

WTO: FROM SEATTLE TO DOHA (QATAR):

WHAT IS AT STAKE FOR SADC?

Seminar proceedings compiled by

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August 2001

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02/04/03 16:57

published by

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TABLE OF CONTENTS

	Page
Abbreviations.....	3
Declaration/Communiqué.....	4
Executive Summary.....	6
Opening Session	
Welcome address (Dr Moses Tekere).....	8
Opening address (Dr Medicine Masiwa).....	8
Keynote address (Dr Herbert Murerwa).....	10
Session 1 : Post Seattle Process	
1.1 South Africa's official Position and role in promoting the WTO and a new round	11
(Dot Keet)	
1.2 Implementation Concerns for developing countries.....	13
(Garth le Pere)	
1.3 African Concerns in the WTO and Implementation concerns for SADC.....	16
(B. Chidyausiku)	
Floor Discussion for the Session.....	18
Session 2 : The Geneva Process	
2.1 Progress in the Negotiations on services.....	19
(T. Chifamba)	
2.2 Progress in the Negotiations on Agriculture.....	21
(J. Mathende)	
2.3 Regional Initiatives-Case for Zimbabwe.....	23
(C. Mbegabolawe)	
Floor Discussion for the Session.....	25
Session 3 : The Qatar Ministerial Meeting:What is at Stake?	
3.1 Tariff and Non-Tariff Issues.....	26
(M. Tekere)	
3.2 Future Issues	27
(R. Thomas)	
3.LDCs Reject a New round for Doha.....	30
(Yash Tandon)	
Floor Discussion.....	32
Session 4 : SADC Strategic Interests And Expectations(Group Discussions)	
4.1 Outcome of group Discussions.....	33
4.2 Vote of Thanks.....	36
Annex 1 Workshop Programme.....	37
Annex 2 List of Participants.....	40

ABBREVIATIONS

WTO	World Trade Organisation
SADC	Southern Africa Development Community
MAI	Multilateral Agreements on Investment
URAs	Uruguay Round Agreements
DTI	Department of Trade and Industry
EU	European Union
3MC	Third Ministerial Conference
USA	United States of America
GEAR	Growth Employment and Redistribution Programme
UN	United Nations
SEATINI	Southern and East African Trade Information Negotiations Initiative
OAU	Organisation of African Unity
IMF	International Monetary Fund
WB	World bank
LDCs	Less Developed Countries
SDTs	Special and Differential Terms
RTAs	Regional Trade Agreements
TRIPS	Trade Related International property Rights
USTR	United States Trade Representative
CARICOM	Caribbean Community
NGOs	Non Governmental Organisations
COW	Conference of the Whole
UNCTAD	United Nations Commission on Trade and Development
NIFCs	Net Food-Importing countries
LMG	like-minded Group
COMESA	Common Market For Eastern and Southern Africa
CAP	Common Agriculture Policy
GATT	General Agreement On Tariffs and Trade
OECD	Oil Exporting Countries
SPS	Sanitary and Phytosanitary Standards
TBT	Technical Barriers to Trade
DSU	Dispute Settlement Unit
MFN	Most Favored Nation
NTCs	Non Trade Concerns
GMOs	Genetically Modified Organisms
LMO	Living Modified Organisms
NAFTA	North Atlantic Free Trade Area
CTE	Committee on Trade and Environment

DECLARATION/COMMUNIQUE

On the basis of close analysis of the existing agreements, new proposals and the issues arising, and with authoritative reports on current processes within the WTO, we the under-mentioned participants agreed that the overall approach for SADC to the WTO should be based on the following broad strategic positions:

1. On the implementation issues arising from the Uruguay Round and existing Uruguay Round Agreements (URAs)

These must be fully addressed before the next Ministerial meeting in Doha, Qatar, with firm and appropriate commitments by the Developed Countries to fully implement their undertakings made in Marrakesh in 1994. There must be clear arrangements and operationalisation of measures to enable developing and especially Least Developed Countries to cope with the challenging demands of the existing agreements and with the negotiation, review and other processes within the WTO.

Above all, implementation issues refer to the necessity to address the huge array of imbalances and many other problems within most of the URAs, such as on Anti-Dumping, Subsidies, TRIPS, SPS and many others. This also includes the necessity to operationalise and bind Special and Differential Treatment (SDTs) for developing and Least Developed Countries in all URAs, and to operationalise technology transfer terms within the Agreement on Trade Related Intellectual Property Rights (TRIPS).

2. On the mandated negotiations and reviews within the built-in-agenda carried over from the Uruguay Round

The current negotiations and reviews within the Built-in-Agenda, relating above all to agriculture (Agreement on Agriculture), Services (General Agreement on Trade in Services - GATS) and intellectual property rights (Trade Related Intellectual Property Rights – TRIPS) are each extremely complex in themselves, entailing very difficult simultaneous processes and carrying significant implications for our countries. As processes already underway, priority must be given to further research and analysis within our countries on the potentials and problems within these agreements and negotiations, with the formulation of our own effective proposals and negotiating strategies. These are essential preconditions for meaningful progress on these negotiations, which are priorities in and of themselves.

3. On ‘new issues’ and the future work programme in the WTO

We note that there is no consensus in SADC or Africa generally on the introduction of many new issues being promoted, formally and informally, by the Developed Countries as issues for negotiation in the WTO. These proposals are, above all, on investment conditions, competition policy, transparency in government procurement, environmental and labour standards, electronic commerce, bio-technology and others. We support the position that these issues should be confined to the current working group studies

within/between the WTO and other international agencies, to establish not only their 'links to trade' and therefore the appropriateness of their location within the WTO but, more fundamentally, their implications to the development needs and prospects in our countries. Furthermore, we are convinced that at this stage the addition of this growing range of 'new issues' would serve to further overload the already heavy agenda in the WTO facing SADC and African countries more generally.

EXECUTIVE SUMMARY

The workshop was organised by Trade and Development Studies Centre (Trades Centre) in conjunction with Friedrich Ebert Stiftung (FES), Institute for Global Dialogue (South Africa), Hivos and Zimtrade. The main objective of the workshop was to establish what is at stake for SADC countries as we approach the Qatar Ministerial meeting. The two-day workshop was characterized by intensive discussions, general debates and vital inputs from researchers, the ambassadors in Geneva, analysts and activists from within SADC. These delegates enlightened debate with first-hand information of what transpired at Seattle and what is currently happening within the WTO process.

These are some of the major issues that emerged from the deliberations:

- There is a growing pessimism concerning the WTO and the general neo-liberal philosophy.
- Global trade is not as smooth as assumed by the WTO, hence there should be more emphasis on fair than free trade.
- There are weak linkages among the capitals, those in Geneva and those at SADC, and this result in adoption of different positions at WTO.
- Negotiations on services at the regional level are lagging behind those at the multilateral level.
- There is need to set deadlines for negotiations in the context of an overall package.
- Developing countries are not yet ready for a new round because commitments in the previous rounds have not been achieved.
- If ever a new round is to be launched it should strictly be a market access based round and not new-issue based.
- Non-Trade Concerns should not be marginalized but treated as real issues.
- Regional initiatives should not be drafted so as to be WTO compatible, but WTO rules and arrangements should recognize and appreciate these initiatives.
- Developing countries should guard against developing "fall back positions" since these ultimately become "front line" positions.
- Developing countries need to be conversant with some of the tariff formulas used during negotiations
- Although the relationship between trade and the environment is complex, developing countries must strive to comply with international environmental standards both in the medium-to-long term.
- Even though the general feeling is that, issues of Investment, labour, etc should not belong to the WTO, developing countries still have to be pro-active and address these issues. They should be actively involved in the fashioning of Multilateral Agreements on Investments (MAI).

OPENING SESSION

(a) Welcome Remarks

Dr Moses Tekere, Director: Trade and Development Studies Centre

In his welcome address he recognized the joint organizers of the workshop as Zimtrade, Friedrich Ebert Stiftung, Hivos, and the Institute for Global Dialogue (IGD).

He pointed out that it is Trades Centre's belief that the economic renaissance of Southern Africa in the new Millennium will like never before, depend on the forces of globalisation, in particular the WTO. The region's success in the global arena will be determined by developing countries' ability and shrewdness to utilize the opportunities offered by globalization, defend their interests and mitigate adverse effects from globalization. To achieve this, SADC as a region needs to forward a plan and develop appropriate strategies from informed positions.

He highlighted the objectives of the workshop as;

- to examine post Seattle developments,
- to assess stakes facing SADC at the November 2001 Doha WTO Ministerial Meeting (in Qatar),
- to define SADC's strategic interests at the Doha meeting.

He also identified the business sector, policy makers, parliamentarians, academia, NGOs and the civil society, as the workshop's target group.

(b) Opening remarks

By Dr Medicine Masiwa, Project Co-ordinator (Friedrich Ebert Stiftung)

In his opening remarks he welcomed the participants and reiterated the importance of the workshop against the background of the Seattle collapse and pointed out that global trade is not as smooth as assumed by the developed world. He appreciated the confidence building measures announced by the WTO in trying to address developing countries concerns which include:

- specific initiatives to identify the difficulties facing developing countries, particularly Least Developed Countries in the WTO
- a comprehensive reassessment of technical co-operation and capacity building activities
- a separate mechanism to deal with implementation-related issues and concerns
- a dedicated process to seek improvements in the area of internal transparency and effective participation of all members.

