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Economic and Social Commission for Western Asia (ESCWA)

REPORT

HIGH-LEVEL EXPERT GROUP MEETING ON THE PREPARATION OF THE ARAB COUNTRIES FOR THE SEVENTH MINISTERIAL CONFERENCE OF THE WORLD TRADE ORGANIZATION BEIRUT, 11-12 NOVEMBER 2009

Summary

The Economic and Social Commission for Western Asia (ESCWA) organized, in cooperation with the Arab NGO Network for Development and the Ministry of Economy and Trade in Lebanon, the High-level Expert Group Meeting on the Preparation of the Arab Countries for the Seventh Ministerial Conference of the World Trade Organization (WTO), which was held in Beirut, on 11 and 12 November 2009.

The meeting addressed a number of issues under consideration on the agenda of the WTO Seventh Ministerial Conference, basic controversial issues related to the different areas of negotiations, especially in the light of the international financial and economic crisis, positions of the Arab countries vis-à-vis those issues from an Arab perspective and possibilities of reaching a coordinated position. The meeting concluded with a set of recommendations on those issues.

This report contains those recommendations and a summary of the discussions.

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Introduction

1. The Economic and Social Commission for Western Asia (ESCWA) organized, in cooperation with the Arab NGO Network for Development and the Ministry of Economy and Trade in Lebanon, the High-level Expert Group Meeting on the Preparation of the Arab Countries for the Seventh Ministerial Conference of the World Trade Organization, which was held in Beirut, on 11 and 12 November 2009. The meeting aimed at enhancing the response to the impact of the international financial and economic crisis on international and regional trade and on the international trading system as a whole. It also aimed at discussing the latest developments related to the WTO negotiations on the Doha Development Agenda and preparing the Arab countries for the WTO Seventh Ministerial Conference to be held in Geneva, from 30 November to 2 December 2009 under the title “The WTO: the Multilateral Trading System and the Current Global Economic Environment”. The meeting further aimed at exploring the possibility of coordinating positions of the Arab countries towards the issues under consideration on the agenda of the Conference.
2. This report, which was prepared with the cooperation of the organizers of the meeting and taking into account the comments of participants, outlines the topics that were subject to discussions and presents the conclusions reached and recommendations made by participants.

I. CONCLUSIONS AND RECOMMENDATIONS*

A. CONCLUSIONS

3. Participants concluded the following:

(a) The international financial and economic crisis had a deep impact on the economies and foreign trade of Arab countries. It is feared that the consequences of the crisis will persist in the future due to the persistence of the causes of the crisis, given that the Arab countries are negatively affected by the crisis because of their economic openness and the reliance of their economies on exports, tourism, workers’ remittances, foreign aid and foreign direct investment, which are factors expected to experience decline as a result of the crisis;

(b) Trade facilitation and development of the related services are important to the Arab region as well as the need to identify the requirements and priorities of the countries of the region. It is also necessary to obtain the adequate guarantees that developed countries would meet their pledges to provide developing countries with the required financing for achieving their priorities, developing infrastructure for transport, communications and other related services and logistics, and offer the aid needed for trade; in that context, it is also necessary to continue the cooperation between ESCWA, the Islamic Bank for Development and all concerned parties to provide aid for trade to the Arab region.

B. RECOMMENDATIONS

4. During the meeting, participants made a set of recommendations, some of which addressed Arab countries, while others were addressed to specialized regional and international organizations.

1. Recommendations addressed to Arab countries

5. The recommendations addressed to the Arab countries are as follows:

(a) To reaffirm their position consisting of maintaining the current situation with regard to the two decisions which will be adopted by the WTO Seventh Ministerial Conference on: electronic trade and on non-violation complaints under the TRIPS Agreement;

* Since this meeting was not convened at the ministerial level, the recommendations and conclusions in this report do not necessarily reflect any official positions held by ESCWA member countries, particularly those members of the World Trade Organization. This meeting is an expert group meeting attended by representatives from civil society and non-governmental organizations as well as representatives and experts from ESCWA member countries.

