



STATEMENT OF BY EXCELLENCY H.E. MODEST J. MERO THE AMBASSADOR AND
PERMANENT REPRESENTATIVE OF THE UNITED REPUBLIC OF TANZANIA AT THE

WTO PREPCOM MEETING 26-28 MAY 2014

Thank you Mr. Chairman for giving me the floor,

I CONGRATULATE you Mr. Chairman for your candid leadership and for calling this important and timely meeting intended to enable Members to focus on the work as mandated by Ministers in Bali in December last year. I believe that you have done your homework very well in preparation of this meeting.

*I wish to allude to the Statement made by African group to the Chairman,
LDCs.*

Let me dwell on the substance of this meeting.

First of all, I would like to thank you for the work well done throughout the legal scrubbing exercise and your commitment. Tanzania assures you on her commitment to working with you in this last part of the process drafting the Protocol of Amendment towards implementation of TFA after it has been inserted in Annex 1 A of the WTO Agreement.

Mr. Chairman, you may wish to recall that, Ministers in Bali chose not to do draw up the Protocol at Bali although they had the opportunity to do so. This clearly demonstrates vividly that they intended to underline certain elements of the Protocol in their Bali Decision and leave other elements to be worked out in Geneva, where the expertise on the matter resides. While the Bali Decision on the TFA refers to Article X.3 of the WTO agreement (para. 3 of the Decision), it does not explicitly exclude other conditions, but only reinforces Article X.3. Moreover, Article X.3 of the WTO Agreement is not crafted in a way that indicates intent to exclude other conditions that Members could agree to apply. It is also worth noting that Ministers have reaffirmed the commitment to the Doha mandate in their Bali Ministerial Declaration. It is in this context that a call for single undertaking in the operational



paragraphs of the protocol becomes a reasonable submission in this very meeting. It is also reasonable to expect understanding from the membership of WTO who in 2001, committed themselves and approved the validity of the application of single undertaking in the negotiations processes.

Mr. Chairman,

Adding the condition of conclusion of the single undertaking under the Doha Work Program as additional condition to Article X.3¹⁰¹³ of the WTO in the Protocol of Amendment will not impact the eventual definitive implementation of the TFA under the multilateral rules, except if Members consider that the single undertaking under that Doha Work Programme will not be fulfilled. This assumption by itself contradicts the intent reflected in the Bali declaration i.e. paragraph 1.10 of the Bali Declaration, which reiterated the commitment towards the completion of the Doha Round and reaffirmed the commitment to the development objectives set out in the Doha Declaration.

So, Mr. Chairman, as long as the post-Bali negotiations are pursued with good faith and in a manner that demonstrates the intent reflected in the Bali declaration, conditioning the entry into force of the TFA to the conclusion of the single undertaking will not jeopardize the eventual definitive implementation of the TFA under the multilateral rules of the WTO. In the interim period, until the point of entry into force of the TFA as part of the single undertaking, Members can choose to collectively implement the agreement on a provisional basis. This is to say that no one is intending to be obstructive to the ongoing process rather, it is more of a defensive strategy for the unknowns.

Chair,

In order to assuage fears, Paragraph 47 crafted and agreed on by consensus by Ministers of Trade at the Doha Ministerial in 2001 shows that there is no



contradiction between what it provides for and the WTO Agreement (i.e. with Article 10.3 X.3 of the WTO Agreement). If there was a contradiction, then it would have been contested back then. Indeed, invoking paragraph 47 as basis for conditioning the TFA entry into force to the single undertaking and for provisional implementation of the TFA would not alter any of the requirements and thus it is a very compelling approach.

The provisional implementation of the TFA, pending entry into force as part of the single undertaking, would be a step towards preserving the consensus reflected in the Doha Ministerial Declaration regarding the organization and conduct of the Doha negotiations part of which is the TFA negotiations. It will also preserve the consensus reflected in the Bali Ministerial Declaration, while also taking practical measures in the interim to test the implementation of the TFA and also seek to achieve its benefits.

Mr Chairman,

It is on this understanding Africa Union held The Extraordinary Session of the AU Conference of Ministers of Trade convened at Ministerial level at the African Union Headquarters in Addis Ababa, Ethiopia from 27 to 28 April, 2014, to spell out the importance of attaching the single undertaking under paragraph 47 of the Doha Ministerial Declaration to the Protocol of Amendment which will only allow Members to choose to implement on provisional basis without affecting definitive implementation of the TFA under the multilateral rules of the WTO. Ministers agreed and recommended to implement the TF Agreement on a provisional basis in line with paragraph 47 of the Doha Ministerial Declaration; and Endeavour to allocate adequate resources to enable preparedness of their national institutions involved in the implementation of the Agreement such as Customs Administrations in their reform and modernization programs among others.



The United Republic of Tanzania as a Member of Africa Union respects fully the Trade Ministers decision made at their meeting in Addis Ababa from 27 to 28 April, 2014 and stands by their position which does not carry any blocking message on the implementation of TFA but rather making sure that other issues under DDA in its entirety are also addressed accordingly. Tanzania participated in the meeting. The AU Trade Ministers decision reads as follows: **“Member States should: Implement the TF Agreement on a provisional basis in line with paragraph 47 of the Doha Ministerial Declaration;”**

Finally-Mr. Chairman on ratification of international agreements, United Republic of Tanzania is of the view that countries have different legal regimes and therefore, individual Member countries should determine the ratification of the TF Agreement according to their national processes.

I thank you Mr. Chairman.