CHAPTER FOUR

PARTICIPATION – NEGOTIATING ENGAGEMENT

1. Introduction: The “Hang-Over” from the Uruguay Round

What was the level of African negotiating engagement/participation in the Doha Round in the period 2002–2010? In what structural settings were African WTO Members operative? How did their negotiating behaviour manifest in the various negotiating settings? What were their priority areas of focus? This chapter examines the participation of African WTO Members in relation to other Members in the Trade Negotiations Committee (TNC) and its subsidiary bodies. It assesses their level of engagement/participation by examining the number of chairmanships held, priority areas for African countries in the DDA negotiations, and the quantity and quality\(^1\) of submissions/proposals made. Based on reviewed data, the analysis in this chapter primarily compares the level of African WTO Members’ engagement/participation to Members from other regional groups. In addition, a comparison is made with participation in the two other core areas namely, regular committee work and the dispute settlement system. How did African Members’ participation in the Doha Round negotiations compare to their level of engagement in regular committee work and dispute settlement?

The participation of African Members in the Uruguay Round, under the GATT, was very low to non-existent. The vast majority of African countries were essentially “absent” and non-participatory in the Uruguay Round negotiations. At the coming into force of the WTO in 1995, African WTO Members were confronted with the “implementation challenge” of the substantive legal results of the Uruguay Round to which they were bound regardless of their level of engagement and whether they had fully understood those commitments. The common position of the African Group, more strongly elaborated in individual statements, was best summarized in the Abuja Ministerial Declaration, before the launch of the Doha Round in 2001. While they reaffirmed their commitment to the rules-based multilateral trading system, they concluded that the WTO and its Members

\(^1\) There is a “quality” question in contrast to the “quantity” of tabled proposals. The answer to this important question revolves around the factors of substantive content, attraction of consensus, and, eventual results at the dénouement of the Doha Round. Preliminary assessments are suggested in this chapter in the contrast drawn between quantity and quality of proposals.
needed to “respond in a manner that supports Africa’s development and integration into the MTS." They also concluded that, “…there is an urgent need for development issues to be put at the centre-stage at the WTO …addressing asymmetries in existing Agreements; …The objective should be the achievement of global growth and development for all Members, while decisively addressing the present inequities in the MTS.”2 (Emphasis added by author). Some African trade negotiators have alluded to these issues of imbalance and lack of fairness. (Ismail, Faizel, 2009)

Individual statements went further. The position was taken that the results of the eighth Round of multilateral trade negotiations were “unfair and unbalanced”. It was considered that international trade trends made evident their loss of trade share, “marginalization” and that the trading system needed to better respond to their development objectives. Some African trade negotiators have alluded to and summarized the various references characterizing the results of the Uruguay Round as unbalanced and against the interests of developing countries. Their writings also refer to lack of equity. (Ismail, Faizel, 2009).

With the background of a very low participation and engagement level in the Uruguay Round, African WTO Members sought to play a more active, engaged and participatory role in the Doha Round. Substantively, the broad, all-encompassing positions of African WTO Members have evolved in the course of the Round since 2001. They have adopted many declarations/decisions, which do not fully reveal individual African WTO Member differences. However, the Kigali (2004)3 Cairo (2005)4 and Addis Ababa (2009)5 Declarations best capture the common African Group positions in the Doha Round.

This chapter analyses the data to ascertain whether this objective for an activist engagement in the Doha Round has been achieved. The indices identified to objectively assess the level of engagement/participation were the following:

- number of DDA chairmanships,
- number and quality of individual and co-sponsored written proposals/submissions,
- number and quality of individual, co-sponsored and group written proposals/submissions
- interventions/oral statements6

A set of explanatory variables emerged from the analysis to suggest, and in some cases decisively, why the level of African WTO Members’ engagement/participation was either

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4 World Trade Organization, Cairo Declaration and Road Map on the Doha Work Programme, Cairo, Egypt, 5–9 June 2005, Communication from Rwanda, WT/L/612


6 This was only done for the TNC and not for its subsidiary bodies. From about 2007 the work in most negotiating bodies took place mainly in informal modes where no official records are kept.