

African Participation at the World Trade Organization

Legal and Institutional Aspects, 1995–2010

JOAN APECU LAKER



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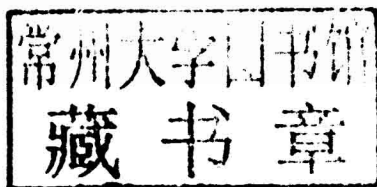
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By

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African Participation
at the World Trade Organization

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DEDICATION

For my parents, Augustine Apecu and Rhoda Aryemo Apecu and my grand parents, Mzee Yokoyadi Jwee and Perina Akello (all of blessed memory). The values and teaching you instilled in me about sustained hard work, commitment and professionalism have been always been my driving force.

Also, for my daughters Amelia Aryemo-Chika and Adela Lagen-Apecu. Let nothing deter you in your quest for knowledge and excellence.

This book is my contribution to African Members of the World Trade Organization. My hope is that the results of this research assists African WTO Members to critically review their participation in the first 15 years of the WTO's existence, address their participatory weaknesses, and, identify specific areas to which they could allocate more resources, and invest greater efforts in order to significantly scale-up their systemic participation.

FOREWORD

African countries represent over one quarter of the World Trade Organisation (WTO) membership. Their trade profiles and economic weight are very diverse but their participation in the global trading system has received limited attention by researchers. Joan Apecu's research is a commendable effort to fill this gap. Her book investigates the legal and institutional aspects of Africa's participation at the WTO. The roots of African trade policy behaviour from its origins in the GATT, through the founding of the WTO in 1995 to 2010 are researched. Her work focuses on the quality and effectiveness of African participation in the rules-based, multilateral trading system.

The solidity and value of her research are three-fold. First, on the basis of a systematic accumulation of evidence over a 15-year period, the book describes African trade policy behaviour. There has been no similar study of such range based on original data. She concludes that Africa's participation has been rather limited and she argues that there is wide scope for improvement. Some may disagree. However, data for the conclusions are original and the arguments and logic are compelling.

Second, based on the current transitions in the global economy, the author encourages African Members of the WTO to break from the "inertia of a special and differential exemption orientation", align the trade policy behaviour of African Capitals with the Geneva "Frontline" and, ensure adequacy of deployed resources to three core areas of WTO work: dispute settlement; administration of existing Agreements and, multilateral negotiations.

Third, in the last chapter she reviews each policy area of the WTO work suggesting ways for African policy makers to maximize the benefits of their global trade integration and WTO Membership. She argues that significant improvements in Africa's participation at the WTO will depend on whether African countries consciously operate on global best practices; and, explicitly links domestic reforms, including the rule of law and good governance to substantive participation in their trade policy behaviour. I strongly support her recommendation that African countries use Aid for Trade, the initiative which I launched at the start of my tenure as WTO Director-General, to build trade capacity at home. Mainstreaming trade into domestic development strategies has proven a key instrument to help African countries reap the benefits of the global trading system.

A compelling case is made for mainstreaming trade capacity-building, Aid for Trade, into national development plans.

By carefully examining the past, Joan's work can help African countries build a bridge to an effective trade policy for the future. A must read for policy makers and scholars interested in Africa's trade policy.

Pascal Lamy
Director-General
World Trade Organization

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I wish to acknowledge the guidance, support and assistance provided by several people in the writing of this book. First, I am heavily indebted to Professor Joost Pauwelyn, who gave so much of his time in systematically guiding me in writing this book and ensuring clarity of thought and direction. This book would not have been completed without his relentless and sharp criticism as well as timely encouragement. I am equally indebted to Professor Jean-Louis Arcand, who made me believe that non-statisticians could crunch numbers. Thank you for putting before me this great challenge and for making this research richer, more meaningful and cross-cutting. My appreciation also to Dr Bernard Hoekman, for very useful and insightful comments that helped in enriching this research. Finally, special thanks to WTO Director-General Pascal Lamy for valuable suggestions and comments.

