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**LDC ministers formulate stand for Cancun ministerial**

\*Chandrakant Patel

Trade Ministers from the Least Developed Countries (LDCs) ended their second Ministerial meeting in Dhaka (31 May to 2 June), with a Declaration and a negotiating position for the LDCs in the Doha Round

to be presented to the 5<sup>th</sup> ministerial meeting of the WTO to be held at Cancun in September and at the WTO bodies.

The Ministerial meeting, preceded by a civil society forum, outlined the LDC positions on a range of negotiating issues - agriculture, market access in non-agricultural products, services, special and differential treatment, implementation-

related issues, WTO rules, accession for LDCs seeking accession, implementing TRIPS and Public Health, TRIPS, Technical cooperation and capacity building and the Integrated Framework for trade-related technical assistance.

On the Singapore issues, the Dhaka meeting came out for continuing the study process on all the four issues (Investment, Competition Policy, Transparency in Government Procurement, and Trade Facilitation).

The Dhaka meeting was attended by more than thirty LDCs Ministers - Including many LDCs in Africa - and focused on key items of the Doha. A civil society Forum, preceding the LDC Trade Ministers meeting in Dhaka, was organised by the Bangladesh-based Centre for Policy Dialogue, Oxfam International, SEATINI and Consumer International among others. The Forum's statement and recommendations were presented to the LDCs Trade Ministers and are also expected to provide a basis for civil society organisations worldwide to prepare for the Cancun Ministerial meeting.

At the Trade Ministers meeting, several speakers referred to the civil society statement and argued for the inclusion of its recommendations in the official declaration of the LDCs Ministers. A full account of the Forum's meeting can be found at [www.cpd-bangladesh.org](http://www.cpd-bangladesh.org).

The LDCs Ministers expressed " full solidarity with African LDCs that are affected by subsidies on cotton provided by developed countries" and strongly supported " actions initiated by some African LDCs in the WTO to urgently remedy the negative consequences of these subsidies that affect millions of farmers ".

On market access, the LDC ministers noted that in paragraph 42 of the Doha Ministerial Declaration, the Ministers have already committed themselves to the objective of duty free and quota free market access for products originating in

LDCs, and called upon the WTO bodies and the Fifth Ministerial Conference to agree on "Binding commitments on duty-free and quota-free market access for all products from least developed countries on a secure, long-term and predictable basis with realistic, flexible and simplified rules of origin...."

The Ministers proposed that LDCs should not be required to undertake Tariff reduction commitments in this round of negotiations and that duty-free and quota free market access should be an integral part of the modalities to be established in the negotiations.

On Agriculture and the modalities to be established in Agriculture negotiations, the Ministers noted that under Article 15.2 of the Agreement on Agriculture, LDCs shall not be required to undertake reduction commitments. They argued that the modalities to be established in Agriculture negotiations should take into account food security, rural development and livelihood, security concern, and other public policy objectives of LDCs, including allowing LDCs to use the new Special Safeguards (SG).

They also invited developed countries to "exercise restraint in applying TBT (Technical Barriers to Trade) and SPS (Sanitary and Phytosanitary) Measures on products from LDCs; and where such measures are necessary, technical assistance shall be provided to enable the LDCs to overcome them.

On Implementation and S&D Issues, the Trade Ministers called for a resolution, before Cancun, of all implementation-related issues and concerns, and all S&D proposals with a view to strengthening them and making them precise, effective and operational as mandated by the Doha Declaration. They also called for substantially expanding and binding special and differential treatment provisions to reverse the continued marginalisation of LDCs. All S&D proposals submitted by LDCs shall be addressed, without a priori exclusions, with a view to making them precise,

effective and operational and thereby converting them as binding commitments of member states.

On trade in Services and taking into account the current progress in negotiations, the LDCs Ministers proposed that "considering the serious difficulty of LDCs in undertaking negotiated specific commitments in view of their special economic situation, Members shall present requests which are compatible with the developmental, economic and financial needs of the LDCs and which are limited in terms of numbers of sectors and modes of supply and scope of commitments."

