

THIRD WORLD

# RESURGENCE

ISSUE No. 367

e-ISSN 2948-4766

www.twn.my



## Whither the WTO?

**Challenges confronting  
developing countries  
in the World Trade  
Organization**

CENTRE W



Third World  
**RESURGENCE**

www.twn.my

No 367 2026/2 e-ISSN 2948-4766



© WTO

**Contrasting visions of the future of the World Trade Organization were in play at the WTO's latest Ministerial Conference in March.** 14

**ECOLOGY**

- 2 The human cost of Kenya's expanding lakes – *Frank Njugi*

**HEALTH & SAFETY**

- 6 When care becomes capital – *Christy Hoffman*

**ECONOMICS**

- 8 A brief history of global AI governance – *Anita Gurumurthy and Nandini Chami*

**COVER**

- Whither the WTO?**  
Challenges confronting developing countries in the World Trade Organization

- 14 Multilateralism under threat at the WTO – *Kinda Mohamadieh*
- 16 What the US seeks from 'reform' at the WTO – *Goh Chien Yen and Kinda Mohamadieh*
- 18 The backdoor strategy to adopt plurilateral agreements in the WTO – *Jane Kelsey*
- 21 The fight to save special and differential treatment – *Abhijit Das*
- 26 MC14 and the negotiations on agriculture: A critical juncture for development – *Ranja Sengupta*
- 31 The looming spectre of 'non-violation complaints' – *K.M. Gopakumar*

**WORLD AFFAIRS**

- 33 Trump's coercive tactics in Latin America evoke era of

- gunboat diplomacy – and the rise of anti-imperialism it helped spur – *Tony Wood*
- 35 In Cuba, US media only films the darkness – *Michelle Ellner*

**HUMAN RIGHTS**

- 37 Palestinian students are fighting for their right to education – *Ashley Ver Beek*

**WOMEN**

- 41 Recipes for memory and connection – *Isalia McIntyre*

**CULTURE**

- 43 The Philippines' brutal history informs Glenn Diaz's powerful political novel – *Sam Ryan*

**THIRD WORLD RESURGENCE** is published quarterly by the Third World Network, an independent non-profit international research and advocacy organisation involved in bringing about a greater articulation of the needs, aspirations and rights of the peoples in the South and in promoting just, equitable and ecological development.

Published by Third World Network Berhad (198701004592 (163262-P)), 131 Jalan Macalister, 10400 Penang, Malaysia  
Tel: 60-4-2266728 Fax: 60-4-2264505  
Email: [twn@twnetwork.org](mailto:twn@twnetwork.org)  
Website: [www.twn.my](http://www.twn.my)

Views expressed in these pages do not necessarily reflect the positions of the Third World Network.

**Cover design:** Lim Jee Yuan  
Cover photo of entrance to WTO headquarters: Benoît Prieur

**Editor:** Lean Ka-Min  
**Managing Editor:** Chee Yoke Ling  
**Staff:** Linda Ooi (Design), Lim Jee Yuan (Art Consultant)

# The human cost of Kenya's expanding lakes

Due to a complex interplay of geological, climatic and human-induced factors, the waters of Kenya's Rift Valley lakes are rising fast, submerging lands, livelihoods and the people's sense of security.

**Frank Njugu**

LAST year, in one of those overly fun Nairobi evenings that trick you into thinking the world is orderly, I was walking along Tom Mboya Street, with its streetlights flickering on, and the last of the *matatus* coughing exhaust into the dusk, and me, just out of a literary event, still carrying the residual buoyancy that follows extended conversation about books.

I was heading towards the last *matatu* at my stage, phone in hand, scrolling through the after-notes, when the phone rang. It was my mother. That wasn't unusual. She calls at odd hours, usually to relay some piece of village gossip or to ask if I have eaten. But this time it was different. Her voice didn't have the usual rhythm. It was tight. Not panicked – my mother doesn't panic – but compressed, like she was squeezing the words out of a narrow space.

'It's your aunt,' she said. 'Her place. It's gone.'

I stopped walking. 'What do you mean, gone?'

'The water,' she said. 'It came up yesterday. She woke up this morning, and the living room ... there was water where the living room used to be.'

