

WORLD TRADE ORGANISATION AND ITS ROLE IN INTERNATIONAL TRADE.

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Introduction:

This paper calls for the meaning of international trade, a look at the international organisation known as World Trade Organisation and its role as far as international trade is concerned. Whilst discussing what the paper calls for, the writer would look at the structure with which WTO performs its role in international trade, how WTO is seen by developing countries members in its performance of its role, the recommendations for its improvement and conclude with a look at its future.

International Trade.

International trade may be defined as a contract of buying and selling goods and services entered into between parties whose places of business are in different countries or trade in goods and services that cut across international borders or boundaries or between nationals of different countries. This involves imports from one country to another and or exports to one country from another country or transboundary trade. An international sale or export trade contract can also be described as an agreement for the sale and delivery of goods across international borders or boundaries and for all other things incidental to it.

Five essentials of such international trade are:

- A contract of sale of goods.
- A contract of carriage of goods.
- The contract of insurance for the goods.

- The compliance with formalities and documentation requirements stipulated by the exports and imports' authorities.
- The mechanism for payment set up by the buyer.

Since no nation can produce all it needs by itself alone, international trade has become not only a means by which nations source those goods and services they lack or do not have in sufficient quantities but also a subject of international politics either for achieving, promoting or maintaining peace between international trading partners or countries and a source of national insecurity as a result of external developments in countries with which it inter-dependes or depends on for essential products and sometimes wars are fought to preserve that national security. For instance it has been argued that one of the reasons for US' going into the Gulf Wars on the side of Kuwait against Iraq was US' intention to preserve the vulnerability of its economy to oil crisis if it is cut off from oil purchases from the Gulf by the hostile Iraq that had annexed the oil-rich portions of Kuwait.

Background to formation of World Trade Organisation.

Incidentally, it was the realisation that trade tensions contributed to a great extent to the outbreak of the 2nd World War that made the Allied countries at the end of the war to see the need for international cooperation in establishing disciplines in economic relations in order to prevent future occurrence. However, the resolution passed in 1946 by the United Nations Economic and Social Council [ECOSOC] to prepare a convention to establish a world organisation whose parties would jointly establish rules for trade among them, was to be embodied in the International Trade Organisation [ITO]. The first attempt by an

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international body to bring out fair and uniform guidelines for international trade at both private and international levels was at the Havana Conferences [1947 and 1948] consequent to which a charter for ITO [The Havana Charter] was drafted. Somehow, the ITO did not receive necessary support but the General Agreement on Tariffs and Trade [GATT] which was drafted concurrently with the Havana Charter after negotiations in Geneva, was adopted by a provisional protocol under which the signatories agreed to apply GATT until ITO could take over supervisions of international trade. When ITO collapsed, GATT was used for ordering the international trade relationships of the signatories. There were series of rounds of multilateral negotiations, the Uruguay Round of which brought the World Trade Organisation into being, and it has become an umbrella organisation with responsibility for the GATT and its side codes.

The World Trade Organisation² [hereinafter called “WTO”] is therefore the organisation which was set up out of the Uruguay Round of General Agreement on Tariffs and Trade negotiations in 1995³ and which became the successor to and replacement of the General Agreement on Tariffs and Trade [GATT] and it inter alia regulates trade and tariffs worldwide and settles trade disputes amongst members. The “Dunkle Text’ contained a charter for a Multilateral Trade Organisation [MTO] aimed at providing an institutional framework within which the results of the Uruguay Round could operate. Within the MTO was established a new dispute settlement mechanism and a Trade Policy Review Mechanism [TPRM]. There was a framework which, provided annexes of the more important areas such as the General Agreement on Trade in Services [GATS] and The Agreement on Trade Related Intellectual Property [TRIPS] which were a part of the Text.

² As at 1998, WTO had 132 members 98 of which are developing countries, 27 of which are categorised as least developed countries [LDCs] with another 31 in the process of accession.