(b) To stress the importance of the (amended) Damascus Declaration on Responding to the International Financial Crisis in the ESCWA Region which was issued on 7 May 2009 and amended on 7 July 2009, expand its scope to include all Arab countries, and develop action plans for the implementation of policies recommended in the Declaration, taking into account the disparities among Arab countries in terms of production and economic structures;

(c) To consider their economic and trade policies and monitor their impact on the whole economic activity, growth rates, achieved development and trade; to undertake an assessment review of those policies; to take the measures necessary for fostering growth and development, generating employment opportunities and boosting local demand and production capacity, so as to mitigate the negative consequences of external crises;

(d) To affirm their commitment to effectively continue the multilateral negotiations in order to conclude them according to the bases of the negotiations of the Doha Development Round; and to pursue the reinforcement of the working system of the WTO in a manner responsive to the development goals of member countries, while recognizing that their effective participation in the negotiations of the Doha Development Round may represent one of the available alternatives to address the worldwide increasing protectionism tendency;

(e) To tune their negotiating positions with their development needs and global changes, in particular the international financial and economic crisis and the resulting increased protectionism; to take concrete action in order to reach coordinated positions with regard to the issues of liberalization of services, agriculture, market access for non-agricultural products, trade facilitation, liberalization of commodities and environmental services; to support sectoral initiatives undertaken by the Arab countries, such as the Qatar initiative to liberalize natural gas trade and related technologies, and the United Arab Emirates initiative to liberalize crude material; to develop a standardized list of Arab environmental commodities based on the list proposed by Saudi Arabia; and to optimize benefits from the Aid for Trade, grace periods, and special and differential treatment provisions offered by the agreements;

(f) To support Arab countries seeking to accede to the WTO, in particular the least developed countries, and assist them in bilateral negotiations, taking into account their economic and development capabilities and their capacity to meet market access demands which may be pressed on them during the accession negotiations;

(g) To support implementation actions taken for the establishment of a customs union; to adopt policies and actions in the area of liberalization of trade in services between the Arab countries consisting of revising their national legislation for more effective regulations and laws governing and organizing the services sectors, so as to ensure harmonization of legislation as may be possible and through mutual recognition agreements and unilateral lifting of restrictions;

(h) To promote the role of the private sector and civil society organizations in formulating trade and economic policies and to boost the contribution of professional, productive and services sectors in the mechanisms of developing negotiating positions, including by conducting studies and research;

(i) To conduct studies on the impact of the international financial and economic crisis on the services sectors, so as to assist negotiators in the WTO negotiations on the liberalization of trade in services and in taking necessary and final actions to identify sectors apt to liberalization;

(j) To review the course of negotiations on the agricultural sector, so as to enhance food security and sovereignty over food, while stressing that the agricultural sector has significant social dimensions which impacts rural development and the livelihood of farmers who represent some 40 per cent of the population of the Arab region.

2. Recommendations addressed to specialized organizations

6. Participants in the meeting addressed the following recommendations to specialized regional and international organizations:

(a) Specialized regional and international organizations, especially the United Nations organizations, ESCWA and the League of Arab States, should play a more significant role in providing technical assistance to the Arab countries and building their capacity to undertake the procedures of acceding to the WTO, formulate negotiating positions and determine the consequences of those positions on their economies and development efforts, devise modalities and schedules of commitments and ratify agreements, particularly as the Doha Development Round is expected to be concluded in the near future; in addition, those organizations should coordinate programmes and their implementation as may be possible, so as to fulfill the purpose of the technical aid and optimize results for the recipients;

(b) ESCWA should play an effective role in preparing for future WTO ministerial conferences, by organizing a ministerial conference for the Arab region prior to those conferences, with a view to enhancing coordination between the Arab countries; ESCWA should also consider the possibility of holding periodical meetings for the Arab negotiators to conduct consultations, exchange ideas, and explore the possibility of harmonizing positions of the Arab countries towards the issues under consideration on the agendas of the WTO and the Doha Development Round.

II. TOPICS OF DISCUSSION

7. Following the opening session, the meeting proceeded in seven sessions, in which the main speakers and experts presented papers on the subjects under consideration on the agenda of the WTO Seventh Ministerial Conference. Discussions followed and participants stated their comments and suggestions.

