
This policy brief explains the mandate of the World Trade Organization (WTO) on electronic commerce under the work program on e-commerce, which was adopted by the WTO Ministerial Conference in 1998 and periodically renewed by subsequent Ministerials. It describes what has taken place on intellectual property related issues pertaining to e-commerce in the WTO TRIPS (Agreement on Trade Related Aspects of Intellectual Property Rights) Council. It also summarizes various proposals and suggestions that have been advanced in the Council since the Nairobi Ministerial Conference in December 2015 as well as recent proposals that have been advanced in the General Council until December 2018, some of which contain specific intellectual property (IP) related issues. As part of the recently launched plurilateral negotiations on e-commerce, a forum that is likely to become more prominent for this discussion, proposals have been re-submitted in March 2019, as well as others which have been tabled in April and May 2019. Finally, this brief presents an explanation of how IP issues may also affect other elements of e-commerce and the digital economy. Such issues are not the subject of existing proposals in the WTO, but may feature in future discussions.

Growing concerns in Europe about international investment regimes and investor-state dispute settlement systems pushed the European Union into pursuing the creation of an investment court system and a multilateral investment court. The European Union (EU) started this reform through the Comprehensive Economic Trade Agreement, the Vietnam–EU Free Trade Agreement, and by direct persuasion of other countries to start negotiations at the United Nations Commission on International Trade Law. Visible reasons for the change include concerns over the perception of a lack of transparency, coherence, and arbitrators’ partiality, all of which diminish the legitimacy of the multilateral investment court. Other reasons might be laid on the budgetary risks of more than 213 claims against EU countries. To address these legitimacy concerns, the EU wants to replace traditional party-appointed arbitrators with a two-tiered investment tribunal system comprised by a roster of members selected by the state parties on the treaty. This Essay argues that the creation of the multilateral investment court needs to follow democratic principles in order to be legitimate. History has shown us that the EU has abused its power in the past when implementing resolution systems. Foregoing negotiation, comment by member nations, and implementing a tribunal at its own behest has shown this. The EU multilateral investment court proposal has legitimacy deficiencies because the EU has relied on its power to impose its views so far, i.e. its proposal was not previously negotiated multilaterally amongst other member nations. It is thus possible that the appointment of the future judges to this court will likely be subject to the political constraints and veto that the International Court of Justice or World Trade Organization appointments suffer today. This could leave small economies at a disadvantage because they might be subject to permanent, politically biased judges. A superior solution would be to adopt better arbitrator disqualification rules, clear interpretation directives to avoid law creation, and stricter arbitrator qualifications.

The African Continental Free Trade Area (AfCFTA), which entered into force on 30 May 2019, represents a unique collaborative effort by African countries to bolster regional and continental economic integration, in a world marked by increasing protectionism and use of unilateral trade measures.

In order to make the agreement operational for trade in goods, negotiations on tariff concessions need to be concluded and negotiating outcomes need to be inserted into the agreement. This policy brief focuses on the expected economic impacts of tariff liberalization under the AfCFTA, the tariff negotiation modalities and discusses some legal and practical issues related to the implementation of these modalities.
genere la liberalización arancelaria en el marco de la AfCFTA y en las modalidades de negociación arancelaria, y analiza algunas cuestiones jurídicas y prácticas relacionadas con la aplicación de estas modalidades.


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**SouthViews**

**SouthViews No. 181, 25 June 2019: UN tax committee gets a boost through new working methods By Abdul Muheet Chowdhary**

*The UN in May published a document titled ‘Practices and Working Methods for the Committee Of Experts On International Cooperation In Tax Matters’. For those who believe that the UN should play a stronger role in the governance of international tax, this is a welcome development. The document further deepens the institutionalisation of the UN Committee of Experts on International Cooperation in Tax Matters (henceforth UN tax committee) by developing new working methods and making several clarifications. Some of these are welcome while others are problematic. Overall, it is clarified that the working methods must be read in conjunction with the rules of procedure of the United Nations Economic and Social Council (ECOSOC) and in the case of inconsistency, the ECOSOC rules are to prevail.*

*En mai, l’Organisation des Nations Unies a publié un document intitulé « Pratiques et méthodes de travail du Comité d'experts de la coopération internationale en matière fiscale ». Pour ceux qui pensent que l'Organisation devrait jouer un rôle plus important en matière de gouvernance de la fiscalité internationale, il s'agit là d'une évolution bienvenue. Le document contribue à institutionnaliser davantage le Comité d'experts des Nations Unies de la coopération internationale en matière fiscale (ci-après le Comité des Nations Unies en matière fiscale) en proposant de nouvelles méthodes de travail et en apportant plusieurs précisions. Si certaines sont souhaitables, d'autres soulèvent des difficultés. Il est précisé dans le document que les méthodes de travail définies par le Comité doivent être analysées au regard du règlement intérieur du Conseil économique et social des Nations Unies (ECOSOC) et qu'en cas de divergence, le règlement de l'ECOSOC doit prévaloir.*

