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Bridge between Trade and Development

## Implications of the MC14 Agenda for the Implementation of the AfCFTA

**The WTO should adopt Selective Application of the WTO Moratorium on Customs Duties for Electronic Transmissions to better serve Developing Economies**

*Signed by: FL*

### INTRODUCTION

The 1998 WTO moratorium on customs duties on electronic transmissions<sup>1</sup>, renewed biennially for almost to three decades, has enabled unprecedented growth in global digital trade.

However, in this article, I argue that while the moratorium has fostered e-commerce development for some countries in the Global North, its continued uniform application now entrenches structural inequalities that disadvantage African economies.

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## DIABÉ

Bulletin of Analysis  
 and Information on Trade  
 and Sustainable Development  
 in Africa

Published by the African  
 Centre for Trade, Integration  
 and Development  
 Enda Cacid

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## The WTO should adopt Selective Application of the WTO Moratorium on Customs Duties for Electronic Transmissions to better serve Developing Economies

### INTRODUCTION

The 1998 WTO moratorium on customs duties on electronic transmissions<sup>1</sup>, renewed biennially for almost to three decades, has enabled unprecedented growth in global digital trade. However, in this article, I argue that while the moratorium has fostered e-commerce development for some countries in the Global North, its continued uniform application now entrenches structural inequalities that disadvantage African economies. Drawing on revenue analysis and industrial development theory, I contend that the moratorium should transition to a selective approach based on “Special and Differentiated Treatment” that preserves developing countries’ policy space to grow their digital industrialisation while also allowing them the right to charge customs duty on electronic transmissions. This would involve applying the moratorium only to electronic transmissions between developing countries except China, and electronic transmissions flowing from developing countries except China to developed countries. It would also involve charging customs duty on electronic transmissions flowing from developed countries to developing countries except China.

Digitalization has emerged as one of the most transformative forces shaping global trade. Yet the distribution of value generated by the digital economy remains highly concentrated among a small number of multinational technology firms headquartered mostly in the United States and China<sup>2</sup>. The global digital ecosystem which comprises of cloud computing, online platforms, digital advertising, operating systems, and e-commerce infrastructure is dominated by a handful of large corporations that control key technological and data infrastructures that underpin digital trade. For example, the U.S. and China control more than 80% of the cloud computing market share<sup>3</sup>.

<sup>1</sup> Electronic Commerce: Declaration WT/MIN(98)/DEC/2, 25 May 1998, (98-2148)

<sup>2</sup> UNCTAD (2021), Digital Economy Report, <https://unctad.org/page/digital-economy-report-2021>

<sup>3</sup> OECD (2025), “Competition in the provision of cloud computing services”, OECD Roundtables on Competition Policy Papers, No. 323, OECD Publishing, Paris, <https://doi.org/10.1787/595859c5-en>.



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## THE MORATORIUM: ORIGINS AND EVOLUTION

While digital transformation offers leapfrogging opportunities, the current reality reveals persistent dependence on foreign technology providers, foreign content creators, and slow adoption rates in core manufacturing sectors. This dependence has been enabled, in part, by multilateral policy decisions –including the WTO moratorium on customs duties for electronic transmissions<sup>4</sup>.

This moratorium originated at the Second WTO Ministerial Conference in 1998, when members adopted the “Declaration on Global Electronic Commerce,” agreeing to temporarily refrain from imposing customs duties on electronic transmissions. Renewed at every subsequent ministerial conference, this arrangement has allowed for the flow of electronic transmissions to expand without tariff barriers.

At the Buenos Aires Ministerial Conference (MC11) in 2017, opposition emerged, particularly from developing nations arguing that the moratorium constrained government revenue generation and limited domestic policy space<sup>5</sup>. Despite these concerns, renewal continued, though discussions intensified regarding the moratorium’s scope, definition, and development implications<sup>6</sup>, particularly following COVID-19-induced digitalisation acceleration.

Subsequent conferences renewed the moratorium under significant pressure, with some members like South Africa, India calling for it to be the final extension<sup>7</sup>. As the Fourteenth Ministerial Conference (MC14) approaches this March 2026 in Yaoundé, Cameroon, proponents of the moratorium –primarily developed economies are advocating for permanent status.

<sup>4</sup>Banga, R. (2022). WTO Moratorium on Customs Duties on Electronic Transmissions. South Centre  
<https://www.econstor.eu/handle/10419/270382>

<sup>5</sup>Deborah James (2018), An overview of the 11th Ministerial Conference of the WTO,  
<https://www.alainet.org/en/articulo/192491>

<sup>6</sup>Governments of India and South Africa, Moratorium on customs duties on electronic transmissions: Need for clarity on its scope and impact, Communication to the WTO Work Programme on Electronic Commerce, November 2021,  
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?file-name=q:/WT/GC/W833.pdf&Open=True>

<sup>7</sup>Governments of India and South Africa, Moratorium on customs duties on electronic transmissions: Need for clarity on its scope and impact, Communication to the WTO Work Programme on Electronic Commerce, November 2021,  
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?file-name=q:/WT/GC/W833.pdf&Open=True>

Research conducted by the South Centre indicates that global imports of electronic transmissions increased from US\$139 billion in 2017 to US\$204 billion in 2020.

<sup>8</sup> Andrenelli, A. and J. López González (2019–11–13), “Electronic transmissions and international trade – shedding new light on the moratorium debate”, OECD Trade Policy Papers, No. 233, OECD Publishing, Paris. <http://dx.doi.org/10.1787/57b50a4b-en>

<sup>9</sup> Andrenelli, A., & Gonzalez, J. (2023). Understanding the Impact of the WTO E-commerce Moratorium. OECD. [https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/10/understanding-the-potential-scope-definition-and-impact-of-the-wto-e-commerce-moratorium\\_1a15ea94/59ceace9-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/10/understanding-the-potential-scope-definition-and-impact-of-the-wto-e-commerce-moratorium_1a15ea94/59ceace9-en.pdf)

<sup>10</sup> Banga, R. (2022). WTO Moratorium on Customs Duties on Electronic Transmissions. South Centre. [https://www.southcentre.int/wp-content/uploads/2022/06/RP157\\_WTO-Moratorium-on-Customs-Duties-on-Electronic-Transmissions\\_EN.pdf](https://www.southcentre.int/wp-content/uploads/2022/06/RP157_WTO-Moratorium-on-Customs-Duties-on-Electronic-Transmissions_EN.pdf)

<sup>11</sup> These rates are computed based on the estimated revenue foregone by LDCs due to the WTO Moratorium on e-commerce as a percentage of the financing gaps for health and education in LDCs.

Legally, however, the moratorium remains an important commitment although it is not a permanent binding obligation under WTO agreements. Unlike tariff bindings under the General Agreement on Tariffs and Trade (GATT), the moratorium has never been incorporated into the WTO’s core legal framework. This distinction is important, as it implies that WTO members retain the sovereign right and consensus to reconsider its continuation.

Moreover, the scope of the moratorium remains legally ambiguous, particularly regarding what constitutes an “electronic transmission<sup>8</sup>.” Some members interpret the term narrowly as referring only to the transmission itself, while others interpret it broadly to include the digital products transmitted. This lack of clarity has further complicated discussions regarding its long-term implications.

