



**Ministerial Conference
Thirteenth Session
Abu Dhabi, 26-29 February 2024**

Original: English/French

**OACPS MINISTERIAL DECLARATION ON THE THIRTEENTH WTO MINISTERIAL
CONFERENCE**

The following communication, dated 19 February 2024, is being circulated at the request of the delegation of Samoa on behalf of the ACP Group.

We, Ministers responsible for WTO matters of the Organisation of the African, Caribbean and Pacific States (OACPS), meeting in Brussels, Belgium, on 16 February 2024, within the framework of the preparation for the Thirteenth WTO Ministerial Conference (MC13), to be held from 26 to 29 February 2024 in Abu Dhabi, United Arab Emirates;

Recalling the Marrakesh Agreement establishing the WTO and reaffirming our commitment in Doha in 2001, and the Doha Development Agenda Ministerial Conferences that have followed since;

Reaffirming all our Declarations communicated to the WTO;

Noting that the diversity of our Membership which includes Least-Developed Countries (LDCs), Small Island Developing States (SIDS), Small Vulnerable Economies (SVEs), Landlocked Developing Countries (LLDCs), Preference Dependent Economies (PDEs), Net Food Importing Developing Countries (NFIDCs), Low Income Countries (LICs), Middle Income Countries (MICs), Highly Indebted Poor Countries (HIPC), Heavily Indebted Middle Income Countries (HIMICs), limited commodity exporting countries, those most susceptible to the climate crisis and countries in war, post-conflict, and post-natural disaster situations;

Urging that the WTO should remain a rules-based inclusive and transparent institution that accommodates the diverse interests of its Members.

Further urging that effective special and differential treatment (SDT) should remain an integral part of all existing and future WTO Agreements.

Emphasizing that the WTO should on a priority basis, enable, and support least-developed countries and developing countries in pursuing policies to achieve industrialization, structural transformation and diversification and resilience of their economies, and support the competitiveness of our micro, small and medium-sized enterprises (MSMEs);

Further emphasizing the continued need for targeted and sustainable financial, technical and capacity building assistance programmes to effectively implement their WTO agreements, pursue trade policy reform, and benefit from opportunities presented in international trade, thereby facilitating their integration into the global economy in a manner that advances their growth and development.

We call on Ministers to agree on the following selected considerations:

1. Fisheries subsidies

1.1. We encourage Members to expedite the ratification of the MC12 Fisheries Subsidies Agreement (FSA).

- 1.2. We call on Members to deliver an agreement on overcapacity and overfishing (OCOF) by MC13 that focuses on the most harmful subsidies, special and differential treatment for developing countries that are not responsible for OCOF such as exemption for LDCs including newly graduated LDCs (including for a period when graduated), SIDS and small players whose share of global fish catch is below an appropriate threshold and the exclusion of artisanal and small-scale fishing for all developing country Members up to their exclusive economic zone.
- 1.3. Any new notification obligations on developing country Members not responsible must be avoided and if any should also be subject to special and differential treatment and should be based on the principle of proportionate responsibility.
- 1.4. Members' right to determine national fisheries management systems must be preserved.
- 1.5. We welcome the WTO Fisheries Funding Mechanism and call for it to be easily accessible for all ACP Members to be able to invest in their management systems.

