

BRIEF ON THE 11th World Trade Organization (Wto) Ministerial Conference (Mc11), HELD IN BUENOS AIRES, ARGENTINA, 10TH – 13TH DECEMBER, 2017 BY PRINCIPAL SECRETARY FOR TRADE.

INTRODUCTION

1. The 11th WTO Ministerial Conference (MC11) was held from 10th -13th December, 2017 at Buenos Aires, Argentina. It was attended by approximately 4000 participants from 164 WTO Members, international Trade Organizations such as the United Nation Conference on Trade and Development (UNCTAD), International Trade Centre (ITC), the World Bank, international civil society and media houses.
2. The Conference is held at least once every two years. The last conference (MC10) was held in Nairobi in December, 2015. The objective of the conference was to take decisions on all WTO work including on the current ongoing negotiations on various issues.

RESULTS OF THE MINISTERIAL CONFERENCE

3. The Ministerial Conference ended on the 13th December, 2013 without a Ministerial Declaration. This was because the Ministers were unable to bridge the gap left by the negotiators in Geneva on all the issues under negotiations. The results of a WTO Ministerial Conference are normally issued in a Ministerial Declarations or a Chairs Summary. A Ministerial Declaration is normally preferred since it is legally binding as opposed to a Chairs Summary which is not binding and is normally issued by the Chair of the Conference under personal responsibility.

4. The divergence among the Membership could not be bridged due to the dynamics that have taken place in international trade since the beginning of the Doha Round of Trade negotiations in December, 2001. The international trade dynamics and changes in the global political economy have made some members to review their positions on many issues under the negotiations making it difficult to advance the negotiations under the initial architecture that was agreed. Some members especially those from developed economies feel that the current negotiations under the architect agreed in Doha no longer serves their interests while the developing and least developing country members insist that the promises made to them in Doha must be addressed to remove the current imbalance and distortions in international trade which favour the developed countries.

5. In light of the foregoing, the Ministers were able to agree on the following Ministerial Decisions;

- I. Ministerial Decision on Fisheries Subsidies – WT/MIN(17)/W/5
- II. Work Programme on Electronic Commerce – Ministerial Decision – WT/MIN(17)/W/6
- III. TRIPS non-violation and situation complaints – Ministerial Decision – WT/MIN(17)/W/7
- IV. Work Programme on Small Economies - Ministerial Decision - WT/MIN(17)/W/2
- V. The creation of the working party on accession for South Sudan.

6. Under the Ministerial Decision on Fisheries Subsidies, Ministers committed to have a deal which delivers on United Nations Sustainable Development Goal (SDG) target 14.6 and improve the reporting of existing fisheries subsidy programmes by the next Ministerial Conference to be held in 2019. SDG target 14.6 sets a deadline of 2020 for the elimination of fisheries subsidies relating to illegal, Unreported and unregulated fishing (IUU).
7. For electronic Commerce, Ministers agreed to maintain the current practice of not imposing customs duties on electronic transmissions until 2019. This has been the practice for several past Ministerial Conferences including Nairobi. They also agreed to reinvigorate the work on electronic commerce as per the 1998 agreed workprogramme.
8. The TRIPS non-violation and situation complaints prevents Members from complaining under the TRIPS Agreement on measures taken by WTO Members under Art. XXIII of the General Agreement on Tariffs and Trade (GATT) 1994 (These are actions taken by Governments to address public health challenges which may impair the enjoyment of benefits arising under the TRIPS Agreement on protection of intellectual property).
9. The Ministers were disappointed that no results were obtained on the substantive issues under the negotiations. These are in Agriculture, Non Agricultural Market Access (NAMA), Services, TRIPS, Development, Trade and Environment and WTO Rules. Under the Public Stock holding of food for food security purposes, there was a mandate to conclude a permanent solution by the 11th Ministerial Conference. This was not possible due to the divergence among the Membership.

10. In spite of the disappointment, the Ministers committed to move forward and undertake negotiations on all the outstanding issues including to advance work on the three pillars of agriculture (domestic support, market access and export competition) as well as non-agricultural market access, services, development, TRIPS, rules, and trade and environment.
11. In absence of a Ministerial Declaration arising from members failure to converge on the relevant issues under the negotiations, the MC11 Chair, Minister Susana Malcorra, issued a Chair's statement which she presented to the Closing Ceremony of the Conference.
12. Additionally, I made a presentation on Kenya's case on the progress so far we have made on the Trade facilitation, the challenges and achievements on the implementation of trade portals.

-END-