## FISCAL IMPLICATIONS FOR DEVELOPING COUNTRIES

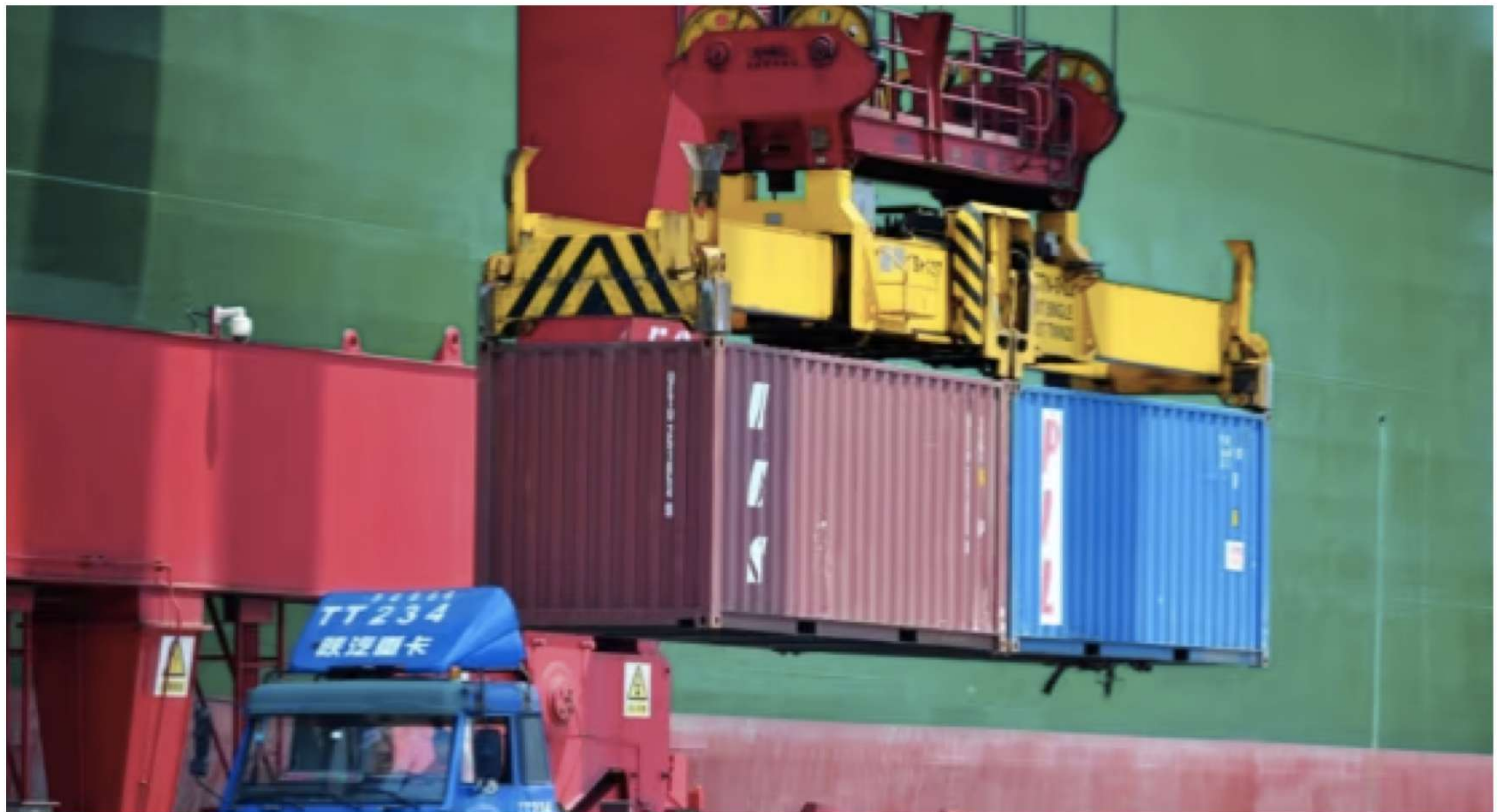
Tariffs are a critical development tool. In many developing countries, tariffs contribute significantly to public finance and provide governments with fiscal capacity to invest in development priorities. The WTO moratorium on customs duties on electronic transmissions effectively functions as a “tax exemption” or “tax holiday” for electronic transmissions, preventing countries from imposing tariffs on items such as e-books, software, music, and video content when delivered electronically across borders.

While some organizations, including the OECD argue that the revenue losses associated with the moratorium are relatively small<sup>9</sup>, this perspective may underestimate its significance for developing countries with limited fiscal capacity. Research conducted by the South Centre<sup>10</sup> indicates that global imports of electronic transmissions increased from US\$139 billion in 2017 to US\$204 billion in 2020. Based on these figures, developing countries are estimated to have lost approximately US\$48 billion in potential revenues, while least developed countries (LDCs) lost approximately US\$8 billion.

When viewed relative to development financing needs, these losses are substantial. For example, foregone tariff revenues represent approximately 0.55% of the estimated US\$1.465 trillion financing gap required to achieve the Sustainable Development Goals (SDGs) in LDCs. Moreover, these tariff revenues could cover 14.8% of the health financing gap or 8.2% of the education financing gap in LDCs<sup>11</sup>.

## IMPLICATIONS FOR DIGITAL INDUSTRIAL DEVELOPMENT

Beyond fiscal considerations, the moratorium may also have implications for the development of domestic digital industries in developing countries<sup>12</sup> as globally dominant digital companies accessing the African market could crowd out nascent local African digital enterprises. ▼



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Unlike African digital platforms, large multinational technology companies have access to large government contracts, subsidies, and tax rebates worth billions of US dollars. Amazon Web Services for example is currently the world's most adopted cloud. It supports more than 11,000 government agencies worldwide and received at least \$4.7 billion in tax breaks globally between 2012 and 2022 for warehouses, data centres, offices, call centres, and film production projects.

In 2021, Apple received US\$891 million in subsidies. Moreover, these firms also benefit from significant technological advantages, vast and diverse datasets, first mover advantage, superior personalization algorithms, user experience, and strong brand recognition.

In contrast, many African digital platforms remain in the early stages of development due to limited or no access to these advantages. While companies such as Selar in Nigeria, ANKA in Côte d'Ivoire, M-KOPA in Kenya, Mdundo in Kenya, and ShareCard in Uganda are increasingly providing services that enable the sale and distribution of digital products including e-books, online courses, digital art, and digital financial services, they are unable to compete with established global platforms that operate at a much larger scale.

The slow growth of African digital companies in particular and global South (except China) in general, therefore suggests that the solutions to the impediments to growth goes beyond removal of customs duties. To ensure that the moratorium better serves developing countries, does not reinforce existing asymmetries, nor foster the emergence of more oligopoly digital tech firms in the global digital economy, requires a different approach. ▼

<sup>12</sup>Cheng, W., & Brandi, C. (2019). Governing Digital Trade – A New Role for the WTO. [https://www.idos-research.de/fileadmin/migratedNewsAssets/Files/BP\\_6.2019.pdf](https://www.idos-research.de/fileadmin/migratedNewsAssets/Files/BP_6.2019.pdf)

When viewed relative to development financing needs, these losses are substantial. For example, foregone tariff revenues represent approximately 0.55% of the estimated US\$1.465 trillion financing gap required to achieve the Sustainable Development Goals (SDGs) in LDCs. Moreover, these tariff revenues could cover 14.8% of the health financing gap or 8.2% of the education financing gap in LDCs

## REPOSITIONING AFRICA IN GLOBAL DIGITAL TRADE

Africa's positioning in global digital trade has been shaped by historical legacies, infrastructure deficits, skills gaps, deficits in investments, and dependence on imported technologies designed in foreign cultural contexts<sup>13</sup>. These systemic barriers have restricted the continent to resource extraction of raw materials used to build the required technologies<sup>14</sup>. This structural imbalance raises important policy questions regarding the international rules governing digital trade and the extent to which they constrain the development strategies of late-digital industrializing economies.

As African governments accelerate efforts to strengthen digitalization across the continent, they must confront a fundamental paradox: the digital economy operates within a hidden system which replays patterns of the previous colonial administration. As such, Africa once again finds itself positioned merely as a source of raw materials, and a consumer market for digital technologies and products. Under the digital economy, Africa is experiencing extraction of its minerals, water, land, labour, and data through opaque, algorithm-driven labour. The WTO Moratorium on customs duties has reinforced the dominance of developed country tech giants over those in developing countries.