³ The Director-General of GATT, Arthur Dunkel in 1991 was responsible for the preparation of what became known as the “Dunkle Text’ covering the Uruguay Round negotiation to date.

Contrary to the position of almost all contracting parties to GATT for the retention of MTO, at the insistence of the US, it was changed to WTO.

GATS has two parts, the short framework agreement which is substantially similar to the GATT and the schedules of national commitments which members have undertaken and which form a part of the Agreement in the same way that tariffs are part of the GATT. However, in GATS, governments freely choose which services to include in their schedules and in the committed sectors, they are free to maintain limitations on the degree of market access and national treatment they are prepared to guarantee. Therefore, negotiations for further liberalization will involve negotiators pressing their partners to include more sectors in their schedules and to remove some of the limitations they still maintain. The Agreement provides for every means by which services can be traded and supplied and is not limited to cross-border trade as with GATT, but also consumption abroad, which means the freedom of shippers to use foreign transport providers, the right to set up any type of business to supply the service in the export market [establishment trade], and the temporary movement abroad of individuals to provide a service, all of which show that GATS is also concerned with foreign direct investment.⁴

It has been argued by Professors Gabriel Moens and Peter Gillies⁵ that the aims of GATT are equality of treatment for both imported and exported goods and the creation of a world wide open trading system and that the essential GATT principle is that of non-discrimination from which three other principles are derived, namely the most-favoured-nation principle, the national treatment principle and the reciprocity principle. They also

⁴ Paper presented by David Hartridge, Director, WTO at the XXVIIth IRU World Congress & Exhibition, titled "Mobility of People and Goods 2000+" "New Round of Negotiations on Trade in Services in the World Trade Organisation" in Brussels on 18th May, 2000.

⁵ "International Trade and Business: Law, Policy and Ethics" published by Cavendish Publishing Australia Pty Limited, 1998 at page 447.

argued⁶ that the GATT and WTO Agreements are essentially the multilateral acceptance of disciplines upon the exercise of sovereignty whereby parties agree to limits upon what they will and will not do in respect of trade regulation, for instance in the setting of tariffs and other barriers to trade in goods and services and investment and that this does not necessarily mean a surrender of sovereignty of state since countries still retain the power to take actions under domestic regulation in violation of their international obligations. This writer respectfully partially disagrees with the learned professors because as a member of the international community and signatory to any treaty, a member state is bound to fulfil its treaty obligations failing which it might be sanctioned should it use its domestic regulations to circumvent what it voluntarily bound itself to perform by an international agreement. The principle of *pacta sunt servanda* will apply in that case.

The Role of WTO.

The role of WTO in international trade is as stipulated in the Agreement establishing it⁷ and includes:

1. facilitating the implementation, administration and operation and furthering the objectives of the agreement establishing it and other Multilateral Trade Agreements and providing the framework for the implementation, administration and operation of the Plurality Trade Agreements,
2. providing the forum for negotiations among its Members concerning their multilateral trade relations in matters dealt with under the agreements in the Annexes to the Agreement setting it up and for the results of such negotiations as may be decided by the Ministerial Conference,

⁶ Ibid, at page 444.

⁷ Article III of the Agreement establishing WTO..

3. administering the Understanding on Rules and Procedures Governing the Settlement of Disputes or the Dispute Settlement Understanding which is Annex 2 to the agreement setting it up,
4. administering the Trade Policy Review Mechanism in Annex 3 of the agreement setting it up, and
5. cooperating as appropriate with the International Monetary Fund and the International Bank for Reconstruction and Development [a.k.a. the World Bank] with a view to achieving greater coherence in global economic policy making. This is aimed at building better understanding and coordination between a trade organisation like WTO and monetary institutions like IMF and World Bank. It may be said in passing that these are two financial institutions without good reputation with developing countries and that are seen by them to have been recommending economic reforms and structural adjustment programmes that destroy, rather than rebuild, their economies.

