



Concept Note

REGIONAL PREPARATORY WORKSHOP FOR THE 13th WTO MINISTERIAL CONFERENCE FOR THE MEMBER STATES OF THE ORGANISATION OF ISLAMIC COOPERATION (OIC)

10-11 January 2024, Tunis, Republic of Tunisia



Context:

The World Trade Organization (WTO) is the main multilateral trade negotiating body. The WTO Ministerial Conference (MC) is the supreme body empowered to make decisions on all matters covered by any multilateral trade agreement. It meets once every two years and brings together all WTO Members, i.e. countries and customs unions.

Since 1996, the MC has held 12 sessions, the most recent took place in June 2022 in Geneva. The outcomes of these sessions consist of the adoption of multilateral agreements, decisions, and ministerial declarations.

The 13th Ministerial Conference (MC13) will take place from 26 to 29 February 2024 at the Abu Dhabi National Exhibition Centre/United Arab Emirates (UAE). The particularity of this session is its chairmanship by an OIC Member State.

It is worth noting that following his election as Chairman of MC13 at the WTO General Council meeting, H.E. Mr. Thani bin Ahmed Al Zeyoudi, Minister of State for Foreign Trade of the UAE, stated that his country is fully committed to working closely with all WTO Member States to reach consensus on a range of complex issues and thereby ensure the success of the proceedings of this session.

MC13 is taking place amid a challenging international context requiring finding innovative solutions to the issues of sustainable economic development. To this end, the Ministers will endeavor to find common ground on the issues that remain outstanding, while consolidating the achievements of the MC12, known as the "Geneva package".

¹ The agreements in question are the Trade Facilitation Agreement (TFA) adopted at the MC9 held in December 2013 and the Fisheries Subsidies Agreement adopted at the MC12 held in June 2022.

The conclusions of the MC12 and the state of play in the current negotiations can be summarized, by theme, as follows:

Trade and Health

Discussions at MC12 highlighted the links between trade and health. WTO members adopted: 1) a Ministerial Declaration recognizing the importance of the multilateral trading system as a vehicle for combating COVID19 and potential future pandemics; and 2) a Ministerial Decision granting members the right to cancel patents in certain circumstances and allowing flexibility to diversify the production of COVID19 vaccines. In addition, Member States are committed to exploring the possibility of extending the decision to cover the production of diagnostic and treatment equipment and materials against COVID-19.

WTO activities include technical cooperation programs on public health, trade, and intellectual property. Ongoing discussions are taking place at the level of the TRIPS Council. They aim to implement additional flexibilities for public health provided for in the TRIPS Agreement, such as the "special compulsory licensing system" for countries with non-existent or limited manufacturing capacities.

Fisheries Subsidies

The Agreement on Fisheries Subsidies adopted at the MC12 urges Member States to eliminate damaging fisheries subsidies, which are a source of depletion of fish stocks. It is the first WTO agreement to be directly linked to environmental protection.

To bring the Agreement into force, two-thirds of the Members must deposit their "instruments of acceptance" with the WTO Secretariat. To date, 13 countries have deposited their "instruments of acceptance", including only two OIC members (the United Arab Emirates and Nigeria).

Furthermore, discussions are in progress to find common ground on the remaining issues, in particular certain additional provisions that would improve the provisions of the Agreement.

Food Security

The WTO Agreement on Agriculture explicitly recognizes the need to take food security into consideration. The MC12 adopted: 1 a ministerial declaration confirming the essential role of trade in improving global food security and committing members to improving the functioning of global food and agricultural markets, and 2) a decision exempting food purchased under the World Food Program for humanitarian purposes from any export prohibitions or restrictions.

In accordance with the mandate outlined in the MC12 Ministerial Declaration on Emergency Response to Food Insecurity, a new WTO Working Group on Food Security has been created. It aims at examining the new work program addressing the food security concerns of Least Developed Countries (LDCs) and Net Food-Importing Developing Countries (NFIDCs).

Electronic Commerce

At the Second Ministerial Conference in May 1998, WTO Members adopted a Declaration on Global Electronic Commerce, which highlighted the increasingly important role of electronic commerce in the world trading system. The Declaration urged the WTO General Council to establish a comprehensive work program to examine all trade-related issues arising from electronic commerce.

In addition, the Ministers agreed to maintain the practice of waiving customs duties on electronic transmissions. This practice is known as the "moratorium on electronic transmissions". At MC12, WTO members decided to maintain the moratorium while strengthening discussions on the issue. The moratorium will remain in force until February 2024, the date of holding the MC13.