Moreover, LDCs shall retain maximum flexibility in undertaking commitments in a manner consistent with their development needs. Members shall not seek the removal of conditions, which LDCs may attach when making access to their markets available to foreign services suppliers and which are aimed at achieving objectives of Article IV.

For so long as they remain LDCs, no LDCs shall be required to offer National treatment. LDCs shall not be requested under Article XVIII to undertake additional commitments on regulatory issues, which may go beyond their institutional, regulatory and administrative capacities.

The Ministers also called for free access and national treatment to LDCs in Mode 4 (temporary movement of natural persons) particularly unskilled and semi-skilled service providers, by inter alia recognising professional qualification, simplifying visa procedures and without applying any Economic Needs Test.

On TRIPS and Public Health and paragraph 6 of the Doha declaration, the Dhaka meeting noted that though at Doha the WTO ministers had instructed the TRIPS Council to find an expedited solution before end of 2002, to this date no solution could be agreed upon. They called for interpreting and implementing the TRIPS Agreement in a manner supportive of the WTO Members' right to

protect public health, and in particular promote access to medicines for all at affordable prices.

They called for "a legally sound solution for LDCs who face difficulties in making effective use of compulsory licensing, without restricting coverage of diseases."

On TRIPS itself, the Trade Ministers noted that the TRIPS Agreement requires the introduction of high standards for the protection and enforcement of property rights over products, processes, works and signs. Stating that many countries developed under selective IPR regimes to promote their own industrial policy objectives and to facilitate acquisition of technology. The LDCs are in a very early stage of their scientific and technical development, and the LDCs "require full flexibility in implementing TRIPS Agreement.

The Dhaka meeting proposed in this regard that Members shall fully adhere to the Decision of the Council for TRIPS of 19 February 2003 with a view to implementing the obligations in Article 66.2 of the TRIPS Agreement. Developed countries shall undertake, as required, specific legislative, policy, and regulatory measures for their enterprises and institutions to give effect to Article 66.2 of the TRIPS Agreement.

In view of the special needs and requirements of LDCs, their economic, financial and administrative constraints, and their need for flexibility to create a viable technological base, the transition period under Article 66.1 shall be extended so long as they retain the LDC status, the Dhaka meeting said.

The Ministers said that the review process of article 27.3b should clarify that plants, animals and parts of plants and animals, including gene sequences and biological processes for the production of plants, animals and their parts must not be granted patents. Members shall select their own *sui generis* system for plant variety protection, including recognising traditional knowledge and the rights of

farmers to use, save, re-sow, exchange, or sell seeds.

Members shall ensure that the TRIPS Agreement is fully compatible with the provisions of the Convention on Biological Diversity (CBD) and with the International Treaty on Plant Genetic Resources for Food and Agriculture (PGRFA) Non-participating LDCs shall not be obliged to provide legal means for Interested parties to use the registration of a geographical indication for wines and spirit. The protection of geographical indications shall be extended to products of commercial interest to LDCs other than wines and spirits.

The LDC Trade Ministers have called establishing an international mechanism "to protect the genetic resources, traditional knowledge and farmers' rights and ensure non-patentability for all life forms." On the question of subsidies, the LDCs Ministers have proposed that Subsidies required for development, diversification and upgrading infant industries and in particular industries with substantial poverty alleviation potential in the least developed countries shall be treated as non-actionable subsidy;

Subsidies provided by the least developed countries for research activities, adaptation of new environmental requirement and for development of industries shall be treated as non-actionable subsidies; Export subsidies applied by LDCs shall be exempted from export competitiveness thresholds. On the Singapore Issues, the LDCs Trade Ministers argued that "in view of the overwhelming workload generated from the Doha work programme, LDCs with limited resources are not being able to follow negotiations and evaluate the implications/impact of negotiations on Singapore issues on their economies."

Accordingly, on Trade and Investment, Trade and Competition Policy and Transparency In Government Procurement, Ministers propose that the Respective Working Groups should continue work on the issues referred to in

paragraphs 22, 25 and 26 of the Doha Ministerial Declaration.