As Africa joins the other members of the WTO is deciding the future of the WTO Moratorium on customs duty for e-commerce transmissions, its leaders must assert themselves and approach this process as a decisive factor in repositioning Africa in global digital trade. I therefore contend that the debate about the future of the moratorium must be about making electronic transmissions better serve developing countries. This will include: restoring their policy space to regulate digital trade, support and protect local industries, and secure revenue.

Digital platforms in developed countries have leveraged the duty-free environment provided under the WTO moratorium to achieve massive scale through advanced technological infrastructure, superior personalisation algorithms, extensive content libraries, creating entrenched advantages in user experience and brand recognition.

The moratorium's continued uniform application therefore warrants reconsideration. Rather than making the moratorium permanent for all WTO member states, the WTO could explore selective application mechanisms. This can be through the use of existing Special and Differential Treatment (S&DT) provisions for the benefit of developing countries. Under such an approach, developing economies would retain the policy space to impose customs duties on certain electronic transmissions originating from advanced economies. Developing countries would be allowed duty free access to other developing countries economies, as well as duty free access to developed countries' markets.

<sup>13</sup> Mhlanga, David & Ndhlovu, Emmanuel. (2023). The Fourth Industrial Revolution in Africa: Exploring the Development Implications of Smart Technologies in Africa. 10.1007/978-3-031-28686-5

<sup>14</sup> UNCTAD (2024), Digital economy report. Shaping an environmentally sustainable and inclusive digital future, [https://indico.un.org/event/1005808/attachments/19144/54692/der2024\\_en.pdf](https://indico.un.org/event/1005808/attachments/19144/54692/der2024_en.pdf)

This approach would unlock policy space to regulate their digital economies in their public's interests while also building their digital sovereignty. It would also foster local innovation, support the growth and scaling of local digital industries, contribute to job creation and greater domestic revenue mobilization through imposing customs duties on certain electronic transmissions originating from developed economies, and when local digital firms grow large enough to be able to pay corporate income tax.

## CONCLUSION

In conclusion, the 14th Ministerial Conference should consider the selective application of the moratorium, permitting developing economies such as those in Africa to collect customs duties on electronic transmissions from developed countries electronic transmissions companies must be considered.

The moratorium has fostered the growth of global cross border e-commerce development for some countries in the Global North and China. Indeed, the digital trade landscape has evolved since 1998. However, the emergence of oligopoly digital tech firms, predominantly United States and China-based technology firms with unprecedented market power necessitates reassessing policies that, were perhaps appropriate during the internet's commercial infancy, but now reinforce digital dependency. ●



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## 14<sup>ème</sup> Conférence Ministérielle de l'OMC



14<sup>ème</sup> Conférence  
Ministérielle de l'OMC  
Yaoundé - Cameroun  
2026

# Implications of the MC14 Agenda for the Implementation of the AfCFTA

Signed by: **DS**

## INTRODUCTION

This article examines the significance of the upcoming WTO Ministerial Conference in Cameroon as the first since the AfCFTA entered implementation, analyzing how MC14 outcomes could directly impact Africa's regional integration agenda. It explores key African Group priorities including agriculture subsidies, fisheries disciplines, industrialization policy space, and special and differential treatment, assessing their potential to either enable or restrict the policy tools required for AfCFTA success.

The World Trade Organization's (WTO) Ministerial Conference (MC) 14 taking place in Yaounde, Cameroon from 26<sup>th</sup>-29<sup>th</sup> of March 2026, will be the second time the MC is being held in Africa after the last one, a little over decade ago was held in 2015 in Nairobi, Kenya. A key difference between the last ministerial conference in Nairobi and this upcoming one in Yaoundé, is that Africa's Continental Free Trade Area Agreement (AfCFTA) has been signed, ratified and is currently in its fifth year of implementation<sup>1</sup>.

Since almost all the State Parties of the AfCFTA are members and observers of the WTO, the upcoming MC14, to be held in Africa holds significance for the continent and could have implications for the implementation of the AfCFTA.

The provisional agenda for MC14 is brief. The meeting will receive a report on the review the operation and functioning of the multilateral trading system, ministerial actions, a voting on the venue of the fifteenth session and election of officers<sup>2</sup>.

Within this brief agenda has been both longstanding issues and proposals on WTO reforms, inconclusive decisions from previous ministerial conferences and emerging issues from different groupings and members of the WTO<sup>3</sup>.

<sup>1</sup> African Union. (2024). "AfCFTA Ratification Status." AU Commission on Trade and Industry. Addis Ababa, Ethiopia

<sup>2</sup> WTO, Ministerial Conference, Fourteenth Session, Yaoundé, 26-29 March 2026  
PROVISIONAL AGENDA I WT/MIN (26)/W/1 19 February 2026,  
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?file-name=q:/WT/MIN26/W1.pdf&Open=True>

<sup>3</sup> WTO, WTO Reform,  
[https://www.wto.org/english/tra-top\\_e/reform\\_e/reform\\_e.htm](https://www.wto.org/english/tra-top_e/reform_e/reform_e.htm)



WTO reform issues have focused on the functioning and response of the WTO rules within the current world trading system. WTO members agreed in 2022 at MC12 to develop a work plan to address the reform issues on improving the deliberative function of the WTO; institutional matters; transparency; the working procedures of WTO councils and committees; development; and more general proposals on overall reform of the organization<sup>4</sup>. However, WTO members are deeply divided on even how to move forward on these reform issues. Special and Differential Treatment (S&DT) is a battle line. Developing countries insist S&DT is a non-negotiable fairness for unequal players, while developed countries push for differentiation graduating larger developing economies like China and India from S&DT eligibility.

### AFRICA, WTO AND MC14

Africa is one of the largest trading blocs, in terms of membership, at the WTO, with its contribution to global trade at about 3%. However, with the AfCFTA implementation underway, the continent aims to consolidate its numerical power but also have a unified position and commanding voice in global trade reforms. MC14 has another significance for Africa, as the continent continues to put forward its key proposals towards WTO Reform on issues such as trade in goods, agriculture and fisheries subsidies, investments, services, and Digital Trade<sup>5</sup>.

The Africa Group at the WTO, an informal group of 45 African countries have made proposals for WTO reform. The Africa Group has called for WTO reform to bear a development perspective demanding a rebalance of global trade rules which currently constrain developing countries from using the same industrial policies that developed countries historically employed to build their economies<sup>6</sup>.

### AFRICA'S PRIORITIES AT MC14

Africa's main priorities at MC14 can be summarized on three main issues: industrialization; agricultural and Fisheries Subsidies.

<sup>4</sup> WTO, WTO Reform, [https://www.wto.org/english/tra\\_top\\_e/reform\\_e/reform\\_e.htm](https://www.wto.org/english/tra_top_e/reform_e/reform_e.htm)

<sup>5</sup> African Group. (2025). "WTO Reform: Priorities for the African Continent." Communication from the African Group to the General Council. WTO Document JOB/GC/358

<sup>6</sup> Such as local content requirements, strategic subsidies, and infant industry protection





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**Industrialization:** A central priority for the African Group at MC14 is preserving the policy space necessary for industrialization. As the AfCFTA drives structural transformation, WTO rules should provide flexibility to utilize legitimate industrial policy tools<sup>7</sup> without undue restriction. The Group will push for outcomes that recognize the right of developing countries to foster local productive capacity and integrate into global value chains. MC14 reaffirms its commitment to finalizing a multilateral framework on investment facilitation<sup>8</sup>. Given that many African nations are instrumental in negotiating the Investment Facilitation for Development Agreement (IFD), such an agreement would complement and reinforce the Investment Protocol of the AfCFTA, creating a coherent global-regional framework to attract sustainable and development-oriented foreign direct investment, the implementation of the AfCFTA must be enabled, not hindered, by global trade rules. A multilateral framework on investment facilitation can help create the transparent environment needed but must be designed to support sustainable development and preserve sovereign policy space<sup>9</sup>. MC14 demands that the agenda defend the S&DT as a non-negotiable element of fairness in the multilateral system.