Within the framework of the current negotiations, consensus has been reached on the following issues: online consumer protection; electronic signature and authentication; unsolicited commercial electronic messages (spam); open public data; electronic contracts; transparency; and paperless trade. The following aspects are currently under discussion: open access to the Internet, source code, customs duties, frameworks for electronic transactions, electronic invoicing, and cybersecurity.

WTO Reform

At the MC12, WTO member states agreed to undertake a comprehensive review of the WTO's functions with a view to improving its effectiveness in meeting the challenges facing the multilateral trading system. This should lead to the submission of possible reform proposals to MC13.

In addition, the Ministers agreed to discuss matters of concern relating to the WTO dispute settlement system, in anticipation of its implementation in 2024.

Other Topics:

Among the other issues discussed at MC12, the following conclusions were reached:

- The Sanitary and Phytosanitary (SPS) declaration committing WTO members to modernize the SPS Agreement, which regulates standards on food, animal, and plant products. In November 2022, members have agreed on the process for undertaking this work.
- The decision to reaffirm member states' commitment to addressing the challenges faced by small economies.
- The decision to extend until the MC13, a moratorium on so-called "situation and non-violation" complaints under the TRIPS Agreement, dealing with situations in which a WTO member can argue that it has been deprived of an expected intellectual property benefit, even though no Agreement has been violated.

Member states will attempt to make progress in discussions on these subjects, within the framework of MC13. In addition, they will be looking at new topics such as new

initiatives to intensify the WTO's work on trade and environment, including the plastics dialogue and the reform of fossil fuel subsidies.

Given the richness and complexity of the issues to be discussed at MC13, ICDT, WTO and IsDB have decided to organize a preparatory workshop prior to MC13, under the aegis of the Ministry of Industry and Trade and Export Development of the Republic of Tunisia.

Objectives:

The main objective is to enable OIC Member States to better prepare their participation in MC13.

The specific objectives of this workshop are:

- To be updated on the status of discussions on trade and health, fisheries subsidies, food security, e-commerce, and WTO reform;
- To exchange the experiences of OIC countries to consolidate their respective approaches;

Methodology:

- The workshop will be conducted on-site over 2 days (10-11 January 2024).
- The sessions consist of presentations delivered by specialist WTO, ITC, UNCTAD and Arab League experts, concluded by question-and-answer sessions.
- An experience-sharing session, facilitated by negotiators from selected OIC member states, will share their countries' experiences on these topics.

Expected Outcomes:

- Deeper understanding of the opportunities and challenges of ongoing WTO discussions;
- Enhanced coordination of approaches between member countries;
- Facilitating the participation of OIC member countries in the MC13.

Participants:

This Workshop will be attended by representatives of OIC countries belonging to:

- Ministries in charge of Trade;
- Members of National Trade Negotiating Committees;
- WTO, UNCTAD, ITC and Arab League representatives.

Language:

- The workshop will be held in the three official languages of the OIC (English, Arabic and French), with simultaneous interpretation.

Date, venue, and time:

- The workshop will take place on-site on 10th and 11th January.
- Participants are requested to confirm their attendance by 25 December 2023 at the latest.

Organizers:

- Ministry of Trade and Export Development of the Republic of Tunisia
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- Islamic Centre for Development of Trade
Contact: Mr. Ismail Taqui, email: i.taqui@icdt-oic.org
- IsDB Cooperation and Capacity Development Department
Contact: Mr. Nazar Diab, email: ndiab@isdb.org

Logistical arrangements:

- The number of participants is limited to 1 per country.
- ICDT and IsDB will cover the travel, accommodation, and subsistence expenses of one (1) representative per Member State for a period of 4 days.
- Travel expenses include a return economy class air ticket.
- Subsistence costs amount to a daily allowance of 50 USD per day, to cover the cost of dinner.
- Domestic transport (airport - hotel), room fees and coffee breaks will be provided by the Ministry of Commerce of Tunisia.
- The Tunisian party will select the hotels in Tunis.
- WTO, UNCTAD and ITC will be responsible for the scientific content of the workshop (appointment of experts to conduct the proceedings).
- Some countries will deliver presentations on the progress of their preparations for MC13.
- The organizers will invite some of the secretariats of the Member States' economic groupings.
- Participants are responsible for applying for a VISA from the Embassies of the Republic of Tunisia in their respective countries.