There was a pause, and in that pause I could hear something I couldn't place at first. Not her breathing. A sound underneath her voice, distant and wet. The slap of something against something. Then she said, 'I'm at her place now. Or what was her place. We are standing in the road. The water is still rising.'

I leaned against a building



A building submerged by the rising water levels of Lake Naivasha.

GiveMeMollusks

wall. The street was still there – the neon from the club down the block, a man selling *smocha* on the corner – but suddenly it felt like a postcard held up in front of a flood. I asked the stupid question people always ask: 'But how? It hasn't even rained that much.'

She didn't answer right away. I think she was watching something. When she spoke again, her voice had shifted, grown quieter, as if she didn't want whoever was standing next to her to hear. 'It's not rain,' she said. 'It's the lake. It's been coming for months, but no one ... we thought it would stop. It doesn't stop.'

I could see it then, not the lake – I was a hundred kilometres away – but the scene she was standing in: the tarmac gone soft at the edges, the acacia trees standing in water up to their trunks, the dark line on the walls of my aunt's house like a bath ring. And my mother, maybe still in her church clothes, holding her phone to her ear, watching a relative's life dissolve by the inch.

I wanted to say something useful. Something like, What can I do? But I knew what she'd say. Nothing. No one could do anything.

## The lake was always waiting

There is a story we always told ourselves as kids growing up in Naivasha about the lake that was a bad lie we became comfortable with. It is the lie of stasis – that the water knows its place, that boundaries drawn by men are respected by nature, and that the world arranged around us will remain so. For decades, the lake retreated, ceding ground to the ambitions of farmers, and to the appetites of Naivasha's multibillion-shilling horticulture industry. Residents, in their wisdom, built upon that abandoned bed. We planted flowers where the water once breathed. We laid roads across its memory. And we called it progress.

It appears, the lake was just waiting.

Since 2010, something shifted. Geologists will give you measured language and call it anomalous hydrological activity. What began as a slow seep that you could ignore for a season turned into a relentless surge. By 2020, the waters had risen to heights unseen since 1932 – approaching a watermark set when Teddy Roosevelt was still shooting hippos in the Rift and calling it exploration. The shoreline marched up to a kilometre and a half inland in some sectors. At the height of its expansion, the water was swallowing land at a staggering rate of 30 to 90 metres *per month*. You could go to sleep in June with your property line a hundred metres from the water, and by August, you're wading through your kitchen.

The landscape at the shores of Lake Naivasha is now a cemetery of industry. The Yellow Fever acacia forests, once the iconic backdrop of the Rift Valley, have been drowned, their white, skeletal trunks standing in stagnant pools. Hundreds of buildings have been submerged; dozens of kilometres of roads have vanished beneath the surface. The multibillion-shilling flower industry, the lifeblood of the region, has seen its greenhouses swallowed whole, displacing thousands of workers whose livelihoods were tied to land the lake has now reclaimed.

There is a paradox that catches in your throat. A growing freshwater lake – you would think that's a good thing, a sign of ecological health, and a rebuke to drought. But here, it acts as a destroyer. Scientists point to a cocktail of causes, such as erratic, heavy rainfall patterns, the steady sedimentation of the lake floor, and perhaps even deep tectonic shifts within the Rift Valley. But the result is singular: a 21% increase in surface area that refuses to retreat.

The locals have stopped calling it a flood, as floods go down and are temporary. What is happening now is a resetting of boundaries. The land humans borrowed for a century was always, in the lake's memory, part of the water.



Hippos in Lake Naivasha. As the lake expands, it pushes wildlife out of its path.

Николай Максимович (CC BY 3.0)

### Regional reckonings

What is happening at Lake Naivasha is not an isolated event. It is part of a larger, basin-wide transformation affecting the entire Kenyan Rift Valley and beyond. Between 2010 and 2020, lakes across the region expanded at rates that have forced scientists, policymakers and residents to rethink long-held assumptions about the stability of these water bodies. Lake Baringo's surface area increased by more than 108 percent. Lake Nakuru grew by 70 percent. Lake Bogoria swelled and even Lake Victoria, though not a rift lake by formation, experienced record-breaking rises in 2020, influenced by the same regional dynamics.