It was also pointed out that, in addition to these confidence-building measures, the year 2000 saw the launch of the mandated negotiations on agriculture and services, which are key areas for developing countries. He also challenged SADC, not to be left behind, since

most members of WTO are known to take initiatives outside the formal WTO structure to promote the inclusion of issues of their interests in the post Doha negotiating agenda.

In concluding his address, he gave a brief outline of Friedrich-Ebert-Stiftung's concerns in developing countries as;

- The improvement of economic and social conditions of the populace
- The democratization of social structures
- The strengthening of free trade unions
- Regional and international co-operation
- The resolution of North-South conflict

(c) Keynote address

By Dr Herbert Murerwa, Minister of Industry and International Trade (Zimbabwe)

This address emphasized the need to draw lessons out of the failure of Seattle, during our preparation for the forthcoming Doha, Qatar Ministerial meeting. He viewed the pursuit of a "fair and equitable multilateral trading system" as a fundamental objective, which should underpin developing countries expectations of the WTO and should constitute the very *raison-d'etre* of its establishment.

This address traced the WTO through UR and Marrakesh and pointed out that some developing countries are now paying dearly because they signed what they did not understand. The developing countries now feel the consequences of the commitments to which they bound themselves, and are struggling to come to terms with some of the inequities, imbalances and anomalies now so clearly evident in the existing Agreements.

He expressed concern at the unwillingness of the developed countries to address previous WTO injustices and questioned their sincerity in adding more issues to the table. Such an approach and attitude constitutes a real recipe for a chronic misdirection of the WTO System, and ultimately the erosion of its credibility and its capacity to deliver a fair and equitable multilateral trading system.

He noted that the WTO, through its General Council, has finally acknowledged that a number of actions in respect of implementation need to be taken before, or by the time of the Doha meeting. Some of these issues include the question of reevaluating the aspect of Special and Differential Treatment; reviewing Annex VII of the Subsidies and Countervailing Measures Agreement; disciplines on export credits for the agricultural sector; implementing the technology transfer provisions under the TRIPS Agreement; allowing members room to provide affordable access to critical and life-saving medicines; public health and nutrition; achieving coherence in global economic policy making, etc.

He also pointed out that, despite the promises of meaningful liberalization in the textiles and clothing sector, actual implementation has been dismal. The developed countries to date have integrated only 4% of the restrained items. Testimony, by the Chairperson of the US Association of Importers of Textiles and Apparel, before the US House Subcommittee: on Trade reveals that, "during the first seven years of this ten year transition, fully 93% of the trade in textiles and apparel will remain restricted, fully 89% of the quotas on-clothing will remain in place till 1 January 2005". This shows how the awaited liberalisation scheme has been backloaded, and even then the major players are backtracking on their commitments. He also pointed out that, in some areas, where developing countries show competitiveness in certain products, innovative trade defense measures, including anti-dumping and anti-subsidy investigations are quickly initiated, thereby effectively crippling those fledgling export efforts.

The Minister pointed out that globally there is deep skepticism about introducing new

issues, when old ones are still unresolved. Such deep-rooted skepticism has been manifest at Seattle, Prague and recently in Genoa. It therefore is in the mutual interest of both the developed and developing countries that the WTO, like its sister institutions of the World Bank and IMF should be seen to be responsive to the concerns and interests of all its members.

He also noted that Zimbabwe's position on the new round is that countries should not be locked into a yes or no answer but debate should be moved into more substantive issues. Zimbabwe is therefore comfortable with the outcomes of the Trade Ministers meetings of SADC and COMESA on this issue; namely that we should focus ourselves on the agenda that will address the existing imbalances within the multilateral trading system. The Minister pointed out that "...the decide and declare now approach would be tantamount to putting the cart before the horse, or even worse providing everyone with a *carte blanche* to introduce into the round issues of their liking...". He also urged developing countries to avoid back door maneuvers by those trying to introduce non-trade related issues into the WTO, noting that these peoples' intentions lack in honesty and integrity.

Other issues of concern relate to negotiations in agriculture and trade in services, which are mandated anyway - and tariff peaks and tariff escalation to address bottlenecks in market access for industrial products of interest for developing countries. This is the platform on which we believe an agenda for the Doha meeting can be successfully discussed and negotiated. As you know consultations are presently continuing on these issues. He also highlighted the absence of regional consensus in areas such as trade and investment, competition and e-commerce, as well as government procurement and trade facilitation.

He reiterated the government's commitment to consult on the WTO process and emphasized that intergovernmental consultations should be based on views of all the stakeholders.

SESSION 1 : THE POST SEATTLE PROCESS

1.1 "South Africa's official position and role in promoting the World Trade Organization and a new round of Multilateral Trade negotiations"

By Dot Keet, Research Associate of the Alternative Information and Development Centre (AIDC) South Africa

Having been at Seattle both in the meetings and on the street, this presentation outlined how developing countries were kept out of crucial negotiations in the "Green Rooms". The presentation also reviewed South Africa's position in relation to the WTO, key African countries in the WTO and its position with the EU, and castigated its assertion that it can represent more accurately the views of developing countries. It pointed out that, from the start of the Seattle process, South Africa had emphasised to the rest of the Africa group that, while it acknowledged the official African 'Algiers' position, it was committed to the broader Geneva consensus-building process - meaning to produce a text

to guide the way to a new round. As with some other countries, South Africa also stated that it would operate on the principle that delegations were entitled to pursue their own national positions and strategic aims, but this had particularly marked significance in the case of South Africa because it was about to assume a controversial role and practice in the Seattle context.

In the context of an assessment of South Africa's influence on the African position, the paper highlighted that Africa maintained a non-committal position on a new round of negotiations and did not endorse South Africa's call for a new round. Unlike South Africa, the joint African position also explicitly maintained the broader developing country position for keeping the 'new issues' in ongoing 'study groups' and out of WTO negotiations.

The paper also reviewed South Africa's preparations for the Seattle meeting, and castigated it for throwing away considerable bargaining leverage by committing itself beforehand to a new round. Its strategy of developing "fall back positions" when entering negotiations was not spared either. It was also noted that South Africa's openly-declared strategic option is potentially self-defeating and certainly self-weakening both in conceptualization and implementation. This is due to the fact that such "fall back positions" ultimately become "front line" positions. It was also stressed that an effective negotiating team should understand the crucial importance of not showing their full intentions or aims beforehand, if at all. In fact, skilled negotiators know the importance of adopting advanced bargaining positions at the outset. Thus, the initial bargaining positions are not simply delaying tactics but fundamentally important negotiating strategies if used correctly.

South African government figures directly involved in preparing for Qatar continue to convey the impression of being supremely confident of the correctness and effectiveness of this country's position and role in the WTO. The paper noted that as recently as June this year, the Minister of Trade was still declaring that "we have been able to play quite an important catalyzing role for developing countries" in the WTO in "bringing together the bigger economies and the developing world". On the other hand, it is also very likely that South African spokespersons are engaged in an energetic propaganda campaign to convey the impression that their position is gaining ground. The paper also noted that South Africa has gone out on a limb on the WTO and has staked the credibility of its 'leadership role' not only in Africa but in the developing world as a whole, and it has to be seen by the major powers to be delivering on its claims.

Towards this end, the South African Minister is convinced that "you have to participate effectively" and that what's important is "the quality of the argument you can put forward, the ability to engage in discourse in a way that gets yourself heard". On the other hand, he also recognizes that "at the end of the day this has to be driven by some mobilization of power". In this, much depends on "the alliances you form" which, in the SA Minister's view, means the "common positions" developed with a "critical mass" of the other stronger countries identified by SA. This is what South Africa claims to be building on.

She noted that even though the Minister laments that the developing countries tend to “merely articulate extremely basic positions and very seldom get beyond that”, and the developing world “has not been able to operationalise its own unity”, it is legitimate to ask whether the positions of developing countries are indeed ‘very basic’ or perhaps tactically more skillful than South Africa’s approach - which could be described as tactically naïve and potentially self-defeating. Similarly, the lack of unity amongst the developing countries may also, in part, be due to South Africa’s own options and actions, or failures.

Overall the presentation viewed the WTO as “...a blunt and dangerous instrument used by the developed world for marginalization purposes...”. It also reiterated the need for developing countries to reject a new round until previous injustices and implementation concerns in the URA have been addressed fully.

The paper concluded by raising some pertinent questions regarding South Africa's assertions, options and roles:

- Is South Africa’s strategic approach and ‘leadership role’ a reality amongst the developing countries in the WTO, even those which SA has targeted?
- Is South Africa part of, and contributing to the ‘operationalisation of the unity of the developing countries’ to change the balance of power in the current global system; or is it providing leverage for the majors to further divide the developing world and play countries off against each other?
- Is South Africa’s focus and methods of operating in the WTO and in Africa conducive to advancing the aims and unity of the African countries; or is it exacerbating the weaknesses and susceptibilities within many African governments?
- Is South Africa contributing to a thoroughgoing interrogation of the functioning, the real role and systemic purpose of the WTO; or is it, through its own misconceptions and consequently incorrect decisions, acting to re-legitimize a thoroughly flawed institution?
- Is South Africa positioning itself and engaging internationally to benefit from, and contribute to, the growing movement of governmental and non-governmental forces throughout the world to challenge the iniquities and dangers of neo-liberal globalization - which South African government leaders often criticize; or is the SA government in the WTO and elsewhere, ‘realistically’ accommodating to it?