A lecturer⁸ has argued that the ultimate goal of the multilateral institution of GATT and WTO is the provision of freer global trade and economic relationship among members and that GATT is designed to achieve freer trade and to improve market access by-

- “(a) having all protection take the form of tariffs;
- (b) holding multilateral negotiation at which those tariffs are lowered and bound;
- (c) ensuring that these agreements are impleted [sic] by requiring that any increase in a bound tariff must be compensated by the reduction of another;
- (d) providing a mechanism by which signatories can settle disputes.”

⁸ Dr Ademola O. Popoola, Head Department of International Law, Faculty of Law, Obafemi Awolowo University, Ile-Ife in his unpublished paper titled, “Some aspects of the Law of International Trade”.

The success of WTO in its role of increasing world trade is measured in accordance with the volume and growth of world trade and although this went up by 25% in the last 8 years, the benefits of that increase are not equitably shared among member states. For instance, the least developed countries [LCDs] represent 20% of the world's population but they generate only 0.03% of the world trade flows.

Structural Organisation of WTO.

The WTO Constitution and Charter provided that all GATT contracting parties were members of it and it has a Ministerial Conference which is its highest decision-making body under the governance structure set up by the Agreement establishing the WTO. The Conference of Ministers meets at least once in two years bringing together all the countries and Customs Unions which, are members of WTO. The Conference can take decisions on all matters under any of the WTO Agreements. Previous Ministerial Conferences of WTO had been held in Singapore in 1996, Geneva in 1998, in Seattle, USA in 1999 and the next one is to be held in Doha, Qatar between 9th to 13th November, 2001. Already WTO members have started making proposals, or "request lists" which are their negotiating objectives for this new round, on the structure and contents of the new negotiations to be held in Doha which comprise about 2000 services proposals ranging from services of accounting, audiovisual, computer, business, distribution, education, energy, environmental, legal, professional telecommunications, air and maritime transport services and related services to mention a few. However, whilst many developed and industrialised countries, their economic communities and developing countries which have already had breakthroughs in certain services dominate the proposals already sent for negotiations in a way that their national interests and commercial interests are protected and advanced, the African countries are yet to make

their proposals at the conference if any, known. For instance, the proposals of Korea [a major ship-owning country] show that it supports negotiation for liberalization in the Maritime Transport Services [MTS] by eliminating or reducing market barrier that remain in many member countries and that negotiations on MTS be resumed based on the Decision on MTS adopted on 28th June, 1996, Australia's proposals show that its policy objective is a competitive industry which observes international standards of safety and environmental pollution in MTS by eliminating market access barriers. However, it has been argued⁹ that negotiations on maritime transport services will be particularly difficult, because of the unwillingness of the powerful US maritime lobby which is strongly opposed to MTS being negotiated at a multilateral level. In the same paper, Mr. McKay revealed that the Jones Act¹⁰ had been excluded from GATT since it was set up in 1947, due to the insistence of the US and despite the objections of other countries, on the grounds that it applied to domestic trade and had been in force 27 years before GATT.

In the speech delivered¹¹ Mr. Hartfield sensitised and prepared the minds of the audience as to what to expect and do at the Doha Ministerial Conference. He said it would be unfortunate for the world's poorest countries, if false and self-interested scare stories about the effects of trade liberalization on development and the environment were to frighten governments from pursuing trade liberalization which was badly needed to remove administrative burdens and economic barriers encountered by industries. He listed the goals of the new services round as, completion of the framework on the GATS through negotiations on domestic regulations, subsidies, government procurement of services and emergency safeguard measures and improvement of the scope and value of

⁹ See, a paper titled "Jones Act Always at Risk in Trade Pact Negotiations" by Michael R. McKay, page 3 at <http://www.amo-union.org/Newspaper/Morgue/8-2000/Sections/Views/Index.htm>

¹⁰ The "Jones Act" is Section 27 of the US Merchant Marine Act of 1920 by which coastal shipping or domestic cabotage in the US is reserved to only US-built vessels owned, operated and manned by US citizens.