2. Agriculture

- 2.1. We call for an MC13 outcome on agriculture that builds on Decisions taken at MC12, prioritising food security. The work of the Working Group on Food Security that was established along with the work programme mandated by paragraph 8 of the MC12 Ministerial Declaration on the Emergency Response to Food Insecurity must continue, including the strengthening of close collaboration with other relevant international organizations (FAO, WFP, IFAD, IMF, WB).
- 2.2. We urge that WTO interventions and collaboration with relevant international organizations and external partners be holistic by addressing needs along the supply chain, including new technologies related to the production of basic foodstuffs, processing, storage and marketing of agricultural commodities all of which can positively affect productivity, competitiveness, and livelihoods of farmers and rural communities in developing countries and LDCs.
- 2.3. We call on WTO Members to ensure that the continuation of the reform process in agriculture must meaningfully address the food security concerns of developing countries, in particular LDCs, SIDS and NFIDCs. In addition, continued efforts should be made on the following:
 - 2.3.1. Domestic support outcomes should prioritise the elimination of the Aggregate Measurement of Support (AMS) above *de minimis*, with an exception for small and vulnerable economies (SVEs), in order to level the playing field in agricultural trade. In addition, parameters to discipline blue box support should be elaborated and green box support should be reformed through improved transparency to avoid box painting and box shifting.
 - 2.3.2. Policy space for developing countries under Article 6.2 of the Agreement on Agriculture (AoA) must be preserved to unlock their productive capacity and pursue rural development, agricultural transformation, and livelihood objectives.
 - 2.3.3. A mutually acceptable permanent solution on public stockholding for food security purposes (PSH) must include only staple traditional food, have food security as its objective, cover existing and new programmes, contain requisite safeguards to prevent market distortions and appropriate notification commitments along simplified formats, accompanied by necessary technical assistance; [JOB/AG/229](#), can help to find a way forward.
 - 2.3.4. A Special Safeguard Mechanism (SSM) should allow developing countries to temporarily increase tariffs beyond their bound duties to address vulnerabilities to surges in agricultural imports and price depression, without onerous requirements for its application when needed.
 - 2.3.5. Any Work Programme emanating from MC13 must also aim at addressing issues related to tariff simplification, tariff escalation, preference erosion, designation of special products and unjustified non-tariff barriers that impede market access opportunities of developing countries and LDCs.

- 2.3.6. As regards the special case of cotton, the Work Programme should address long-standing issues related to eliminating subsidies, increasing market access opportunities, enhancing transparency and responding to development-related concerns of cotton producers in developing countries.

3. Agreement Specific Proposals before the Committee on Trade and Development Special Session

- 3.1. We call for an outcome on the Agreement Specific Proposals (ASPs) presented by the G90 on the Agreement on Sanitary and Phytosanitary Measures (SPS) and on the Agreement on Technical Barriers to Trade (TBT). We also call for members to review and consider the revised ASPs presented by the G90 namely, the special and differential treatment (SDT) ASP in relation to Section B of the GATT Article XVIII concerning balance of payments, and the ASP on the Agreement on Trade Related Investment Measures and the SDT ASP for transfer of technology under Article 66.2 of the TRIPS Agreement.
- 3.2. The committee on Trade and Development Special Session Chair's process of facilitators to make progress is welcome.

4. Services

- 4.1. We support continued work on services. The approach under the architecture of the GATS, as it relates to *inter alia* the flexibilities afforded to, and the special situation of developing countries, must be maintained and particular attention paid to the sectors and modes of supply of interest to them.

5. Trade and Industrial Policy

- 5.1. We note the pursuit by several countries of new industrial policies to support the development of specific industries and express concern that many members of the OACPS have been unable to pursue an effective industrialisation policy due to a range of factors, including some WTO disciplines. We call for the establishment of a Working Group on Trade and Industrial Policy to examine the scope of the WTO rules and flexibilities in relation to members' implementation of industrial policy and determine the support required by developing countries to establish a solid industrial base.

6. WTO Reform

- 6.1. In the case of the reform of the functioning of WTO bodies, proposals for adoption that may have impact on small delegations and LDCs must be well debated on all angles of the proposal. Given the capacity constraints for our delegations to attend all of the sub-bodies and councils, those issues requiring adoption should be presented at the General Council where all delegations attend and be considered for implementation on a trial basis. The implications, if any, of those changes should be identified and addressed.
- 6.2. Discussions should be comprehensive, balanced, structured, non-discriminatory, transparent, open, inclusive, and based on the proposals of all Members. Due care and attention should be given to the capacity constraints of many developing Members with small delegations and every effort should be made to ensure that they are able to contribute to important decisions on WTO Reform.
- 6.3. We call on proposals for dispute settlement reform to be formalised and multilateralised under the auspices of the Dispute Settlement Body (DSB). The DSB can meet in Special Session for this purpose and the DSB Chair or a multilaterally appointed facilitator or co-facilitators can assist in taking this work forward. Of critical importance to the members of the OACPS is the reconstitution of two-tier binding dispute settlement at the WTO and making the system more accessible to developing and least-developed countries. The long-standing concerns of developing countries in areas such as cross-retaliation, funding for dispute settlement, enhanced capacity building and legal support and more effective compliance should also be addressed.