My thanks and appreciation to the African WTO delegates in Geneva that responded to the questionnaire on different aspects of African Participation in the WTO. Your insights and contributions gave this research more meaning.

I am indebted to several colleagues in the WTO Secretariat who provided valuable comments and support. First, Chiedu Osakwe. Without your constant and punishing critique at all stages of my work, drawing on your vast wealth of expertise and experience in WTO African Trade Policy, this book would have probably taken a different turn. I am deeply indebted. Second, Dayong Yu, Roy Santana and Bekele Tamenu for statistical and econometric guidance for the regression for this research. I benefitted from your experience and expertise and I appreciate your contributions. Nadia Ferdi, Celine Schmitt, Deidre Lynch, Edith Rambla, Samantha Morgan and Helen Favez thank you for valuable work in data collection and formatting the document.

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The views expressed in this research are those of the author and do not represent the views of the WTO, its Members individually or collectively nor it's Secretariat.

ABBREVIATIONS

ACP	African, Caribbean, and Pacific
ACWL	Advisory Centre on WTO Law
AD	Anti-dumping
AGOA	African Growth and Opportunity Act
ANDEAN	Comunidad Andina (Customs Union of Bolivia, Colombia, Ecuador and Peru)
AoA	Agreement on Agriculture
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
ATC	Agreement on Textiles and Clothing (expired)
AU	African Union
C4	Cotton-Four countries (Benin, Burkina Faso, Chad, Mali)
CARIBCAN	Caribbean-Canada Trade Agreement
CARICOM	Caribbean Community and Common Market
CBD	Convention on Biological Diversity
CBERA	Caribbean Basin Economic Recovery Act
CEFTA	Central European Free Trade Agreement
CITES	Convention on International Trade in Endangered Species
CoA	Committee on Agriculture
CRO	Committee on Rules of Origin
CTD	Committee on Trade and Development
CTG	Council for Trade in Goods
CTS	Council for Trade in Services
CVA	Customs Valuation Agreement
DDA	Doha Development Agenda
DSB	Dispute Settlement Body
DSU	Understanding on Rules and Procedures Governing the Settlement of Disputes
EC	European Communities
ECOWAS	Economic Community of West African States
EFTA	European Free Trade Association

EPA	Economic Partnership Agreement
EU	European Union
FTA	Free Trade Agreement
G10	Group of Ten Countries (WTO Agriculture negotiations)
G20	Group of Twenty Countries (WTO Agriculture negotiations)
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GCC	Gulf Co-operation Council
GDP	Gross Domestic Product
GPA	Government Procurement Agreement
GRULAC	Group of Latin American and Caribbean Countries
HWP	Harmonization Work Programme
IGDC	Informal Group of Developing Countries
ILC	Import Licensing Committee
IMF	International Monetary Fund
ITA	Information Technology Agreement
ITBC	International Textiles and Clothing Bureau
ISO	International Organization for Standardization
LDC	Least Developed Country
MEA	Multilateral Environmental Agreement
MERCOSUR	Southern Common Market
MFN	Most-Favoured Nation
NAMA	Non-Agricultural Market Access
NFIDCs	Net Food Importing Developing Countries
OAPI	Organisation Africaine de la Propriete Intellectuelle
OAU	Organization of African Unity
RAMs	Recently Acceded Members
RTA	Regional Trade Agreement
SAARC	South Asian Association for Regional Cooperation
SCM	Subsidies and Countervailing Measures
SGA	Safeguards Agreement
SDT	Special and Differential Treatment
SPS	Sanitary and Phytosanitary
SSG	Special Safeguard
SSM	Special Safeguard Mechanism
STC	Specific Trade Concern
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
Sutherland Report	Report by the Consultative Board to the Director-General Supachai Panitchpakdi, <i>the Future of the WTO: Addressing Institutional Challenges in the New Millennium</i> (WTO, 2004)
SVEs	Small and Vulnerable Economies
TBT Agreement	Agreement on Technical Barriers to Trade
TNC	Trade Negotiations Committee
TPR	Trade Policy Review

TRIMs	Trade-Related Investment Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TRIPS Agreement	Agreement on Trade-Related Aspects of Intellectual Property Rights
TRM	Transitional Review Mechanism (for China – now expired)
UNCTAD	United Nations Conference on Trade and Development
UNECA	United Nations Economic Commission for Africa
UNEP	United Nations Environment Programme
UNFCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organization
WTO Agreement	Marrakesh Agreement Establishing the World Trade Organization.