¹¹ Ibid. <http://www.iru.org/events/Congress/Bruxells/Bxlive/Hartridge.E.html>

the commitments which governments have made under the Agreement to allow provision of services in their markets by foreign suppliers. He urged the audience to think about the services negotiations as an opportunity to make known to their governments, the impediments which they suffered in doing business internationally and what they wanted so that they could be included in the requests lists.

Changes in the rules applied by WTO are made through multilateral negotiations called “rounds” during which many issues are negotiated together and trade-offs [or reciprocity] between different issues are made, that is to say one country gives a concession in an area such as lowering tariffs for a certain product, in return for another country acceding to a certain agreement. This is also called “bartering benefits”. GATT enforced phased-in tariff reductions worldwide and until the Uruguay Round which ended in 1994 trade negotiations were mainly on non-agricultural goods because the US wanted to protect its farming sector. However, due to the expansion of the corporate interests of the developed countries, more issues have now been included in GATT/WTO talks.

Parts of the structure of WTO are the different Councils established to supervise the obligations in the key areas of trade and investment that were goods, services and intellectual property. There were also several annexes prescribing treaty rights and duties of contracting parties, dispute resolution mechanisms were established generally and specifically for key areas like GATS and TRIPS. The dispute mechanism is such that decisions are reached by “consensus”, that is, where no member present at a meeting where the decision is to be taken raises an objection to the proposed decision; no vote of contracting members is taken. If mediation, consultation or conciliation does not resolve a dispute, a complaints panel of trade experts to report to the contracting parties will be raised to look into the matters. Appeals against its decision are allowed only on issues of

law to a body of legal experts, but should the relevant party not comply, the Dispute Settlement Body [DSB] comprising WTO members by consensus, can sanction the complainant to withdraw the benefits. By this means the handicap of dispute resolution in the GATT system was overcome. The WTO therefore has an effective enforcement capability.

The Trade Policy Review Mechanism [TPRM] of WTO looks at the general trade policies of members to see if they have or will have any adverse effects on member countries and as such is in a position to raise potential international trade problems before they raise their ugly heads and affect the trading world.

With the aforesaid structure in place, the WTO is able to perform its role in international trade as set out in the Agreement establishing it.

However, one of the criticisms of WTO is that it has been hijacked and is strongly influenced by the industrialised countries of the US, Canada, EU and Japan [a.k.a. “the quad”] and their corporations which have found WTO as a useful tool to expand their markets at the expense of the developing countries thereby creating inequities. Whilst exports from developing countries face impediments in accessing the markets of developed countries due to high tariffs, the developed countries gain access to the markets of developing countries through new agreements on telecommunications, information technology and financial services which they imposed on the basis of acting in the interests of trans-national corporations [TNCs]. The Trade Related Intellectual Property Rights Agreement [TRIPS] is seen as protecting the rights of corporations at the expense of indigenous communities whose shared knowledge will be patented by others thereby making developing countries lose billions of dollars to TNCs which stand to

control all the patents of developing countries. Developing countries make up three quarters of the membership and should be able to influence the agenda and decisions of WTO by their votes, but they have never used this to their advantage because of fear of reprisals from the developed countries on whose aid, security, imports, exports they depend.

Another disadvantage for signatories to the WTO Agreement that are developing countries, is that they lack enough human, material and technical resources to cope with the several meetings involved per week and so they enter negotiations less prepared than the developed countries. They also lack the legal expertise and cost for the dispute settlement mechanism of WTO and the basis on which the system is run- whether a country is violating free trade rules- is not most appropriate to their development needs.

In its editorial of 23rd October, 2001, titled “Reviewing the WTO Treaty”, a Nigerian Newspaper¹² captured the view of developing countries about WTO when it said: “The WTO for all that it is worth is a multilateral body of rich and poor nations which establishes a treaty to bind them together in trade and in the area of trade and tariffs. The essence is to eliminate barriers to free trade and ensure unrestricted movement of goods and services across borders. It is an association of unequal trade partners that thrives on unequal exchange and unequal bargaining power. Thus, over the years, beginning from its GATT predecessor, WTO has been used by industrialised nations as an instrument of neo-colonialism through which the economies of less-developed members are turned into dumping grounds of industrialised goods thus limiting their capacity for industrialisation.