On investment, the Ministers noted that "progress in the work of the Working Group on Trade and Investment clearly indicates that there would be no agreement between now and Cancun on any of the elements outlined in the Doha Declaration. Therefore, it is still premature to consider the real substantive issues."

On Trade and Competition Policy, the Ministers noted that "most LDCs lack competition laws and regulations, and agencies that are able to implement the laws. This lack of exposure to, and experience in, competition laws have hampered the participation of LDCs in the current negotiations. Therefore, efforts aimed at assisting LDCs in formulating national competition laws and in establishing requisite institutions in LDCs shall be undertaken."

On Transparency in Government Procurement LDCs Ministers stated that LDCs "are yet to assess how an agreement on transparency in government procurement in WTO, would affect social and economic development in LDCs" and called for studies to understand the depth and breadth of any possible agreement in this area, and how it would affect LDCs.

On Trade Facilitation the Ministers stated that implementation of laws and procedures envisaged under the Agreement "will be very costly for the LDCs, which they are unable to afford at this stage".

On WTO Rules, the Dhaka Declaration notes growing concern over excessive use of antidumping measures both by developed and developing countries. The Ministers noted that such measures have been initiated against several LDCs who find it extremely difficult to contest the allegations of dumping because of resource constraints. At the same time LDCs are unable to protect their industries against dumping because of the complex and costly procedures. In view of the harm that dumping and arbitrary use of

anti-dumping measures can wreak on LDCs industries, the Dhaka meeting proposed that "Agreements on Antidumping Duties and Subsidies and Countervailing Duties shall incorporate provisions for non-application of antidumping and countervailing measures against exports of Least Developed Countries".

(\*Chandrakant Patel represented SEATINI, a co-organiser, at the Civil Society Forum in Dhaka preparing for the LDCs Trade Ministers meeting and the WTO's fifth Ministerial meeting in September).

### **Declaration of Dakar for mutually supportive agricultural and trade policies**

*Gathered in Dakar from 19 to 21 May 2003, a few months before the crucial deadline of WTO negotiations in Cancun, the representatives of farmers organisations and agricultural producers from Africa, Americas, Asia and Europe publish the following declaration:*

#### **I WTO vision : the world upside down**

The "liberalisation" of agricultural trade and deregulation, promoted by the WTO, the IMF, the Free Trade Agreements, etc. are substantial causes of damage all over the world: hunger, unemployment, inequality, poverty, and degradation of natural resources are increasing in the rural world, particularly in the South. Farmers are forced into rural exodus and migration. Increasingly, large corporate agri-business is taking their place and taking up their lands.

The assumption on the basis of which the WTO subjects farmers to world prices, the assumption that the international market can produce valid results, uniform for all the countries, has been disproved by the facts. Agricultural prices are unstable, chronically depressed and tend to fall over time.

The WTO aims to ban import protection, an instrument available to all, including the poor countries. The WTO favours, on the contrary, protection instruments that

are available only to rich countries (aids decoupled from production, placed in the WTO green box). This allows, among other things, the whitewashing of dumping.

The WTO's highest priority is to reduce agricultural prices, and it does it in two ways:

- At the level of internal markets, by lowering customs duties and dismantling market organisation instruments.
- Externally, through export-orientation, which depresses world prices paid to farmers.

WTO encourages extreme competition among producers: the producers are losers, and the consumers are not the winners. The decrease of the agricultural prices benefits mainly large corporate agri-business and retail sector. WTO weakens the weakest and benefits the strongest.

#### **II For agricultural policies founded on rights**

Agricultural policy must respond to the fundamental rights and needs of populations, in particular women:

- ? Right to (healthy, culturally adapted,) food
- ? Right to produce this food
- ? Access to resources (land, seed, water, credit,)
- ? Respect for environment (sustainable production modes, biodiversity)
- ? Equity (right to decent income)

The market cannot ensure that these rights are respected. It is the responsibility of the public authorities, at the local level, at the scale of a country or a group of countries. These elements are the very basis of food sovereignty.

In order to ensure these rights, there is a need for instruments, particularly import protection and supply management. Agricultural prices must cover production costs, including a decent remuneration for the farmer.

