

APPLICATION FORM

Deadline for submissions: 15 June 2018

Please fill in the table below and the questionnaire on page 2

Name of organisations	Agricultural Policy Analysis Center of Tennessee, ROPPA, SOL		
Countries where Organisations are based	USA, Senegal, France		
Category	<input checked="" type="checkbox"/> NGO <input type="checkbox"/> IGO <input checked="" type="checkbox"/> Trade union	<input type="checkbox"/> Private sector <input type="checkbox"/> Law firm <input type="checkbox"/> Journalist	<input type="checkbox"/> Parliamentarian <input type="checkbox"/> Government <input checked="" type="checkbox"/> Academic <input type="checkbox"/> Other <i>Please specify,</i>
Person(s) in charge of organising the session	Jacques Berthelot		
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Telephone	Fixed: +33561412906; mobile: +33678700144;		
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Participation in the Public Forum	Participated	Organised a Session	
	<input checked="" type="checkbox"/> 2017 <input checked="" type="checkbox"/> 2016 <input checked="" type="checkbox"/> 2015 <input checked="" type="checkbox"/> 2014 <input checked="" type="checkbox"/> 2013 <input checked="" type="checkbox"/> 2012 <input checked="" type="checkbox"/> 2011 <input checked="" type="checkbox"/> 2010 <input checked="" type="checkbox"/> 2009 <input type="checkbox"/> 2008 <input type="checkbox"/> 2007 <input type="checkbox"/> 2006 <input type="checkbox"/> 2005 <input checked="" type="checkbox"/> 2004 <input checked="" type="checkbox"/> 2003 <input checked="" type="checkbox"/> 2002 <input checked="" type="checkbox"/> 2001	<input checked="" type="checkbox"/> 2017 <input checked="" type="checkbox"/> 2016 <input checked="" type="checkbox"/> 2015 <input checked="" type="checkbox"/> 2014 <input type="checkbox"/> 2013 <input type="checkbox"/> 2012 <input type="checkbox"/> 2011 <input type="checkbox"/> 2010 <input type="checkbox"/> 2009 <input type="checkbox"/> 2008 <input type="checkbox"/> 2007 <input type="checkbox"/> 2006 <input type="checkbox"/> 2005 <input type="checkbox"/> 2004 <input type="checkbox"/> 2003 <input type="checkbox"/> 2002 <input type="checkbox"/> 2001	



Please answer the following questions as completely and accurately as possible.

1. Title of the session.

Taking seriously the WTO rules on domestic subsidies to allow Sub-Saharan Africa to reach the SDG-2 in 2030.

2. Do you want to organise a Working Session or a Workshop?

Working Session

Workshop

3. Explain how your session relates to the theme of this year's Public Forum and provide a brief description of the session, including the objective(s) and relevant questions that will be addressed.

Reaching the SDG-2 on ending hunger and promote sustainable agriculture by 2030 is a formidable challenge for Sub-Saharan Africa (SSA), counting in 2014-16 35% of the world undernourished people and facing already the treble challenge of population explosion, climate change and food deficit. Some WTO rules hampering them, or their non-compliance by the developed countries, should be changed.

The developed countries should stop denying the Appellate Body (AB)'s rulings on domestic subsidies. Indeed it has ruled four times that they have a dumping impact, namely in the EU Sugar case of April 2005 where it "*held that economic effects of WTO-consistent domestic support may 'spill over' to benefit export production. Such spill-over effects may arise, in particular, in circumstances where agricultural products result from a single line of production that does not distinguish between production destined for the domestic market and production destined for the export market*". And in the US Cotton case of March 2005 it ruled that the US fixed direct payments could not be notified in the green box because the US farmers did not avail of a full production flexibility, which is even more the case for the EU alleged decoupled payments of € 35.2 billion in 2016.