Apart from the difficulty in penetrating the markets of developed countries by the less developed economies, most of the agreements are lopsidedly in favour of the former.

¹² THISDAY, Vol 7, No 2375 , page 11 of 23rd October, 2001.

Two of such agreements have caused so much furore in the third world. These are in the areas of agriculture and textiles. Signatories are to lower tariffs, reduce subsidies; but with developed countries refusing to eliminate other forms of domestic restriction already in place in their economies.”

An organisation known as Global Exchange has listed the following ten reasons why the WTO should be opposed¹³ namely, it only serves the interests of multinational corporations which write its rules and have inside access to the negotiations, it is a stacked court because its dispute panel consists of three trade bureaucrats who are not screened for conflict of interests, it tramples over labour and human rights because it has refused to address the impacts of free trade on labour rights and it is being used by corporations to dismantle environmental protections which it calls barriers to trade. Other stated reasons to oppose WTO are that it is killing people by strongly defending intellectual property rights, [patents and copyrights and trade marks] at the expense of health and human lives by supporting pharmaceutical companies’ blockage of developing countries’ access to less expensive generic lifesaving drugs, the US adoption of the WTO under the “fast track” method which limits public debate by not allowing amendments in its Legislature, was undemocratic, it undermines local development and penalizes poor countries because its rules prevent developing countries from following the same policies that developed countries pursued for protecting young domestic industries until they can be internationally competitive, it is increasing inequality, it undermines national sovereignty by creating a supranational court system that can economically sanction countries to force them to comply with its Rulings thereby replacing national governments with an un-elected, unaccountable corporate-backed government, and there is a growing opposition against free trade and the WTO and succeeded in disrupting the

Seattle ministerial meeting in 1999. It has often been suggested that the recent bombing of the WTO twin-towers in New York City [acclaimed symbol of US prosperity and trade] on 11th September, 2001 by terrorists was partly caused by the general disenchantment with the unfair practices of the WTO and its manipulation by the US.

Workers Unions in African countries have come together under the Organisation of African Trade Union Unity [OATUU] and are among groups and labour unions which are threatening to disrupt the Doha Ministerial Conference because of WTO's support for globalisation. Already the Nigerian Labour Congress has threatened strikes and protests to frustrate any intention by the Nigerian Government to enter into any fresh talks with WTO. It then called on the Federal Government of Nigeria to reconsider its role in the forthcoming Doha Round of negotiations because the negotiations are to involve environmental issues and investment where the developed countries have a comparative advantage, its role in the previous round was a disaster and the country's representatives during the Abacha regime failed to use some of the clauses of the WTO Agreements giving Nigeria a grace period of five to ten years before getting into them¹⁴. Some Nigerians and some legislators have also called for Nigeria's withdrawal from WTO whilst the Federal Government of Nigeria has set up a ten-man Committee to review Nigeria's membership of WTO. It was charged with looking into the WTO Agreement with a view to reviewing and ensuring that Nigerian industries are protected and that the national economy is encouraged to grow and expand and to ensure the stoppage of dumping of goods in Nigeria. Some have also argued that it is in Nigeria's national and commercial interests to immediately withdraw from WTO Agreement and take necessary trade and tariff measures for four to five years to protect its local industries and economy

¹³ "Top 10 Reasons to Oppose the World Trade Organisation" by Global Exchange: see: <http://www.globalexchange.org/economy/rulemakers/top> TenReasons.html.