A. IMPLICATIONS OF THE INTERNATIONAL FINANCIAL AND ECONOMIC CRISIS FOR THE ARAB COUNTRIES, THE GLOBAL ECONOMY, THE INTERNATIONAL TRADING SYSTEM AND THE MULTILATERAL TRADING SYSTEM

8. In the first and second sessions of the meeting, discussions tackled the causes of the international financial and economic crisis and its impact on the Arab countries and their economic and development performance, and on the global economy, the international trading system and the multilateral trading system. Speakers noted that the crisis, which started to manifest itself in the United States mortgage market, moved fast to financial markets, and from the United States to Europe and other regions of the world. They indicated that the transfer of the crisis to developing countries occurred through such principal channels as the decline in export demands by developed countries, the price decrease of crude material, including oil, the decline in tourism and emigrants' remittances on which many developing countries rely, in addition to the decline in international aid. The impact of the crisis on the Arab countries varied depending on their economic and productive structures and their openness, in particular between oil exporter and non-oil exporter countries.

9. Speakers stressed the importance of coordinating economic relations between the Arab countries, intensifying Arab regional cooperation and promoting relations and coordination with countries of the South to confront the crisis. They also stressed the importance of involving private sector and civil society organizations in responding to the crisis and in the process of formulating positions of the Arab countries in the WTO negotiations, and conducting studies on the impact of those positions on the productive and social sectors and the development process.

10. Speakers expressed concern over the possibility that the benefits which would be gained by developing countries from the negotiations of the Doha Development Round would be of limited impact on development, compared to the possible losses that they would sustain in order to bring the Round to success.

They stressed the importance for developing countries of maintaining a political and legislative margin which could permit them to develop and amend their trade policies to meet their development needs, taking into consideration the degree of development achieved at the national level. Drawing on lessons learned from the international crisis, speakers expressed that the reliance on export-based policies failed to achieve a sustainable growth that serves the development goals of the Arab countries, therefore, internal market demand and local production should be reinvigorated by developing production capacity, without relying only on export development policies.

B. LATEST DEVELOPMENTS IN THE NEGOTIATIONS OF THE DOHA DEVELOPMENT ROUND AND CONTROVERSIAL ISSUES RELATED TO AGRICULTURE AND MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

11. This topic was discussed in the third and fourth sessions. Speakers noted the correlation between the approach of dealing with the agreement on agriculture and sovereignty and food security. They indicated that the agricultural sector is not a mere commercial or economic sector, but rather has essential environmental and social dimensions. They believed that the transformation of the Arab countries to net food-importing countries increased their vulnerability to the impact of worldwide food price fluctuations, and that some countries have started considering the development of an effective strategy for food security. In that regard, they stressed the need for the Arab countries to explore ways of benefiting from the flexibility propounded in the agreement on agriculture and to devise effective mechanisms which are adequate to the special and differential treatment of developing countries, so as to ensure the protection of food security. They inquired about the extent to which the Arab countries would benefit from supporting the project of special protection mechanisms proposed by the developing countries in the current negotiations of the Doha Round and the possible impact of those mechanisms on food price fluctuations. They noted the importance of activating the role of the Arab countries in following up the work of the working group on trade and environment.

12. In that context, emphasis was placed on the importance of strengthening the regional infrastructure accompanying any international agreements on food products, building an Arab preventive vision, and adopting regional common agriculture and food policies that serve food security, sustainability and safety, according to a regional vision and solidarity between the various actors. Emphasis was also placed on the importance of enhancing the role of Arab institutions capable of guaranteeing food security, sustainability and safety, and promoting joint projects by public and private sectors in that field.

