

**Civil Society Organizations' Priority Issues for the WTO MC10**

Developed in Machakos  
Gelian hotel  
11<sup>TH</sup> -12<sup>TH</sup> November, 2015

**1.0 Background**

Kenyan civil society organizations (CSOs), with support from Trade Mark East Africa, held a consultative forum to deliberate and identify key priority issues to be adopted as CSOs position on some key areas. The areas of focus included Agriculture, Least Developed Countries package in Special and Differential Treatment (S&DT), Trade Facilitation and Singapore Issues.

In developing this Position Paper, various documents were referred to including: The Africa-wide CSOs statement that was presented to heads of states at the India-Africa Forum Summit 2015 held in New Delhi, India 26-29 October, 2015; ACP Group Declaration on the Tenth WTO Ministerial Conference held in Brussels, Belgium from 19 to 21 October 2015; and The report of the National Trade Negotiations Committee Retreat held in Machakos, Kenya from 9<sup>th</sup> to 12<sup>th</sup> July, 2015.

**2.0 Recommendations**

The following recommendations have been adopted as Kenya CSOs' Position to be shared with the National Trade Negotiations Committee and other relevant stakeholders.

**2.1 Agriculture**

Kenya should strive for the realization of the following in their agriculture work programme:

- a) Expanding the debate on the trade effects of "green box" measures in order to retain national and regional policy space to take care of increased imports which undermine national agro-food sector development strategies.
- b) Incorporation of safeguard mechanisms which are simple to apply and which can be readily deployed to tackle the challenges associated with import surge.
- c) Development of an effective dialogue framework to address the issue of accumulated food stocks and to allow for the retention of the right for the Kenyan government to take immediate remedial measures where the trade flows arising from stock disposal programs threaten to undermine local markets.
- d) Putting in place measure to enable all the new WTO disciplines on domestic support applied to developing countries and LDCs to allow Kenya to expand support programmes;
- e) Ensuring that the new developed rules of origin allow for value addition in Kenya to LDC originating inputs for export, without losing the benefits of preferential market access when exported to overseas markets (e.g. toll-refining of LDC sugar by Kenyan mills for export).
- f) Initiatives to ensure resources are mobilized and proper attention is paid to the 'fast-tracking' of negotiations and food security protocols which are a pre-requisite for trade in many agro-food products.
- g) Promoting the establishment of effective consultative mechanisms between food producers/farmers and government including capacity building mechanisms.
- h) The establishment of clearly defined structures for the exchange of information on planned changes; Promotion of youth involvement in agriculture through : Access to knowledge, information and education; Access to land programs; Access to financial services; Access to green jobs; Access to markets; Value addition opportunities.

### 2.2 Singapore Issues ( Services, Government procurement and competition)

In regard to Singapore issues, the CSOs are interested in:

#### 2.2.1 Services

- a) All the four modes of supply of interest to our citizens and in further light of the rest of Africa. Being; individual/ professional import/export, Commercial presence, Tourism/education/medical, and Information and technology
- b) Support mechanisms should be put in place to provide assistance to countries to achieve their full capacity.

#### 2.2.2 Government procurement

- c) The encouragement of sovereignty of nations and the ability to engage and enter into bilateral/ multilateral agreements within the regional blocks
- d) The government has enacted a new constitution, formulated new procurement guidelines and infrastructure. However, there is need to strengthen capacities, enforcement and oversight mechanisms e.g. provision of quotas for youths as an affirmative action.
- e) Encourage provision of incentives for youths in LDCs
- f) Increase in capacity of man power
- g) Lastly but not list to create a platform for engagement
- h) Streamlining the flow

#### 2.2.3 Competition

- i) Promotion of the formulation of fair play rules within the regions.

### 3.0 LDC Package, Special and Differential Treatment

- a) Concerning LDCs and special & Differential Treatment, the CSOs Recognise the 'Single Undertaking' principle is gridlocking progress in the WTO and should be dropped so that Member States focus on priority issues within current modalities of negotiations and without introducing new issues
- b) On Special and Differential Treatment (SDT), CSOs argue that Kenya also need to enjoy the preferences extended for LDCs in terms of technical assistance, length of implementation, capacity building and others since Kenya is within the LDC configuration within EAC region
- c) There is the need to establish a Trust Fund for addressing supply side constraints;
- d) Maintain the flexibility to determine tariff and protection measures as provided under the EAC Common external tariff;
- e) On Sanitary and Phyto-Sanitary (SPS), Kenya to be granted more (reasonable) time to comply with changing standards and to be provided with technical assistance to export to developed country markets.
- f) All developed countries to provide 100% DFQF market access to LDCs and this should be extended to developing countries.
- g) On Rules of Origin, compliance costs and documentary requirements relating to preferential Rules of Origin to be considered as part of the TF implementation issues;
- h) On Service waiver, WTO Member States to put down their offers to LDCs on paper and decision at the MC10 to continue working on the issue.
- i) Cotton to be treated as a stand-alone negotiation element and not within agricultural negotiations.
- j) To reinstate the Youth Ambassadors Programme in order to include youth in Trade Policy Dialogue Framework within WTO members.