WTO MC13 Fails to Deliver Tangible Progress for Africa.
By Africa Trade Network (ATN)

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The 13th Ministerial Conference (MC13) of the World Trade Organisation (WTO) ended on Saturday morning, 2nd March, 2024 at 12:45am, in the city of Abu Dhabi, United Arab Emirates, with not much to celebrate in Africa as members enroute to their various countries. The Conference was scheduled to end on Thursday 29th February 2024.

After five days of intense negotiations there was no deal on agriculture after all the push from African and other developing countries. Equally there was no deal on fisheries to discipline the subsidies from countries that empower large fleets to sweep the oceans. Depletion of the fish stocks would continue. Instead, there was the extension of the moratorium on e-commerce that stops developing countries form imposing customs duties on goods transmitted digitally.

For Africa and other developing countries only the renewal of the TRIPS non-violation and complaints that prevents governments from suing other countries even if no rule has been violated, a 3-year transition period for least developed countries and just two of 10 specific demands on development flexibilities-Sanitary and Phyto-Sanitary Measures and Technical Barries to Trade could they boast of.

This Ministerial Conference official closing session mirrored the immediate past three Ministerial Conferences-Nairobi, Kenya (2015), Buenos Aires, Argentina (2017), Geneva, Switzerland (2022). That is the closing session was rescheduled many times and finally happened on Saturday morning. Of course, this MC13 was distinct in its crackdown on CSOs which were not even allowed to hand over leaflets to delegates.

For Africa, high on the agenda before MC13 were issues related to policy space for economic transformation, clear and strong special and differential treatment, permanent moratorium on electronic transmission, issues of agriculture, fisheries and WTO reforms that should address the decade-old imbalances in the multilateral trading system.

Issues without mandate such as those on the plurilateral basis (investment facilitation, e-commerce etc.) were on the radar to be resisted, blocked and rejected.

The issues of fishery were some of the most sticking points in the Ministerial. Negotiations on fisheries subsidies were supposed to prohibit certain subsidies that

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contribute to overfishing and overcapacity while maintaining appropriate and effective special and differential treatment for developing countries. That is subsidy to large fishing fleets that deplete oceans. As negotiations continued past their deadline, there were really upsetting texts that emerged. One such that was circulated showed major concessions being made in support of large fishing fleets, particularly the distant water fleets. That text asked members to refrain, to the greatest extent possible, to provide subsidies for distant water fishing. Thanks to the ministers that blocked this onslaught.

Reacting to the no-progress on Agriculture, Jane Nalunga, country Director of SEATINI, based in Uganda said ‘there are three pillars that the Doha work programme was supposed to address in order to discipline the distortions in the agricultural trade namely domestic support, market access and export competition (export subsidies, export credit etc.). Of all these, the most important pillar that wreaks havoc on developing countries is domestic support. That unfortunately would continue.

Also, a representative of the workers movement, Congress of South African Trade Unions (COSATU) at the MC13, Simon Eppel noted that ‘our first objective was that our South African government, and African countries specifically, would continue to push for a more balanced and developmental trade agenda. This is necessary if we are to address global inequalities and uneven power relations that are encoded in the current trade architecture. ‘Our task is to turn trade into a tool that generates meaningful jobs, industrialisation and equity in the global South’ he continued.

The Ministerial Conference also recorded successful push back. In the heat of the negotiations. A key moment was the blocking of the Investment Facilitation Agreement for Development (IFAD) by South Africa and India. Beneath the fancy title of the Agreement is a mask for corporate control of African economies. In fact, it is a charter for foreign investors.

For instance, a core rule ironically called “transparency,” puts not only obligations on governments to provide mechanisms for foreign investors to intervene in national democratic processes but it empowers multinational corporations to lobby against new laws that they oppose, giving them rights that citizens do not have.

As one African delegate puts it ‘not only does the proposed Agreement provides new rights for foreign investors, but also it imposes no new obligations on them to behave responsibly and in the interests of our nation’s workers, women, Indigenous peoples and other communities. Nor is there any obligation on foreign states to ensure their investors comply with local or home country laws.’

Moreover, the text imposes substantive obligations on African and other developing governments to ensure they apply their investment policies in a “reasonable manner” or to not “unduly complicate investment activities,” giving the ability to other countries to interfere government decisions regarding investment.

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Above all it, is an illegal agreement seeking to enter the WTO rules book through the backdoor. Since 1996, the issue of investment in the WTO was rejected and that there will be no negotiations in the WTO until the Doha round is over.

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