Financial resources must be available in order to insure sufficient levels of infrastructure and services, in particular in the Southern countries. The desire to export must not take precedence over fundamental rights, whether within a country or vis-à-vis other countries.

### **III For mutually supportive international trade**

Trade is indeed necessary, but it does not have prevalence over fundamental rights. The most fundamental demand in terms of solidarity is that exports should not lead to the destabilisation of domestic markets in the other countries. Priority should be given to supplying the domestic market. Market access should take place without deregulating the market of the importing country. The aim must be to eliminate all forms of dumping. Agricultural subsidies are legitimate if they are granted on the basis of the populations' rights and expectations and are not used for promoting exports. Trade rules must not prevent countries from encouraging sustainable production systems based on family farming.

There must be consultation and effort to manage supply on world markets. In particular, producer and consumer countries should work together to stabilise markets and ensure fair prices for products mainly destined for export (coffee, cocoa, etc.). Preferential import agreements may also play a positive role, notably for the small countries with a vulnerable economy.

Populations' legitimate choices, refusing for instance GMOs, hormones, must prevail over the trade companies' interests and be respected by the international trade rules.

Given the risks involved in the present WTO negotiations, and with a view to defending the choices stated above, farmers organisations and civil society organisations must urgently be mobilised on the largest possible scale. Governments are urged to reject the current WTO vision

and proposals and defend in Cancun the principle of food sovereignty.

*Dakar May, 19-21, 2003.*

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### **Nairobi civil society declaration on the General Agreement on trade in services (GATS)**

*In May, civil society groups from north and south, gathered in Nairobi to discuss the impacts on the south of GATS and the forthcoming WTO negotiations in Cancun. Below is their declaration on GATS:*

Civil society groups from Africa, Asia, Latin America, Europe, Canada and New Zealand met in Nairobi from 27 - 29 May 2003 to study, analyse and exchange views on the impact of neo-liberal globalisation specially on the south manifesting itself in the General Agreement on Trade in Services (GATS) and the forthcoming WTO Ministerial Conference in Cancun.

WTO is not just about imports and exports of goods, but increasingly is encroaching on people's democratic control over and access to resources and on governments' abilities to regulate social and economic policies and formulate human development.

The GATS represents a powerful and totally unacceptable instrument that limits policy space and restricts popular access to services which are essential to people's livelihoods and economic development.

African and developing countries are being forced through GATS to adopt policies that have had negative impacts on people and communities. GATS-type liberalisation in sectors such as water in South Africa and Ghana, electricity in Indonesia and California, public broadcasting services in New Zealand, rail in the UK and financial liberalization that caused the crisis in East and South-East Asia are real experiences that disprove the alleged benefits put forward by the proponents of neo-liberalism, i.e. IMF, World Bank, WTO, donor agencies and corporate interests.

We civil society organisations oppose GATS, existing commitments and attempts to adopt further commitments.

We therefore call upon developing governments to:

1. share all necessary information and documents, and work with their civil society to develop policies that meet the needs of their citizens.
2. to promote, protect and reclaim the southern policy space, to review, with a view to withdraw, current commitments and therefore not to make any new commitments in current GATS negotiations. There is no evidence to prove that GATS will attract productive investment. On the contrary, the developing countries lose whatever little share they currently have.
3. to share relevant information among themselves and to work together in order to increase their negotiation capacity to avoid being bullied in multilateral and bi-lateral forums.

Further to this, we call upon northern governments to stop manipulating and abusing bilateral and multilateral processes.

We commit ourselves to continue building global solidarity in our common struggle against corporate-driven, northern imposed policy agendas. We also reaffirm our commitment to networking amongst ourselves in order to make sure that our governments protect the interests of their people.

