

General Council Meeting
Statements by the ACP Group
16-17 December 2020

Agenda item 4 (A)

ACTION PLAN TO ENHANCE SUPPORT FOR COTTON BY-PRODUCT DEVELOPMENT IN LDCS – DRAFT GENERAL COUNCIL DECLARATION – COMMUNICATION FROM BURKINA FASO ON BEHALF OF THE C4 AND COTE D'IVOIRE (WT/GC/W/808)

Thank you, Chair

We take the floor on behalf of the ACP Group.

Cotton plays an important role in the development, economy and livelihood of the C4. It is, therefore, important that we support initiatives of these cotton-producing countries, including that presented to us today under this agenda item by Burkina Faso on behalf of the C4 and Cote d'Ivoire in WT/GC/W/808.

Like the case with other commodities, it is important for WTO members to pledge their support for the co-sponsors and use all mechanisms necessary to ensure that production and trade cotton maximise the benefits to be derived by these members.

There are important issues highlighted in the declaration, including technology transfer, enhancing value addition, supporting smallholders including women, and assisting the group in managing market shocks. These are all critical issues that, if addressed, could improve the ability of co-sponsors to benefit from cotton, and in respect of which the WTO can play a critical role to address.

In light of the importance of the issue at hand, the ACP Group supports the initiative and reiterates its support for the cosponsors in their efforts to ensure that production and trade in cotton helps to further improve the welfare of their people.

I thank you, Chair.

Agenda Item 5

TWELFTH SESSION OF THE MINISTERIAL CONFERENCE – DATE AND VENUE

The ACP Group acknowledges the importance of convening MC12 to get Ministers to hand down important decisions as well as to provide mandates and guidance for future work in various areas.

We thank the Government of Kazakhstan for their generous offer to host MC12.

We take note that members prefer to postpone the Conference until later in 2021, perhaps returning to an end of year cycle. We welcome this decision and would go with a consensus.

We think that any date to be agreed must accommodate the concerns of the WTO's membership, including the psychological comfort of delegates and the lag effect that the virus would have in our capitals.

The ACP Group urges wide consultation on the new date for the Conference to ensure that it does not overlap with other major international meetings, such as UNCTAD XV, that require the undivided attention of our Ministers, many of whom are also in charge of WTO affairs. We urge you, Chair, to begin these consultations as soon as possible.

Notwithstanding the progress being made in some capitals in respect of the containment of the virus and discovery of vaccines and other medicines, uncertainties continue over the return of normalcy, including in capitals with less resources. Hence, it may well be that certain international travel restrictions will continue in to 2021. The ACP Group, therefore, wishes to indicate that any date put forward at this time does not represent a final decision but continues to be working proposal until we are in a position to adopt it.

I thank you chair.

Agenda Item 6

WORK PROGRAMME ON ELECTRONIC COMMERCE

- a. REPORTS BY THE CHAIRS OF THE COUNCIL FOR TRADE IN GOODS AND THE COUNCIL FOR TRADE IN SERVICES (G/C/67; S/C/61)**
- b. WORK PROGRAMME ON ELECTRONIC COMMERCE AND MORATORIUM ON IMPOSING CUSTOMS DUTIES ON ELECTRONIC TRANSMISSIONS – REQUEST FROM INDIA**
- c. REINVIGORATING THE WORK UNDER THE 1998 WORK PROGRAMME ON ELECTRONIC COMMERCE – COMMUNICATION FROM SOUTH AFRICA AND INDIA (WT/GC/W/812)**

I am delivering this statement on behalf of the ACP Group.

The 1998 Ecommerce Work Programme continues to be a critical feature of the WTO's regular work and an essential fixture on the General Council's agenda. We therefore thank the Chairs and the Council for Trade in Goods and the Council for Trade in Services for their reports.

Chair.

The ACP Group takes the 1998 Ecommerce Work Programme seriously and expresses appreciation of all Members having not only contributed to the work in the General Council, but also the other Bodies charged with examining the issue. We must deepen our engagement and understanding of a wider range of issues - not only the question of the customs duties moratorium - as we progressively move toward MC12. We are ever weary that by MC12, we will again face the expiry of the work programme along with the moratorium.

We have said in other bodies that significant strides have been made in advancing ICT infrastructure and services. We particularly saw the benefits in many respects during the still evolving COVID-19 crisis. However, the current situation has also

underscored much of what we have been saying for some time now in the various bodies of this organisation. It highlighted, and continues to highlight, the obvious and pressing need to address the digital divide.