¹⁴ See the back page of The Guardian Newspaper of 8th October, 2001.

from the effect of dumping and capital flight, after which it can re-join the WTO. Some have also argued that if Nigeria is not deriving any benefits from being a signatory to the WTO Agreement, it should withdraw from it and not think of re-joining. In one of its editorials,¹⁵ THISDAY suggested that Nigeria should not withdraw from WTO because membership of it is beneficial in certain respects but that three critical areas of unfair trade practices, intellectual property rights and subsidy with respect to WTO should be looked into. The paper could not understand why foreign textiles were dumped in Nigeria at the expense of the local industries that were shutting down or why a German company claimed patent on drug manufactured from local herbs or dongoyaro tree found in Nigeria or why WTO would discourage developing countries from subsidising agriculture or transportation [fuel], whereas US subsidizes them thereby making such products and services from US cheaper, and those from developing countries uncompetitive, in the international markets.

Ailen Kwa in a paper titled “WTO and Developing Countries”¹⁶, has made the following recommendations which are apposite here, namely:

- The WTO should make as its topmost priority, the development needs of all its members without discrimination against the LDCs, and it should cease to be used as tool in the hands of developed countries of EU, USA, Canada, Japan for the oppression of the developing countries.
- Areas of the agreements including agriculture, TRIPS, textiles and dispute settlement systems which have been working against the interest of developing countries should be immediately reviewed.

¹⁵ *ibid.*

¹⁶ Paper titled “WTO and Developing Countries”, written by Aileen Kwa, in *Focus on the Global South*, Bangkok edited by Tom Barry and Martha Honey.

- The US domination of WTO should stop forthwith and WTO's decision-making should be democratic and an allowance should be given for each government to consult regularly with its broader society and legislatures on trade deliberations especially when negotiations are in progress, before making decisions on.
- Working documents and minutes of WTO meetings should be made public and the organised civil society should be allowed to take part in WTO rule-making processes including intervening in the dispute settlement system.
- Emphasis of WTO should change from "trade creates wealth" to "trade for broad-based development" so that trade can be used to improve the living standards of the world's poor and developing WTO countries.
- Domestic and not international markets, should be the main stimuli of growth and resources channelled to sustain local communities.
- The primary objective of global trade expansion should be people and preservation of the environment and not capital.
- Countries must be free to decide whether they want overseas investments and if so what kind and to decide on their tariff rates and other trade barriers in order to protect their industries as the developed countries have been doing.

Ailen Kwa in her paper¹⁷ also suggested the following changes in WTO in order reflect the realities and the broader development agenda of the developing countries of the South, namely:

- All members of WTO should be equally equipped with the technical expertise and human resources to take apart fully in the multilateral negotiations whilst liberalization on the "fast track" must be stopped and rules which are disadvantageous to the economies of developing countries should be changed.

¹⁷ *ibid*

- Instead of the practice where the “quad” [USA, EU, Canada and Japan] make many of the decisions for all members, the decision-making process of WTO should involve all the members.
- The dispute settlement system must put into consideration the development needs of countries and not just whether free trade rules have been violated e.g. WTO ruled in favour of US over the EU’s preferential access for Caribbean banana exporting countries despite its effect on the economies of those countries.
- The multi-billion US dollars subsidies of the developed countries to their farmers every year must stop or be reduced or the developed countries should be allowed to give similar subsidies to their farmers or increase their tariffs to protect their markets from the highly subsidized exports of the developed countries for a level playing ground for competition between developed and developing countries.
- TRIPS, which currently contradicts the principle of the Convention on Biodiversity should be abolished and the control of intellectual property should be returned to the pre-Uruguay institutions like the World Intellectual Property Organisation or at best seeds, plants and drugs should be exempted from TRIPS in order to preserve the basic health and agricultural systems in developing countries. Dr. Ademola Popoola revealed in his paper¹⁸ that the benefits of the negotiations extending GATT to services and intellectual property would fetch USA US\$274 billion per year in extra economic output between 1993 and 2002 whereas African countries would lose US\$2.6 billion with Nigeria alone accounting for US\$1.0 billion, Morocco, Algeria and Tunisia together losing US\$0.06 and South Africa US\$0.04 billion from it.