CONTENTS

List of Annexes and Charts	ix
Foreword	xiii
Acknowledgements	xv
Abbreviations	xvii
1 Introduction: Problematique and Thesis	1
1. Introduction	1
2. Questions Investigated	3
3. Overview of Developing Country Trade Performance	3
4. Developing Country Participation in the Multilateral Trading System: Research “ <i>L’état D’avancement</i> ”	6
5. Critique of Existing Literature on African-Country Participation in the WTO and Justification for Research	11
6. Propositions/Hypothesis Tested	12
2 Participation – The Capacity Factor	13
1. Introduction	13
2. Location of African Missions to the WTO: 1995, 2001, 2005 and 2010	14
3. Size of WTO Missions: 1995 and 2010	17
4. Capital Support	21
5. Legal Capacity in African WTO Missions	22
6. WTO African Cooperation – Case Study of the WTO African Group	24
7. WTO Technical Assistance and Capacity Building for African Countries ...	27
3 Participation in Regular Work – Chairmanships	31
1. Introduction	31
2. Chairs of Ministerial Conferences	34
3. Chairs of Principal WTO Bodies – General Council, Dispute Settlement Body and Trade Policy Review Body	35
4. Chairs of Sectoral Councils – Goods, Services and TRIPS Councils	39
5. Chairs of Subsidiary Bodies under the Goods Council	42
6. Chairs of Subsidiary Bodies of the Services Council	51
7. Chairs of Other Subsidiary Bodies Reporting to the General Council	55

8. Chairs of Plurilateral Committees	61
9. Overall Assessment of the Participation of African Members as Chairs of WTO Bodies	63
4 Participation – Negotiating Engagement	65
1. Introduction: The “Hang-Over” from the Uruguay Round	65
2. The Doha Development Agenda Negotiations	67
3. Chairs of Subsidiary Bodies of the Trade Negotiations Committee	68
4. Forms of African Negotiating Engagement	70
5. African Participation in Negotiating Bodies	70
6. Summary: African WTO Members’ Negotiating Engagement	97
5 Participation in Regular Work – Committee-Specific Work	101
1. Introduction	101
2. The General Council	102
3. The Trade Policy Review Body	107
4. The Council for Trade in Goods	117
5. The Council for Trade in Services	119
6. The Council for TRIPS	125
7. The Committee on Trade and Development	131
8. The Committee on Agriculture	135
9. The Committee on Anti-Dumping Practices	144
10. The Committee on Customs Valuation	152
11. The Committee on Import Licensing Procedures	157
12. The Committee on Market Access	164
13. The Committee on Rules of Origin	171
14. The Committee on Safeguards	177
15. The Committee on Trade Related Investment Measures	183
16. The Committee on Technical Barriers to Trade	188
17. The Committee on Subsidies and Countervailing Measures	196
18. The Committee on Sanitary and Phytosanitary Measures	204
19. Participation of African Countries in Plurilateral Committees	213
6 Participation – WTO Dispute Settlement	217
1. African Participation in the WTO Dispute Settlement System	217
2. Complainant Participation	219
3. Respondent Participation	224
4. Third-Party Participation	225
5. Panellist-Participation	226
6. Appellate Body Members	229
7 Conclusion	231
1. Research Focus and Findings	231
2. Recommendations	245
Annexes	251
References	321
Index	329

