

MC14 in Yaoundé: Twenty Questions on the Process Documents

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*A Note on Questions Arising from the MC14 Documents Released on 6 March 2026,
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Abstract

This note raises twenty questions arising from the MC14 process documents released on 6 March 2026. It examines whether the conference architecture is consistent with the Geneva First Principle, the WTO Rules of Procedure, and the member-driven character of the organisation.

Introduction

Late on Friday evening, 6 March 2026, a batch of documents was released in preparation for the Fourteenth WTO Ministerial Conference (MC14), to be held in Yaoundé from 26 to 29 March 2026. The timing of the release has left delegations with little lead time before the General Council meeting of 10 and 11 March, at which the Facilitator's report containing the draft Yaoundé Ministerial Statement and Work Plan is expected to be considered for transmission to Ministers.

The documents raise more questions than they answer. They include the modalities and schedule for MC14, an information note on the WTO reform breakout sessions, and the Facilitator's report with the annexed draft Ministerial Statement and Work Plan. Read together, they reveal serious procedural, legal, and substantive tensions that Members, particularly developing country Members, need to examine before arriving in Yaoundé.

A central tension runs through all of the documents. MC14 has been consistently characterised as a deliberative rather than a negotiating ministerial, and the Geneva First Principle, recorded in the process documents themselves, requires that substantive work be completed in Geneva before Ministers are asked to approve outcomes. Yet the Facilitator's own report acknowledges that substantive divisions among Members remain unresolved and that further drafting in Geneva will not close them. The question of how an unresolved text can be submitted to Ministers for endorsement under these conditions is not addressed anywhere in the documents.

This note sets out twenty questions arising from the documents released on 6 March. The questions are organised around five themes: what can lawfully be adopted at MC14 and under what procedural rules; the legal and procedural status of the draft Ministerial Statement and Work Plan; inconsistencies in how the documents relate to one another; the conduct of the informal Heads of Delegation meeting and the Formal Closing Session; and the design of the Transparency Plenary and the breakout sessions. A final section addresses a circularity embedded in the draft Work Plan's own treatment of decision-making and consensus.

The questions are procedural and legal in character. They arise directly from the documents and remain unanswered in any of the materials released to date. Members wishing to protect their procedural rights, preserve the member-driven character of the WTO, and ensure that any outcome from MC14 rests on firm legal ground will need to engage with these questions before and during the Conference.

Reference Materials

Reference No.	Document	Date	Issuer
WT/MIN(26)/W/1	Provisional Agenda for MC14	19 February 2026	WTO Secretariat
WT/MIN(26)/INF/9	Modalities and Schedule of MC14 Sessions	6 March 2026	DG and TNC Chair
WT/MIN(26)/INF/15	Information Note for WTO Reform Breakout Sessions	6 March 2026	WTO Reform Facilitator (Norway)
JOB/GC/491	Facilitator's Written Report to General Council, with draft Yaoundé Ministerial Statement and Work Plan annexed	6 March 2026	WTO Reform Facilitator (Norway)
JOB/TNC/127/Rev.2	Revised Road to Yaoundé: Possible Modalities, Substance and Way Forward	11 November 2025	DG and TNC Chair
WT/L/161	Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council	25 July 1996	General Council

A. On the Agenda and What Can Be Adopted

Question 1. Rule 5 of WT/L/161 requires that the first item of business at each session be the consideration and approval of the agenda. Rule 6 permits any Member to propose an amendment to the agenda at any time during the session. Can a Member therefore propose an amendment at the Opening Session on 26 March, for example to add a dedicated negotiating session for the draft Ministerial Statement and Work Plan? No document addresses whether this procedural right has been preserved or managed away.

Question 2. Rule 23 requires that proposals and amendments be circulated **no later than twelve hours before the meeting** at which they are to be discussed. For any document to be validly adopted at the Closing Session at 12:00 on 29 March, it must therefore be circulated by midnight on 28 March. Given that INF9 contemplates overnight consultations on 28 March, who bears responsibility for ensuring that any text emerging from those consultations is finalised and available for circulation before that deadline? If it is not, any document adopted at the Closing Session would be procedurally irregular under Rule 23.

Question 3. INF/9 Note 6 states that the Formal Closing Session will "gavel final decisions." Rule 28 of WT/L/161 requires that all decisions be taken in accordance with Article IX of the WTO Agreement, which requires consensus. Gavelling implies a determination by the Chair

that no objection exists. However, the architecture of MC14 contains no prior session where objections to the reform track documents can be formally registered. The only procedural moment available to a dissenting Member is to raise a point of order under Rule 18 at the Closing Session itself. And if Rule 18 is invoked, how would the Chair manage it within a one-hour closing session?