1.2 "Developing countries and the WTO; configuring a post-Seattle agenda"

By Dr Garth Le Pere, Director Institute of Global Dialogue (South Africa)

His presentation pointed out that the WTO has been muddling through since Seattle. He also noted that "...the 'built in' negotiations on agriculture and services have been treading water; and the 'implementation agenda' concerning the enforcement of Uruguay Round agreements in developing countries has made little progress, despite taking up much time in the WTO..". Momentum has been building to relaunch a new round in Qatar this November.

The input also noted that although developing countries account for rising shares of

world trade and also constitutes a larger bloc in an expanding WTO, there are increasing divergences among them. Firstly, only a minority in East Asia, Latin America have undertaken radical and sustained liberalization. The majority in Africa, the Middle East, South Asia and the former Soviet Union have divergence in the WTO: only a small minority of developing countries (mainly from East Asia and Latin America plus India and South Africa) play an active role in WTO negotiations and dispute settlement. The rest-- the majority of WTO membership-- have serious or seemingly intractable problems with policies at home and lack the resources and expertise to participate effectively in the WTO.

The paper highlighted the arguments in favor of a new round as:

- only a new round would be able to dig the WTO out of its present ditch;
- it would counter protectionist tendencies everywhere, particularly if the world economy slips into lower growth;
- it would countervail the recent proliferation of discriminatory regional trade agreements, which, if not checked, could turn into exclusive and increasingly protectionist trading blocs.

However, these arguments, on their own are not sufficiently compelling to launch a new round. For developing countries, a new round is only worth the effort if it is launched on the right terms. If not, no round is better than a bad one for the following reasons:

- The economic logic for WTO competition (anti-trust) rules is dubious at best and would needlessly impose another layer of international regulation on developing countries. For developing countries, saying NO to standards harmonization and dense, burdensome regulation on new non-trade issues should mean saying YES to a new round that is strictly focused on market access, that is, additional trade liberalisation. Rule-making negotiations should be equally market access-focused, especially in tightening anti-dumping procedures and making dispute settlement more user-friendly for developing countries.
- The EU is likely to push for the inclusion of "new issues" in the new round, most of which are not geared to advancing trade liberalisation

He also highlighted that, the overall objective must be to refocus the WTO on simple, transparent and nondiscriminatory rules for market access which require reversing the drift in the direction of standards harmonization and complex regulation. If developed countries are intent on undermining the WTO by cramming it with new non-trade issues and making it regulation heavy, it is bound to hinder rather than help more rational and credible national policies, particularly in the developing world. It follows that if developed countries and especially the EU are unwilling to restrict the new round to a market access agenda, then, to repeat, no round is better than a bad one.

On market access in Agriculture, the paper noted that developing countries need to ensure that the agreement on sanitary and phyto-sanitary measures does not become an ever-wider back door for protection: developed countries must not be allowed to restrict cheaper imports through the application of scientifically dubious food safety and other standards. The EU's Common Agricultural Policy (CAP) is, of course, the main obstacle

to overall progress. In the long term, the objective must be to integrate agriculture fully into the GATT, so that it is treated no differently to industrial goods (which is after all the position of the Cairns Group of agricultural exporters).

Overall, developing countries need to make substantially more commitment, particularly on 'commercial presence' (inward investment) and developed countries need to reciprocate with meaningful commitments on the 'movement of natural persons' (cross-border movement of temporary workers).

The presentation noted that trade among developing countries is severely hampered by their own high and differentiated tariff schedules. Developing countries must also narrow the gap between unilateral tariff liberalisation and their (higher-tariff) GATT bindings in order to give greater credibility to national trade policies. A classic GATT-style negotiation is therefore needed to reduce tariffs across-the-board.

Bureaucratic and corrupt customs procedures constitute one of the main barriers to trade, especially in developing countries. These and other 'red tape' obstacles to market access need to be tackled urgently.

According to him there is absolutely no sound poetical or economic rationale for discussing labour standards in the WTO. He pointed out that competition rules should not be a subject for negotiation; nor should investment rules, given the political sensitivity of it in some developing countries and the fact that unilateral liberalisation is in any case continuing apace.

It was also highlighted that many developing countries and particularly the least-developing countries (LDC's) are overburdened with the task of implementing complicated Uruguay Round agreements, especially on intellectual property protection (TRIPS), sanitary and phytosanitary measures (SPS) and technical barriers to trade (TBT). Implementation should be dealt with sympathetically on a flexible, case-by-case basis with substantially increased technical assistance.

He concluded by noting that the WTO is drifting in the wrong direction and that this is bound to continue if the new round is launched on the wrong terms. Essentially it is up to the more active developing countries in alliance with developed country partners such as Australia and New Zealand to make sure that the new round is strictly market access focused. These countries, it seems, realize that the WTO should be concerned solely with simple, transparent and non-discriminatory rules for market access. Only then can the WTO do its bit to help improve the economic policy environment and business climate within countries, particularly by buttressing the protection of private property rights and the enforcement of contracts in international transactions.

On the issues of GATS the presentation noted that developed countries stand to gain much by liberalisation of the service sector. With regard to market access it was noted that both developing and developed countries should reduce their tariffs. It also touched

on industrial tariffs and trade facilitation, and highlighted on the need to harmonize tariffs and eliminate bureaucratic trade procedures so as to enhance market access.

On new issues, the presentation was very clear that, these should be kept out of the WTO. If ever a new round is to be launched, it should strictly be a market access based round and not new-issue based.

1.3 "African Concerns in WTO and Implementation Concerns For SADC Countries"

By B. G. Chidyausiku, Zimbabwe Permanent representative to the UN and WTO

This presentation commended the workshop for its regional focus and expressed hope that such workshops will continue to be held region-wide, so as to provide essential inputs to negotiators.

Being the current Chairman of the African Group of Ambassadors to the WTO in Geneva, he reported that preparations for the Doha Conference are gathering steam at the continental level. The presentation gave an overview of the brainstorming session of African trade negotiators held in Addis Ababa and pointed out that the conclusions and recommendations represents "work in progress" and forms the basis of Africa's preparations for the meeting of African Trade Ministers to convene in Abuja, Nigeria from 19 - 21 September 2001.

He reiterated that Africa's concerns in the multilateral trading system are very real and need to be addressed urgently. Since the conclusion of the Uruguay Round of multilateral trade negotiations, Africa's share of world trade remains at around 2% and the structure of Africa's exports remains largely unchanged. This situation is made worse by the fall in commodity prices, limitations on market access conditions on products of export interest to Africa and the obvious negative impact on balance of payments.

This input viewed the challenges facing Africa as:

- The need to improve its rule-making work in the WTO, by negotiating for better market access
- The need to increase its share in world trade by addressing supply-side constraints.

Furthermore, it outlined Africa's implementation concerns as;

- capacity constraints to analyze, interpret URA as well as institutional constraints
- need to address the imbalance in the URA,
- need to operationalize and bind special and differential treatment, as well as technology transfer provisions in the URAs,
- need to improve market access conditions for African countries,
- need to see meaningful progress in the continuation of the reform process in the mandated negotiations of Agriculture and services,
- other systemic issues such as the review of the DSU to the decision making process and the question of transparency and participation of developing countries.

He emphasized the need for research on Africa's interests in WTO to be pro-active and coordinated and should be made available to the negotiators at Geneva. He noted that Africa's concerns are as much relevant to the SADC region as a whole as they are to individual members. These concerns include:

- The need to fully address the implementation issues that developing countries tabled in the pre-Seattle process. So far these have remained best-effort clauses; the need to improve market access conditions for African countries in key areas such as Agriculture, textiles, abuse of trade defense instruments such as the Agreement on Antidumping, Subsidies and Countervailing Measures as well as other Agreements such as SPS and TBT.
- The need to see meaningful progress in the continuation of the reform process in the Mandated Negotiations of Agriculture and Services as well as the Mandated Reviews. The Africa Group has prepared some joint proposals on Agriculture and they seek to address issues of Market Access; Domestic Support; Export competition and the Marrakesh Decision on LDC's and Net Food Importing Developing countries.
- The question of adequate, predictable and well-financed technical assistance by the WTO Secretariat. He also noted that the Africa Group is working on a proposal to increase the WTO technical cooperation budget with a view to increase the effectiveness of this core activity of the organization. He however noted that the provision of technical assistance is demand driven and it is therefore important for the Africa group to carefully examine and articulate the capacity constraints so that technical assistance programs are tailored to address these needs.
- A number of systemic issues also need to be addressed. These range from the DSU review to the Decision-making process in the WTO, particularly the question of transparency and participation of developing countries.