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**Agriculture Subsidies:** Agriculture, the central sector for the developing agenda with a large labor force in Africa, remains particularly affected by trade-distorting domestic support measures in developed countries posing threats to food security.

There is a need to advance a development-centered WTO reform of global agricultural rules, African countries' efforts to modernize agriculture, strengthen food security, and ensuring that ongoing negotiations on the agriculture subsidies remain development-responsive. The Africa Group emphasized that food security has been recognized as a core and unresolved issue in the agriculture negotiations, with a clear implication for economic stability, social resilience and members' ability to manage a systemic shock in an increasing unsure global environment. It recognizes the urgent need to strengthen global food security, particularly for the (LDCs)<sup>10</sup>.

<sup>7</sup> Such as local content requirements or strategic infant industry protection

<sup>8</sup> WTO. (2024). "Investment Facilitation for Development: Structured Discussions." WTO Document INF/IFD/RD/124

<sup>9</sup> ECA. (2025). "Leveraging Investment Facilitation for AfCFTA Implementation." UN Economic Commission for Africa, Addis Ababa





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**Fisheries Subsidies:** The issue of fisheries subsidies presents a critical test for both the multilateral trading system and AfCFTA. The negotiations, known as “Fish 2,” aim to conclude disciplines on subsidies contributing to overcapacity and overfishing, building on the 2022 agreement that addressed Illegal Unreported and Unregulated (IUU) fishing<sup>10</sup>. For Africa’s fisheries sector valued at US\$24 billion annually and employing over 12 million people is threatened to lose an estimated US\$1.3 billion yearly to IUU fishing. The AfCFTA offers a pathway to unlock this potential by fostering regional value chains, improving market access, and attracting investment in sustainable infrastructure. The continent sees the fisheries dossier as a cornerstone of its broader WTO reform agenda and a vital complement to the AfCFTA’s vision. By aligning trade policy with sustainable resource management, African nations aim to ensure that the blue economy becomes a driver of structural transformation, food security, and intra-African trade.

At MC14, the African Group will advocate for a common position that balances conservation with development. Negotiators, supported by the AfCFTA Secretariat and the African Union, are pushing for a unified platform that preserves policy space for domestic fleet capacity building while strengthening surveillance against illegal fishing<sup>12</sup>.

## IMPLICATIONS OF MC14 FOR AFCFTA IMPLEMENTATION

Looking at the history of the WTO, directly complicates AfCFTA implementation by forcing it to navigate a fragmented global trade landscape. With the WTO failing to deliver progress on agriculture and public stockholding, the AfCFTA becomes the primary vehicle for Africa to build its own food security strategy, aiming to reduce reliance on volatile global markets and develop regional value chains. On a positive note, the deadlock on dispute settlement and investment has prompted Africa to innovate independently. The new AfCFTA Protocol on Investment is being hailed as a global blueprint for reforming investor-state disputes, offering a balanced alternative to the paralyzed WTO system. Similarly, while WTO talks on e-commerce and digital trade stalls, the AfCFTA Digital Trade Protocol positions Africa as a rule-maker, creating a continental framework for the digital economy. Ultimately, the WTO’s inertia is accelerating the AfCFTA’s role as a laboratory for new rules on investment, digital trade, and special treatment for least-developed countries, Excellent point. The impasse at the WTO, particularly regarding the e-commerce moratorium, directly shapes how the AfCFTA can maintain its geo-economic relevance.

<sup>10</sup> African Group. (2025). "Agriculture Negotiations: African Proposal on Public Stockholding for Food Security." WTO Committee on Agriculture Special Session. WTO Document JOB/AG/256

<sup>11</sup> WTO. (2022). "Agreement on Fisheries Subsidies." Ministerial Decision of 17 June 2022. WT/MIN (22)/33

<sup>12</sup> AfCFTA Secretariat. (2025). "Briefing Note on Fisheries Subsidies Negotiations for African Negotiators." Accra, Ghana

#### • Industrialization

MC14 reaffirms its commitment to finalizing a multilateral framework on investment facilitation.

#### • Agriculture Subsidies

The Africa Group recognizes the urgent need to strengthen global food security, particularly for the (LDCs).

#### • Fisheries Subsidies

The issue of fisheries subsidies presents a critical test for both the multilateral trading system and AfCFTA.

The negotiations, known as “Fish 2,” aim to conclude disciplines on subsidies contributing to overcapacity and overfishing, building on the 2022 agreement that addressed Illegal Unreported and Unregulated (IUU) fishing.

The WTO’s failure to permanently secure the e-commerce moratorium, coupled with the broader paralysis on digital trade rules, creates a power vacuum. The AfCFTA is filling this void through its Digital Trade Protocol. By establishing a continental framework for data governance, cross-border data flows, and digital payments, Africa is positioning itself as a “rule-maker” rather than a “rule-taker.” This allows the AfCFTA to shape digital standards that reflect its developmental priorities, ensuring it remains a relevant architect of the global digital economy, rather than being sidelined by bilateral deals imposed by larger powers. The ongoing debate at the WTO over the moratorium highlights a deep concern for developing nations: that permanently waiving customs duties on electronic transmissions locks them out of a crucial future revenue stream and exposes them to digital domination by multinational corporations.

## CONCLUSIONS AND RECOMMENDATIONS

MC14 represents a pivotal moment where Africa must strategically navigate global trade rules to safeguard the developmental aspirations embedded in the AfCFTA. The continent’s ability to transform rhetoric into reality hinges on a unified front that prioritizes long-term structural transformation over short-term concessions. By anchoring its negotiating position in the core principles of food security, industrialization, and economic diversification, Africa can ensure that the outcomes of MC14 serve to enable, rather than constrain, the policy space required for its continental integration agenda. The interconnectedness of multilateral and continental commitments means that success in Yaoundé must be measured not only by what is agreed, but by how those agreements empower African farmers, businesses, and economies to thrive.

To secure the best outcomes from MC14 for the AfCFTA, Africa must pursue a tightly coordinated strategy centered on unified advocacy and institutional preparedness. The Africa Group should negotiate as a single bloc to defend critical policy space, prioritizing permanent solutions for public stockholding and robust special safeguards in agriculture to protect the continent’s food security and industrialization ambitions.

Also, the AfCFTA Secretariat and Regional Economic Communities must proactively map MC14 outcomes against continental commitments to ensure coherence, while embedding the private sector particularly MSMEs into both the negotiation process and post-MC14 adaptation strategies. This dual approach of defending developmental interests at the multilateral table while ensuring seamless alignment with the AfCFTA’s implementation framework will transform MC14 from a potential threat into a strategic catalyst for Africa’s structural transformation. ▼

To achieve this, the Africa Group must adopt a unified advocacy strategy that places agriculture and policy space at the forefront of its negotiating mandate. This requires formalizing a pre-MC14 common position that frames public stockholding and special safeguards as non-negotiable development tools, supported by a dedicated legal team to scrutinize all draft texts for language that could undermine industrialization under the AfCFTA

Finally, the success of these efforts depends on placing the private sector, particularly MSMEs, at the heart of both strategy and implementation. Establishing a permanent business advisory group will ensure that negotiations are grounded in the real-world needs of the entrepreneurs and small businesses driving African economies. Furthermore, a post-MC14 adaptation initiative must translate complex negotiating outcomes into practical, accessible guidance for businesses, enabling them to leverage new opportunities and navigate changes in the global trading system. ●



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Signed by: JK

## Agreement on Investment Facilitation for Development: Controversy, Content and Implications for Africa's Development

The headline items on the agenda for the 14th Ministerial Conference in Yaoundé, Cameroon in late March confirm that the “reform” of the World Trade Organization (WTO) being promoted by the United States (US), European Union (EU) and others, supported by the Director-General (D-G), would fundamentally erode the voice and interests of the Global South through plurilateral agreements. This reflects formal positions tabled by the US and the EU and supported to varying degrees by a number of other, mainly developed country, Members.

