

ACP Group Statements

General Council Meeting-

5th – 6th May 2021

Agenda Item 4(A)

TRIPS COUNCIL MATTERS A. STATUS REPORT ON THE CONSIDERATIONS BY THE TRIPS COUNCIL ON THE "PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19" (IP/C/W/669) – STATEMENT BY THE CHAIR OF THE COUNCIL FOR TRIPS

Thank you Chair,

The ACP Group wishes to thank the Ambassador of Norway for his report. The Group extends its commendations to the cosponsors of W/669 for their hard work and dedication in bringing to the fore the importance of access to vaccines and other items for the prevention, containment and treatment of COVID-19. We take note of proponents' decision to revise the proposal in light of the feedback from consultations.

The ACP Group is encouraged by the robust discussions and exchanges on the proposal. We call for the continuation of discussions with the same vigour in different formats so as to find an outcome as soon as possible in the interest of humanity. We believe that the proposal should continue to be prioritized in the Work Programme of the TRIPS Council.

The ACP Group continues to endorse the genuine public health objectives of the proposal and will support proponents in their bid to contribute to international initiatives ensure that our people have affordable access to medicines, vaccines and other items required to prevent, treat and contain the virus.

We believe that vaccination is the only durable solution to contain the virus and, therefore, facilitating access, especially by developing countries and LDCs should be our priority. Our fiscal targets have been dislocated due to the impact of the pandemic and our health care and economies are facing unprecedented challenges. No member is safe until all members are, and COVID-induced economic and social challenges in one WTO member affects the other.

Chair,

The ACP Group again thanks the co-sponsors for their hard work and takes this opportunity to invite other members to engage constructively and in a collaborative manner 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

Agenda Item 5-

***TRADE RELATED CHALLENGES OF THE LEAST DEVELOPED COUNTRIES AND WAY FORWARD:
A DRAFT FOR MC DECISION (WT/GC/W/807)***

Thank you Chair,

The ACP Group thanks the Ambassador of Chad for his comprehensive and thought provoking statement. The Group pledges its full support for this important submission on behalf of the LDC Group. We commend the approach which is being taken to further the interests of LDCs and graduated LDCs within the WTO and in the global trading system, especially in light of the impact of the COVID-19 pandemic which will have a lasting impact on these members.

Graduation is never automatically accompanied by favourable conditions that warrant immediate relinquishing of LDCs flexibilities. We believe a transition period is of utmost importance to graduating LDCs and we believe the proposed transition period in the submission is reasonable to allow these members to face the significant trade and development challenges post-graduation.

As a Group of developing countries and LDCs, we can relate to the vulnerabilities of LDCs which the Covid-19 pandemic has exposed and 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 ACP Group supports the LDCs' submission. We look forward to 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 6-

SUPPORTING THE CONCLUSION OF FISHERIES SUBSIDIES NEGOTIATIONS FOR THE SUSTAINABILITY OF THE OCEAN AND FISHING COMMUNITIES - DRAFT MINISTERIAL DECISION - COMMUNICATION FROM BRAZIL (WT/GC/W/815)

Thank you, Chair,

The ACP Group thanks the Brazilian Ambassador for the submission in document WT/GC/W/815.

The ACP Group wishes to re-iterate its statement made at the General Council meeting in March on this issue.

The ACP Group has always valued the sustainability of our oceans. We believe that an outcome should be an effective policy tool in the global fight against IUU fishing and global fish stock depletion. As WTO members, we should always be mindful that the WTO's competence in this area is limited to subsidies and, to the extent possible, collaboration with other international organizations that have mandates in oceans and fisheries management.

We continue to believe that our focus and priority should, therefore, be to conclude the negotiations through the NGR process. We also want to remind members that we do already have a Ministerial mandate which we believe is sufficient to guide our work in the negotiations. Our Ministerial mandate is also in line with SDG 14.6.