The presentation also outlined "New Issues" to include the following: Trade and Investment; Trade and Competition; Policy; Transparency in Government Procurement; Trade and Environment; and Trade and Labour Standards. He noted that there is no consensus on how to deal with these issues in the Africa Group, and hinted that the position of the majority of African countries has not changed from the pre-Seattle stance. The Africa Group argues that these issues should not be on the WTO agenda for the reasons that:

- They are not within WTO competence in developing multilateral rules;
- Members are not convinced that negotiations in these areas would deliver benefits to African countries;
- They would add more burdens of obligations, while the problems of implementing the Uruguay Round Agreements continue;
- They would overload the WTO agenda; and
- The proposals from the proponents and their implications lack clarity.

The Africa Group together with other developing countries has also identified a set of issues, which they want to see addressed. In fact these issues are not altogether new as they were partly considered, although later sidelined during the Uruguay Round Negotiations. He also noted that the Africa Group is working on proposals to establish Working Groups on: Trade and Debt; Trade and Finance; Transfer of Technology; and

Trade and Commodities. These are issues which they want to see addressed. Consultations are underway with other developing country regions on the technical inputs to these proposals.

The presentation reiterated that the consensus in the Africa group is that new issues should not be on the WTO agenda until such a time developing countries have capacity. It was also noted that developing countries have established working groups to look at issues they want addressed; and these include trade and debt, trade and finance, transfer technology etc.

It concluded by emphasizing that developmental concerns should form the core of the WTO.

1.4 Floor Discussion for the Session

- Some participants wanted to know what developing countries are doing to argue for more time to consider the raised issues. This is against the background that developed countries are not maintaining their commitments and are also allowing themselves more time to consider these issues. The presenter, in his response noted that at Marrakech the developing countries gave themselves 5 years on Agriculture to negotiate and not to implement. Therefore we should not be pushed into adding new issues on the agenda. ACP countries should clamour for development-linked time frames and not just thump-suck figures such as 5years, 10years etc.
- One of the presenters also asked on how the NGOs and governments can develop a mutually beneficial agenda, which the government can also appreciate. Another participant asked on the sincerity of these NGOs in developing countries given their northern origins and their poor understanding of developing countries concerns. In their response the participants and representatives of NGOs present argued that tactically it is upon governments to know how to use its NGOs since they are always prepared to assist the government. They also emphasized that it is the people in developing countries who are setting the agenda and NGOs in the North can at best complement that agenda.
- Some participant asked on what should be done given that Africa's share in world trade is 2% (according to an earlier presentation)?. The response attributed this low share to trade barriers in the European countries, so Africa should continue pressing for market access.
- It was also noted that the developed countries major interest in a new round stems from the fact that these countries have excesses of goods and capital so they are looking for new markets as well as expanding existing ones.
- It was also highlighted that there exist weak linkages among the Capitals, those in Geneva and those at SADC
- It was also highlighted that developing countries should not be the first ones to advocate for a new round since they are not the demanders, but should advocate for a development tied approach.

SESSION 2 : THE GENEVA PROCESS

2.1 "Progress in the negotiations on services : talking points on GATS negotiations"

By Tadeous Chifamba, Minister Counselor, Deputy Permanent Representative to the United Nations

The presentation noted that Seattle was supposed to launch a new round of MTN to coincide with the Built-in-Agenda/Mandated negotiations. It gave an overview of Article XIX of GATS and what it says on services. The article states that:

"In pursuance of the objectives of this Agreement, Members shall enter into successive rounds of negotiations, beginning not later than five years from the date of entry into force of the WTO Agreement and periodically thereafter, with a view to achieving a progressively higher level of liberalization. Such negotiations shall be directed to the reduction or elimination of the adverse effects on trade in services of measures as a means of providing effective market access. This process shall take place with a view to promoting the interests of all participants on a mutually advantageous basis and to securing an overall balance of debts and obligations.

The process of liberalization shall take place with due respect for national policy objectives and the level of development of individual Members, both overall and in individual sectors. There shall be appropriate flexibility for individual developing country members for opening fewer sectors, liberalizing fewer types of transactions, progressively extending market access in line with their development situation and, when making access to their markets available to foreign service suppliers, attaching to such access conditions aimed at achieving the objectives referred to in Article IV.

For each round, negotiating guidelines and procedures shall be established. For the purposes of establishing such guidelines, the Council for Trade in Services shall carry out an assessment of trade in services in overall terms and on a sectoral basis with reference to the objectives to this Agreement, including those set out in paragraph 1 of Article IV. Negotiating guidelines shall establish modalities for the treatment of liberalization undertaken autonomously by members since previous negotiations, as well as for the special treatment for least developed country Members under the provisions of paragraph 3 of Article IV.

The process of progressive liberalization shall be advanced in each such round through bilateral, plurilateral or multilateral negotiations directed towards increasing the general level of specific commitments undertaken by Members under this Agreement."

Article IV entitled "Increasing Participation of Developing Countries", stipulates that "the increasing participation of developing country members in world trade shall be facilitated through negotiated specific commitments, by different Members pursuant to Parts III and IV of this Agreement, relating to:

- the strengthening of their domestic services capacity and its efficiency and competitiveness, *inter alia* through access to technology on a commercial basis;
- the improvement of their access to distribution channels and information networks; and
- the liberalization of market access in sectors and modes of supply of export interest to developing countries.

He pointed out that currently negotiations are in the second phase. The first phase, which ran up to March 2001, focused on the development of Negotiating Guidelines and Procedures (Article XIX.3). This task was completed. The language of the Guidelines is largely derived from Articles IV and XIX, which have been arranged in 3 broad topics of OBJECTIVES, SCOPE and MODALITIES.

It was also noted that GATS has a built-in agenda on Article VI Domestic Regulation, Article X Emergency Safeguards; Article XIII Government Procurement and Article XV Subsidies. Negotiations on the built-in agenda are progressing very slowly. As can be noted from the Guidelines, a deadline is only for Emergency Safeguard (March 2002), the other two are open.

The second phase of negotiations is largely focused on sectoral and horizontal proposals. He highlighted that to date there are more than 80 proposals and most of them are from developed countries. The proposals cover the following sectors: Accounting; Architectural; Engineering; Audio-visual; Business; Computer-related; Construction-related; Distribution; Education; Energy; Oil, and Gas; Environmental; Financial; Legal; Logistics-related; Movement of Natural Persons; Postal; Express Delivery; Professional; Telecommunications; Tourism; Air Transport; Land Transport; Maritime. Also highlighted was the fact that new sectors are being added, for example the Swiss, who have recently tabled a proposal on Sporting Services.

It was also noted that the nature of proposals more-or-less follow a uniform format: Objectives, Sectoral coverage; Scheduling; Current Barriers; Existing Regulations; MFN Exemptions and other policy issues. Generally, proposals from developed countries do not differentiate between developed and developing countries and focus on Modes 1 & 3 as well as Regulations. As a result no attempt to implement Article IV and Article XIX -i.e. departure from Negotiating Guidelines.

He emphasized that the challenge for developing countries is to ensure protection of and from GATS architecture. SADC so far has held three regional meetings on Services. Its priority sectors are Telecoms, Tourism, Transport and Finance, Construction, Energy. He expressed concern that negotiations at the regional level are moving at a much slower pace than multilateral level.

In conclusion the presentation highlighted these as its expectations from Ministers at Doha;

- for them to take note of progress to date

- they should take a decision on operationalisation of Articles IV and XIX that is give more weight especially on agriculture
- establish linkages with other negotiations especially on agriculture
- should set deadlines for negotiations in the context of an overall package

2.2 "Progress and Problems In Negotiations In Agriculture"

By Julius Mathende, Principal agricultural Economist in the Ministry of lands, Agriculture and rural resettlement, Zimbabwe.

This presentation gave a background of the Seattle conference and contentious issues such as special and differentiated treatment, labour issues, multifunctionality, biotechnology and special safeguard measures. The presentation noted that the bone of contention on market access was that many Developing Countries had autonomously liberalized their economies under Structural Adjustment Programmes and as such experienced large imports from Developed Countries without a corresponding rise in their exports under the implementation period. This skewed distribution of gains from reforms exacerbated disparities whereas the thrust was to enhance equity. He highlighted that the general feeling within developing country circles is therefore that policies of the Bretton Woods Institutions and commitments made in the WTO mutually reinforced to marginalize developing countries.

It noted that the special and differential treatment, which was meant to provide a cushion against these shocks, did not operate effectively. Developing Countries therefore resisted further opening up of their markets without more meaningful market access or special and differential treatment from Developed Countries. On the other hand Developed Countries seemed to be adamant that WTO commitments are independent from Bretton Woods Institutions policies.

On the labor issue he noted that it is the United States of America who brought up this issue. America's argument was that the low labour standards in Developing Countries compromised the competitiveness of countries with high labour standards resulting in investment flight from Developed Countries to Developing Countries. Allegations of child labour were also put forward on this subject. In support of this argument America advocated for harmonization of labour standards. On the contrary Developing Countries argued that their major competitive strength lie on low labour costs. They further argued that the labour issue belongs to the International Labour Organization and as such it should not be brought into the WTO.

