

# WTO'S NEGOTIATING AGENDA AFTER BALI

## Rebalancing the Bali Package

- Putting balance into what was sought to be the Bali Package. There must be 'parallelism' in terms of treatment of trade facilitation and outcomes in agriculture and development issues.

If the Trade Facilitation agreement is binding, there must be binding commitments also by developed countries in agriculture (Export Subsidies, and a permanent solution on food security) plus other areas in the Doha Round.

If the outcomes on agriculture and development are time-limited (Food Security; Tariff Rate Quota administration) and largely non-binding (export subsidies) or simply extremely weak (Monitoring Mechanism), the Trade Facilitation Agreement should also be non-binding. The Trade Facilitation Agreement should be linked to the single undertaking – entering into force at the conclusion of the Doha Round's single-undertaking (para 47 of the Doha Declaration) as well as in accordance with the process outlined in Article X.3 of the Marrakesh Agreement.

- For many developing countries, the most critical part of the Bali package is a permanent solution to the WTO rules allowing (rather than disallowing as is the case today) developing country governments to support their subsistence and poor farmers through public stockholding programmes.
- The other very critical component of the Bali package are the LDC issues: duty-free quota-free market access; cotton; services waiver. These are addressed in the Bali texts, but as non-binding best endeavor commitments on the part of developed countries. The post-Bali negotiations should aim to have binding enforceable language and full operationalization of LDCs' requests so that the demands of LDCs can be delivered to them in concrete terms.

## The Doha Round

- Work on completion of the Doha Round should be prioritised. The African Union Ministers in their declaration in regard to MC9 have very clearly called upon all WTO Members to "*fully commit themselves to the successful conclusion of the DDA as the only agenda for the WTO's post-Bali work program*" (para 15, Addis Declaration, Oct 2013).
- In this context, it is imperative to expedite and complete the Special and Differential Treatment (S&D) work programme, as set out in paragraph 44 of the Doha Declaration to make more precise, effective and operational S&D provisions in the WTO Agreements. Also important is completion of the S&D work programme provided in para 12.1 of the Decision on Implementation-Related Issues and Concerns (of the Doha Declaration) to convert S&D measures into mandatory provisions. All outstanding implementation issues

(para 12 of the Doha Declaration) should also be fulfilled as part of the Single Undertaking under the Doha mandate.

- The 'built-in' agenda of agriculture is also important, focusing particularly on rebalancing the unequal rules in agriculture which allow some to subsidize but not others. For developing countries, supporting food security, rural livelihoods and employment must be central to the results of these negotiations.

**What should NOT be in the post-Bali work programme:**

- Any attempt to introduce other “new issues” such as investment, climate change, and global value chains, would divert the required attention of the WTO membership away from addressing the issues of the Doha Round. No “new issues” should be introduced whilst the Doha Round is still being negotiated.

This is in line with the 2004 decision relating to the Singapore issues – which underlined that the Singapore issues are not to be part of the negotiations in as far as the DDA is ongoing:

*‘Relationship between Trade and Investment, Interaction between Trade and Competition Policy and Transparency in Government Procurement: the Council agrees that these issues mentioned in the Doha Ministerial Declaration in paragraphs 20 – 22, 23 -25 and 26 respectively, will not form part of the Work Programme set out in that Declaration and therefore no work towards negotiations on any of these issues will take place within the WTO during the Doha Round.’ (Doha Work Programme, Decision Adopted by the General Council on 1 Aug 2004, WT/L/579).*

- Proliferation of plurilateral approaches are not acceptable within the WTO such as the Trade in Services Agreement (TISA) since they will exclude and marginalize a large number of Developing Countries; they are against the spirit of multilateralism of which the WTO is supposed to be the guardian; and they are also against the rules of the WTO.