13. With regard to market access for non-agricultural products, speakers stressed the importance for the Arab countries of adopting industrial policies that increase productivity, growth and employment opportunities, so as to ensure progress in achieving the Millennium Development Goals and eradicating poverty. For that matter, the Arab countries should engage effectively in the negotiations on the agreement on market access for non-agricultural products, given that the liberalization of that sector should not represent an obstacle to the development of an advanced and effective industrial sector that would constitute an incentive for industrial activity in the Arab countries, and in which protection would be provided to small and medium industries and their capacity to achieve sustainability, growth and regional integration would be enhanced. Speakers stressed the need for the Arab countries to identify industries that need support to expand and develop competitiveness capacity, to maintain a tariff reduction margin to be used for the protection of those industries. They added that Arab countries participating in the round of negotiations should now define the most appropriate coefficient in the Swiss Equation, while preserving flexibility in their industrial policies. Speakers underlined the importance of benefiting from emerging countries in that field, and conducting studies and research on the impact of their tariff choices and accompanying policies on production, exports, imports and consumer interests.

C. POSSIBILITY OF CONCLUDING AN AGREEMENT ON TRADE FACILITATION AND ITS IMPLICATIONS FOR THE ARAB REGION

14. In the fifth session of the meeting, speakers addressed the possibility of concluding an agreement on trade facilitation and its implications for the Arab region. They noted that consensus was reached during the negotiations of the Doha Development Round to consider the negotiations on trade facilitation as part of the

negotiation package in the Round, and that the working group on trade facilitation focused its discussions on six subjects address substantially the facilitation of trade procedures, including customs. Discussions also tackled the special and differential treatment of developing countries in order to make the commitments possible under their development capacity, the need to determine the requirements of developing countries in the framework of trade facilitation through the organization of regional and national workshops. Requirements of some Arab countries were determined. They noted that the agreement requires effecting changes in national legislation and aligning professional and technical aspects with international standards, which may impose a high cost on developing and least developed countries and limit their ability to make commitments. They also noted that the agreement includes several provisions on the special and differential treatment. Speakers underlined the importance for the Arab countries to optimize the benefit from provisions and mechanisms offered by the agreement, identify their requirements at the regional and international levels, and optimize their benefit from Aid for Trade programmes by rallying efforts of Arab, regional and international organizations and institutions working in that field, in particular ESCWA, the League of Arab States and the Islamic Bank for Development.

D. CONTROVERSIAL ISSUES IN THE NEGOTIATIONS ON TRADE IN SERVICES

15. In the sixth session of the meeting, discussions addressed controversial issues in the negotiations on trade in services and positions of the developing countries and Arab countries towards them, namely the liberalization of the movement of natural persons and the liberalization of financial services in the light of the international financial crisis. It was noted that some countries are trying to introduce new approaches in the framework of the General Agreement on Trade in Services (GATS), such as bilateral and multilateral approaches, and sectoral group negotiations, which may change the nature of the GATS from a multilateral agreement to a different form of agreement, and may reduce the compatibility of GATS with the needs of the developing countries. Speakers noted that, despite the fast liberalization of the services sector through bilateral and regional agreements outside the WTO, in particular through bilateral investment agreements, the WTO continues to play a fundamental role in pressing for the liberalization of some services sectors.

16. Speakers indicated that the services sector represents a vital sector in the Arab countries despite the fact that exports in services represent only 5 per cent of the gross domestic product in the region. They clarified that the ability to benefit from the liberalization of services depends on ensuring that the required local policies and internal conditions are available and that the liberalization of certain services does not take place at the detriment of development goals. They noted that the World Bank studies indicate that the Trade Restrictiveness Index which is announced for policies on trade in services in the Arab region remains higher than in other regions, and that wide disparities persist between existing policies on the various services sectors and offers presented in the framework of the GATS, therefore opening the possibility to increase the offers and commitments of the Arab countries within the framework of the WTO without producing any change in the existing realities at the local level.

17. Speakers noted that commitments submitted under the Uruguay Round, which was concluded with the Uruguay Declaration in 1994, and those submitted under the Doha Round which started in 2001, are still similar, which constitutes an indication that the offers made by member States did not increase significantly during that period and that developed countries did not present significant offers with regard to the fourth mode of service supply related to the liberalization of the movement of natural persons. Emphasis was placed on the importance of setting regulatory codes at the national level in a manner consistent with the conditions and needs of countries, and taking into account that countries newly acceded to the WTO are asked to make concessions in numerous areas in order to liberalize their services sectors in a manner significantly exceeding the commitments made by member States upon signing the Uruguay Declaration.