**Signatories:**

*Action Aid, Uganda; Alternative Information and Development Centre, South Africa; ARENA, New Zealand; Business Watch, Indonesia; Center for International Environmental Law, Switzerland; Consumer Information Network, Kenya; EcoNews Africa, Kenya; 11.11.11, Belgium; Equations, India; Food Rights Alliance, Uganda; Gender and*

*Trade Network in Africa; Institute for Global Justice, Indonesia; Institute of Economic Affairs, Kenya; International Gender and Trade Network, Asia; Lawyers Environmental Action Team, Tanzania; MWENGO, Zimbabwe; Polaris Institute, Canada; REBRIP, Brazil; SEATINI, Uganda; SEATINI, Zimbabwe; SodNet, Kenya; Tanzania Gender and Networking Programme; Third World Network Africa, Ghana; Trade Watch, Kenya; and World Development Movement, UK.*

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**Solution on TRIPS and Public Health remains elusive**

Rangarirai Machedze

When the US Trade Representative, Robert Zoellick met representatives of the US pharmaceutical industry in April this year, hopes were raised in the international community, particularly in developing countries who viewed the meeting as a way forward in breaking the impasse in the WTO over how to provide developing countries with access to affordable generic drugs.

It is now six months after the Doha-mandated deadline passed on the 31<sup>st</sup> December 2002 for WTO members to come up with a solution to public health crises exacerbated by unaffordable patented drugs. With only three months left before the 5<sup>th</sup> WTO Ministerial Conference in Cancun, Mexico, nothing is expected to materialise before the conference.

Hopes were pinned on the US compromising on its earlier decision to limit the scope of diseases but nothing came out of that meeting, which Zoellick attended. In fact industry representatives last year had pressurised Zoellick to reject a proposal that would be open-ended in terms of allowing developing countries (without or with limited manufacturing capacity) to grant compulsory licences for the manufacture and importation of generic drugs to combat a variety of health problems. This made the US government to issue a moratorium that carried the concerns of their pharmaceutical industries, basically on strict limits on the

number of diseases covered by these new flexibilities.

The TRIPS Council, which last met sometime in February met again in Geneva to try and see how best to break the impasse. The TRIPS Council meeting on June 4-6, in its last formal session before the Cancun Ministerial Conference in September, did not make progress towards agreement on a solution for the Paragraph 6 problem.

Reports coming from Geneva said although the WTO members had not expected a breakthrough at this meeting, many developing country negotiators expressed their frustration at the seemingly unbreakable impasse in the negotiations. It is reported that the US had reinforced this perception by stating that a consensus was not yet possible, in response to the Kenyan negotiator's comment that there appeared to be no objection to the 16 December 2002 text.

The US objection to the December 16 text was based on the issue of scope of diseases and the reference to Paragraph 1 of the Doha Declaration which refers to "the public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics." The reference to "public health problems as recognised in Paragraph 1 of the Declaration" was too broad for the US. The US then proposed that the scope of diseases in the December 16 text should be limited to "HIV/AIDS, malaria, tuberculosis or other infectious epidemics of comparable gravity and scale, including those that may arise in the future". This had been opposed by the majority of the WTO Members as an attempt to limit the scope of diseases already agreed to at Doha.

The TRIPS Council considered two submissions, one from the group of African, Caribbean and Pacific (ACP) countries, and the other, from the European Communities (EC).

The ACP countries basically reiterated their previous position that they would want to see a solution that covers all public health concerns, without limiting to specific diseases. The Group also rejected attempts to confine the application of the Paragraph 6 solution to national emergencies and other circumstances of extreme urgency.

The European Communities last year made a proposal on an initial list of diseases that would be covered under Paragraph 6 of the Declaration. The EU Trade Commissioner Pascal Lamy argued that other diseases applicable under the Declaration could be checked or approved by the World Health Organisation (WHO) as the situation arises. Such proposals were nothing but measures to protect the corporate world. In addition to limiting the scope of diseases, the EC effectively wanted to add bureaucratic and political hurdles for poor countries: to go through the rigours of the WHO system to prove that a health problem actually exists in the country for a disease that is not on the initial WTO list.

Again in their submission to the TRIPS Council the EC did not move away from their previous position. The EC suggested that WTO Members could agree on an initial list of diseases that would be covered by the December 16 text, and any Member wishing to import medicines to meet a public health concern that was not explicitly covered in the list would be encouraged to seek WHO advice on the matter. The ACP group rejected this saying it was designed to limit on the scope of diseases.