B. On the Draft Ministerial Statement and Work Plan (JOB/GC/491)

Question 4. JOB/GC/491 para 6.5 submits the draft Yaoundé Ministerial Statement on WTO Reform and the draft Work Plan to the General Council on 10-11 March "for Ministers' consideration and endorsement at MC14." Yet INF/9, the official modalities document for MC14, contains no reference to JOB/GC/491 at all. The principal adoption-track document for the Conference is invisible in the official schedule. How will this text be formally introduced to Ministers in Yaoundé, and at which session?

Question 5. JOB/TNC/127/Rev.2 records an agreed key parameter for MC14: the "Geneva First" Principle, which requires that "substantive work should be completed in Geneva, with Ministers only approving outcomes." The same document sets out four criteria for referral of issues to Ministers, all of which assume that technical or negotiating work has been exhausted before an issue reaches Ministerial level.

W/1 Item 2 provides that Ministers are expected to "take any action on Ministerial texts and decisions."

JOB/GC/491 para 6.1 acknowledges that "we have reached the practical ceiling of what can responsibly be achieved here in Geneva," and para 6.2 states that "concerns on the drafts persist" and "further drafting alone will not resolve them." The Facilitator then submits the unresolved text to Ministers for their "consideration and endorsement."

The question is this: if substantive work on the Ministerial Statement and Work Plan has not been completed in Geneva, and the Geneva First Principle requires that Ministers only approve outcomes rather than resolve substantive disagreements, on what basis is this text being submitted to Ministers as a document for action under Item 2 of the Provisional Agenda?

And more precisely: does "endorsement" as used in JOB/GC/491 constitute "approving an outcome" within the meaning of the Geneva First Principle? Or does it constitute asking Ministers to resolve substantive disagreements that Geneva could not close, in direct contradiction of that principle? If the latter, is the submission of this text under Item 2 consistent with the Rules of Procedure, which require decisions to be taken in accordance with Article IX of the WTO Agreement?

Question 6. JOB/GC/491 uses the word "adoption" in para 2.1, where it records what Members said they wanted, and the word "endorsement" in paras 1.4 and 6.5, where it describes what the Facilitator is proposing. These two words are not used interchangeably in law. "Endorsement" does not appear in WT/L/161 or in Article IX of the WTO Agreement. Article IX recognises only decisions taken by consensus, or by vote where consensus is not achievable. What is the legal status of an "endorsed" outcome? Does endorsement require the same consensus threshold as a formal decision? If a Member does not affirmatively consent but also does not formally object, will its silence be recorded as endorsement?

Question 7. JOB/GC/491 para 6.1 to 6.2 acknowledges explicitly that the Facilitator is bringing an unresolved text to Ministers, with at least Group (a) in para 2.1 actively opposing a detailed Work Plan. There is no dedicated negotiating session at MC14 for this text. What is the

intended mechanism for resolving the division between the three groups identified in para 2.1 before the Closing Session on 29 March?

Question 8. JOB/GC/491 Annex 1 contains a footnote stating that the Facilitator's reports "do not represent consensus documents but are issued under the Facilitator's responsibility." The Work Plan annexed to the Ministerial Statement is built on those non-consensus reports. Does endorsing the Ministerial Statement at MC14 retroactively give those non-consensus reports a consensual status? No document addresses this.

Question 9. Para 6.2 of JOB/GC/491 states that some Members believe reform discussions "will advance organically after MC14" even without a Ministerial Statement. If Members refuse to endorse the Work Plan, does the reform process stall entirely, or does it continue under General Council authority without a Ministerial mandate? What is the legal and operational consequence, and is this understood by all delegations as a legitimate negotiating option?

Question 10. If the General Council on 10-11 March does not agree to transmit JOB/GC/491 to MC14, or if it is transmitted but not endorsed in Yaoundé, a structural problem arises that none of the documents addresses.

The four breakout sessions have already been designed around the Facilitator's three tracks: Decision-Making, Development, and Level Playing Field Issues, together with Foundational Issues. The guiding questions, the six Minister-Facilitators, the group compositions, and the takeaways process are all built around this structure and will operate independently of whether the Ministerial Statement is formally endorsed.

Rejection of JOB/GC/491 would therefore remove the formal adoption track but leave entirely intact the Facilitator-designed conversational architecture within which Ministers will speak. Ministers who object to the scope or direction of the draft Work Plan may nonetheless spend two days discussing those precise tracks under those precise questions, with the Facilitator's consolidated takeaways circulated after the Conference as a reference document regardless of the formal outcome.

