

Our World is Not for Sale (OWINFS)

We are 80 civil society representatives from more than 30 countries are here as part of the global Our World Is Not for Sale (OWINFS) network, which includes more than 250 organizations from the global North and global South. We are raising our voices about the negative impacts of existing WTO policies on workers, farmers, the environment, and the public interest, calling for fundamental transformations to the existing trade system. *We believe in a democratic, transparent, and sustainable multilateral trading system*, and do not want to see the WTO depart even further from that ideal, and call on governments not to expand the failed model of the WTO to new issues.

Many developed countries at MC11 have pushed a dangerous and inappropriate new agenda under the rubric of “e-commerce,” even though there was no consensus to introduce this new issue during or since the Nairobi Ministerial. Other issues like micro- and small- and medium-sized enterprises (MSMEs) and the “gender and trade” are Trojan Horses for sneaking in “new issues” like e-commerce, and together with Investment Facilitation and Domestic Regulation, represent the wrong agenda of further benefits for corporations at the expense of jobs and development.

Wrong Agenda: E-commerce (including MSMEs)

WTO members do not have a mandate to negotiate new global rules on e-commerce. Many of the issues proposed for the e-commerce agenda have either already been discussed and resolved in other forums, most of which are more responsive and accountable to public interest concerns than the WTO.

E-commerce can be a force for job creation and development, and has the power to expand innovation and increase consumer choice. But that is not the same as having binding global rules that would primarily benefit U.S.-based high-tech corporations, at the expense of public interest.

Proponents of “e-commerce” disguised their proposals as helping to promote MSMEs. But MSMEs are the least likely to be able to compete with giant transnational corporations, which enjoy the benefits of scale, historic subsidies, technological advances, state-sponsored infrastructure, and tax avoidance strategies. E-commerce proposals would allow existing technology giants would be able to further consolidate their monopoly power.

The best outcome to support MSMEs would have been to conclude the Development Agenda; good outcomes in agriculture domestic supports, a permanent solution for Public Stockholding; SSM, Special and Differential Treatment, and cotton.

Data is now the most valuable resource and should not be locked in to “free” transfer before its value can be harnessed for its development potential. We need trade rules that allow for the creation of decent jobs, including in the tech sector. But the hallmarks of companies like Amazon, Facebook, Google, and Uber include dislocation of local businesses and labor markets, and increasing precariousness of work. These would accelerate under e-commerce proposals. Privacy and data protection are fundamental human rights and cannot be abandoned in favor of trade.

We support efforts by developing countries to address the digital divide, transfer technology, and expand infrastructure and ICTs. But the WTO is not the proper forum to negotiate these issues. ***No new mandate on e-commerce is a positive outcome in MC11.***

TRIPS Non-Violation Waiver

If the moratorium on electronic transmissions is renewed, it should be limited to two years, and only in exchange for ***a permanent moratorium on TRIPS non-violation complaints, which is essential to ensure lifesaving medicines for millions of people.***

Wrong Agenda: Investment Facilitation

Existing investment rules have given new rights to corporations to profit in countries while putting taxpayers on the hook for millions in payouts for upholding public interest regulations. Even if the proposals focus on investment facilitation, this is not a trade issue per se, and UNCTAD is already the primary multilateral agency working on investment. ***No new work program on IF is a positive outcome of MC11.***

Wrong Agenda: Domestic Regulation

The SDGs agreed by all WTO members include a focus on expanding access to and quality of many public services, as well as other key services like financial services and telecommunications. The proposed rules on Domestic Regulation severely undermine the regulatory sovereignty of countries. Governments – not trade panels - should have the authority to decide community issues that are inherently subjective. Foreign companies should not have “rights” to input on measures proposed by local or national authorities before they are decided domestically. Members have not yet agreed whether disciplines on these measures are “necessary.” ***No disciplines on domestic regulation is a positive outcome for MC11.***

E-commerce rules, MSMEs agenda, IF and domestic regulation disciplines would amount to an expansion of the WTO. But the vast majority of WTO members have argued that existing unfair and damaging rules must be fixed before the WTO can be expanded.