Hence, the ACP Group again reaffirms its commitment to the implementation of SDG14.6 and the MC11 mandate. We believe that the focus of our engagements should be on major subsidizers and large-scale industrial fishing. We must ensure that the outcome provides adequate policy space for developing countries and LDCs to develop their fisheries sector. We will reiterate that the ACP Group cannot live with transition periods alone with technical assistance and capacity building.

We will also reemphasize that an outcome must ensure that sovereign rights of members are respected, national judicial processes are unfettered, implementation is not more burdensome than necessary to achieve our sustainability objective, the provisions remain within the competence of the WTO, and there is policy space for small scale and artisanal fishing.

We reiterate our view that the negotiations should be concluded this year and we will work towards making that a reality but flexibility, empathy and compromise from all parties are key ingredients to getting this done.

I thank you, chair.

Agenda Item 8-

WORK PROGRAMME ON ELECTRONIC COMMERCE AND MORATORIUM ON IMPOSING CUSTOMS DUTIES ON ELECTRONIC TRANSMISSIONS – REQUEST FROM INDIA

Thank you, Chair!

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

The ACP Group wishes to thank India for placing this item on the agenda of this meeting and has taken particular note of the title of this item. We also wish to thank the Ambassador of India for his statement.

Chair,

The 1998 E-commerce Work Programme is a critical aspect of the WTO's regular work and an essential fixture on the General Council's agenda. We listened to several Ambassadors reiterating the importance of the Work Programme at our meeting last week.

The WTO must deepen its engagement and understanding of the question of the customs duties moratorium, and these discussions must go beyond the moratorium and include other pertinent issues, such as, the extent of coverage of digital or internal taxes.

We are concerned that by MC12, we will again face the expiry of the moratorium should we fail to establish a common understanding on the scope and definition of electronic transmission. Significant strides have been made in advancing ICT infrastructure and services and we have seen the benefits in many respects during the still evolving COVID-19 crisis. We, however, still face a significant digital divide within and among countries that must be addressed with urgency.

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

We note that a number of issues which were raised in the work programme are under negotiation in the JSI. Therefore, it is important that the work programme is prioritized as it encompasses an agreed workstream which will result in balanced outcomes in the context of e-commerce.

We still 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, localization and the impact on data flows, as well as consumer protection.

The ACP Group will play our part in ensuring that the Work Programme continues to remain relevant and address issues of social and economic interest to our countries. We suggest, again, that the General Council take up a series of issues that are of a crosscutting nature, for example source code, localization and data protection along with the question of the moratorium and its impact on both consumers and businesses. The discussion might be organized in informal mode or in dedicated sessions.

We will support your leadership on these issues as we seek to find a landing Zone for MC12.

I thank you, Chair!

Agenda Item 11

STATEMENT BY COLOMBIA, COSTA RICA, ECUADOR, PANAMA AND PARAGUAY ON TRADE RESTRICTIONS THAT BLOCK EQUAL ACCESS TO COVID-19 VACCINES

Thank you, Chair.

The ACP Group thanks proponents for their statement under this agenda item. We sympathise with the concerns raised therein.

There is no doubt that the COVID-19 pandemic is the most significant crisis of our lifetime. The unprecedented negative impact of the crisis on our health care systems, the health and welfare of our populations, and the fall out in our economies requires international cooperation, sympathy for the situation of members with less financial capacity, and importantly, global efforts to bring about affordable access to vaccines, therapeutics and other items necessary to prevent, treat and contain the virus.

Millions of lives have been lost and shortages of drugs to treat the virus have put the lives of our people, health care workers and other essential workers at risk.

Chair

Vaccination, in our view, is the most durable solution. As developing countries and LDCs, we must have equitable access to vaccines and other items required to prevent, treat and contain.

There is absolutely no place for vaccine nationalism in this crisis. Neither is there a place vaccine politics. No member is spared the impact of the virus until all members are able to contain its spread.

We, therefore, express deep concerns over the implementation of measures by some members that prohibit or restrict export of vaccines, therapeutics and other items necessary to prevent, treat and contain the virus. We call for members to reverse these measures as they would diminish the ability of developing countries and LDCs to contain the virus, thereby prolonging the pandemic.

I thank you, Chair.