

Bulletin n°1 | Tuesday, December 15, 2015

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## Daily Bulletin

### ABOUT THIS BULLETIN

From 15-18 December, the World Trade Organization (WTO) is holding its 10th Ministerial Conference in Nairobi, Kenya. This week, ministers should welcome Afghanistan and Liberia as new members, and adopt decisions on electronic commerce, vulnerable economies and intellectual property. Questions remain as to whether an outcome can be reached this week on any of the issues of the current negotiating round, while ministers will consider the way forward for post-Nairobi WTO negotiations. CUTS is there to update you on the proceedings.

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## Plenary Today

This afternoon's opening plenary, marking the official start of the conference, was addressed by Uhuru Kenyatta, President of the Republic of Kenya who urged WTO members "to allow themselves no result except success." Recalling the importance of this week's talks to unlock developing countries' true potential, he called for an outcome once and for all on the issues of interest to Least Developing Countries (LDCs).

In his opening speech, the Director General of the WTO, Roberto Azevêdo, referred to last week's success of the Paris climate agreement as a breakthrough that should inspire the WTO members' work this week in Nairobi. He lauded Kenya's total commitment to making the first-ever WTO ministerial held in Africa a success. "Kenya has set the stage, now it is time for us to deliver." He said.

Addresses were also provided by President Ellen Johnson Sirleaf of Liberia, whose country will formally conclude negotiations on accession to the WTO this Wednesday,

and the Chair of the conference Ms Amina Mohamed, Cabinet Secretary for Foreign Affairs and Trade of Kenya. Earlier, participants to the conference were welcomed by traditional songs and dances by local performers.

## Negotiations Insights



### TODAY'S UPDATE

*Development First, demand developing countries of the WTO*

Delegates who started arriving in Nairobi over the weekend had already resumed discussions before this afternoon's official conference opening. Developing country groupings (LDC Group, African Group and ACP Group) met at expert and ministerial levels, culminating this morning in a G90 Ministerial meeting towards a convergent voice of developing countries on what the Nairobi ministerial should deliver.

Members of these groups expressed both their expectations and frustration, particularly with some members' suggestions to introduce new, so called 21st century, issues before delivering on the long overdue development issues that have been at the heart of negotiations for over a decade.

Developing countries insisted on the need to conclusively address the current Doha Development Agenda (DDA) issues before considering other issues, as reflected in yesterday's ACP communiqué according to which Ministers "stressed the necessity for a clear commitment in Nairobi to concluding all unresolved issues in the DDA on the development mandate with a view to yielding specific development milestones in the post-Nairobi phase."

### WHAT'S ON THE TABLE

Fourteen years into the current Doha "development round" (DDA) of trade negotiations, the WTO membership's success in delivering multilateral trade deals has so far been limited, including on issues of priority to developing and least developing countries. This week's 10th WTO Ministerial Conference is expected to be crucial for the future of these negotiations, as some members call for reconsidering the relevance of the DDA as a negotiating framework.

Suggestions are also being put forward that trade ministers should consider the introduction of new negotiating issues, something opposed by developing countries who are concerned about the eventual conclusion of the current development issues which are of interest to them. Besides this, members have been trying to put together a

package of current DDA issues to be concluded by their ministers in Nairobi, but were far from a consensus on its content as they reached Nairobi this weekend.

Some of the issues initially proposed for inclusion in a Nairobi package included agricultural export competition, some development issues (e.g. simplified rules of origin for imports from LDCs), and improved transparency in areas such as fisheries subsidies. Some members have however conditioned their approval to the inclusion of more contentious issues such as the Special Safeguard Mechanism, public stockholding, and special and differential treatment provisions.

With the lack of a consensus emerging ahead of Nairobi, ministers have been forwarded a draft declaration with a number of brackets to deal with, in all its three parts, i.e.: (i) Preamble on the achievements and challenges over the WTO's 20-year history; (ii) decisions by trade ministers, e.g. on a package of DDA issues; and (iii) the future work of the organisation, e.g. framework for negotiations post-Nairobi. Nevertheless, the draft declaration anticipates the adoption of three decisions on: (i) TRIPs Non-violation and Situation Complaints; (ii) Work Programme on Electronic Commerce; (iii) Work Programme on Small Economies.

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## CUTS @Nairobi

### **COMPETITION POLICY**

#### **20 YEARS AFTER SINGAPORE: NEED FOR AN ENHANCED 21ST CENTURY APPROACH TO INTERNATIONAL COMPETITION POLICY**

*by E15 Initiative*

Pradeep S. Mehta, Secretary-General of CUTS International was a speaker at this event organised as part of ICTSD's Trade and Development Symposium on the sidelines of the official conference. Chaired by John Davies, Head of the Competition Division at OECD, discussions focused on how competition policy and analysis are essential to ensure that international trade and global value chains operate in ways that are inclusive and open for all competitive suppliers. While various trade agendas have been successfully pursued on both multilateral and regional levels, sustained efforts to implement enforceable international frameworks for competition policy have foundered.

The panel of experts included Robert Anderson, Counselor, Intellectual Property Division, WTO; Jean-Yves Art, Assistant General Counsel Microsoft; Frederic Jenny, Chairman OECD's Competition Law and Policy Committee; and Eleanor M. Fox, Walter J. Derenberg Professor of Trade Regulation, New York University. They explored the role of the WTO in the competition policy space, especially after the removal of the Singapore issues from the Doha Development Agenda. It was noted however that in spite of this, competition does still figure prominently in the WTO such as in Trade Policy Reviews, the WTO's work on accessions, as well as in the General Agreement on Trade in Services. The TRIPs Agreement also contains provisions that refer to competitive practices and the WTO also keeps track of RTAs and how these contain provisions on competition.

The Speakers also examined how the currently fragmented international competition policy regime can better support the global trade and antitrust agendas in the delivery

of sustainable and inclusive growth. It was noted that at the national level developing countries have huge populations that have no access to economic opportunities because they have been left out of the system and in such instances, competition can lead to inclusiveness. At the multilateral level, speakers noted that developing countries could not afford to not have a multilateral regime because the current system was squeezing them out. The case of export subsidies to farmers in rich developed countries was cited as one such example that a coherent international competition policy regime would be able to help address.



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