The European Union and Japan initiated the multifunctionality concept. The European Union's argument is that agriculture plays a major role in terms of preserving rural environment and culture. This implies that more subsidies should be poured into the sector in order to preserve its social and physical structure. However, the current thinking within some Developing Countries is that provision of domestic support should only be by Developing Countries for purposes of rural development, agrarian reform, food security and employment creation - all these falling under the special and differential treatment.

The biotechnology issue lends its background to disputes between the European Union and United States of America over bans by the former on American genetically engineered products on allegations of environmental and healthy risky. The Americans brought the issue to the Seattle meeting with the intention of putting it into a new round of negotiations. The European Union vehemently rejected the proposal. She even made negotiations more complex by tying her offers in agriculture to negotiations on investment and services.

On the issue of the special safeguard provision, he pointed out that the current problem is that most Developed Countries who have the facility are using it against Developing Countries who do not have the facility. Developing Countries have therefore argued that this facility should only be reserved for Least Developed and Developing Countries.

On the progress of negotiations in agriculture the paper noted that, current negotiations have been conducted under informal special sessions of the Committee of the Whole (Committee on Agriculture). This was meant to ensure maximum consultation and avoid "Green Rooms." The negotiations have been conducted in stages with the first stage running from March 2000 to March 2001. The second stage commenced in April 2001 and will run up to March 2002.

The input also reported that under the first stage of the negotiations, activities centered on making proposals on issues to be negotiated and passing comments on these proposals. The presentations were on market access, export competition, domestic support, special and differential treatment and non-trade concerns. About 47 papers were presented by 125 countries over six meetings. This stage of the negotiation was characterized by high levels of participation right across the board. It led into the successful crafting of the agenda for the second stage of the negotiations.

The first stage of negotiations made several achievements. Firstly following the collapse of the Seattle negotiations the WTO established a new General Council and resuscitated negotiations in agriculture in March 2000. In order to enhance participation negotiations were undertaken in informal special sessions. This approach enhanced confidence through its limited use of "Green Rooms" or enhanced transparency. There was wider participation by developing countries and live discussions. Many proposals were presented and discussed widely.

He also touched on areas of commonality or convergence among members with respect to agriculture. These include:

- the need for a legal framework within which negotiations can take place
- need to respect non trade concerns such as food security, rural development and environmental management
- need to accord special and differentiated treatment to developing countries and the need to improve market access.

The presentation also highlighted on areas of divergent opinion to include;

- lack of consensus on how reductions on domestic support should be handled

- lack of consensus on whether geographical indicators or regional [country] area specific product should be extended to agriculture, and in the light of GMOs,
- no consensus on food safety and even a new round on agriculture.
- On the issue of export competition through subsidies, some countries feel subsidies should be eliminated whilst others feel they should be maintained

The paper concluded by noting that even though some of the Seattle issues remain unresolved, new issues that have the potential to make the Qatar meeting explosive, have emerged. The debate on whether the Qatar Ministerial Conference should mandate a broad round or not remains unresolved. If Qatar mandates a broad round of negotiations it is imminent that some members will inter-link negotiations/offers in different sectors. This may lead the negotiations into a deadlock.

2.3 "Regional Initiatives--Case for Zimbabwe"

By Carlson Mbegabolawe, Ministry of Industry and International Trade

This input gave an analysis of Regional Initiatives in which Zimbabwe is involved and which are relevant to the WTO and the ongoing debate, and the attendant challenges especially of coherence in negotiations, policy approach and developmental challenges.

It outlined the Relevant Initiatives to include SADC, COMESA, RIFF i.e. the former CBI as originally conceived and ACP-EU and pointed out that the main focus should be on SADC and COMESA, since these Regional Integration Arrangements cover political-socio-economic areas.

He pointed out that the ACP-EU co-operation, as it is today in the form of a transitional arrangement towards a different future arrangement can hardly fit into the category of regional initiatives. However should Zimbabwe craft a new agreement with the EU as agreed under the Cotonou Agreement, then this will constitute a kind of regional initiative which could be considered relevant to our analysis. He pointed out that, one of the challenges facing both SADC and COMESA members is the possibility that the negotiations under the Cotonou Agreement and the WTO might coincide or run in parallel, thus complicating an already complex situation. This is particularly so in view of the many aspects of the Cotonou Agreement, which also feature under the current WTO disciplines (e.g. Services, TRIPS, SPS, TBT) or those being discussed (Competition, Environment and trade and labour standards).

Regional integration arrangements such as those under SADC and COMESA go fundamentally beyond the reach of a trading arrangement such as the WTO, and address fundamental socio-economic developmental issues. He emphasized that the WTO should not be used to curtail or undermine regional integration initiatives of developing countries by demanding that their regional trade arrangements conform to the WTO disciplines of Article XXIV. Rather that Article itself should be redrafted in order to facilitate the regional integration and developmental exigencies of these countries.

It was also noted that in their efforts to create regional free trade areas, both SADC and

COMESA do not in any significant way attempt to go beyond the WTO Agreements, be it in terms of scope or extent of liberalisation. He argued that in both the Trade Instruments of the two organizations many disciplines of the WTO are mirrored or emulated, e.g. anti-dumping, subsidies and countervailing, safeguards, sanitary and phytosanitary measures as well as in the case of the SADC Trade Protocol, intellectual property and trade in services, and for both regional organizations-one of the so-called new areas: competition policies and investment (SADC). However there are no specific operational provisions regarding these matters: e.g. Article 22 of the SADC Trade Protocol calls on members to adopt policies and implement measures that would promote an open cross-border investment regime with a view to enhancing economic development, diversification and industrialization; Article 162 of the COMESA Treaty requests Member States to accede to multilateral agreements on investment dispute resolution and guarantee arrangements as a means of creating a conducive climate for investment promotion.

Under the Trade Protocol, member states are called upon to adopt policies and implement measures on intellectual property rights and trade in services, which are in accordance with the members' obligations as per the TRIPS and GATS Agreements. There are no parallel provisions on these two areas under COMESA. He also noted that the two Trade Arrangements are still to address the two other tripods of the WTO Agreement: Services and TRIPS Agreements.

He pointed out that the approaches in time frames differ between COMESA and SADC, and this can be attributed to the nature of the membership of the two regional bodies. In COMESA, all the members are indisputably developing countries (although some are classified as least developed-LDCs), and therefore can be expected to assume fairly equal commitments. Indeed this has proved to be case in the achievement of the Free Trade Area on 31 October 2000: a seemingly diverse group of countries: Egypt, Sudan, Mauritius, Malawi, Kenya, Zambia and Zimbabwe met the deadline. In the case of SADC, however South Africa has always presented a different dimension since its status is variable: i.e. whether and by whom it is considered a developing or developed country. For purposes of negotiations of the SADC Trade Protocol, in order to achieve a Free Trade Area by 2008, South Africa and its SACU partners were considered a developed group, and therefore subject to a faster pace to liberalise (front-load), while developing countries like Zimbabwe and Mauritius would liberalise at a slower pace (middle-load), and the least developed countries outside SACU would back-load their tariff liberalisation until towards the end of the phase-in deadline. In terms of the scope of products to be liberalized, member States categorized these products into four: Category A (to be fully liberalized immediately upon implementation of the Protocol); Category B, intermediate and gradual liberalisation; Category C and E, sensitive products to be liberalized beyond the phase-in period of 2008 but up to 2012, or to be excluded altogether (exclusions).

The paper also questioned the wisdom of developing countries, especially within SADC, in pushing the issue of industrial tariffs when it is likely that once negotiations start the developed countries will use their negotiation muscle and other methods to get deeper

tariff cuts that could render gradual liberalisation programs as adopted under the SADC Trade Protocol meaningless. As a negotiation tactic, it is therefore vital to determine the demanders on this matter, i.e. whether SADC members will be expected to give or take during negotiations, and hence the rationale for offering this matter up-front without any potential down payment or horse-trading by the other party.

The presentation highlighted on the trade protocol under SADC and the trade programme under COMESA. Although the trade instruments of both SADC and COMESA are WTO compatible, regional initiatives should not be drafted so as to be WTO compatible but WTO rules and arrangements should recognize and appreciate regional initiatives.

He emphasised on the fact that trade components should not be divorced from the other aspects of regional integration. He also noted that the challenge to Zimbabwe just like any other country is how to defend regional initiatives against the background of onslaught of it by the multilateral process under WTO.

2.4 Floor Discussions for the Session

- A participant asked on what an earlier presenter meant by saying "we gave a lot during the URAs" and what should have been done?. The presenter argued that developing countries gave a lot because they did not fully comprehend what the agreement was all about, and what we should have done was to fully comprehend the issues before signing.
- One of the presenters highlighted that in Geneva their work is made difficult by lack of statistics on trade in services in the region. He asked whether any of the universities or research institutions are looking at that. This was taken as a research challenge by the participants and they promised to look at it.
- On the issue of cross-linkage of offers, the participants emphasized that developing countries should not link old issues with new ones.
- Concerning multi-functionality it was agreed that this issue should not be subjected to the discipline of free trade.
- On the issue of services, it was also highlighted that since the developing countries are not the demanders, it would only make sense if liberalization is done regionally first.
- It also emerged that the developing countries need to understand and demystify the complex language used by the developed world. For example when the developed countries talk of "market access" they mean "market penetration".
- The Special and Differential agreement should not be "best endeavor", but operationalised. There is thus a need to move away from "may" to "shall" and "will".