With the differences that exist between and amongst the WTO members, particularly the rift between the EU and the US and between both the developed and developing countries, it is highly unlikely that a solution will be found before Cancun. It is reported that the TRIPS Council chairman, Ambassador Vanu Gopala Menon of Singapore, told the meeting that he would continue to hold consultations in small groups and

bilaterally until a permanent solution is found.

At the Southern and Eastern African Trade, Information and Negotiations Institute (SEATINI) 6th Workshop held in Arusha (April 2003), participants from fifteen African countries urged African governments and delegations "to stand firm before Cancun, by insisting on a solution that is true to the spirit and letter of the Doha Declaration". They went on to say that whatever the final outcome of the negotiations, it must cover "all diseases and public health issues". Governments must have the right, they argued, "to determine what constitutes a public health problem". The solution, in other words, should not be confined only to some diseases, or to emergencies, or to circumstances of extreme urgency.

Again this recommendation was apparently in reference to the 2002 year – end moratorium issued by the US, which effectively was not consistent with the spirit of Doha. The US had rejected the text that primarily carried the concerns of developing countries due to concerns over the scope of diseases covered.

Western industrial and pharmaceutical corporations, aided by bilateral donors, in the meantime, are putting pressure on certain African countries to amend their patent laws so that they protect the property rights of these corporations. This is the case, for example, with Uganda, where, alarmingly, under pressure from certain quarters, the Government is pressing for legislation in the Parliament - the Uganda Industrial Property Law (IPL) – that seeks to modify the laws of Uganda to conform to the TRIPS provisions of the WTO, when, in fact, Uganda, as an LDC, need not have such a law until 2016.

Meanwhile, the Third World Network reports that WHO Member states meeting at the World Health Assembly (May 19-28, 2003) in Geneva adopted a resolution on Intellectual Property Rights, Innovation and Public Health, directing the WHO Director-General to establish a "time-limited" body that would study and make

concrete proposals on the question of appropriate funding and incentive mechanisms to promote the creation of new medicines for diseases affecting developing countries.

The resolution also asks the WHO to cooperate with Member states to develop "pharmaceutical and health policies and regulatory measures" to "mitigate the negative impacts" of international trade agreements.

Other operative parts of the resolution include references to the WTO TRIPS Agreement, in which Member states were urged to "use to the full the flexibilities contained in the TRIPS Agreement" in their national laws. The resolution also called on governments to agree on a "consensus solution" for Paragraph 6 of the Doha Declaration on TRIPS and Public Health before the Fifth WTO Ministerial Conference in September this year.

The Paragraph 6 problem refers to the inability of many developing countries to effectively use compulsory licences to obtain affordable medicines from domestic generic drug producers, since the majority of the developing countries do not have domestic manufacturing capacity in pharmaceutical products. WTO Members have not been able to agree on the solution for this contentious issue, even though the end of 2002 deadline set in the Doha Declaration has passed.

The compromise text of the resolution was adopted only after prolonged consultations and negotiations, primarily between the US, Brazil and a number of African countries. Developed countries, in particular the US, had not been in favour of a strong mandate for the WHO to address IPR issues. Developing countries, on the other hand, had been pressing for a clearer mandate to permit the WHO to properly assess the public health implications of tightened IPR protection, as a result of obligations under the TRIPS Agreement, as well as regional and bilateral trade agreements.

*\*Rangarirai Machedze is the SEATINI Programmes Coordinator.*

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**Editorial: Africa must not be afraid to reject or reopen any draft package purporting to reflect outcome of negotiations**

Percy F. Makombe

Over the past four weeks, trade meetings have taken place where the failure of industrialised countries to meet many Doha commitments have been discussed. There is no doubt that the World Trade Organisation's credibility and legitimacy have taken a pounding. Far from fulfilling its trumpeted goals of achieving a fair world trading system, the WTO has not been able to provide a balance between the strong and the weak. Instead, it has pursued a corporate agenda riding rough shod on people's rights with the ultimate aim of maximising profits. It is therefore not surprising that there has been little or no movement in Doha-mandated negotiations in areas of interest to developing countries. This is evidenced by the failure to meet deadlines in the areas of Agriculture, Implementation issues, TRIPS and Public Health as well as Special and Differential treatment. While developed countries have delayed and frustrated progress in the mentioned areas they want lightning speed applied to areas of their interest like Singapore Issues, Industrial Tariffs and Services. This cannot be. The time has come for Africa particularly and developing countries in general to review the terms under which they participate in the world trading system.