The very first substantive item in this “reform”-focused agenda focused is “decision-making”. That is code for the main deliverable sought from the ministerial: to legitimise the *de facto* replacement of multilateralism as the founding principle of the WTO by the practice of plurilateralism.

Normalising the agenda-setting, processes and adoption of plurilaterals that has been a key element of “reform-by-doing”, would see consensus decision-making give way to rule-making by power blocs. Development objectives and priorities of developing countries would be subordinated to the self-interested “new issues” of the organisation’s most powerful members.

Adoption of an agreement on Investment Facilitation as a Plurilateral Agreement under Annex 4 of the Marrakesh Agreement has a priority place on the MC14 agenda. It follows from, but is integral to, the broader WTO reform agenda.

This was one of three “Joint Statement Initiatives” (JSI) that date back to the 11th Ministerial Conference in Buenos Aires in 2017; the others were on domestic regulation or services and electronic commerce.



The main systemic concerns have been thoroughly canvassed since 2017, mainly by India and South Africa. They were most recently summarised by India at the General Council in December 2025. In summary, JSIs:

- undermine the foundations of multilateralism that treat all states as equal and prevent smaller and poorer states being exclusively rule-takers that deepen intrinsic asymmetries;
- breach the deal and trade-offs that were agreed to in the Uruguay Round as foundations for WTO;
- reintroduce fragmentation under GATT that Marrakesh Agreement aimed to end;
- signal an end to comprehensive negotiating rounds and single undertaking that removes leverage for developing and least-developed countries' priorities as part of trade-offs;
- license rulemaking by self-selecting groups of Members on a potentially limitless range of matters beyond genuine trade issues;
- empower more powerful rule-makers to cherry pick priority topics and eschew those affecting their interest;
- internalise the risk of super-power conflicts and forcing Members to take sides through competing plurilaterals;
- open the door more directly to more power plays, bullying and bribery;
- further divide developing countries when some larger countries may benefit but not LDCs/Small Vulnerable Economies, Small Island Developing States;
- reduce mandated institutional arrangements and procedural rules to discretionary compliance by allowing some Members to override existing mandates; undermine, bypass and/or sideline existing mandated bodies; and bypass rules on amendments and interpretation; and
- place additional and competing demands on Secretariat resources and priorities.



The MC10 at Nairobi in 2015 said any decision to launch multilateral negotiations required all Members to agree. So this JSI is a very deliberate move to bypass the formal decision-making processes of the WTO and advance the agenda of a self-selected group of Members.

The JSI on investment facilitation is especially significant because it shows the potential to expand the WTO agenda beyond trade-related matters, even to subject the Members by consensus have decided are not to be negotiated. There is a long history of rejecting negotiations on investment in the WTO. Investment was one of 4 Singapore Issues rejected at the first ministerial conference in Singapore in 1996. A working group was instead established on Trade and Investment. Parallel negotiations on a Multilateral Agreement on Investment at the OECD collapsed in 1998. There were proposals to include Investment in a Millennium Round at the Seattle Ministerial in 1999, which collapsed.

The fourth Ministerial Conference in Doha in 2001 deferred a decision to the MC5, which would be made by explicit consensus. There was no consensus at that ministerial in Cancun in 2003. The July 2004 Framework agreed to in Geneva stated explicitly that the relationship of trade and investment was not part of the Doha Work Programme and there would be no work towards negotiations during the Doha Round. The MC10 at Nairobi in 2015 said any decision to launch multilateral negotiations required all Members to agree. So this JSI is a very deliberate move to bypass the formal decision-making processes of the WTO and advance the agenda of a self-selected group of Members.

However, unlike the other JSIs, this plurilateral was depicted as a development initiative promoted by developing countries and misleadingly entitled “Investment Facilitation for Development”. It is true that China and Brazil were leaders in the early stages. In 2015 Brazil had launched a new model Cooperation and Facilitation Investment Agreement that promoted cooperation and facilitation as an alternative to bilateral investment treaties and investor-state dispute settlement (ISDS). As G20 chair in 2016, China established a working group on trade and investment and became the spokesperson for “Friends of Investment Facilitation for Investment”. The facilitation rules would support China’s Belt and Road Initiative and complement its investment agreements or contracts that include investor protections and investment arbitration, so there was no need for this agreement to contain such elements.

However, the EU, Australia, Japan, Canada and prominent individuals and think tanks were also influential behind the scenes and have played an active role in its development. The US was not a participant, reflecting controversies over investment agreements domestically. ▼

Negotiations were formally launched in September 2020, coordinated by South Korea and Chile, but strongly driven by China. The text was concluded in July 2023. It was formally announced and released at the MC13 in Abu Dhabi in December 2024, where a draft ministerial decision to adopt it was proposed and rejected. Since then, the proponents have unsuccessfully sought to have it adopted by the WTO General Council as an Annex 4 plurilateral, which requires consensus. The most recent attempt was in December 2025. India responded with a paper reiterating the systemic reasons for its opposition. South Africa stated that it would no longer oppose the IF, but was not joining it. This left India isolated in raising the systemic concerns.

If adopted, signatories would undertake their domestic procedures for acceptance and it would enter into force following notification to the D-G by 75 Members. As of January 2026, there were 128 signatories, 91 being developing countries including 27 LDCs. That reflects concerted pressure on developing countries, especially from China, which will continue to the MC14.

The issues on the IF have been extensive canvassed. In brief:

*Rules-based concerns:*

- Developing country proposals were sidelined during negotiations.
- It has broad application to “measures” “relating to” “investment activities” at all levels of government for the entire investment cycle.
- There is no definition of “investment” so can apply to land, resources, assets, shares, intellectual property rights.
- There is no balancing of policy space.
- Exceptions are very limited, including for security and balance of payments, and there is no exception for tax measures.
- Restrictions on licensing and authorisation fees means significant revenue would be lost.
- There are no obligations on home states and language on investor responsibility is weak.
- Attempts to prevent cross-application of the JSI to bilateral investment treaties and ISDS are ineffective unless those agreements are also amended.
- Special and differential treatment (S&DT) involves individualised notification and capacity.
- S&DT is reduced to transition periods to adopt rules already implemented by developed countries, so is asymmetrical in their favour.
- Transition periods follow the Trade Facilitation Agreement (TFA) model which assessments show has been problematic, especially for LDCs.
- Complex procedural notifications have narrow initial timelines, some applying at the time of entry into force.

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● Prof. Jane KELSEY  
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- Support funding is to be provided on donors' terms with no guarantee, and risks repeating the TFA issues.
- Needs assessments to form the basis for phase in periods and technical assistance and capacity building (TACB) support are skewed towards the adoption of the JSI.

## INVESTMENT IMPACTS

The development dividend from incurring those obligations is supposed to be an influx of foreign investment to signatory countries. The commonly cited figures are from a study by the German Institute of Development and Sustainability, using GE simulation modelling, that reported possible gains 0.63% - 1.73% to global welfare from improvements induced by the agreement, which could increase global GDP by 1%. The more parties, the greater the gains, especially to low and middle income countries in Africa.

But the GE model ignores the major factors that influence investment decisions and are external to the IF agreement. These include distance and geography; national and regional market size; transport, energy, digital infrastructure; economic and political stability; people resources and skill base; and vulnerability to the climate crisis. Nor does it consider legal, political and regulatory factors, such as constitutional obligations, other international obligations, social/environment/cultural imperatives, Indigenous rights over resources, or domestic democratic processes. The modelling is also agnostic about the quality of investment, whether it centres on extraction of added value industrialization, and its location in the value chain, and the potential for other WTO agreements to undermine potential benefits from investment, including constraints on requirements for local content and processing technology transfer, as well as intellectual property rights.