LIST OF ANNEXES AND CHARTS

ANNEXES

I	Regional Groupings of WTO Members for Purposes of This Research	251
II	Methodology Used	252
III	Regression Results	259
IV	Questionnaire and Results	280
V	Communiqués/Declarations Highlighting African Priorities in the WTO	300
VI	WTO Technical Assistance to African WTO Members (2000–2010)	302
VII	Description of Groups That African WTO Members Associate with in the Doha Negotiations	304
VIII	WTO Member Trade Policy Reviews (1995–2010)	309
IX	Overview of Notification Requirements in the Agreement on Agriculture	310
X	Member Notification of Anti-Dumping Semi-Annual Reports (2009–2010)	311
XI.1	TBT Specific Trade Concerns Maintained by African WTO Members	312
XI.2	Specific Trade Measures That African WTO Members Have Raised Concerns About	312
XII	Member Notification of Countervailing Semi-Annual Reports (2009–2010)	314
XIII.1	SPS Specific Trade Concerns Maintained by African WTO Members	315
XIII.2	SPS Specific Trade Concerns Raised by African WTO Members	315
XIII.3	SPS Specific Trade Concerns Raised by Other WTO Members and Supported by African WTO Members.	316
XIV	Disputes Involving African WTO Members	318
XV	Share of GDP of African Countries accounted for by Trade in Commercial Services	320

CHARTS

1	Trade shares and regular WTO work (interventions in the General Council) by all members	259
2	Trade shares and regular WTO work (interventions in the General Council) by African WTO members	259
3	Trade shares and regular WTO work (interventions in the CTD) by all members	260
4	Trade shares and regular WTO work (interventions in the CTD) by all African WTO members	260
5	Trade shares and negotiating engagement (interventions in the TNC) by all members	261
6	Trade shares and negotiating engagement (interventions in the TNC) by African WTO members	261
7	Trade shares and negotiating engagement (agriculture proposals) by all members	262
8	Trade shares and negotiating engagement (agriculture proposals) by African WTO members	262
9	Trade shares and mission size, all members	263
10	Trade shares and mission size African WTO members	263
11	Trade shares and complainants, all members	264
12	Trade shares and complainants, African WTO members	264
13	Trade shares and respondents all members	265
14	Trade shares and respondents, African WTO members	265
15	Trade shares and third parties, all members	266
16	Trade shares and third parties, African WTO members	266
17	GDP and regular WTO work (interventions in the General Council) by all members	267
18	GDP and regular WTO work (interventions in the General Council) by African WTO members	267
19	GDP and regular WTO work (interventions in the CTD) by all members	268
20	GDP and regular WTO work (interventions in the CTD) by African WTO members	268
21	GDP and negotiating engagement (interventions in the TNC) by all members	269
22	GDP and negotiating engagement (interventions in the TNC) by African WTO members	269
23	GDP and negotiating engagement (agriculture proposals) by all members	270
24	GDP and negotiating engagement (agriculture proposals) by African WTO members	270
25	GDP and mission size, all members	271
26	GDP and mission size, African WTO members	271
27	GDP and complainants, all members	272
28	GDP and complainants, African WTO members	272

29	GDP and respondents all members	273
30	GDP and respondents, African WTO members	273
31	GDP and third parties, all members	274
32	GDP and third parties, African WTO members	274
33	Democracy level and regular WTO work (interventions in the General Council) by all members	275
34	Democracy level and regular WTO work (interventions in the General Council) by African WTO members	275
35	Democracy level and regular WTO work (interventions in the CTD) by all members	276
36	Democracy level and regular WTO work (interventions in the CTD) by African WTO members	276
37	Democracy level and negotiating engagement (interventions in the TNC) by all members	277
38	Democracy level and negotiating engagement (interventions in the TNC) by African WTO members	277
39	Democracy level and negotiating engagement (agriculture proposals) by all members	278
40	Democracy level and negotiating engagement (agriculture proposals) by African WTO members	278
41	Democracy level and mission size, all members	279
42	Democracy level and mission size, African WTO members	279