Professor Erustus Kanga, director general of the Kenya Wildlife Service, has previously offered a view that extends beyond Naivasha's boundaries. 'All the Rift Valley lakes have been rising,' he states flatly. 'Kenya is not unique; we're seeing this phenomenon from Ethiopia to Zambia.' The statement was meant to contextualise, but for those who have lost homes and land, it offers cold comfort. The lake is not singling them out but is part of a regional transformation that spans countries and ecosystems.

This expansion is driven by a complex interplay of geological, climatic and human-induced factors, each compounding the others, and

each making the outcome more difficult to predict or control.

The East African Rift is an active divergent boundary where the African plate – specifically the Nubian and Somali plates – is pulling apart. This tectonic activity, ongoing for millions of years, may be playing a more immediate role in the current crisis. Recent movements appear to have altered underground permeability, reducing the subterranean outflow – the natural seepage – that historically helped regulate water levels in these closed-basin lakes. When water cannot drain underground, it has nowhere to go but outward.

Compounding this is underground siltation. Increased sediment loads from surrounding degraded landscapes have, over time, clogged the underground water paths that once served as natural drainage systems. With these pathways blocked, water becomes trapped within the lake basins, accumulating year after year with no outlet.

Climate patterns have also shifted dramatically. The Indian Ocean Dipole (IOD) – a climate system driven by temperature differences across the Indian Ocean – has repeatedly pushed abnormally heavy rainfall onto East Africa. When the western ocean runs warmer than the eastern, moisture piles towards the coast. This phenomenon, often compounded by

El Niño, was a primary driver of the severe flooding witnessed across the region in recent years. Between 2019 and 2020, a particularly strong positive IOD event coincided with record rainfall levels across the Rift Valley, accelerating lake expansion beyond anything seen in decades.

Human activity has compounded these forces. The Mau Forest Complex – Kenya’s largest water tower – has lost roughly a quarter of its cover to encroachment and illegal logging. Indigenous forests absorb rainfall slowly, releasing it into groundwater; when they are cleared, water rushes straight into rivers and lakes instead.

The consequences are stark. Rainfall that once soaked slowly into the earth now surges directly into rivers like the Njoro and Mara, driving flash floods and sustained high water levels. Poor farming practices have meanwhile stripped hillsides bare, sending silt into lake basins where it raises the floor – so that the same volume of water spreads wider, year by year, over surrounding land. The human and ecological costs of this expansion are severe and unevenly distributed.

At Lake Baringo, the water rose sharply, displacing more than 5,000 people and submerging homes, schools and health facilities. Nearby, Lake Bogoria – alkaline, home to the algae that sustains its famous flamingo populations – is nearing a potentially catastrophic convergence with the freshwater Baringo. If the two lakes merge, the chemical disruption could wipe out the conditions that the flamingos depend on. At Lake Nakuru, a 50% increase in surface area has diluted the lake’s alkalinity, disrupting the conditions that once supported its legendary flamingo flocks. The birds have migrated elsewhere. The iconic image of Nakuru’s pink-fringed shores – a cornerstone of Kenya’s tourism identity – has dimmed. Even Lake Victoria, geologically distinct from the Rift lakes, saw record-breaking rises in 2020, driven by the same regional rainfall. Shoreline communities

were displaced; infrastructure was damaged. The interconnectedness of the region’s water systems has become impossible to ignore.

The Rift Valley is not experiencing a series of isolated floods but undergoing a systemic transformation, driven by tectonic processes beneath the earth, climatic shifts above it, and human decisions at the surface. The lakes are responding to forces set in motion across decades and, in some cases, across millennia. The question facing the region is no longer how to stop the expansion, but how to live with it.

### Lives submerged

For the communities living along the edge of Lake Naivasha, the rising waters are not a distant statistic or a scientific debate, but daily reality of lives submerged both literally and figuratively. In settlements like Kihoto, where the lake has swallowed streets and turned some neighbourhoods into canals, residents navigate their world in boats where they once used footpaths.