Despite these significant downsides, developing countries are under intense pressure, especially from China, to adopt this Agreement at the MC14. African states that have signed their support to date are Angola, Burkina Faso; Burundi; Cabo Verde; Central African Republic; Chad; Congo; Côte d'Ivoire; Democratic Republic of the Congo; Djibouti; Egypt; Gabon; Gambia; Guinea; Guinea-Bissau; Malawi; Mali; Morocco; Mozambique; Niger; Nigeria; Sierra Leone; Togo; Uganda; Zambia; and Zimbabwe. However, that commitment is not yet final. If the agreement is adopted, it will create the first precedent for an Annex 4 agreement under the WTO and further undermine an international institution in which African countries' priorities have been consistently subordinated and they will remain permanently marginalised. ●



## Agricultural Subsidies through the WTO: A Comparative Approach between the EU, India and Africa

Signed by: **Dre SBD**

**T**his analytical article examines the implementation of World Trade Organization (WTO) rules on agricultural subsidies in three distinct contexts: the European Union (EU), India, and Senegal. The 1995 Agreement on Agriculture (AsA) aims to reduce trade distortions caused by certain forms of domestic support and to promote a fairer trading system. While the EU has adapted its support by “greening” it, India maintains policies of guaranteed prices and public storage in the name of food security, while Senegal and other African countries benefit from leeway due to their low levels of support. The analysis highlights the asymmetries between developed and developing countries and underscores the need for greater flexibility for African economies to reconcile food security with adherence to multilateral disciplines.

### INTRODUCTION

Since its creation in 1995, the WTO has sought to make agricultural trade fairer by imposing disciplines on domestic support and export subsidies. However, the application of these rules remains uneven, reflecting disparities in development and national economic priorities. Thus, the objective of this study is to compare three representative configurations:

**L'Union européenne (UE), acteur majeur ayant réorienté sa politique agricole pour respecter les règles de l'OMC**

**L'Inde, pays en développement qui défend des politiques de soutien axées sur la sécurité alimentaire**

**Le Sénégal, pays africain dont le faible niveau de subventionnement laisse une marge d'action mais pose des défis de productivité et de résilience**

This comparison aims to shed light on the tensions between trade discipline and food security imperatives in a multilateral context.

## METHOD OF ANALYSIS

This study is based on:

- A documentary analysis: WTO reports (including notifications of domestic support), academic literature on agricultural reforms and data from the FAO and the World Bank.
- A comparative approach: a selection of three representative countries, including a developed country (EU), an emerging country (India) and a low-income African country (Senegal).
- An analytical framework: classification of support according to the three “boxes” of the WTO (green, blue, orange) and taking into account exemptions granted to developing countries.

This method makes it possible to identify the similarities and differences in the way countries use their room for maneuver within the multilateral system.

## RESULTS AND COMPARATIVE ANALYSIS

### 1. The European Union: "Green" support

Historically, the EU provided guaranteed prices and export subsidies under the Common Agricultural Policy (CAP), classified in the WTO's orange box. Since the reforms of the 2000s, the CAP has relied primarily on direct payments decoupled from production and environmental programs, falling under the green box and therefore permitted. The EU eliminated export subsidies following the Nairobi Agreement (2015). This allows it to maintain high levels of support for its agriculture while respecting its commitments.

### 2. India: A priority on food security

India pursues public policies centered on :

- Minimum Purchase Prices (MPPs) for cereals, public stocks redistributed at low prices to hundreds of millions of households, and subsidies for inputs (fertilizer, energy, irrigation). Indeed, these measures largely fall under the amber box, subject to ceilings defined by the WTO. Furthermore, India is often criticized for potentially exceeding its support ceiling (AMS), but it invokes special and differential treatment to justify these policies as essential for food security and supporting small-scale producers.

The 1995 Agreement on Agriculture (AsA) aims to reduce trade distortions caused by certain forms of domestic support and to promote a fairer trading system.



### 3. Senegal and other African countries: limited but strategic support

In Senegal, as in many African countries, agriculture remains largely subsistence-based and vulnerable to climate hazards. Furthermore, public subsidies allocated to the sector are modest, with most support focused on inputs (seeds, fertilizers, irrigation) and investments in rural infrastructure. These measures are generally classified as “green box” or benefit from exemptions for developing countries because they have a limited impact on trade. Consequently, Senegal remains well below the support ceilings authorized by the WTO but must address the challenge of increasing its agricultural investments without compromising its commitments.

In Senegal, as in many African countries, agriculture remains largely subsistence-based and vulnerable to climate hazards.

## DISCUSSION

The analysis highlights structural asymmetries:

- Developed countries like the EU have resources to “green” their support and make it compliant with WTO disciplines.
- Developing countries like India often have to resort to more direct production support, which is essential for food security but may conflict with multilateral commitments.
- African countries still have room to increase their public support, but their weak fiscal base limits their ability to transform agriculture and strengthen its competitiveness.

The debate on reforming WTO rules, particularly regarding public stocks for food security, remains central to reconciling trade fairness and development objectives.

## CONCLUSION

The WTO has helped to regulate the most malleable aspects of agricultural subsidies, particularly export subsidies. However, the application of these disciplines reveals a divide between developed and developing countries. African economies, such as Senegal, still have some leeway but must advocate for a relaxation of the rules to meet their productivity and climate resilience needs. As an implication, greater consideration of food security and sustainable development objectives in multilateral negotiations is necessary for agricultural trade to truly contribute to shared prosperity. ●



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**14<sup>ème</sup> Conférence  
Ministérielle de l'OMC****14<sup>ème</sup> Conférence  
Ministérielle de l'OMC**  
Yaoundé - Cameroun  
**2026***Article signé par : FMF*

## **WTO Reform: Challenges, Controversies and Opportunities for Africa**

### CONTEXT

From 26 to 29 March 2026, the Fourteenth Ministerial Conference (MC14) of the World Trade Organization will be held in Yaoundé, Cameroon. Reform of the Organization will be at the core of discussions during this high-level meeting of the WTO's supreme decision-making body.

Since its establishment in 1995, the WTO has served as a cornerstone of the multilateral trading system, setting the rules governing international trade. However, its relevance is increasingly being questioned. The institution appears out of step with the realities of the 21st century. Amid geopolitical tensions, rising protectionism, and the challenges posed by ecological and digital transitions, the WTO must reinvent itself to remain relevant, effective, and credible.

Without a comprehensive and in-depth reform, the WTO risks gradually falling into irrelevance and losing its role as a rules-based anchor ensuring predictability for its Members and economic operators. But how can such a complex organization be reformed, and why is this reform so urgent?

Admittedly, the WTO has contributed to reducing tariff barriers and promoting market openness, thereby supporting global economic growth. However, its current functioning reveals significant limitations. Trade negotiations have been stalled for years, and its dispute settlement mechanism—once regarded as a model—is now largely paralyzed. Reforming the WTO is therefore a complex and challenging undertaking.



## MANDATE FOR WTO REFORM, STATE OF PLAY, CHALLENGES AND POSSIBLE OUTCOMES AT MC14

The ministerial mandate on WTO reform covers, among others, the following aspects:

- Reforming the Organization to improve all its core functions;
- Ensuring that reform discussions are Member-driven, open, transparent, inclusive, and address the interests of all Members, including development issues;
- Assigning the WTO General Council and its subsidiary bodies to lead the reform process, review progress, and consider decisions to be submitted to Ministers;
- Establishing a fully operational and well-functioning dispute settlement system, accessible to all Members.

To initiate this process, a Facilitator for WTO reform was appointed in June 2025 by the Chair of the WTO General Council. This role is held by H.E. Petter Ølberg, Ambassador of Norway. In this capacity, the Facilitator conducted multiple consultations in various formats (small groups, plenary sessions, etc.).