18. Discussions addressed the fourth mode of service supply related to the liberalization of the movement of natural persons, stressing that the basic inquiries on that subject in the negotiations focus on: the ways to ensure the fair implementation of that mode ensuring positive results for developing countries; its contribution to development and social protection for individuals; and the need to devise mechanisms for

mutual recognition of expertise and standards. Speakers noted the disparities in positions of the Arab countries towards the liberalization of that mode of service supply depending on being a workers-recipient or a sender country. They emphasized the importance of setting up a regulatory framework which serves both developing and developed countries and takes into account such essential factors as social security, justice, protection and respect of fundamental rights of workers.

19. Discussions addressed the liberalization of financial services indicating that the current international financial and economic crisis proved the necessity to reconsider the model of liberalization of financial services existing within the framework of the WTO, especially as studies have shown that existing agreements in that regard limit government intervention to regulate that sector in case of similar financial crises in the future. Speakers believed that the present trends in the negotiations on liberalizing financial services may leave adverse effects on the stability of the financial sector, therefore limiting the role of the State and its ability to intervene in that sector. They stressed on the need for developing countries, before submitting their commitments, to designate ad-hoc groups of experts within their delegations to the WTO for the purpose of monitoring the consequences of the proposed interventions in the area of liberalizing financial services on their economies.

E. COURSE AND MECHANISMS OF THE NEGOTIATIONS, AND ENHANCEMENT OF THE ROLE OF THE ARAB COUNTRIES

20. In the seventh session of the meeting, discussions focused on the course and mechanisms of the negotiations and the enhancement of the role of the Arab countries within the framework of the WTO. Speakers noted the importance for the Arab countries of the following: to make use of the WTO dispute settlement mechanisms and ensure coordination and cooperation between them in that area, particularly in financing, capacity-building, exchange of expertise and technical advice; to provide Arab countries, which are in the process of accession to the WTO, with expertise and assistance, and support them in their bilateral negotiations in order to alleviate the pressure exercised on them to approve access to their markets; to coordinate with other groups, in particular those representing the interests of developing countries in a manner intersecting with the interests of the Arab countries; to activate the work of the Arab group within the WTO; and to benefit from cooperation fora which are held between Arab countries and other countries that have key roles at the international level, such as China, India, Japan and others. Speakers noted the need to coordinate positions of Arab negotiators at the upcoming WTO Ministerial Conference through Arab ministerial meetings prior to the Conference. They called upon ESCWA to organize those meetings and consider the possibility of organizing expert group meetings for Arab negotiators to be held once or twice a year with the aim of enhancing coordination among them and eventually form an Arab group that is effective in the negotiations and capable of honouring the development needs and interests of the Arab countries.

III. ORGANIZATION OF WORK

A. VENUE AND DATE OF THE MEETING

21. The High-level Expert Group Meeting on the Preparation of the Arab Countries for the Seventh Ministerial Conference of the World Trade Organization was held in Beirut, on 11 and 12 November 2009.

B. OPENING OF THE MEETING

22. At the opening session, Mr. Ziad Abdel Samad, Executive Manager of the Arab NGO Network for Development (ANND), made a statement in which he welcomed the participants and thanked them for attending the meeting. He expressed hope that effective discussions will take place addressing the impact of the international financial and economic crisis on international and regional trade and on the international trading system. He stressed the importance of the closing statement issued by the African preparatory ministerial meeting which was held in Cairo, in which participants pledged their commitment to bring the WTO Seventh Ministerial Conference to success, on the condition that transparent negotiation mechanisms

are adopted and that all parties commit to the development goals of the Doha Round. He noted the resolve of ANND to monitor the development impact of trade agreements at all bilateral, regional and international levels.