*En mayo, las Naciones Unidas publicaron un documento titulado Practices and Working Methods for the Committee Of Experts On International Cooperation In Tax Matters (prácticas y métodos de trabajo para el Comité de Expertos sobre Cooperación Internacional en Cuestiones de Tributación). Se trata de un hecho positivo para quienes consideran que las Naciones Unidas deberían desempeñar un papel más destacado en la gobernanza tributaria internacional. El documento refuerza la institucionalización del Comité de Expertos sobre Cooperación Internacional en Cuestiones de Tributación de las Naciones Unidas (en adelante, «Comité sobre Cuestiones de Tributación de las Naciones Unidas») desarrollando nuevos métodos de trabajo y aportando varias aclaraciones. Algunos de ellos han sido acogidos favorablemente, mientras que otros resultan problemáticos. En general, se explica que los métodos de trabajo deben entenderse en relación con el reglamento del Consejo Económico y Social de las Naciones Unidas (ECOSOC) y que, en caso de incompatibilidad, prevalecerá el reglamento del ECOSOC.*

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The South Centre held the first South Centre Tax Initiative Peer Exchange on Digital Taxation in New York on 27 April. The event was chaired by Manuel Montes, Senior Adviser on Finance and Development of the South Centre, with the participation of government officials, the Director of the Group of Twenty-four (G-24), academics and civil society representatives. The United Nations (UN) Tax Committee proposals for the taxation of the digital economy were discussed with a focus on the allocation of taxing rights and income rules and the imposition of withholding tax on digital companies. During the same week, the eighteenth session of the Committee of Experts on International Cooperation in Tax Matters was held in New York from 23 to 26 April 2019. The work of the UN Tax Committee and its Subcommittees were discussed covering topics such as digital taxation and carbon tax.

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On 30-31 May 2019, the Global Conference on Scaling-up Energy Access and Finance in Least Developed Countries was held in Beijing, China, jointly organized by the United Nations Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) and the Global Energy Interconnection Development and Cooperation Organization (GEIDCO), with the support of the UN system. The Conference focused on concrete measures to accelerate energy access and enhance financing for sustainable and modern energy, as called for in Sustainable Development Goal (SDG) 7. Dr. Youba Sokona, Senior Adviser on Sustainable Development of the South Centre, gave one of the four keynote remarks of the high-level opening session, reproduced below, along with the UN Under-Secretary General of the UN-OHRLLS, the Chair of GEIDCO, the Ministry of Foreign Affairs of China, and the representative of Timor-Leste government.

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SOUTHNEWS No. 260, 13 June 2019: Work Programme on Electronic Commerce - The E-commerce Moratorium and Implications for Developing Countries - Communication from India and South Africa

Tariff revenue losses and the need to improve local capacities to attain competitiveness and economies of scale are two main reasons why the moratorium on customs duties on e-commerce should be revisited, argues a submission by India and South Africa made in the context of the WTO WORK PROGRAMME ON ELECTRONIC COMMERCE. The text of the submission is found in the following link - THE E-COMMERCE MORATORIUM AND IMPLICATIONS FOR DEVELOPING COUNTRIES

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Sustainable Development Goal (SDG) 8 calls upon us to promote full and productive employment and decent work for all. For achieving this goal, we have to work together to defend multilateralism, ensure that different components of the international regulatory regime deal with labour in a coherent and effective manner, uphold the International Labour Organization (ILO)'s founding ideals and march for its next more equitable and more prosperous centennial leaving no one behind. Below is the South Centre Statement delivered by Yuefen Li, Senior Adviser on South-South Cooperation and Development Finance, on behalf of the Executive Director of the South Centre, Dr. Carlos Correa, at the Meeting of the Non-Aligned Movement (NAM) Labour Ministers during the 108th International Labour Conference of the ILO held on 17 June 2019 in Geneva.

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SOUTHNEWS No. 262, 20 June 2019: The Inclusive Framework on BEPS Programme of Work to Develop a Consensus Solution to the Tax Challenges Arising from the Digitalisation of the Economy

In May 2019, the Inclusive Framework on BEPS released the Programme of Work to Develop a Consensus Solution to the Tax Challenges Arising from the Digitalisation of the Economy. The document is the road map for the final report on digital taxation to be delivered in 2020. However, the challenges for developing countries’ effective participation in the process demand active engagement in tax administration fora designed to gather them in the quest for solutions convening their interests and strategies.