When the Organisation of African Union was buried in Durban, South Africa on 1 July 2002, the hope was expressed that the new African Union would accelerate the political and economic development of the nation. Indeed part of the aims of the AU are to: "Promote sustainable development at the economic, social and cultural levels." As the economic development of Africa takes centre stage, there are some hard choices that have to be made before

proper economic liberation can take place. As developing countries pursue this economic liberation, it is important to remember that development can never take place where the ultimate aim is to make profit. The primary aim of economic programmes and trade arrangements must be to serve the well being of peoples of the earth. It must benefit the majority not just a chosen few. There is wisdom therefore in the decision taken by trade ministers from the Least Developed Countries (see Patel's article in this bulletin) that calls for the continuation of the study process on the four Singapore Issues (Investment, Competition Policy, Transparency in Government Procurement, and Trade Facilitation). More importantly, the ministers noted that "progress in the work of the Working Group on Trade and Investment clearly indicates that there would be no agreement between now and Cancun on any elements outlined in the Doha declaration. Therefore, it is still premature to consider the real substantive issues."

The ministers also called for "a resolution before Cancun, of all implementation related issues and concerns, and all S&D proposals with a view to strengthening them and making them precise, effective and operational as mandated by the Doha declaration." This is a very important proposal especially given the fact that developing countries have been raising these issues since the coming into force of the Uruguay Agreements. The major developed countries have not respected the time frames provided for the successful resolution of these issues. So the developed countries need to respect the commitments made in Doha. Infact the 6<sup>th</sup> SEATINI Workshop (April 2003) in Arusha, Tanzania recommended that; "All the Implementation Issues are addressed and resolved at the Trade and Development Committee level, immediately and to the satisfaction of developing countries."

The agricultural sector of developing countries is already suffering because of trade liberalisation. Liberalisation besides threatening food security has undermined

food sovereignty as countries experience a rapid rise in food imports while exports go down. Liberalisation means that farmers in the rural areas of Africa who grow cotton, maize, soya beans and coffee cannot get good prices even in their own local markets as their products cannot compete with cheaper items that are dumped in their markets by the developed countries. The agricultural subsidies given to farmers in industrialised countries are not even targeted at the poor farmers in those countries, they are instead aimed at boosting the profitability of big wealthy agro-businesses. This has the added effect of not marginalising small producers, it also adds to increasing unemployment and poverty. Against this background, it would be insensitive for the WTO to pursue further liberalisation. Agriculture is the engine of most African economies. A situation which allows developed countries to maintain their subsidies while refusing to extend the same right to developing countries is simply untenable. As the Dakar declaration in this Bulletin states: "Agricultural policy must respond to the fundamental rights and needs of populations, in particular women..." The need therefore for S&D treatment for developing countries, so that they are allowed to raise tariffs on strategic products, in accordance with their individual needs cannot be overemphasised.

So whenever the African Union meets to discuss trade issues before the 5<sup>th</sup>

Ministerial in Cancun, Mexico, September this year, they should not sell away people's rights. The right to food, to basic services like drinking water, healthcare, housing and education are rights that are protected by the African Charter on Human Rights and the United Nations Declaration on Human Rights. Governments must be encouraged never to lose their ability to regulate policy on economic activities. African economies have been devastated and our people brought to the brink of starvation. We cannot continue with the business as usual attitude. Commonsense dictates, logic demands and reason desires that we unequivocally state that Africa is not for sale. The people of Africa will not stand idle and watch the family silver being sold. What is needed are programmes that put the people first. Justice and equity demand a fundamental reordering of the trade system. This system must recognise that it is a violation of fundamental human rights when states fail to meet the basic needs of the people. Each African state must, as provided for under the Doha mandate, exercise its sovereign right to reject or reopen any draft package purporting to reflect the outcome of negotiations.

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