



# 10<sup>th</sup> WTO Ministerial Conference (MC10)

## Nairobi, Kenya, 15 - 18 December 2015

*to the development*

Ministerial Declaration and Decisions,  
9th WTO Ministerial Conference



After almost 15 years of negotiations, the Doha Development Agenda has yet to be delivered. Although there have been five Ministerial Conferences after the Doha Ministerial, there were no significant outcomes on issues faced by developing countries and least-developed countries (LDCs). Trade in agriculture is greatly important for the poorest women and men and for most developing countries. However, the current impasse on agricultural export subsidies and other trade-distorting domestic support is not helping to advance the globally declared goals for food security.

The Trade Facilitation Agreement in 2013 and the update of the Government Procurement Agreement. However, consolidating existing rules on investment and competition (as in current trade and investment agreements) would not be appropriate at this stage, as investment treaties grant aberrant privileges to private investors and competition laws are tenaciously directed to only protect consumers while omitting producer support.

The international trade union movement calls the Ministers to put sustainable development on the top of the agenda and deliver a strong mandate for action on agriculture. A new multilateral trading system can contribute to economic recovery and to resolving other crises, but such contributions are neither inherent nor automatic. Only balanced and inclusive trade and investment rules can help to reduce income inequality, address climate change and eliminate poverty.

## Agriculture

Trading arrangements for agriculture have great impact on the one billion people who depend on subsistence agricultural activities. The WTO Members must ensure that an Agreement on Agriculture guarantees food security and improves the incomes and livelihoods of small producers. It should also guarantee that WTO rules on agricultural subsidies do not treat developing countries in a discriminatory way.

The international trade union movement urges WTO Members to:

- allow governments to classify stockholding programmes for food security purposes

- allow all WTO members, including developed countries, to raise their import protection on agricultural products they are not exporting, as this was the case under the GATT up to 1994;

- provide for a functioning Special Safeguard Mechanism in order to help developing countries react to import surges;

- however, foster duty-free and quota-free (DFQF) imports of food products from Least Developed Countries (LDCs) by all Members as long as they do not harm their domestic food consumption;

- forbid exports of food products at prices below the average national production cost, taking into account domestic subsidies as well as export subsidies;

- more generally, eliminate the distinction of subsidies according

## Development

The Doha Development Round has a clear implementation agenda aiming at delivering the developmental mandate of the Round. The WTO Members should conclude an ambitious Agreement to operationalise Special and Differential Treatment principles.

The trade union movement urges WTO Members, developed and developing countries, to agree to:

- simplify the Rules of Origin so as to facilitate LDCs to make use of preferential access to markets;
- allow unilateral duty-free quota-free access for all LDC products;
- extend indefinitely the waiver on services currently enjoyed by the LDCs; and
- amend the Monitoring Mechanism so as to improve the impact of Special and Differential Treatment provisions on development.

## Services

Most developing economies do not have competitive, by international standards, services sectors. Granting access and national treatment to a wide scope of services providers from developed countries would lead many local service providers out of the market while creating few opportunities for the local economy. Therefore, it is imperative that the flexibilities of GATS Article XIX: 2 and the aims of Article IV, as well as in the existing negotiating mandates such as Annex C, are the basis of all post-Bali work on services.

Several WTO Members, mainly from OECD countries, have initiated secret negotiations for a Trade in Services Agreement (TiSA) that aims at liberalising virtually all services and imposing horizontal regulatory disciplines. The conclusion of this Agreement could lock-in and intensify the privatisation and commercialisation of quality public services, further deregulate the financial markets and impose a regulatory straightjacket on sovereign nations. In particular, the inclusion of the so-called ratchet and standstill mechanisms would have the effect of locking in the current degree of liberalisation and confining public policy space. Re-municipalisation of public services would no longer be a possible option.

The international trade union movement has serious concerns about how TiSA could undermine the single undertaking mandate of the Doha Round. Trade unions are calling governments to:

- completely exclude public services and utilities, including education and health care, from the scope with an explicit carve-out in the core texts of all multilateral and plurilateral negotiations on services;
- uphold regulatory sovereignty to ensure high standards of services and decent work, and reject clauses and new disciplines, such as standstill and ratchet clauses and other restrictions on domestic regulation, that limit policy space irreversibly;
- guarantee that services negotiations will reverse the deregulation of the financial sector, including by exempting prudential financial regulations from necessity tests;
- temporary free movement of workers must under no circumstances undermine labour and social law and collective agreement provisions of the host country and it should always be based on preliminary analysis of the labour market. Lack of enforcement of such guarantees shall be subject to dispute settlement;
- create and implement international standards for labour recruitment services providers that are consistent with ILO Conventions No. 29 and No. 105 and the ILO Protocol of 2014 to the Forced Labour Convention and other international consensus recommendations for eliminating trafficking in persons;

include enforceable labour and environmental standards as well as a well-resourced capacity-building mechanism to facilitate the upward convergence of these standards; ensure privacy and data security; and ensure that the negotiations are subject to genuine, transparent and democratic processes in each country with the involvement of the social partners and civil society organisations