James Otieno has been displaced twice in three years. He stands at what was once the edge of his community, gesturing towards a cluster of rooftops that now break the water’s surface like tombstones. ‘You can still see where people lived,’ he says. ‘The water doesn’t hide it.’ His voice carries no anger – only the exhausted acceptance of someone who has stopped asking why and now only wonders where.

Another resident, Beatrice Wairimu, built her home in 2012, choosing her location with care. She placed it three kilometres from the old shoreline, far enough, she believed, to be safe. The lake had been retreating for years. Everyone said it would continue to retreat. In November 2025, she left for a short trip – a few days, nothing more. When she returned, she found only the roof visible above the water. ‘A lake that had forgotten where to stop,’ she describes it, the phrase

carrying both bewilderment and a strange, sorrowful poetry. She does not say the lake forgot. She says the lake forgot ‘where to stop’, as if the water had once known boundaries and simply chose, one day, to abandon them.

Agnes Njeri cultivated vegetables on a half-acre plot near the lake. She watched the water inch forward over several weeks and not as a dramatic flood or sudden wave, but as a patient, inexorable advance. ‘Something slow that still managed to surprise us,’ she says. The contradiction is the crux of it. She saw it coming. She had time to watch, to measure, to anticipate. And still, when the water reached her doorstep, it felt like an ambush. She lost her land, her crops, a disaster that struck in a day, but one that arrived in increments, giving her just enough time to understand what was happening and not enough time to stop it.

The tension between nature’s cycles and human development lies at the heart of the crisis. And by most accounts, development has been losing.

Simon Onywere of Kenyatta University does not mince words when talking about this. He describes decades of poor urban planning and the unchecked subdivision of riparian land as having created what he calls a ‘theatre of the absurd’. Homes were built on land that the lake naturally reclaims every few decades. The patterns were known. The flood zones were mapped. But the pressure for land – for housing, for agriculture, for the flower industry that became the region’s economic engine – overrode caution. People built where they should not have built. And now the water has come to collect what was always, on a geological time scale, its own.

The economic toll has been staggering. The flower industry, a billion-dollar sector for Kenya and the largest employer in the Naivasha region, has seen up to three-quarters of some farms engulfed. Greenhouses that required millions

in investment now sit under water. Research facilities – some built by international institutions, some by the government – have been submerged, taking with them years of scientific work and equipment worth millions of shillings. The industry that defined Naivasha’s modern identity is being threatened by the very lake it depended on.

There is one more conflict that cannot be managed with policy or planning. As the lake expands, it pushes wildlife out of its path. Hippos, which once kept to the water’s edge, now roam through areas that were recently residential. They graze on land where children walk to school and wander onto roads at night. The human-wildlife conflict, long a feature of life near Kenya’s protected areas, has taken on a new dimension as the animals are not leaving protected land but the water is bringing them into the spaces where people live.

The shores of Lake Naivasha are lands that held families for generations, now invisible beneath the surface. And among those who know no other home, there is a suspended uncertainty of life in a place where the water may not have finished rising.

### A new cartography

It has become difficult, at this point, to maintain the fiction that what is unfolding at Lake Naivasha is either temporary or anomalous. The ‘high-water mark’ is no longer a relic but a new reality. The water has climbed to within a metre and a half of that century-old benchmark, and it shows no sign of retreating to the boundaries that previous generations had come to expect.

For decades, the language used to describe this phenomenon has been the language of the temporary. ‘Flooding’ implied recession. ‘Crisis’ implied resolution. But the lakes of the Rift Valley are not recovering from a weather event but are settling into a new equilibrium. As climate change stabilises these higher levels through increased

rainfall patterns, sustained runoff from degraded catchments, and the steady siltation that raises lake floors, the map of the wider Rift Valley is being permanently redrawn.

This demands a fundamental shift in how we understand our relationship to the water. The water has not transgressed. It has returned to territory it once occupied, territory that was never truly ours to claim in perpetuity. The lake has simply reclaimed its original shoreline.

For people like James Otieno, displaced twice, or Agnes Njeri, who watched the water take her half-acre inch by inch, the failure is as much natural as it is institutional. The crises unfolding along the shores of Naivasha, Baringo, Nakuru and beyond demand a transition from disaster response to long-term riparian zone management. For years, the pattern has been reactive: waters rise, homes are submerged, families are displaced, emergency aid is deployed. Then the waters stabilise and the cycle begins again. This is not sustainability but a ritual of loss repeated.