The ACP Group would therefore also like to reiterate our support to the elements highlighted by the LDC Group in their submission to the General Council in December last year and to welcome the proposal by South Africa and India which are before us today.

In conducting our diagnosis of the moratorium, we recognised that some of the other areas of interest to our countries include the costs to developing country and LDC consumers and businesses and discrepancies between traditional goods or products and electronic equivalents, and the application of internal taxes on electronic transmission.

As we would have indicated earlier, structured discussions on the Work Programme must go beyond discussions on the moratorium. Other pertinent issues are the extent of coverage of digital or internal taxes. We note a number of issues that were raised in the work programme are under negotiation in the JSI. Therefore, it is important that the work programme yield a result that does not create a subterranean set of rules under one roof. We think it will be important to take a pragmatic approach to discussing within the context of the existing 1998 work programme the issues of source code, localisation and the impact on data flows, as well as consumer protection. These issues should be prioritized as they will begin to not only match, or exceed, the perceived impact the moratorium may have on our regimes but to treat to our ability make greater use of ecommerce to earn revenue, become producers of higher level technological advancements and to improve the basis way of life for our people.

The ACP Group recognises that we too need to play our part in ensuring that the Work Programme continues to remain relevant and addresses issues of social and economic interest to our countries. We therefore stand ready to engage and to be

forthcoming with ideas for discussion within the context of the existing mandate of the Work Programme on Electronic Commerce.

Agenda Item 7

TRADE RELATED CHALLENGES OF THE LEAST DEVELOPED COUNTRIES AND WAY FORWARD: A DRAFT FOR MC DECISION – COMMUNICATIONS FROM CHAD ON BEHALF OF THE LDC GROUP (WT/GC/W/806, WT/GC/W/807)

Thank you Chair,

The ACP Group wishes to thank the delegation of Chad for the submissions on behalf of the LDC Group.

The ACP Group offers its commendations on the approach being taken to promulgate the interests of LDCs within the WTO. Undoubtedly, LDCs still faced significant trade and development challenges and now, more than ever, there is an urgent need to ensure that the interests and potential of LDCs are accommodated in all our work at the WTO, especially in light of the impact of the Covid-19 pandemic and other existential and emerging challenges. As a Group of developing countries and LDCs, we can relate to the vulnerabilities of LDCs which the Covid-19 pandemic has exacerbated. LDCs were already grappling to be fully integrated into the global trade system and the pandemic could undo all the strides that would have been made over the last few years.

Chair,

The statistical and empirical evidence speaks volume of the impact of Covid-19 on LDCs. The pandemic has affected keys economic sectors such as logistics and tourism which are sources of employment, GDP and foreign exchange earnings. According to WTO-UNCTAD- ITC estimates, the tourism sector of LDCs has been hard hit with a decline of up to 81% and transport down by 31%. The data presents a gloomy outlook which must be considered when discussing the graduation process for LDCs and the provisions accessible within the WTO. The integration of LDCs in the multilateral trading system is critical and could serve as a main engine for economic growth and development.

Chair,

The ACP Group has taken note of the proposal for a draft Ministerial Decision for the consideration of Members to respond to the UN General Assembly Resolutions 59/209 of 2004 and 67/221 of 2012 and introduce a comprehensive and effective smooth transition mechanism for graduating LDCs under the WTO System.

The ACP Group supports the LDCs' submissions in W/806 and W/807. We look forward to a further productive engagement on the matter in order to support LDCs, including graduating LDCs, in their developmental aspirations and their efforts to integrate into the multilateral trading system.

I thank you, Chair.

Agenda Item 11

PROCEDURES TO STRENGTHEN THE NEGOTIATING FUNCTION OF THE WTO – STATEMENT BY THE UNITED STATES (WT/GC/W/757/REV.1 AND WT/GC/W/764/REV.1)

I take the floor on behalf of the ACP Group.

The ACP Group thanks the United States for its Statement under this Agenda Item. The Group wishes to reiterate its previous Statements on this Item.