SESSION 3 : THE QATAR AGENDA; WHAT IS AT STAKE

3.1. "Tariff Concessions in The Context of WTO Negotiations".

By Moses Tekere, Director Trade and Development Studies Center

On tariff and non-tariff issues, the presentation highlighted the problem areas for developing countries as "dirty tariffication", tariff peaks, tariff escalation, tariff dispersion, detailed tariff classification, nuisance tariffs, erosion of preferences, and addressing supply-side constraints.

The main emphasis of this input was that tariff concessions by African negotiators within the context of the WTO should primarily serve national and regional developmental objectives, be consistent with regional integration policies, be taken in cognizant of supply constraints in African countries and should serve as means to an end.

It also reviewed at length, approaches used to calculate tariffs and emphasized that developing countries should be familiar with these approaches so as to strengthen their negotiating position. These approaches include; the formula approach, the sectoral approach, bilateral approaches, harmonization approaches.

On Special and Differential treatment, the presentation highlighted that the issue is providing a negative incentive because countries now rush to be considered as LDCs so as to enjoy the many preferences which go with this status.

The presentation also highlighted areas of negotiation emphasis for African countries. It pointed out that African countries should seek strategic alliances with other developing countries and issues they should push for in terms of tariffs, concessions, and market access include the following;

- African countries should seek to get credit for autonomous liberalization they are taking as part of SAPs as well as commitments they have entered into regionally such as in COMESA where they are going for zero duty in October 2000.
- On request and offer basis African countries should be given tariff concessions in areas of export interests to them. There however should be scope for asymmetry in these negotiations where African countries do not have to offer zero-for-zero but with room for zero-for-five instead
- Target tariffs on 'grand father or grand mother industries' e.g. textile, clothing iron and steel in industrialized countries [US Japan and EU] which continue to receive protection through various incentives. African countries have potential to expand its iron and steel exports to the region and overseas if incidence of tariff peaks and tariff escalation on these products are removed.
- Unconditional non-reciprocal duty free and bound rates and access for all African countries industrial exports to industrialized countries.
- African countries and other developing countries should refuse formulas that lead to same end points e.g. zero-for-zero approach because they loose the advantage of asymmetrical liberalization. Rather they should invoke the S&D and go for zero -for -ten or for something other than zero-for-zero tariff reductions.

- Focus on NTBs affecting market access for African countries industrial exports despite the low tariffs industrialized countries have on industrial exports. A good example is the US ruling on minimum local content requirements on manufactured tobacco in the US. These could be used as bargaining chips.
- Simplification of the tariff structure and rationalization of rates i.e. to convert specific rates to ad valorem rates so as to increase transparency
- Extend the coverage of tariff reductions to include agriculture i.e. industrial plus
- There is need to push for a modality for crediting autonomous liberalization by that African countries is taking on its on within the framework of structural adjustment.
- Push for a commitment on S&D in particular binding of GSP rates
- Assess the possible gains and costs from liberalization of industrial products. Liberalization should only be done if there are perceivable or concrete gains for African countries [quid pro-quo].
- Liberalization of industrial tariffs should serve regional integration processes in developing countries. *"ECOWAS, SADC or COMESA first principle"*. Tie and harmonize African countries tariff liberalization to commitment in RECs
- Offer to bind rates at lower rates in those tariff lines where rates are already low as a signal to potential investors
- Push for limited round.

3.2 "The 2001 (Doha) Qatar 4th Ministerial Meeting: What Is At Stake for SADC Regarding Future Issues In The WTO Negotiations"

By Rosalind H. Thomas, Manager: Risk Management Unit, Development Bank of Southern Africa

This presentation outlined the future issues as Regionalism, Trade and the Environment, Trade and Investment, competition policy, government procurement, e-commerce, trade and labor rights. It noted that regionalism and multilateral integration initiatives should be viewed as complements, rather than alternatives. It also pointed out that SADC states should be clear on how they would like to see Article XXIV of WTO reformed to permit greater flexibility in interpretation. It was also highlighted that SADC members' participation in any future discussions should center on the features of and rules governing Regional Integration Agreements (RIAs).

On trade measures, which affect the environment, the paper argued that trade restrictions are not the best way, but measures which assist countries acquire environmentally-friendly technology. Although the relationship between trade and the environment is complex, developing countries should strive to comply with international environmental standards both in the medium-to-long-term. The paper also emphasized on the need for fairness in the multilateral process as well as transparency in government procurement.

On the issue of Eco-Labeling, she noted that the recent practice of labeling environmentally-friendly products is viewed as an important environmental policy instrument. The WTO's position on this practice is that labeling requirements and practices should not discriminate between trading partners (i.e. MFN treatment should

apply) or between domestically-produced goods and services (national treatment). The paper also noted that further discussion is however needed within the CTE on how to deal with labeling which is used to describe whether the way a product has been produced (as opposed to the product itself) is environmentally-friendly. But in doing so, they should recall that while it is important to support environmentally-sound production processes, that in doing so they should not be demanding 'first world' approaches to their domestic environmental problems that could have huge social ramifications (unemployment and poverty exacerbation) in developing countries. But should adopt a 'social justice' approach which ties in environmentally-friendly technology transfer and training to investment and trade and development strategies.

It was also highlighted that if multilateral rules on FDI are to be developed so as to apply chiefly to developing countries, then it stands to reason that the latter should be actively involved in fashioning them, that they participate in the deliberations, and help to formulate the principles and rules. This is especially critical if the rules established are to govern the way in which FDI and more specifically, TNCs and other players seeking to invest in their territories, are treated.

The presentation reiterated the need for developing countries to work towards influencing the outcome not only of new WTO rules, but also of existing rules, which as currently drafted, can be interpreted inflexibly as to impact negatively on their own development aspirations..

It highlighted on the links between Investment and trade, Investment and liberalization and it called on SADC to harmonize its position on some investment issues. To attract the necessary investments needed for its development, SADC states need to embrace clearer rules around investment (including macroeconomic reform and stability). In this regard and within SADC, most countries have concluded bilateral investment treaties with several developed countries. Most of these are with Western European countries. All of the SADC States have acceded to one or more of the several multilateral investment protection treaties that currently exist, especially MIGA and ICSID.

According to her, SADC governments in particular need to adopt a common position with some flexibility to accommodate differences in nuance, around the following investment issues:

- consensus in favor of a more open multilateral regime for FDI
- substantially reduced discrimination between domestic investment and FDI
- substantially reduced government control over FDI flows
- improved independent regulation of global FDI flows, especially PFI flows
- structuring openness to achieve increased net inflows of FDI to the SADC region
- temporary preferential treatment for South-South FDI flows
- temporary preferential treatment for FDI flows into the SADC region (and by that same token, the rest of Africa)
- temporary preferential treatment for intra-regional flows (from capital surplus countries like Botswana, Mauritius and South Africa into the rest of SADC - in this

respect, Botswana in particular, needs to adopt a less risk-averse approach to investing in the region)

- shift from special incentives to attract FDI to improving basic regimes
- progressive reduction of discriminatory taxes on FDI flows.

Other issues that they may wish to include for consideration, and therefore actively pursue in negotiations with the North within the WTO, include the following:

- strengthening North-South intra-industry (trade related) FDI
- strengthening North-South sub-contracting/technology transfer through FDI
- reduced recipient conditionality on FDI (i.e. maintaining performance requirements only where they are absolutely essential)
- preference for genuine FDI flows vs. FDI/FPI aimed at corporate take-overs
- redefinition of FDI to capture actual flows rather than stock accumulation · exclusion of domestic resource expansion as signifying increased FDI · easier/less costly access for Southern MNEs
- preferential access of Southern financial firms to Northern financial markets
- easier entry requirements of Southern MNE executives into Northern markets
- symmetrical liberalisation of global FDI regimes
- improved anti-monopoly and pro-competition regulation at the global level
- progressive movement toward open capital accounts globally
- progressive movement to free global markets for all factors (including labour)
- establishment of independent arbitration venues for international investors
- progressive reduction of arbitrage differentials in global tax regimes.¹⁹

With regard to Labour issues the presentation noted that these issues are not for WTO discussions and no work is being carried out within that forum on this matter. It however highlighted that the main concern has arisen in the context of what is termed "core labour standards". These are essential standards applied to the way workers are treated, and covers a wide range of concerns including child labour, forced labour and includes the right to organize trade unions and to strike.

However, SADC states cannot ignore the fact that labour issues - e.g., child labour can and does become an issue for consumers in the First World who would find it abhorrent that children "are being exploited" by MNCs for the profit motive. These issues have to be viewed in all their relevant contexts

¹⁹ List adopted with some revisions from P.S. Mistry's comments, *op. cit.* note 15, pp.3-4

3.3 "LDCs Reject A New Round For Doha"

By Professor Yash Tandon, Director SEATINI

This input highlighted and gave an overview (report back) of the Least Developing Countries (LDCs) meeting in Zanzibar, held between 22-24 July 2001, Professor Tandon pointed out that at that meeting the LDCs showed remarkable unity, by declaring in a decisive manner that they were not ready to get into a new round of trade negotiations at Doha.