23. Mr. Nabil Safwat, Chief of the Economic Development and Globalization Division (EDGD) at ESCWA, made the opening statement on behalf of the Executive Secretary of ESCWA, in which he welcomed the participants and commended the speedy endeavors to move the Doha Development Round forward with the aim of converging the positions of the Arab countries towards the principal issues for consideration on the negotiations agenda. He stressed the importance for the Arab countries of undertaking a review and assessment of their trade policies, negotiating positions and available alternatives under the international financial and economic crisis. He expressed the hope that discussions at the meeting would enhance the capability of identifying the impact of the crisis on international trade and development in the Arab countries, and that the meeting would offer an opportunity to look at the possibilities of coordinating positions of the Arab countries towards the issues set forth for negotiation on the Doha Programme of Work.

24. Mr. Malek Assi, Head of the External Trade Department of the Ministry of Economy and Trade in Lebanon, made a statement on behalf of the Minister of Economy and Trade, in which he expressed his deep thanks to ESCWA and ANND for their cooperation in organizing this important meeting. He noted that the international financial crisis proved the importance of giving the international economy more stability and justice without prejudice to its foundations in order to give all people the opportunity to share the gains generated by the multilateral trading system. He emphasized the importance for developing countries to be an effective partner in formulating the WTO decisions on fundamental issues, which requires the coordination of positions of those countries including the Arab countries, and deepen their understanding of the WTO agreements and regulations in order to define common interests. He added that Lebanon adopted a strategy for the process of accession to the WTO that takes into account two negotiation tracks, a multilateral track with all countries to ensure that the Lebanese trading system is in conformity with the WTO agreements, and a bilateral track in which negotiations took place on setting up a ceiling for customs tariffs on commodities and identifying services sectors for liberalization. He noted that the accession process is accompanied by a series of customs reforms and that a number of draft laws were submitted to the Government and the Parliament.

C. PARTICIPANTS

25. Participants in the meeting included representatives of concerned ministries in the Arab countries, civil society, and regional and international organizations, in addition to experts and scholars on issues related to the international trading system from the Arab region and other regions. The list of participants is provided in the annex to this report.

D. AGENDA

26. The agenda of the meeting included the following items:

1. Opening of the meeting.
2. First session:
 - Impact of the international financial and economic crisis on trade;
 - Impact of the international financial and economic crisis on the multilateral trading system;
 - Impact of the international financial and economic crisis on the ESCWA region: Amended Damascus Declaration;
 - Consequences of the international financial and economic crisis on trade sectors in the Arab countries.

3. Second session:
 - Impact of the international financial and economic crisis on the international trading system: different views;
 - Consequences of the international financial and economic crisis on the trade sectors in the Arab region from a private sector perspective;
 - Impact of the international financial and economic crisis on the Greater Arab Free Trade Area.
4. Third session:
 - Latest developments in the negotiations of the Doha Development Round: controversial issues on market access for non-agricultural products;
 - Latest developments in the Doha Development Round: overview;
 - Controversial issues on market access for non-agricultural products and the positions of developing countries including the Arab countries.
5. Fourth session:
 - Course of negotiations on the agreement on agriculture according to the Doha Development Round;
 - Controversial issues related to the agreement on agriculture with a focus on the Arab region.
6. Fifth session:
 - Trade facilitation and the WTO;
 - Towards a trade facilitation agreement and its implications for the Arab region;
 - Aid for Trade;
 - A reading of the Memorandum of the World Customs Organization.
7. Sixth session:
 - Course of negotiations in the framework of the Doha Development Round: controversial issues on the General Agreement on Trade in Services, and the positions of developing countries, including the Arab countries;
 - Controversial issues on the General Agreement on Trade in Services, with a focus on the Arab region: close overview;
 - Position of developing countries, including the Arab countries, on the liberalization of the movement of natural persons as the fourth mode of service supply;
 - Liberalization of financial services in the context of the international financial crisis: India case study.
8. Seventh session:
 - Course and mechanisms of the negotiations, and the role of the Arab countries within the framework of the WTO;
 - Course and mechanisms of the negotiations, and the role of the Arab group in the framework of the WTO;
 - Dealing with the international financial and economic crisis in the trade policies.
9. Conclusion of the meeting.

Annex*

LIST OF PARTICIPANTS

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