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INTERVENTO DELLA SANTA SEDE ALLA VI CONFERENZA MINISTERIALE DELL'ORGANIZZAZIONE MONDIALE DEL COMMERCIO

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Il 18 dicembre scorso, durante la sessione plenaria della VI Conferenza Ministeriale dell'Organizzazione Mondiale del Commercio, tenutasi a Hong Kong dal 13 al 18 dicembre 2005, S.E. Mons. Silvano Tomasi, C.S., Capo della Delegazione di Osservazione della Santa Sede, ha preso la parola per ricordare che il sistema di regole commerciali internazionali deve diventare un mezzo per raggiungere ulteriori obiettivi, tra cui quelli fondamentali dello sviluppo integrale di ogni persona e la riduzione della povertà.

Pubblichiamo di seguito l'intervento di S.E. Mons. Silvano Tomasi:

● INTERVENTO DI S.E. MONS. SILVANO TOMASI

The Delegation of the Holy See wishes to express its gratitude to the Chief Executive of the Hong Kong Special Administrative Region, to the Secretary for Commerce, Industry and Technology, and to the people of Hong Kong for their kind welcome and to congratulate them on the excellent arrangements that have been made for this Conference. Equal appreciation goes to the Chairman of the General Council and to the Director General of the WTO for their efforts throughout the preparatory period.

It was not possible for the Member States to reach a substantial agreement before the Hong Kong Conference. Now, the objective is to draft a document that offers guidelines in order to continue the discussions. Difficulties manifested themselves at the time of making concessions following the guidelines established by the Doha Declaration and the Decision adopted by the General Council on 1 August 2004¹. While these difficulties could ultimately not be overcome, they still represent an opportunity to examine more carefully the contents of the aforementioned Declaration and Session in favour of development. Such contents should then be taken into account in each and every one of the new agreements, so that "a universal, rules-based, open, non-discriminatory and equitable multilateral trading system, [which] can substantially stimulate development worldwide"² may be reached.

A few days ago, in his message to the Food and Agriculture Organization (FAO) annual Conference, Pope

Benedict XVI spoke about this WTO meeting saying: "In a few days many of the participants in this Conference will be meeting in Hong Kong for negotiations on international commerce, particularly with regard to farm products. The Holy See is confident that a sense of responsibility and solidarity with the most disadvantaged will prevail, so that narrow interests and the logic of power will be set aside. It must not be forgotten that the vulnerability of rural areas has significant repercussions on the subsistence of small farmers and their families if they are denied access to the market"³.

The Holy See recognizes the benefit of an equitable and participatory multilateral system of trade relations directed to attaining and developing the common good. A spirit of solidarity among all countries and people should replace the ceaseless competition that aims to achieve and defend privileged positions in international trade. Protectionism too often favours already privileged segments of society. Effective multilateralism, on the other hand, is an inclusive process which acknowledges that at the core of all social and economic relations, and hence of trade relations, is the human person, with dignity and inalienable human rights. Therefore, a rules-based trade system or, better, a fair system of trade rules is indispensable.

A fair system of trade rules should be shaped according to the level of economic development of the Member States and give explicit support and special and differential treatment to the poorest countries. When the levels of development of the members are excessively unequal, the consent of the parties may not be sufficient to guarantee the justice of their agreement: "trade relations can no longer be based solely on the principle of free, unchecked competition, for it very often creates an economic dictatorship. Free trade can be called just only when it conforms to the demands of social justice"⁴. Moreover, the question of justice in today's trade rules is problematic because such rules tend to grant more privileges to those who possess more economic power. A fair system of trade rules is an international public good. Without a fair system of trade rules, vulnerable people in many developing and developed countries will be "locked in a poverty trap". In fact, many poor countries are prevented from reaping the benefits of the new opportunities offered in the new scenario.

Trade reforms can, in the short-term, bring about for the poorest countries adjustment costs that could have a harmful impact on the lives of their citizens. International trade rules should enable governments to adopt the measures necessary to reduce the social costs of trade liberalization. Indeed, the global gain from trade liberalization should allow for "compensating losers".

This approach is in line with the concern to put the human person at the centre of any development and trade strategy, recognizing that only by raising individual's capabilities, enabling every person and every social group to make the most of the opportunities created by trade liberalization, will it be possible to implement a truly mutually beneficial fair trade.