Fishing: Subsidizing the Poor or the Rich?

There is a clear mandate for a pro-development and pro-environment outcome on disciplining fishing subsidies. But existing industrial fishing nations are insisting on rules that would undermine the future developmental aspirations of developing countries and harm existing artisanal fisherfolks' livelihoods.

The developmental and economic policy space of developing countries must be maintained whilst those nations that have contributed most to the problem of IUU and overfishing must agree to eliminate harmful subsidies. The management of fisheries resources must stay outside of the WTO.

What Should Be on the Agenda: Transforming Existing Harmful WTO Rules

There is an urgent need to change existing WTO rules which are constraining policy space for job creation and development, including achievement of the Sustainable Development Goals (SDGs). The Doha Work Programme on development must be concluded as soon as possible, rather than permanently shelved in favor of a big business agenda of WTO expansion.

Agriculture rules in the WTO must be transformed. A permanent solution for public stockholding that is workable for all developing countries, and a workable Special Safeguard Mechanism (SSM) to should have been agreed as the top priority of MC11. Current proposals on domestic support are inadequate.

Constructive Agenda: Agricultural Rules Must Prioritize Food Security and Food Sovereignty

The top priority for a genuine development agenda would be transforming the current rules on agriculture. Rich countries, not the poor, are currently allowed to subsidize agriculture under WTO rules – even in ways that distort trade and harm other countries' domestic producers. ***It is unfortunate that members did not agree to reduce the subsidies of developed countries under “domestic support” – including in the “Green Box” category of subsidies when these actually have trade-distorting impacts.***

Subsidies that the US and the EU provide to cotton producers enrich a few thousand there, but have unfairly decimated production of hundreds of thousands of cotton farmers in Africa. ***It is unfortunate that members did not decide to significantly reduce or eliminate developed countries' domestic supports for cotton at MC11.***

Given the existing subsidies, developing countries should also be able to increase tariffs to protect domestic production when facing import surges. ***An outcome on SSM – unconditioned on further tariff cuts – would have greatly enhanced developing***

countries' ability to achieve food security, promote rural development and farmers' livelihoods.

By contrast, most developing countries are only allowed miniscule subsidies. But the SDGs entreat countries to increase investment in sustainable agriculture. Also, there is growing acceptance of the “right to food” as a human right. One of the international best practices for supporting farmers' livelihoods, ensuring food security, and promoting rural development is “public stockholding.” But these programs - in dozens developing countries - often run afoul of WTO rules – even though the agriculture supported is not traded in global markets.

Supports by China and India to farmers on a per capita basis remain miniscule – only a few hundred dollars per farmer, as compared to tens of thousands for the United States. Supports in Africans and many Middle Eastern countries and LDCs should be increased even if they don't have existing programs.

WTO members agreed to find a permanent solution to the public stockholding programs by December of this year. ***In Buenos Aires WTO members should have delivered a positive resolution on the public stockholding issue that allows all developing countries to implement food security programs without onerous restrictions that are not demanded of developed countries' trade distorting subsidies.***

Constructive Agenda Flexibility for Development

Along with transforming the global rules governing agricultural trade, developing countries have long advocated for other changes to the existing WTO to increase flexibility for them to enable them to enact policies that would promote their own development.

The G90 proposals for changes to existing WTO rules would remove some WTO constraints on national pro-development policies. These would allow developing countries to promote manufacturing capabilities, stimulate the transfer of technology, promote access to affordable medicines, and safeguard regional integration. ***The G90 proposals should be accepted in MC11 as proposed – without being conditioned on further market access concessions – and the Para 44 mandate continued post-MC11.***

Process and the Way Forward

Members must return to Geneva to reaffirm multilateralism, and transform the existing trading system so that it can be an engine for development and shared prosperity rather than a platform for expansion of a big business agenda for corporations.

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