Also highlighted was the fact that, ever since the fateful collapse of the Seattle meeting of the WTO the developed countries, especially the European Union, have been trying to persuade the LDCs that their interests were best served by agreeing to a new round. It was pointed out that at Zanzibar the LDCs were unanimous in declaring "... the scope of future multilateral trade negotiations will have to take into account the inability of LDCs to participate effectively in negotiations on a broad agenda and implement new obligations due to the well-known limited capacity of the LDCs.' (LDCs' Development Agenda at the Fourth WTO Ministerial Conference Negotiating Objectives and Proposals -LDC/MM/ZNZ/3, 24 July 2001).

Explaining this further Professor Tandon noted that the Minister for Industry and Trade of Tanzania, Iddi Simba, who Chaired the meeting expressed strong reservations about a new round ,emphasizing that implementation issues of the Uruguay Round should first be addressed. Among these reasons, Minister Simba explained, was the fear that once they get into binding commitments, the LDCs might find themselves at the sanctions end of the process. He also highlighted the need to take great care when getting into new obligations; and emphasized that developing countries must not succumb to the pressure for rushing into a new round which most cannot even define, since the magnitude of responsibilities emanating from the Multilateral Trading System (MTS) are usually immense

In the final text containing "Negotiating Objectives and Proposals" the LDC delegates focused their agenda primarily on three issues: market access, implementation, and the "built-in agenda". The one issue on market access that engaged the delegates was the issue of Rules of Origin. Bangladesh, supported by Nepal and Bhutan, argued that these should be "liberalized" so as to ensure a full and effective utilization of preferences. Stringent regulations on Rules of Origin, they argued, made it impossible for LDCs to take advantage of the preferences. He also pointed out that many delegates were opposed to the word "liberalized". After lengthy discussion, it was agreed to substitute the word "realistic and flexible" for the word "liberalize", thus ensuring consensus on the one issue that looked like breaking the unity of the LDC group. It was also agreed that wherever the word "liberalized" occurred in the text, it should be substituted by a more appropriate terminology. The chairman explained that liberalization, in the case of many LDCs has led to de-industrialization and increasing poverty and unemployment. Liberalisation, it appears, has become another dirty word in the vocabulary of the LDCs, and the developing countries generally.

On implementation, Professor Tandon also noted that the delegates identified a number of issues where they hoped 'significant movement' would be made "before, during and after the Doha Conference". These issues included outstanding commitments made by the developed countries in relation to Agriculture, Services, subsidies, SPS and TBT, Textiles, TRIMS, TRIMS, Customs Valuation, Anti-dumping and countervailing actions, and Safeguards. On the last issue, the delegates proposed: "LDCs should be exempted from all safeguard actions. LDCs that are implementing safeguard actions should be exempted from undertaking compensatory measures."

On Built-in Agenda, which is part of the mandated agenda for Doha, Professor Tandon explained that the LDCs defined their negotiating positions in respect of Agriculture, Trade in Services and TRIPS, and noted that some of the provisions of TRIPS - Trade-Related Intellectual Property Rights - are coming for review at Doha. The LDCs took the position that in relation to Article 27.3b of TRIPs, the review process should clarify that plants, animals and parts of plants and animals, including gene sequences and biological processes for the production of plants, animals and their parts, "must not be granted patents." This is a clear and decisive demand for the unpatentability of living organisms. The delegates also declared: "Essential drugs included in the WHO list should be excluded from patentability."

It was also noted that the assembled delegates in Zanzibar included many LDC countries that are not yet members of the WTO. Many are at various stages of application or negotiations for accession, but ever since 1997 few LDCs have secured membership on account of cumbersome, onerous and stringent rules of entry. At Zanzibar the LDCs proposed, inter alia: "In view of LDCs' special economic situation and their development, financial and trade needs, WTO members should exercise restraint in seeking concessions in the bilateral accession negotiations on market access for goods and services in keeping with the letter and spirit of the provisions of the Ministerial Decision on Measures in favor of the Least Developed Countries."

In all these proposals coming up for negotiations in Doha, Professor Tandon pointed out that the LDCs insisted on two cross-cutting issues. One of them is in respect of "Special and differential treatment". On this, the delegates insisted that it needs to be part and parcel of the negotiations on matters of concern to the LDCs. The second relates to the provision of technical assistance to enable the LDCs have the necessary capacity both to negotiate in the process in a meaningful manner and to benefit from their integration into the multilateral trade regime.

He also highlighted that it was ironic that the one set of issues on which the LDC countries meeting in Zanzibar spent least time on was the set that falls under the category called "New Issues." He viewed this as ironical because it is this set of issues on which the developed countries have spent the most time and energy in trying to get them on board at Doha. These include the Singapore issues (Trade and Investment, Competition policy, Transparency in Government Procurement, and Trade facilitation), the Geneva issue (e-commerce), and other issues such as labour standards, environment and industrial tariffs.

He reported that the LDCs agreed that they were not demanders on these issues. And, furthermore, they argued that they were in no position, "materially, technically or psychologically" to negotiate on these issues. In relation to Investment, Competition Policy and Transparency in Government Procurement, the LDCs took the position that all these issues were under study by the WTO in the various working groups, and that these studies have not been completed, and therefore there was no substantive basis for entering into negotiations on these issues. On Trade and Environment, the LDCs took the position that they attached importance to the "on-going negotiations in the Committee on Trade and Environment", that these negotiations must continue, but emphasized that "under no circumstances should environmental considerations be used for protectionist purposes against LDCs' products."

Professor Tandon highlighted that trade should not be viewed as an end in itself but a means to the upliftment of the poor and the marginalized sections of the global community out of their poverty and marginalization. On the eve of the Zanzibar meeting, South Africa called members of the Southern African Development Community (SADC) to a meeting in Johannesburg to persuade them to agree to a New round at Doha, which South Africa, like all developed countries, argues would be of benefit to the developing countries. In Zanzibar however, at least the LDC members of the SADC region (that includes, among others, Tanzania, Uganda, Zambia and Lesotho) took the unanimous view that a New Round would not be welcome at Doha.

He concluded by noting that the assembled delegates hailed the Zanzibar meeting of the LDCs as a major landmark in demonstrating the unity of the poorest 49 members of the international community on what they expected out of Doha. The question is whether at Doha the rich members will have the ears to hear the voices of the poor.

3.4 Floor Discussions for the Session

- One of the presenters asked the participants on whether developing countries should continue operating on the basis of the single undertaking principle at Doha?. The general response was that a plurilateral approach is more favorable to the single undertaking principle. It was argued that the single undertaking principle is a violation of International law and we should not accept it.
- Some participants asked an earlier presenter about SADC's position with regard to technological transfer and whether we should adhere to TRIPS. The presenter emphasised on the point that since there are several Investment agreements within SADC, what is important is to harmonize them.
- On Tariff and non-Tariff issues presentation a participant asked on who chooses which formula to use. He also inquired on whether developing countries have come up with negotiating strategies on tariffs.
- On Investment the participants were agreed that there is need to emphasize more on regional agreements but were not agreed on whether the WTO is the right forum for this issue.

SESSION 4: PLENARY DISCUSSIONS

4.1 Outcome of Group Discussions

Topic:

What are SADC's strategic interests in terms of

- a) Implementation issues
- b) Political and economic interests
- c) Future work programme

The participants were split into three groups; one focussing on sectoral issues, another on tariff and non-tariff matters and the last on future work programme. Each group addressed this question and its parts as it related to their topic. This meant that group 1 was supposed to address this question and its parts with respect to sectoral issues, the same with groups 2 and 3.

(A) Group 1: Tariff And Non-Tariff Issues

1. Political and economic concerns

- Tariffs in the agriculture sector in the EU are still high, so there is need to reduce tariffs.
- On the tariff quotas the position is to advocate for the removal of these, so as to improve market access.
- There is need to identify regions where we are able to secure quotas
- It was also noted that expansion, removal or renewal of quotas can either be beneficial or inhibiting
- Non-Tariff-Barriers, quotas, etc should be removed and/or bilateralised

2. Implementation Concerns

- A major disadvantage of quotas is that countries capable of producing beyond the quota are denied the opportunity to increase production.
- There are still some "gray areas" regarding system of granting of tariffs issue. For example, what happens or what is the penalty and implications of a country that fails to fulfil its quota
- There is need to negotiate for a tariff system that is fair across the board (multilateral)
- There is also need to identify the agricultural products that require vouching for lower tariffs, that is products that are most beneficial in terms of trade gains.
- There is also a need to look at the issue of by how much exactly should tariffs be reduced and what will be the degree of market expansion

3. Future Work Programme.

- The issue of subsidies, for example, in beef production in the EU should also come up in the negotiations.
- Negotiations should take into account future expectations.
- The group also agreed that there is a need to research on the “what ifs” scenario, that is what would happen to each sector’s performance if tariffs are changed, that is during the negotiations

(B) Group 2: Sectoral Issues

1. Political and Economic Concerns

- It was noted that this is a very broad area.
- There is divergence of interest due to diversity in agriculture.
- There are threats to ACP countries from heavily subsidized agriculture and including dumping.
- There should be rapid substantial reduction of domestic support
- The developing countries have to resist patents on genetically modified organisms (GMOs)
- There is need to focus on food security

2. Implementation Concerns

- SADC over implemented through Structural Adjustment Programs (SAPS).
- Within the development agenda, food imports should be limited to the region
- The Marrakesh Decision on NFIDC should be implemented.
- Special and differential treatment is not binding and there is need to operationalise it.
- With regards to NTBs it was noted that where there are international standards we should stick to these

3. Future Work programme

- On GATS, the recommendation was to speed up regional service integration and not multilateral integration.
- There is need for information on the implication of Mode 3 (movement of labour) within SADC
- There is also a need to focus on the issue of horizontal integration and the issue of credits.
- On TRIPS, there is need to remove ambiguities on parallel imports of essential drugs.
- There is also need for reassurance on flexibility
- Countries should remove patentability on all life forms or parts thereof
- There is need to focus more closely on the relationship between TRIPS and traditional knowledge

- Another issue to consider is whether countries should patent traditional knowledge through CBD or TRIPS.

