

WTO CoA Review Process: Opportunities and Challenges
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- When thinking about the opportunities and challenges relating to the CoA review process, I think about the need to keep the CoA **interesting and relevant**.
- These terms are not in the CoA mandate or rules of procedure. And the WTO might not have the objective of being exciting.
- But once the Committee becomes irrelevant or dull then we have a problem as its effectiveness risks being undermined.
- This afternoon I will try to elaborate on what I mean with some examples of where I think the Committee does well and where it might do better.

- **Capital engagement** is essential to maintaining the effectiveness and legitimacy of the CoA.
- As others mentioned already this includes through the attendance of capital based officials at the CoA itself and capital based officials being attentive back home.
- A lack of interest in or knowledge of the CoA amongst capital based officials can be a problem on a human level as it makes it harder for Geneva based delegates to effectively engage.
- In the longer term it risks the CoA no longer being viewed as useful in capitals. It can also undermine the political credibility of the Committee if Members then stop investing and using the CoA.
- We therefore need to **use it or lose it**.
- This is particularly important when the WTO in its entirety is often equated with the DDA. And regardless of Members' individual positions on how 'alive' or 'dead' the DDA is, it

can't fairly be described as alive and kicking. This makes it even more important to keep the regular WTO business healthy.

- Fortunately CoA is one of the more interesting and dynamic WTO Committees in my experience.
- There are **always lots of questions**, both under Article 18.6 and on Members' notifications.
- The answers are provided **verbally** in the room. Questioning and supporting Members often come back in the room with counter responses. This dynamism adds to the richness and value of the review process.
- It is important that we maintain this as the day we move to written questions and written answers without discussion we can convert CoA to an email exercise. Maintaining this process is in the hands of the Members, delegates and the chair.

- We make reasonable use of **informal meetings** in which delegates are often able to speak more freely than in the regular on the record CoA meeting.
- Today is one such example where the **Secretariat** has pulled us together, and I would encourage them to continue such technical assistance and information dissemination. Like others I would have benefited from this nearly 4 years ago when I arrived.
- Informals are often Member led. These are usually based on **Members' submissions**. Recent examples include those of the Cairns Group on domestic support and those of Japan on export restrictions.
- In these instances Members effectively use the CoA to keep issues of interest to them alive and try to progress them in

some way. In doing so they also add to the interest and relevance of the CoA.

- There are also examples of Members **presenting their domestic policy developments**, with the EU and US very usefully describing CAP and Farm Bill reforms in recent years. These were extremely insightful and provided an opportunity to explain what are significant policies and for Members to ask questions far in excess of the regular CoA. More of this from other Members would be useful.
- We have also had **external speakers** such as the OECD present their work to the Committee and in the margins of the Committee, further adding interest and relevance.
- I pose the question of what more could be done on this front? Is the status quo sufficient? Should we have more of the same? Or is there something different we could do?

- I was not planning to add to what has already been said about Members' poor **notification performance**.
- But seeing the statistics this morning on domestic support notifications drove home the problem we have: all Members have reporting obligations this area; it's the most questioned area in the CoA; but almost 1/4 of Members have never notified.
- While we can discuss the need to engage officials in the CoA, this situation risks losing Ministers support for the Agreement on Agriculture and CoA. This would be the worse form of capital disengagement from the CoA and this is in no Members' interests.

- On the use it or lose it concept, I am interested in **why the questioning Members are so limited in number**, with essentially a handful of Members dominating the questions.

- I am particular curious given it is largely, though not exclusively, **developed Members dominating the questioning**. This is in spite of the increase in **south-south trade**, so it seems hard to conclude that there is a lack of commercial interest.
- It was mentioned earlier that we need to change the 'taboo' of asking questions. I agree.
- Looking at New Zealand's CoA questions over time, they are clearly **commercially driven** as they focus on our competitors and major markets: Canada and the EU, and Japan and the US.
- But we also pose questions for **systemic reasons** – using the CoA to seek clarity on Members policies; clarifying what could be errors in notifications.
- We have active and positive bilateral relationships with all of these Members, including FTAs in place or in the pipeline, but the CoA remains fundamentally important to New Zealand for posing such questions.
- I also see an increase in **cosponsorship of questions**, whereby two or more members submit questions collectively. This usefully increases the engagement in the Committee. There will be various reasons for this, but such an approach can provide political cover through safety in numbers if so desired.
- One of the things we can struggle with is having **oversight of the work of the CoA and the reform process**.
- I'll often struggle to know the history of an issue, a line of questioning to or by a Member, or the work of the Committee.
- The **AG-IMS is a massive leap forward** in this respect
- The Secretariat showed us how to extract data but I wonder if it could do this more routinely for the Membership e.g.

such as providing summaries of the number of questions posed, more detail on notifications such as notified outlays.

- This can run into technical and even political issues but clearly there is more that can be done with this resource.
- The Committee already does an annual report to the Council for Trade in Goods. We don't want to complicate what is a fit for purpose report but there is always room for improvement in this or additional reporting or summarising of the CoA's work. How then might this be made more interesting and relevant?

Summary

- I suggest that it is important that we strive to keep the CoA interesting and relevant in order to maximise its effectiveness
- Picking up on comments on others this needs to include looking at the 'culture' of the Committee and this includes amongst members and delegates to ensure engagement
- We need to explore how we use and develop the technology that the Secretariat has established, including the AG-IMS.
- The Secretariat should continue what it is doing and consider what more it can do to support Members.
- Like all of the WTO committees, we ultimately need to use the CoA or risk losing it.