Policy reform is urgently needed. Kenya must embrace and enforce ‘Room for the Lake’ initiatives – approaches that move away from hard engineering solutions like dykes and barriers, which have proven inadequate against the scale of this expansion, and towards natural buffers that acknowledge the lake’s right to fluctuate. When walls are built against water, the water eventually finds a way around them. When space is ceded to the lake – when riparian zones are protected, and when development is kept at a safe distance – both the lake and the people who live near it can coexist.

Central to this effort is clear demarcation. The riparian line – set at 1,892.1 metres above sea level – must be visibly marked and legally enforced. Developers, farmers and families need to know, with certainty, where the water is likely to go. Without clear boundaries, the

pattern of building in the flood path will repeat itself, generation after generation, each cycle more costly than the last. The knowledge exists. The measurements exist. What has been missing is the political will to act on them.

And then there is the question of those already displaced. Providing affected families with land titles in safe zones is, by any measure, more cost-effective than the perpetual cycle of emergency aid. Each time the waters rise, the government and humanitarian organisations spend millions on temporary shelters, food aid and relocation efforts that do not address the underlying reality. A single investment in secure, permanent resettlement – on land that will remain above water – ends the cycle. It returns to families what the lake has taken: stability.

My aunt now lives on higher ground, if you can call it living. She is landless. The plot she bought with years of savings, the three-bedroom house she watched being built brick by brick, the kitchen garden where she grew *sukuma wiki* – all of it sits under water that we know might never recede. She moved in with relatives first, then to a government-provided tent, then to a single room in a settlement farther from the lake than she has ever lived.

She is 60 years old. She does not say she will rebuild. She says she is tired. The water took not just her house but the idea that she could ever be secure again. She is one of thousands in the Rift Valley who have learnt the same bitter lesson: When the lake decides to reclaim its territory, it does not distinguish between ancestral land and new investment, or between a flower farm employing hundreds and a widow’s half-acre. It simply rises. And those who survive it do so not by winning, but by retreating – again and again – until there is nowhere left to go. ◆

*Frank Njugi is an award-winning writer and journalist from Naivasha, Kenya. This article is reproduced from Africa Is a Country (africasacountry.com) under a Creative Commons licence (CC BY 4.0).*

# When care becomes capital

Without urgent safeguards, financialisation risks locking care systems into a race to the bottom.

I HAVE spent years listening to care workers across the world. Home care workers juggling multiple jobs, nurse aides holding together hospital systems on poverty wages, technicians stretched beyond safe limits. Their stories differ by country, but the underlying reality is increasingly the same: the systems they sustain are being reshaped by financial interests that do not see or value their dedication to those they care for.

Today, I am more convinced than ever that we are approaching a breaking point.

## Profiteering by design

Our new UNI Global Union report, *The High Cost of Financialised Care*, examines healthcare systems across six countries. What we found is deeply troubling. Financial actors – private equity firms, investor-backed hospital chains and opaque insurance intermediaries – are embedding themselves into care systems in ways that systematically undermine working conditions and patient care.

This is not the urgently needed investment aligned with public needs. It is profiteering by design.

In Colombia, where the state provides over 70% of healthcare funding, most of that money flows to private intermediaries – many foreign-owned – whose primary driver is to deliver profits, not patient care. Over the previous decades, this system has experienced significant instability and criticism of underfinancing. Reform efforts led by the left-wing Gustavo Petro government in 2024 have been blocked by politically entrenched corporate interests, most notably the multinational Keralty Group,

## Christy Hoffman

who own EPS Sanitas, the second largest insurance intermediary company in Colombia.

In Kenya, public health insurance was reformed in 2024 through the establishment of the Social Health Authority (SHA), a state corporation of the Government of Kenya. The SHA replaced the previous National Hospital Insurance Fund (NHIF), which had existed since 1966 and had faced sustained criticism for failing to cover more than 20% of the population by requiring payment of premiums, thereby pricing out most Kenyans. But what was presented as a landmark reform was subsequently revealed by the country's Auditor General to be a for-profit contract outsourced to a private consortium, extracting management fees of approximately 5% per claim on an \$800 million programme.