Chair, unfortunately, despite 25 years of the WTO's existence, our Members are yet to succeed in fighting the scourge of poverty and underdevelopment, while others are hemmed in by structural constraints and vulnerabilities, flowing from, among other things, global economic shocks, climate change and natural disasters. For ACP Group members, economic data and indices do not reflect the realities on the ground. We, therefore, cannot use these documents as a good basis to advance our discussions on the future of S&DT in the WTO.

We, re-emphasize our inability to accept that some developing countries are not entitled to special and differential treatment and that they should be excluded, upfront, from claiming this facility even before negotiations begin.

Chair, the ACP Group urgently calls for constructive and inclusive approach to this very important topic, whereby the concerns of all members can be addressed.

Chair, I thank you.

Agenda Item 12

STRENGTHENING THE WTO TO PROMOTE DEVELOPMENT AND INCLUSIVITY – COMMUNICATION FROM THE AFRICAN GROUP, CUBA, AND INDIA (WT/GC/W/778/REV.3)

Thank you, Chair

We thank the co-sponsors for their very inciteful submission. It sheds light on the myriad of issues confronting developing countries and that would have to be a part of our discussions on the future of S&DT and WTO reform.

Of course, we do not take it that the cosponsors expect the document to be accepted in its current formulation. Rather, we see it as a good first step and an important effort to capture the relevant issues at stake.

Chair, if we are serious about having a discussion on WTO reform and the future of the S&DT, the agenda cannot be pre-determined by a small group of members, when the implications of reform affect and the rationale for reform is the business of all members. We believe the WTO is not an organisation immune from democratisation. Hence, we continue to request an open, transparent and inclusive discussion on the rationale, parameters, scope and elements of reform. We already have a number of papers on the table giving various perspectives on WTO reform and the S&DT and more is being prepared. In fact, the ACP Group is working on a paper for reform.

There are important questions to reflect on as we move forward. These include: How do we plan to bridge divergences on the issue of reform and S&DT in the WTO? Do we leave these issues to be handled in the current exclusive groups that lack representivity? If so, what implications will this have for the future of the WTO and the principles it is known to espouse? Are we guided by the unique circumstances of members of the WTO or are we pursuing narrow agendas? How do we ensure that previous Ministerial Decisions are streamlined into our discussions on reform? How do we ensure that reform accommodates unforeseen shocks to the trade and development of developing countries and LDCs,

especially in light of the impact of the COVID-19 pandemic? And how do we ensure that our ministers are placed in a position to provide clear guidance on how we move forward with these issues at MC12?

Chair, the WTO can only be sustainable if the needs of its all its members are taken into account. We have to pursue a respect of the WTO rules, the need to integrate developing countries and LDCs in global trade, inclusivity rule-making, transparency and, importantly, a willingness of members to be flexible in the midst of various circumstances.

The ACP Group stands ready to play a constructive and productive role in the discussions on reform and we urge other members to do so.

I thank you, Chair.

Agenda Item 13 (B)

STATUS REPORT ON THE CONSIDERATION BY THE TRIPS COUNCIL OF THE "PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19" (IP/C/W/699) – STATEMENT BY THE CHAIR OF THE COUNCIL FOR TRIPS

Thank you Chair,

The ACP Group wishes to thank the Chair of the TRIPS Council for her report. The Group also thanks proponents W/669 for the proposal. We are sympathetic with the general objective of the proposal, which is, to ensure that our people have access to medicines, vaccines and other items required to treat the virus and contain the outbreak.

The ACP Group, therefore, takes note of the discussions on the proposal.

This proposal is being submitted at a time when we are faced with the most devastating health crisis in our lifetime. The Covid- 19 pandemic is unprecedented and has caused major disruptions socially and economically. While all countries have been significantly impacted by the pandemic, the impact is disproportionately faced by developing countries and LDCs due to, *inter alia*, the limited capacity of our health care systems to cope with crisis of this magnitude. We have a collective responsibility to utilize mechanisms within multilateral institutions like the WTO to contribute to the global initiatives to preserve the health and save the lives of millions of people across the globe.

Chair,

The ACP Group is encouraged by the robust discussions and exchanges which have ensued since the proposal was first launched in October. We are consulting on the proposal internally with a view to constructively engage in these discussions.

The ACP Group again thanks the co-sponsors for all the work that has been done thus far and take this opportunity to invite other members to engage constructively with a view to finding a landing zone.

The health and lives of people should always be our priority and the ACP Group is confident that WTO members are capable of delivering for and on behalf of our people in these most difficult times.

I thank you, Chair