From the foregoing, it seems that WTO has derailed from the original aims and objectives of the signatories to its antecedent [GATT], and that its role in

¹⁸ *ibid* at pages 2 to 3.

international trade has been hijacked and is now strongly influenced by the “quad” members which manipulate and turn WTO wherever it will satisfy their commercial interests under the guise of promoting international trade. It has also been argued that what WTO has been doing or is being used to do in trade and tariffs negotiations is caring for and protecting what developed countries will suffer and not caring about what developing countries would lose from any such trade and tariff negotiations and agreements. Thus, the developing countries oppose what developing countries want which are likely to be or are harmful to the national and commercial interests of developed countries. Consequently, WTO is seen by enlightened developing countries as a tool in the hands of the ‘quad’ for expanding their own markets and marginalizing and exploiting the developing countries under its principles of liberalization and globalisation. As Martin Khor of the Third World Network put it, the US agenda in WTO is “*liberalization if it benefits me, protectionism if it benefits me, what counts is my commercial interest*’. There had also been a lot of double standards in the operations of WTO heightened fear of WTO increasingly being used for the economic enslavement of the developing member states.

CONCLUSION.

WTO was set up to play and has been playing vital role in shaping and increasing international trade and making it less friction-prone which has reduced tensions in international relations which often contribute to wars, because of its “consensus-based” trade dispute resolution mechanisms, and has introduced and maintained a certain level of discipline in international trade because of its sanctions. However, there are still a lot of negative aspects connected with its structure and modus operandi which need to be reviewed so that, it will be truly seen as catering for the

interests of all the signatories to its Agreement. It has a potential for becoming a powerful arm of the international trade system together with the IMF and the World Bank, maintenance of global trade peace, world peace, good international relations through its method of resolving trade problems through consultation, mediation, negotiation, TPRM or at worst sanctions, in the stead of trade destructive and destabilising wars.

However, to inspire in and retain the confidence of its developing countries signatories and the civil society and make them have a sense of belonging as equal partners in trade negotiations, the corporate-quad-controlled WTO has to be and actually seen to be transparent, just and fair to all its members. For developing countries like Nigeria to also preserve, protect and advance its commercial and national interests at and through WTO, it must not only fully understand the economic and commercial politics involved and going on at WTO but also must fully be equipped technically and in terms of manpower resources to be represented and fully participate at the several negotiations, and in advance of any of its ministerial meetings circulate what its proposals or “requests lists” to arrive at negotiations on issues critical to its national and commercial interests are, and muster enough support before the meeting to carry its agenda or proposals through.

Regrettably, this is yet to be appreciated by the Nigerian government and its delegates to such conferences who have often been accused of being merely interested in the “estacode” given for foreign trips and so go for shopping whilst important negotiations and agreements are being had at conferences. Consequently, there is the threat to withdraw from the WTO Agreement due to frustration or the presentation of poor or inexperienced team of negotiators or lack of adequate preparations. It is

believed that if a developing country like Korea has found its feet in and now makes mission statements and proposals in advance of WTO ministerial conferences, *Nigeria, my great country and the giant of Africa*, should be able to do so too if the political will is there to put the right things and right persons in place and take the right steps towards obtaining what is in its best national and commercial interest. *The secret behind the success of the Asian Tigers in “beating” the WTO agreement and its Trade Policy Review Mechanism to protect its local industries and position them to compete fairly in the international markets with the products and services from the developed countries, should be looked into by the Nigerian Government and in particular the 10-man Committee set up by Mr. President with a view to seeing how Nigeria may use same to protect its national and commercial interests without violating its WTO obligations.* In this regard too, the African “Marshall Plan” which President Obasanjo and President Mbeki were reported to be spearheading in Africa, is a good step in the right direction not only for African economic independence and economic integration but also to enable Africa to speak with one voice on decisions to be taken at the Ministerial Conferences and other organs of WTO, although national and commercial interests of individual African countries are not the same.

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