(C) Group 3 : New Issues

1. Political and Economic Concerns for SADC

- There were concerns that other countries are being left out, due to differences in the level of development.
- Although it was noted that it is difficult to have a uniform concern across SADC, there is need to push for those areas where there is convergence, some of which are; market access, operationalisation of the special and differential agreements, etc
- On the issue of government procurement and transparency, the group agreed that although transparency should be enhanced, governments in the developing world still need flexibility to cater for its people e.g. in the areas of tenders.

2. Implementation concerns regarding the new issues

- Developing countries have had difficulties with implementing previous agreements, so it is almost certain that there is no capacity to implement new issues.
- It was also noted that other countries do not even have clear and well formulated competition policies.
- It is in light of these weaknesses that it was agreed that there is need for technical assistance to implement some of the issues. This, however, also came against the background that the lack of implementation capacity has been linked to lack of technical capacity.
- Despite the obvious need for technical assistance, the group emphasised the need to guard against over dependence on such assistance.

3. On the Future Work Programme (New Round)

- It was noted that several countries have put proposals on Trade and Debt, Trade and Finance
- There is no way developing countries can trade effectively if they are burdened with debt and if they cannot finance that trade.
- There can not be a new round if most of the developing countries are not yet ready.
- It was also agreed that labour issues and investment issues do not belong in the WTO.
- The conclusion was that the subject on new issues should continue to be debated on in the working groups up and until such a time when there is sufficient capacity within the developing countries.

4.2 Vote of Thanks and Closure

Being both the Chairman and one of the organizers of the workshop, Dr Tekere closed the 2-day workshop by thanking the participants for their insightful deliberations and expressed his hope that these will form vital inputs to the negotiators at Doha, Qatar. The

other organisers Dr Masiwa (Friedrich Ebert Stiftung), Mrs V. Hove(Zimtrade) and Dr Garth le Pere (Institute of Global Dialogue) also thanked the attendants and highly commended them for showing a spirit of togetherness throughout the deliberations. They also pledged to intensify such consultations both before and after Doha.

ANNEX 1

WTO: FROM SEATTLE TO QATAR; WHAT IS AT STAKE FOR SADC?

ORGANISERS: TRADES CENTRE, ZIMTRADE, INSTITUTE OF GLOBAL DIALOGUE, SA AND FRIEDRICH-EBERT-STIFTUNG
DATE: 2-3 AUGUST 2001
VENUE: Holiday Inn Hotel, Harare;

PROGRAMME

Time	Topic	Presenter
<u>DAY 1</u>		
8:00 – 8:30	Registration and Tea	
8:30 – 8:35	Introduction	Dr. M. Tekere, Trades Centre Ms. V. Hove, ZimTrade
8:35 – 8:40	Welcome Address	Dr. M. Masiwa, FES
8:40 – 8:45 8.45 – 8.50	Opening Remarks	Dr. Garth le Pere, Director, Institute of Global Dialogue- SA
8.50 – 9.15	Official Opening	Hon. H. Murerwa, Acting Minister of Industry and International Trade
9.15 – 9.30	Questions and Discussions	
	Questions	
<u>SESSION 1</u>	<u>THE POST SEATTLE PROCESS</u>	Chairman, Dr. J.M. D. Saungweme
9.30 – 9.50	Post Mortem of Seattle Ministerial Meeting	Ms. D. Keet, WTO expert, SA
9.50 – 10.05	Implementation concerns for developing countries	Dr. Garth le Pere, Director, Institute of Global Dialogue- SA
10.05 – 10.25	African Concerns in WTO and Implementation Concerns for SADC Countries	Mr. B. Chidyausiku, Zimbabwe permanent representative to the UN and WTO
10.25 – 10.45	<u>Questions and Discussions</u>	Discussant: Prof. Y Tandon, Director, SEATINI
10.45 – 11.00	<u>TEA/COFFEE BREAK</u>	
<u>SESSION 2</u>	<u>THE GENEVA PROCESS</u>	
11.00 – 11.30	Progress in the Negotiations on Services	Mr. T. Chifamba, Minister Counselor, Deputy Permanent Representative to

		the United Nations & Mr. B. Zvizvai, Institute of Development Studies, UZ
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11.30 – 11.50	Progress in the Negotiations in Agriculture	Mr. J. Mathende, Ministry of Agriculture.
11.50 – 12.10	Regional Initiatives – case of Zimbabwe	Mr. Carlson Nbegabolowe, Ministry of Industry and International Trade
12.10 - 13.00	Questions and Discussions	
13.00 – 14.00	LUNCH	
SESSION 3	THE QATAR MINISTERIAL MEETING	
	The Qatar Agenda; What is at Stake	
14.00 – 14.20	Tariff and Non Tariff matters	Prof. Y Tandon, Director, SEATINI
14.20 – 14.20	Sectoral issues	Mr. T. Chifamba
14.40 – 15.00	Future Issues	Ms. R. Thomas, Development Bank of Southern Africa
	End of Day 1	
DAY 2		
SESSION 4	SADC STRATEGIC INTERESTS AND EXPECTATIONS (group work)	Panelists
	Group 1: Tariff and Non- tariff Matters	Prof. Y. Yandon Ms. D. Keet Dr. M. Tekere
08.30 – 10.00	Group 2: Sectoral Issues	Mr. B. Chidyausiku Mr. Kaliyati, IDS Dr. Garth le Pere, IGD-SA
	Group 3: Future Issues	J. Mathende, Min of Agric.

		Ms. R. Thomas, DBSA Mr. M. Chisvo Ms. V. Hove, ZimTrade
10.00 – 10.30	TEA/COFFEE BREAK	
10.30 – 11.30	Group Work continued	
11.30 – 13.00	Group Reports (Group 1)	
13.00 – 14.00	LUNCH	
14.00 – 14.30	Questions and Discussions on Group 1	
14.30 – 14.50	Group Reports (Group 2)	
14.50 – 15.20	Questions and Discussions on Group 2	
15.20 – 15.30	TEA/COFFEE BREAK	
15.30 – 15.50	Group Reports (Group 3)	
15.50 – 16.20	Questions and Discussions on Group 3	
16.20 – 16.30	Closing Statement and communiqué	
16.30	END	

ANNEX 2

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ANNEX 3: FES Seminar Proceedings Series

<u>TITLE</u>	<u>DATE</u>
1. Organisational Framework of Forestry and Conservation Issues in Communal Areas	Feb 1993
2. The Future of Smallholder Farming under ESAP	Nov 1994
3. Resettlement Programme in Zimbabwe: Options for the Future	March 1995
4. Water Development for Diversification	May 1995
5. Options for Diversification for Sustainable Food Security within the Smallholder Farming Sector	Nov 1995
6. Future Land Tenure System in Zimbabwe Smallholder Farming Areas: Implications on Investment, Resource Conservation and Productivity	Nov 1995
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38.	Emerging Issues of Advocacy in a changing political Environment	June 2000
39.	Millenium Economic Recovery Programme	June 2000
40.	Communities' perspectives on Zimbabwe' land reforms: A focus on land invasions (Matabeleland)	July 2000
41.	Empowering ZURA on participation in local governance and advocacy	Sept 2000
42.	War veterans in the status quo-Which way forward?	Sept. 2000
43.	ACP-EU Cotonou Agreement: What are the Options and challenges for SADC?	Nov. 2000
44.	Zimbabwe' Economic Prospects with the new parliament	Dec. 2000
45.	2001 Post Budget Seminar	Nov. 2000
46.	Electricity pricing policy	March 2001
47.	Current Labour Market Disputes and initiatives	June 2001

48.	Advocacy and democracy (Mhondoro Constituency pilot project)	June 2001
49.	Renewable energy policy in Zimbabwe	Aug. 2001
50.	Small & medium enterprise development strategic workshop	Aug 2001
51.	Road sector reform and development programme	Aug. 2001
52.	"WTO: From Seattle to Doha (Qatar): What is at Stake for SADC?"	Sept. 2001