En mai 2019, les membres du Cadre inclusif sur le BEPS ont publié un Programme de travail en vue d’aboutir à une solution consensuelle aux problèmes fiscaux posés par la numérisation de l’économie. Ce document trace la feuille de route à suivre dans le cadre de l’élaboration du rapport final sur la fiscalité de l’économie numérique qui sera présenté en 2020. Toutefois, les obstacles sont nombreux à une participation effective des pays en développement au processus, ce qui nécessite un engagement actif de leur part au sein des instances régionales sur l’administration fiscale conçues pour leur permettre d’établir des positions et stratégies communes tenant compte de leurs intérêts.
En mayo de 2019, el Marco Inclusivo sobre BEPS lanzó el Programa de Trabajo para Desarrollar una Solución de Consenso a los Desafíos Fiscales Derivados de la Digitalización de la Economía. Este documento constituye la hoja de ruta para el informe final sobre imposición digital que se presentará en 2020. Sin embargo, las dificultades a las que se enfrentan los países en desarrollo para participar de forma efectiva en el proceso exigen una colaboración activa en los foros de administración fiscal diseñados para reunir a estos países en la búsqueda de soluciones que combinen sus intereses y estrategias.

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SOUTHNEWS No. 263, 21 June 2019: Declaration of the Non-Aligned Movement Labour Ministers

The Ministers of Labour of the Non-Aligned Movement (NAM) reflected on the progress made regarding fundamental labour principles and rights, on the occasion of the centenary of the International Labour Organization (ILO) and in the context of important changes in the world of work. The Declaration of the NAM Labour Ministers adopted during the 108th International Labour Conference in Geneva on 17 June 2019 can be found in the link below.

À l’occasion du centenaire de l’Organisation internationale du Travail (OIT) et dans le contexte des changements importants survenus dans le monde du travail, les ministres du Travail du Mouvement des pays non alignés (MNA) se sont penchés sur les progrès accomplis en ce qui concerne les principes et droits fondamentaux du travail. La Déclaration qu’ils ont adoptée lors de la 108e Conférence internationale du Travail à Genève le 17 juin 2019 peut être consultée sous le lien ci-dessous.

Con motivo del centenario de la Organización Internacional del Trabajo (OIT) y en el contexto de importantes cambios en el mundo laboral, los ministros de Trabajo del Movimiento de Países No Alineados (MNOAL) reflexionaron sobre los avances logrados en relación con los principios y derechos laborales fundamentales. Mediante el enlace que figura a continuación, puede accederse a la Declaración de los ministros de Trabajo del MNOAL, aprobada el 17 de junio de 2019 durante la 108.a Conferencia Internacional del Trabajo celebrada en Ginebra.

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A national workshop on the examination of pharmaceutical patents from a public health perspective, organized by the South Centre and the Egyptian Patent Office (EGPO), discussed international experiences on policies and practices concerning the examination of pharmaceutical patent applications in the context of the TRIPS flexibilities. This event was held in response to growing concerns about the proliferation of patents that protect minor, and in some cases obvious, variants of existing drugs or processes. The workshop took place in Cairo, Egypt, on 18 June 2019. Below is the opening statement of Dr. Mona Mohamed Yahia, President of the Egyptian Patent Office, at the workshop.

Le Centre Sud et l'Office égyptien des brevets ont organisé un atelier national portant sur l'examen, sous l'angle de la santé publique, des brevets pharmaceutiques. Cet atelier a été l'occasion d'un échange de vue sur les expériences acquises à l'échelle internationale en matière de politiques et de pratiques concernant l'examen des demandes de brevets pharmaceutiques dans le contexte des flexibilités prévues par l'Accord sur les ADPIC. Il a été organisé en réponse aux préoccupations croissantes au sujet de la prolifération de brevets protégeant des variantes mineures et, dans certains cas, évidentes, de médicaments ou de procédés existants. L'atelier s'est tenu au Caire, en Égypte, le 18 juin 2019. Vous trouverez ci-dessous l' allocution d'ouverture de l'atelier de Mme Mona Mohamed Yahia, présidente de l'Office égyptien des brevets.

El Centro del Sur y la Oficina de Patentes de Egipto (EGPO, por sus siglas en inglés) organizaron un taller nacional sobre el examen de las patentes farmacéuticas desde la perspectiva de la salud pública. En él, se analizaron experiencias internacionales sobre políticas y prácticas relativas al examen de solicitudes de patentes farmacéuticas en el contexto de las flexibilidades de los ADPIC. Este acto se celebró en respuesta a la creciente preocupación por la proliferación de patentes que protegen variantes menores, y en algunos casos obvias, de medicamentos o procesos ya existentes. El taller tuvo lugar en El Cairo (Egipto) el 18 de junio de 2019. A continuación, se encuentra la declaración de apertura del taller que pronunció la Dra. Mona Mohamed Yahia, presidenta de la Oficina de Patentes de Egipto.
Social Media

Twitter Highlights:

**Top Tweet** earned 3,445 impressions

Dr. Carlos Correa, Exec. Dir. @South_Centre discussed with Nikhil Seth, Executive Director of @UNITAR possible training programs based on the Centre’s policy research outputs to strengthen developingcountries’ collective capacity in international negotiations.

plc.twitter.com/zKE9phUSex

**Top media Tweet** earned 2,567 impressions

The @South_Centre is pleased to become a part of the Inter-agency Task Force (nearly 60 UN agencies, programs & offices & other relevant intl. institutions) to report on progress in implementing the financing for development outcomes & the means of implementation of the #SDGs

plc.twitter.com/FIFGdGzc0R

**JUN 2019 SUMMARY**

- Tweets: 57
- Tweet impressions: 78,1K
- Profile visits: 6,195
- Mentions: 104
- New followers: 64
Mr. Yohane Sokho from Malawi has joined the South Centre Secretariat as Monitoring and Evaluation Officer, strengthening its M&E capacity and geographical representation.

Dr. Carlos Correa, Exec. Dir. of the South Centre, and Dr. Zhang Ning, Deputy Sec.-Gen. of the China Scholarship Council, signed an agreement for the China Scholarship Council to sponsor Chinese visiting experts & interns to contribute to the research program of South Centre.

Civil society and communities help influence and direct global action on antimicrobial resistance. The South Centre supported and co-organized the Antibiotic Resistance Coalition (ARC) and partners strategy meeting 3-5 June.

@SIDS_news @CCIL_Columbia with the support of @RISonline co-organized a meeting for developing countries on SIDS reform in Geneva, 12-14 June 2019.

@56th #GECouncil meeting @Worldbank June 11-13 it will be key to effectively address developing countries’ needs to implement mitigation & adaptation measures that tackle drivers of #environmentaldestruction while supporting development efforts & empowering #localcommunities.
South Centre @South_Centre • Jun 13
#TRIPSflexibilities in UK: Crown use (license) is an option to address the failure of #Vertes to offer a fair price for #cysticfibrosis treatment, told the Under-Secretary for #PublicHealth & Primary Care S. Kennedy, to the UK Parliament parliamentlive.tv/event/index/72.

South Centre @South_Centre • Jun 14
Political leadership is critical to advance needs-driven #researchanddevelopment commitments of the HLM on #TB 2018. Thanks to #SouthAfrica for hosting dialogue, co-sponsored by @South_Centre @TheUnion_TB4U @TAGTeam_TBMS @MedicinesAccess @StopTB @MSF_access

South Centre @South_Centre • Jun 17
Dep. Asst. Foreign Min Amr Momen, Dr. Carlos Correa Exec. Dir. @South_Centre & Dr. Mona Yahya, Pres. EXPO stress on imp. of use of #TRIPSflexibilities for #accessmedicines @South_Centre nt seminar on #PublicHealth & #IntellectualProperty Cairo accessmed.southcentre.int/event/international...

South Centre @South_Centre • Jun 19
#USMCA (replacement of NAFTA) will not restore innovation #industrialjobs #workplaces & #lifestyles nor will it provide protections for affordable #healthcare & #environment that have been on decline since original NAFTA went into force @GDPC_BU FB有更好的/gdp2013/05/07...
South Centre @South_Centre - Jun 24

@South_Centre attends opening of the 66th session of UNCTAD's Trade and Development Board and High-Level segment on Inequality: the Centre will continue to cooperate with @UNCTAD to support South-South development.

South Centre @South_Centre - Jun 25

Dr. G. Velaquez Sp. Adviser Policy & Health @South_Centre keynote speaker at 'Colloque sur la propriété intellectuelle et l'accès aux médicaments' Casablanca. SC pleased to cooperate w/ @UNCTAD supported ITPC project strengthening community responses prevention & treatment.

South Centre @South_Centre - Jun 25

@South_Centre contributed to work of ASEAN Centre for Biodiversity on P-IP biodiversity & ATK & apps. for ASEAN region. @ Rapport Experience Sharing, PPR Biodiversity & Community Access & Benefit Sharing the Use of Biological Resources & Assoc Trad Knowledge, Hanoi.

South Centre @South_Centre - Jun 26

The important role of Cuba in the production and supply of biologic medicines & in South-South Cooperation in areas of health & education were some of the issues discussed by Dr. Carlos Correa, Exec. Dir. @South_Centre with Amb. H.E. Mr. Pedro Luis Pedreira Costa of Cuba.
South Centre @South_Centre - Jun 26

South Centre @South_Centre - Jun 26

South Centre @South_Centre - Jun 27

Dr. Carlos Correa Exec. Dir. @South_Centre was pleased to meet Egyptian Ambassador H.E. Mr. Alaa Youssef to evaluate recent activities of the South Centre in Cairo on #TRIPSflexibilities and further cooperation in other areas.