The so-called “Reform Week” held from 2 to 5 December 2025 led to substantive discussions around three main pillars:

1. Decision-making within the Organization
2. Development and Special and Differential Treatment (S&DT)
3. Level playing field

It is clear that divergences persist among Members on these three pillars, although discussions have demonstrated a genuine willingness to engage in constructive dialogue.



It is clear that divergences persist among Members on these three pillars, although discussions have demonstrated a genuine willingness to engage in constructive dialogue.

Regarding decision-making, no Member has challenged the consensus-based approach, which remains essential for ensuring legitimacy, inclusiveness, and fairness within the WTO by giving equal weight to all voices. However, the difficulties in reaching decisions have generated considerable frustration and raised concerns about the WTO's responsiveness, relevance, and ability to deliver timely negotiated outcomes.

Views differ as to the causes of this situation. Some Members argue that the rigid or strategic use of consensus has contributed to paralysis and call for greater flexibility, efficiency, and a stronger results-oriented approach, noting that consensus does not necessarily mean unanimity. Others contend that the decision-making system itself is not the root problem, pointing instead to deeper structural factors such as erosion of trust, unfulfilled mandates, limited progress on issues of interest to developing countries (DCs) and least developed countries (LDCs), insufficient inclusiveness and transparency, and gaps in the implementation of Special and Differential Treatment (S&DT).

Many Members emphasize the need for deeper dialogue on substantive issues, while some stress caution to ensure that any reforms preserve the delicate balance of rights and obligations established under the Uruguay Round.

With regard to development and S&DT, there is broad consensus that development remains a central and cross-cutting pillar of WTO work. Many Members recognize that trade rules can foster growth and integration, while also emphasizing the need for equitable distribution of trade gains, adequate policy space for industrialization and structural transformation, economic diversification, and the correction of long-standing asymmetries, particularly in agriculture.

Priority areas highlighted include agriculture, MSMEs, women's economic empowerment, environmental sustainability, crisis response, integration into global and regional value chains, technology transfer, and bridging the digital divide.

Members also stress that development needs vary across countries, and that particular attention should be given to least developed countries (LDCs) and other vulnerable Members.

Vulnerable Members, including with regard to issues related to graduation, transition, and deeper integration into the multilateral trading system.



Special and Differential Treatment (S&DT) is widely recognized as an essential instrument. No Member is calling for its elimination; however, views differ regarding its effectiveness and whether access to it should reflect current economic realities.

Special and Differential Treatment (S&DT) is widely recognized as an essential instrument. No Member is calling for its elimination; however, views differ regarding its effectiveness and whether access to it should reflect current economic realities.

Many Members emphasize that S&DT is a treaty-embedded right and a critical tool for supporting development objectives and the integration of developing countries (DCs) and least developed countries (LDCs) into global trade. However, others argue that S&DT alone cannot address all development challenges and should instead serve as a means to strengthen Members' capacity to implement and benefit from agreed rules. Furthermore, they stress that exemptions from rules cannot be granted indefinitely. From this perspective, S&DT should be reformed to become more needs-based, targeted, and time-bound in order to maximize its effectiveness and developmental impact.

Regarding the level playing field, it is widely acknowledged as a central element of WTO reform, but also one of the most complex areas, where deeply entrenched divergent views persist. Many Members highlight that progress on new or strengthened disciplines will remain limited unless there is first a shared understanding of the key challenges and the direction of future work. Some question whether the WTO is the appropriate forum to address certain issues, noting that resolving underlying concerns may require changes beyond the scope of existing trade rules. Others emphasize the need to preserve adequate policy space for industrial development, particularly for developing and least developed country Members.

At the same time, many consider that existing disciplines are outdated, contain gaps, provide insufficient remedies, and lack transparency. Numerous Members call for improved compliance with notification obligations as a critical starting point, as such improvements underpin trust, rule enforcement, and informed dialogue, although they are not sufficient on their own.

Concerns have also been raised regarding distortions caused by various forms of state intervention, including subsidies.

Trade-Related Investment Measures (TRIMs), technology-related requirements, and unilateral measures—particularly those linked to environmental objectives—have also been identified as key challenges.

As part of the WTO reform process, several text-based submissions by Members have been examined, including those from the ACP Group, LDC Group, and African Group, as well as from the United States of America, the United Kingdom, the European Union, Paraguay, and China. Through these submissions, Members express their respective positions and priorities regarding the reform process.



Many consider that a reformed WTO must include a reformed dispute settlement system.



● **Fallou Mbow FALL**

First Counsellor at the Permanent Mission of Senegal to the United Nations

**SUISSE**

Through its communication on WTO reform, Africa supports a reform process that takes into account key elements, including: openness, inclusiveness, transparency, and a strong development focus in order to fulfil the WTO's core mandate of promoting development and equitable growth through a rules-based multilateral trading system; the preservation, strengthening, and effective implementation of S&DT; the maintenance of consensus-based decision-making; and the provision of adequate policy space for industrial development through the recalibration of WTO rules to support Members' development objectives, including industrialization, economic diversification, and structural transformation.

During the month of February (designated as the "reform month"), two rounds of consultations were held in four small groups of Members to review a draft Yaoundé Ministerial Declaration on WTO Reform, accompanied by a draft work programme.

On these occasions, significant divergences among Members were observed regarding the draft text. However, the WTO Reform Facilitator, in his report to the WTO General Council meeting held on 10, 11, and 12 March 2026 (document JOB/GC/491), deemed it necessary to submit the draft ministerial declaration to Ministers for consideration.

Regarding dispute settlement reform, restoring a fully operational two-tier dispute settlement system remains a priority for the majority of Members.

Many consider that a reformed WTO must include a reformed dispute settlement system.

The key challenge for MC14 on this issue is therefore to ensure that post-MC14 discussions resume on the basis of the work already undertaken under the leadership of the Chair of the Dispute Settlement Body (DSB), with the objective of achieving a fully operational and well-functioning dispute settlement system accessible to all Members, in line with the relevant ministerial mandate.

It should be noted that a concise and streamlined provision on dispute settlement reform is included in the draft ministerial declaration on WTO reform.

Thus, regarding WTO reform, including dispute settlement reform, a possible deliverable outcome at MC14 would be the adoption by Ministers of the draft ministerial declaration on WTO reform and its post-MC14 work programme. ●

Signed by:

ENDA CACID - TWN - SEATINI

## Africa Consultative Meeting on WTO MC14 February 3-5, 2026 (Entebbe, Uganda)

### SUMMARY OF DISCUSSIONS AND CONCLUSIONS

A consultative meeting of African civil society organisations, independent trade experts, Geneva-based delegates, intergovernmental policy institutions, trade unions, officials from the capitals, took place in Entebbe, Uganda, from February, 3-5, 2026, to deliberate on issues of specific concern to Africa as the continent plays host to the fourteenth (14<sup>th</sup>) World Trade Organisation Ministerial Conference (MC14), scheduled for March 26-29, in Yaoundé, Cameroon. This was jointly organised by Third World Network-Africa (TWN- Africa), SEATINI-Uganda and ENDA-CACID, under the umbrella of Africa Trade Network (ATN).

Participants noted the Ministerial Conference in Cameroon as a critical moment where the elements of reform of the Multilateral trade system will be debated and set a foundational direction for the trade system. Critical to the reform are two competing paradigms. There is the paradigm driven by the global North which is seeking to impose more burdens on Africa and other developing countries. The alternative paradigm, which is developmental, is a reform of inclusivity, equity, allowing the use of industrial policies and addressing the inequities in the multilateral system. Africa must be vigilant and contest the reform agenda guided by the latter.

Participants noted that the current landscape of multilateralism is characterized by heightened uncertainty for the multilateral trading system. Geopolitical tensions, geoeconomic fragmentation, and overlapping climate, debt, and cost-of-living crises that are reshaping trade patterns and financial flows, with significant implications for developing economies.

