricultural products, in which they claimed breach of the Agreement Agriculture, **GATT** and other containing agreements articles on agriculture.

B. Areas of common interest to **IICA** and the WTO

Agriculture and international trade are bound in a symbiotic relationship that

leads to many outcomes and areas of action. These, in turn, call for a number of disciplines to help understand and analyze their complex interactions. The dynamics between agriculture international trade become even more intensely complex for particular issues and scenarios (whether at the country, regional or global level). This is why the world needs rules to govern trade interactions. Consequently, areas of domestic and international policy face major challenges, and the countries and international organizations need to understand the nature of these dynamics and the rules of the WTO system, as well as their repercussions for institutional frameworks, science, technology, education, environment and rural life.

One of the changes to the international trade system ushered in by the 21st century is the proliferation of regional trade agreements (between two or more countries) held by many countries of Latin America and the Caribbean (LAC). The objective of these agreements has been to diversify and expand the markets where they sell their agricultural products, and thus to meet other legitimate objectives associated with food security, development, economic growth, and the like. Governments need to consider the international trade rules they have acquired in the WTO as a parameter for negotiating implementing these trade agreements (free-trade agreements, partial scope agreements, etc.).

The regional trade agreements expected to continue increasing in number. and changes the in environmental, social, economic and political context of international trade are expected to pick up speed and continue to spread. This is why it is also important

²² Antigua and Barbuda, Brazil, El Salvador, Nicaragua, Saint Lucia, the Dutch Antilles, Chile, Granada, Panama, Suriname, Argentina, Colombia, Guatemala, Paraguay, Trinidad and Tobago, Bahamas (WTO observer), Costa Rica, Guyana, Peru, Uruguay, Barbados, Cuba, Haiti, Dominican Republic, Venezuela, Belize, Dominica. Honduras, Saint Kitts and Neves, Bolivia, Ecuador, Jamaica, Saint Vincent and the Grenadines and other unspecified territories in the region.

²³ WTO (World Trade Organization, CH). 2012. International Trade Statistics 2012. Geneva, CH.

for the countries to stay informed about standards, trends and patterns of international trade.

The partnership between the WTO and IICA is particularly important in this regard, as it allows the member countries in the region of the Americas to gain access to tools that will help them understand and make better use of the WTO multilateral system and to learn about the benefits of belonging to both organizations.

IICA's roles as an observer to the WTO Committee on Sanitary Phytosanitary Measures and Committee on Agriculture lends the Institute an opportunity to cooperate with the WTO in many ways: by overseeing the application of trade rules involving agriculture, by promoting work to generate and disseminate knowledge for planning, by supporting decision making, by facilitating the participation of various social stakeholders in the WTO and IICA systems, and by fostering the application of trade rules. It also strengthens the partnership of the two institutions for holding activities of interest to the member countries and adds value to the work that both perform internationally. The issues under discussion in the WTO

Committee on Agriculture can be found in the section on international trade regulations of the IICA website, at: http://www.iica.int/Eng/Programs/StrategicAnalysis/Pages/Normativacomercial.as px.

The WTO-IICA Reference Center is an example of an initiative that helps the member countries in the Americas, especially those in LAC, to gain a better understanding of the WTO by means of joint technical efforts to generate and disseminate knowledge on topics of shared interest to the two organizations, such as international trade, health and food safety, food security, natural resources, climate change, development and technical cooperation, and so forth. Information on this Center and its activities available is at: http://www.iica.int/Eng/Programs/Strateg icAnalysis/Pages/CentroReferenciaOMC IICA.aspx.

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