7. Trade and Environment

- 7.1. We urge Ministers at MC13 to revitalize the work of the Committee on Trade and Environment, and to emphasize the need to assist developing countries and LDCs meet the trade-related environmental challenges they face and which have an impact on their development. We further urge that environmental measures taken by Members do not constitute disguised restrictions to trade.

8. Aid for Trade

- 8.1. We call on funders to continue to support the trade capacity building efforts of all Members of the OACPS and ensure that Aid-for-Trade assistance is in the form of new funding programmes, without diverting from existing bilateral assistance. We also call on the WTO to work with relevant international organisations, including UNCTAD ITC and regional development banks (RDBs) to enhance sustainable financial, technical assistance and capacity building programmes to support Members to implement the agreements and to better manage their trade policy reform programmes that will enhance the capacity of members of the OACPS to develop and benefit from international trade.

9. Decisions in favour of LDCs

- 9.1. We underscore the importance of LDC issues in the WTO, including the need for a longer and uniform transition period to assist graduated LDCs in adjusting to their post-LDC status in the multilateral trading system. In this regard, we applaud the first decision taken on the LDC graduation proposal Annex 1 concerning duty-free, and quota-free preferential treatment adopted by the General Council and urge the adoption of the LDC proposal in Annex 2 of their submission concerning selected existing provisions in WTO agreements and Decisions in favour of LDCs.
- 9.2. We also call for agreement on LDC proposals in furtherance of the outcomes from the instructions in paragraph 8 of the MC12 Outcome Document presented by LDCs in the preparation of the outcome document for MC13.

10. Accession

- 10.1. We applaud the completion of the accession work of the Union of the Comoros and the Democratic Republic of Timor-Leste, which will, on adoption in Abu Dhabi at MC13, increase ACP WTO Membership to 64. We support the progress of other ACP members in their accession process and urge Members to refrain from burdening the process for them to conclude.

11. Standing Agenda Items**11.1. Electronic Commerce Decision**

- 11.1.1. We note our submission in the WTO in [WT/GC/W/916](#) and support the continued reinvigoration of the 1998 Work Programme on Electronic Commerce, in particular on its development dimension, including the specific elements highlighted in our submission.
- 11.1.2. We call on the WTO to conduct relevant analyses, in collaboration with other institutions with mandates on electronic commerce, which can further deepen information on issues relevant to reducing the digital divide, regulatory frameworks for consumer and data protection, value-added and digital tax systems, and actual tariff revenue comparisons regarding the change in technology from the physical media to digital form, revenue gain and loss, taking into account the implications on the costs to consumers and businesses.
- 11.1.3. We recognize the need for further discussion on the implications of the moratorium on developing countries and therefore support the temporary extension of the moratorium not to impose customs duties on electronic transmissions, as reflected in our submission.

12. Trade-Related Intellectual Property Rights (TRIPS) Non-violation Situation Complaints moratorium

12.1. We urge WTO Members to make permanent the moratorium on the application of subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 on non-violation and situation complaints (NVCs) to the TRIPS Agreement.

13. Paragraph 8 of the MC12 TRIPS Waiver Decision

13.1. We support the extension of the Paragraph 8 deadline of the MC12 TRIPS waiver mandate.

14. Small Economies Work Programme

14.1. We recognise that despite the progress made in response to the mandate at MC12 on Small Economies, more work is still needed to address the specific challenges and needs of SVEs that will lead such economies towards meaningful development with tangible outcomes.

14.2. With this, we support the adoption of the draft Ministerial Decision for MC13 in [WT/COMTD/SE/W/46/Rev.2](#), as agreed in the Committee on Trade and Development, with a view to ensuring that the CTD Dedicated Session "shall continue monitoring the progress of the small economy proposals in WTO bodies and in negotiating groups with the aim of providing responses, as soon as possible, to the trade-related issues identified for the fuller integration of SVEs in the multilateral trading system as well as assessing the effectiveness of the responses framed so far to integrate the SVEs in the multilateral trading system."

Done in Brussels, on 16 February 2024