Participants noted the issues on the agenda of the MC14-WTO reforms, proposed plurilateral agreements-investment facilitation agreement, proposed agreement on electronic commerce-and their implication for Africa's development.

The meeting also discussed Africa's own strategic demands towards MC14 and other issues such Africa's Continental Free Trade Area (AfCFTA) and what should be the positioning of Africa as it hosts MC14 in Yaoundé, Cameroon.

On the multilateralism, the consultation noted the heightened contestation by the powerful countries such as the US, China, EU, Japan, Australia, etc, with their respective positions that will serve their interests. Africa and other developing countries must remain vigilant in this contestation in order not to sacrifice their interests. ▼

Critical to the reform are two competing paradigms. There is the paradigm driven by the global North which is seeking to impose more burdens on Africa and other developing countries. The alternative paradigm, which is developmental, is a reform of inclusivity, equity, allowing the use of industrial policies and addressing the inequities in the multilateral system.

Africa and other developing countries must remain vigilant in this contestation in order not to sacrifice their interests.

Specifically on the WTO, the US is making demands that will dismantle the foundational elements of the WTO—single undertaking, Most Favoured Nation, Special and Differential Treatment (SD&T) and rather pushing for plurilaterals as the primary negotiating route. That special and differential treatment should be narrowed to temporary adjustment rather than recognised as a structural feature of the system.

Other powerful members also support reforms that serve their interests and are also dismantling the trade system. China, EU, Japan, Australia are legitimizing plurilateral agreements, change in the consensus decision-making process, calling for establishing criteria for development status and redefining special and differential treatment (SD&T).

In the light of the above contestation participants carefully listened to all perspectives and took note of the current challenges faced by the WTO which may undermine the longstanding interests of the African Group. Participants commended the African Group delegates in Geneva for the positions expressed on the various issues. In the run up to the Ministerial Conference, the consultation called for close collaboration among the various stakeholders (government, CSOs, academia, private sector) in Africa to enhance the advancement of Africa’s interest.

On the proposed Investment Facilitation Agreement at the WTO, participants noted the negative implications on Africa’s economic transformation if it is formally adopted at MC14. It will, among other things, set a negative precedent for rules making that will undermine multilateralism and reintroduce fragmentation under the General Agreement on Tariffs and Trade (GATT) that Marrakesh Agreement aimed to end and will set a precedent for similar agreements. Also, African countries will face burdensome obligations in how they authorise and administer investment activities, place limits on criteria for approvals and on fees they can charge. Moreover, there is no evidence that this will attract new investment and ignores the real factors that influence investment decisions. Furthermore, the logic of the Investment Facilitation Agreement runs counter to the logic of the Investment Protocol of Africa’s Continental Free Trade Area (AfCFTA). For these reasons Africa has nothing to gain, and everything to lose, by supporting it.



The period of state led, import substitution industrialisation in the 1960s and 1970s saw African Gross Domestic Product (GDP) growth rates higher than global average and Manufacturing Value Addition (MVA) increasing by an average of 6.2 percent per an.

Participants also noted the Plurilateral Agreement on Electronic Commerce (AEC) that is tabled for MC14. Digital trade has become one of the sharpest points of pressure in the WTO reform debate. The push to incorporate the plurilateral Agreement on Electronic Commerce under Annex 4 of the Marrakesh Agreement will create the same systemic challenges as mentioned in the preceding paragraph (just like the investment facilitation). Parallel efforts under the multilateral WTO Work Programme on Electronic Commerce to make the moratorium on customs duties on electronic transmissions permanent and to define it to include content, would lock in a particular model of digital integration based on permanent openness, MFN treatment, and weak development flexibilities. This has major implications for Africa because it cuts directly across fiscal space, industrial policy, and data governance choices. African participation in the Agreement remains very limited, reflecting a substantive assessment that its design is misaligned with Africa's development priorities.

This misalignment is especially evident when set against Africa's own digital governance frameworks, including the Africa Union (AU) Digital Transformation Strategy, the AU Data Policy Framework, the Continental Artificial Intelligence Strategy, the African Digital Compact, and the AfCFTA Protocol on Digital Trade. These instruments link digital integration to development, public digital infrastructure, and adequacy-based data governance, and leave space for sequencing and policy experimentation. Making the e-commerce moratorium permanent would remove tariffs as both a revenue source and a policy tool at a time when its scope remains undefined and continues to expand as more products are delivered digitally.

On Africa's Industrial policy and transformation issues, participants discussed and concluded that Africa's development depends on transitioning from dependence on the production and export of primary commodities to higher value-added production. It is well established in economic history that value-addition occurs only when countries have been willing to apply industrial, trade and technology policies and deliberately manage and lead a transition of this nature. The period of state led, import substitution industrialisation in the 1960s and 1970s saw African Gross Domestic Product (GDP) growth rates higher than global average and Manufacturing Value Addition (MVA) increasing by an average of 6.2 percent per an. In contrast, the "lost two decades" of the 1980s and 1990s was a period when "Washington Consensus" and "Structural Adjustment" policies drove economic liberalisation, privatisation and the dismantling of state capacity. ▼

L'accès aux marchés est de plus en plus présenté comme temporaire et conditionnel, les règles multilatérales comme facultatives pour les plus puissants, et les flexibilités en matière de développement comme des obstacles à gérer plutôt que des engagements à respecter.

The World Trade Organisation has been a major driver of policies of structural adjustment and the Washington consensus policies of liberalisation that led the removal of the state from a central role in economic development policies and ushered in privatisation. This actually led the continent in a direction of two decades of reduced manufacturing value addition. Africa cannot afford to go to the WTO MC14 and agree to anything that is likely to further constrain industrial policy, or which is likely to impact negatively on its ability to develop common approaches informed by the reality of a Continental Free Trade Area of building regional value.

On agriculture participants discussed that it remains the lifeblood of African economies, sustaining communities, driving employment, and underpinning rural livelihoods. Agriculture contributes 23–35 percent of GDP in many African countries and employs up to 70 percent of the workforce, yet the continent paradoxically imports more than \$50 billion in food annually. This contradiction underscores the urgency with which Africa must continue pursuing just global trade rules at the WTO's 14th Ministerial Conference (MC14)—a moment described as not merely procedural, but a development-defining opportunity for the continent.

Participants noted with concern that the agenda for MC14 is dominated by reform of the WTO, with limited time for other matters. Developing countries have strongly criticised the proposed process that centres around breakout groups, which fragment developing country solidarity, with limited transparency, and minimal time for plenary discussion. The programme is based on three themes that reflect the priorities of the major powers: *decision-making*, focused on redefining how consensus operates and normalising plurilateral negotiations and agreements; *development and special and differential treatment* that seeks to define criteria for development status and the nature and scope of SD&T. There is minimal space even in the venue for civil society.

As African countries head to MC14 in Yaoundé, the issue is no longer simply whether the big players are complying with WTO rules. It is how Africa can navigate a ministerial conference that appears to be structured around an onslaught on the development agenda itself. Across agriculture, technology transfer, industrial policy, and special and differential treatment, longstanding African priorities are being crowded out while pressure mounts to accept reforms that narrow policy space, entrench asymmetries, and normalise unilateral and plurilateral pathways. Market access is increasingly presented as temporary and conditional, multilateral rules as optional for the most powerful, and development flexibilities as obstacles to be managed rather than commitments to be honoured.

WTO MC14 thus confronts Africa with a choice: agree to a reform process that fragments negotiating issues and sidelines development concerns, or invest in collective resilience through African integration, coordinated positions, and a clear refusal to legitimise outcomes that weaken Africa's negotiating hand while preserving the freedom of powerful members to act outside the rules. Both Governments and civil society must reinforce each other for an outcome that is better for Africa. ●