Opening access to new markets offers a real opportunity for developing countries and is an important element of the development process; however, it is not *per se* a sufficient condition for lifting countries out of poverty. Poor countries need to be equipped in order to take this opportunity. Without appropriate infrastructure for access to markets, human capacity-building, it is unlikely that any country could benefit from trade. A generous "Aid for Trade" initiative should be predictable, specific, monitored and country-driven. In this regard, consideration should be given to providing developing countries with the finances needed to address adjustment costs arising from the Doha negotiations as well as their supply side constraints. Indeed, weak economies urgently need support for improving their supply capacity and trade-related infrastructure in order to be able to translate improved market access into increased exports.

The international trading system should guarantee a true partnership based on equal and reciprocal relations among rich and poor countries. The WTO system should encourage participation of all States, above all of the most disadvantaged, in the negotiation process. Trade rules should be negotiated by all, in the interest of all, and adhered to by all, avoiding closed-door decision-making that lacks the transparency and democracy necessary for the participation of the weak and voiceless. The benefits that would result for developing countries would be larger, stable and leading to their self-reliance.

Free trade is not an end in itself but rather a means for better living standards and the human development of

people at all levels. The universal destination of the goods of the earth requires that the poor and marginalized should be the focus of particular concerns.⁵ Trade exchanges should enable all people to have access to these goods. Thus, essential services such as health, education, water, and food are not normal goods since citizens cannot choose not to use them without harm to themselves and high social costs for society. Although often necessary, food aid can lead to unintended consequences that do not strengthen the food security of poor people⁶. These public goods often require government intervention in markets to ensure equitable access to them. It is the task of the State to provide for the defence and preservation of common goods which cannot simply be addressed by market forces.

There exist important human needs which escape the market logic. There are goods which due to their very nature cannot and must not be bought or sold⁷. In a very special way, the movement of professionals and workers, a phenomenon of increasing importance that contributes in a critical way to the production of wealth, should be planned and managed in ways that optimize the benefits both for countries of origin and countries of destination, and above all for the migrants themselves. The discussion on services should address items of interest to the developing countries, especially those related to the movement of people, bearing in mind that the economic interests of the poor and the full respect of all human rights and the rights at work of migrants are paramount in the negotiations.

In today's world, where the knowledge economy is becoming such an essential requirement, the concern for the TRIPS Agreement takes on new significance. While there is a need to protect intellectual property rights as an incentive for innovation and technology creation, it is also important to ensure broad access to technology and knowledge especially for low-income countries. The new goods derived from progress in science and technology are key to world trade integration. Improved technology and know-how transfer from the developed countries is necessary so that less-developed countries can catch-up and gain international trade competitiveness.

Further, we welcome the recent amendment to the TRIPS Agreement on Public Health. This amendment could assure poor countries access to the means for the production and importation of essential drugs needed to face the main pandemics suffered by their populations. It balanced the two important objectives of intellectual property rules: creating incentives for innovation and spreading the benefits of the innovations as widely as possible. However, care should be taken that this amendment not be weakened by regional and bilateral agreements containing "TRIPS plus" variants, which are more onerous for poor developing countries.

The Ministerial Meeting in Hong Kong could provide not only an important chance to restore confidence in the Doha Development Round, but also to restore full credibility and legitimacy to the WTO system and to have the public at large understand its value. Despite all its inherent constraints, the WTO is unique among international organizations as a members-driven one with an ambitious policy of inclusion. The mechanism of an effective Dispute Settlement Body (DSB) is evidence of a guarantee the equality of all countries before the law, regardless of their economic power, and it protects virtually all Member States from unfair, unilateral commercial actions.

This Ministerial Conference has the potential to be remembered as a milestone in the establishment of a socially just international trading system. The more the rights and needs of the poor and the weak are taken into account, the greater becomes the possibility for justice and peace in our world, two indispensable conditions for sustainable development and for the alleviation of poverty. These two goals constitute a common ambition to which all members can aspire as the negotiations go forward: this is a guide for the road ahead.

12004 July Package (WT/L/579, 2 August 2004).²United Nations, A/RES/60/1, 2005 World Summit Outcome, N. 27.³Benedict XVI at the 33rd Conference of FAO, November 24, 2005.⁴Paul VI, *Populorum Progressio*, n. 59.⁵Cf. *Compendium of the Social Doctrine of the Church*, I. 182, Pontifical Council for Justice and Peace (2004).⁶Cf. John Paul II, at FAO Headquarters, 5 December 1992, n. 4: "*Food aid can do much good for recipient countries. However, it should not be used by donor countries so as to result in commercial displacement of food commodities. In the long-term, food security problems will not be solved by increasing food aid dependency of entire populations*" that should "*receive an education that prepares them to provide healthy*