What procedural options do Members have, before or at MC14, to alter the framing of the breakout sessions, supplement the guiding questions, or ensure the takeaways do not embed a direction that was never consensually agreed?

C. On the Relationship Between the Documents

Question 11. INF/15 para 6.5 mentions the draft Yaoundé Ministerial Statement and Work Plan almost parenthetically, noting that "Ministers will also have" it "to consider." JOB/GC/491 treats this text as the primary MC14 reform output. INF/9 does not mention it at all. These three documents, issued on the same day, present fundamentally different pictures of what MC14 is for. Which document governs?

Question 12. INF/15 para 6.5 confirms that the Facilitator takeaways will be "circulated to all Members after the Conference" and are prepared "under the sole responsibility of the Facilitators." JOB/GC/491 para 2.25 records Members' own view that summaries should "not constitute a negotiated outcome or a Ministerial mandate." If the takeaways carry no legal weight and are not formally adopted, why does INF/15 present them as the main output of the reform sessions, rather than the Ministerial Statement which is the adoption-track document?

D. On the Informal HODs and Formal Closing

Question 13. INF/9 Note 4 states explicitly that "on 29 March, the MC14 Chairperson and the Director-General will convene an Informal Heads of Delegation meeting." The Rules of Procedure in WT/L/161 make no reference to informal HODs at all, and vest conduct of business solely in the Chairperson under Rule 17. Note 5, which covers the Formal Closing Session, gives the DG only a role in delivering a closing statement. The DG's role is therefore more active in the informal setting than in the formal one. On what legal or procedural basis does the DG co-convene the informal HODs? Does this alter the political character of the session, given that JOB/GC/491 was submitted under the DG's institutional umbrella and the DG has a stated interest in securing a reform outcome? If a Member raises a disagreement at the informal HODs, who has authority to manage it, and what happens if the Chairperson and the DG assess the state of play differently?

Question 14. INF/9 Note 4 refers to outcomes being presented "for approval or endorsement" at the Closing Session, without specifying which documents fall under which category. JOB/GC/491 uses both words for the same text. What criteria determine whether a document is approved versus endorsed? What are the different legal consequences of each?

Question 15. The informal HODs runs from 09:00 to 12:00 on 29 March and the Formal Closing Session from 12:00 to 13:00. JOB/GC/491 para 6.1 to 6.2 acknowledges that substantive divisions among Members remain unresolved. If those divisions surface at the informal HODs, how are they to be resolved within a one-hour formal closing session?

E. On the Transparency Plenary (27 March, 19:30)

Question 16. INF/15 Section 7 states that the Transparency Plenary is dedicated to "information-sharing and clarity, rather than reopening the debate," and that it will consist of structured presentations by Facilitators. Rule 17 of WT/L/161 accords every representative the right to speak at a formal session of the Ministerial Conference. Is the Transparency Plenary a formal or informal session? If it is formal, can the Chair lawfully restrict Member interventions?

Question 17. If Members cannot intervene at the Transparency Plenary, and breakout sessions produce only Facilitator-controlled takeaways prepared under the Facilitators' sole responsibility, at what point in the MC14 programme does a Member that disagrees with how its group's discussion was characterised formally register that disagreement before the informal HODs on 29 March?

Question 18. JOB/GC/491 para 2.9 records Members' own suggestions, including a clear preference that any summary "not constitute a negotiated outcome or a Ministerial mandate for post-MC14 reform work." Yet the Transparency Plenary as designed in INF/15 presents consolidated Facilitator summaries to all Ministers without any opportunity for Members to validate, correct, or dissent from those summaries before they are compiled into the takeaways document circulated after the Conference. Is this consistent with a Member-driven process or what Ministers instructed at MC12 and MC13?

F. On Decision-Making and Consensus

Question 19. The draft Work Plan in JOB/GC/491 Annex 2 includes a key activity to "explore if and how different decision thresholds could apply to different types of WTO decisions." JOB/GC/491 paras 2.8 to 2.11 record that many Members strongly oppose any flexibility in the consensus requirement, while others support exploratory work with guardrails. Can Ministers endorse a Work Plan containing this language without that act of endorsement itself constituting a consensus decision to open the question of consensus? This circularity is not addressed anywhere in the documents.

Question 20. Rule 28 of WT/L/161 requires decisions to be taken in accordance with Article IX of the WTO Agreement. JOB/GC/491 para 6.4 argues that "one page, if it speaks with one voice, can be a signal in the storm." But the Facilitator's own report in para 2.1 documents three groups with irreconcilable positions. If the text does not speak with one voice in Geneva after nine months of work, how will gavelling it in a one-hour Closing Session produce the consensus that Article IX requires?

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