The AoA article 6.2 stating that "*investment subsidies which are generally available to agriculture in developing country Members and agricultural input subsidies generally available to low-income or resource-poor producers in developing country Members shall be exempt from domestic support reduction commitments that would otherwise be applicable to such measures*" is considered a part of the 'development box' of developing countries (DCs). Which implies, conversely, that investment and input subsidies of the developed countries must be notified in the amber box, what they are not doing, particularly their largest input subsidies, those to feedstuffs, allowing them to export all animal products at prices much lower than their 'average total cost of production' defined as the benchmark of dumping in the AB rulings of December 2001 and December 2002 in the Dairy Products of Canada case.

The WTO rules, including AB rulings, should all the more be strictly complied with that, contrary to developed countries, the common external tariffs (CET) of the SSA Regional economic communities (RECs), which are not WTO Members as the EU, do not avail of bound tariffs allowing them to raise their applied tariffs. And possible safeguards are too difficult to use and are only temporary.

So that the issues to be debated are the necessity:

- That the WTO Members recognize a value of legal precedent (stare decisis) to the Appellate Body's rulings.

- To reconsider the GATT definition of dumping that there is no dumping as long as products are exported at their domestic market prices. This explains the radical change of the EU and US agricultural policies in the early 90s, reducing drastically their minimum farm prices and compensating them by subsidies that they defined as non-trade distorting in the AoA rules they were devising at the same time. If the WTO does not define what a 'market price' is, the US and EU laws on imports from 'non-market economies' do, stating that, in a market economy, there "*must be virtually no government involvement in setting prices*", which is clearly not the case for the EU and US farm prices. Should not the WTO definition of dumping be complemented by 'providing the reduction of domestic prices is not offset by domestic subsidies'?
 - To recognize that, despite the specific provisions of the AoA on export subsidies, all domestic subsidies causing adverse effects to the interests of WTO members are now actionable under the SCM (Subsidies and Countervailing Measures) agreement.
 - To enforce the conditions required by the AoA annex 2 paragraph 6 criteria on 'decoupled income support' as many developed countries, particularly the EU, do not comply with them.
4. Provide an abstract of your session (no more than 150 words). An abstract summarizes your proposed session/workshop. If selected, this abstract will be inserted in the programme and posted on the website of the Public Forum prior to the event (compulsory).

Reaching the SDG-2 on ending hunger and promote sustainable agriculture by 2030 is a formidable challenge for Sub-Saharan Africa (SSA), counting 35% of the world undernourished and facing the treble challenges of population explosion, climate change and growing food deficit. Some WTO rules, or their non-compliance by the developed countries, should be changed. For SSA the developed countries should stop denying the Appellate Body's rulings on the dumping impact of domestic subsidies, namely in the EU Sugar case and US Cotton case of 2005. Should not:

- the WTO definition of dumping – no dumping as long as products are exported at domestic prices – be complemented by 'providing the reduction of domestic prices is not offset by domestic subsidies'?
 - the WTO Members recognize a value of legal precedent (*stare decisis*) to the Appellate Body's rulings?
 - the WTO enforce the criteria on 'decoupled income support' as developed countries do not comply with them?
5. Identify potential panellists for your session. Please note that we will **NOT** accept more than 5 panellists (including the moderator). Indicate their background (i.e., academic community, NGO representative, business community, government official, IGO representative, journalist etc...). Please ensure that the panellists represent different perspectives on the topic to be addressed.

Mamadou Cissokho, Honorary President of ROPPA (Network of small farmers organizations and agricultural producers of West Africa), Member of ECOWAS Task Force on Trade, Senegal, farmers' union representative.

Eric Andrieu, Member of the European Parliament's Committee on agriculture, of the Delegation for relations with the Pan-African Parliament, Substitute member of the Delegation to the ACP-EU Joint Parliamentary Assembly, France, EU institutions representative.

Harwood Schaffer, Director of the Agricultural Policy Analysis Center (APAC) of Tennessee , USA, research community.

Francisco Mari, Senior policy officer on Agritrade and Fisheries at Bread for the World, Germany, NGO representative.

Jacques Berthelot, retired academic in charge of agricultural policies at SOL (alternatives agroécologiques et solidaires), France, NGO representative.