Finally, in the Dominican Republic, just three insurers dominate the country's health insurance market and post recorded profit margins of up to 33%, raising concerns about competition and access to affordable care.

Financialisation changes how care systems function by introducing incentives that prioritise short-term financial returns over long-term resilience. It sets off a spiral effect that pushes down wages and fragments employment. It reduces transparency through complex ownership structures. And it limits the ability of governments to act in the public interest.

One of the clearest warning signs is rising debt. In Brazil, five conglomerates now dominate the healthcare sector, having expanded

through aggressive acquisitions financed by debt, only to pass the pressure onto workers when economic conditions tightened. Real wages fell. Many health workers were forced to work 60 to 80 hours a week just to scrape by with the essentials. And when workers are stretched to that extent, patient care inevitably suffers. Because quality care cannot be delivered on the back of exhaustion and insecurity.

Perhaps the most alarming lesson is that public funding alone no longer guarantees public accountability. While governments are paying for care, they are too often not in control of how it is delivered or who ultimately benefits. At the same time, the scale of financial capital entering healthcare continues to grow rapidly. Without safeguards, that capital will continue to reshape systems in ways that put profit before people.

We do not have to accept this trajectory.

## The future of care

Investors can play a more constructive role in shaping standards in the care sector. Through the Investor Initiative for Responsible Care, UNI convened over 160 investors representing more than \$4.4 trillion in assets under management to support higher standards across the nursing home sector. By using their collective voice, these investors are calling on policymakers to raise standards on freedom of association, staffing levels and transparency – thereby countering the usual industry lobbying.

Governments can and must act now to define what investment in care looks like. This includes five urgent steps.

First, public care systems must be strengthened. They remain the most effective safeguard against extractive financial practices.

Second, governments must mandate full transparency. If public money is involved, there must be clear visibility into ownership chains, debt levels and financial flows across all care providers and financial actors in care.

Third, strong regulatory guardrails to limit the most harmful financial practices, particularly excessive leverage and profit extraction, must be introduced.

Fourth, governments must involve workers and their unions in policymaking. Care workers know where systems are failing because they live those failures every day.

And lastly, gender analysis needs to be embedded into all care policies and investment decisions. The care workforce is predominantly women, and financialisation risks deepening existing inequalities.

This is not an abstract policy debate. It is about the future of care itself. Healthcare is not just another sector of the economy. It is a cornerstone of our societies, a reflection of our collective commitment to dignity and human life. Treating it as an asset class to be optimised for returns undermines that foundation.

I believe in investment that strengthens care systems. I believe in innovation and efficiency. But I do not believe that the pursuit of profit should come at the expense of workers' livelihoods or patients' wellbeing. Without guardrails, that is exactly what is happening.

The window for action is still open, but it is narrowing. If governments fail to act now, financialisation will become entrenched and far harder to reverse.

Care should serve people, not profits. That is the principle we must defend. ◆

*Christy Hoffman is the general secretary of UNI Global Union, an international trade union federation representing workers in the service industries. This article was first published in IPS – International Politics and Society (www.ips-journal.eu/work-and-digitalisation/when-care-becomes-capital-9021/).*

## Putting the Third World First

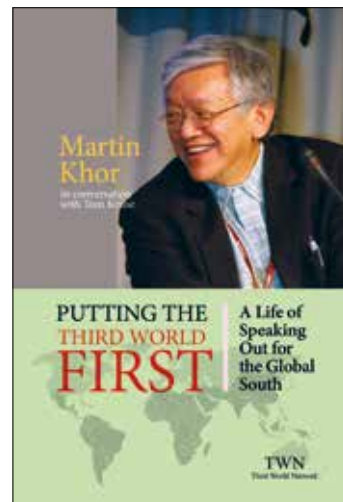
### A Life of Speaking Out for the Global South

#### Martin Khor in conversation with Tom Kruse

Martin Khor was one of the foremost advocates of a more equitable international order, ardently championing the cause of the developing world through activism and analysis. In this expansive, wide-ranging conversation with Tom Kruse – his final interview before his passing in 2020 – he looks back on a lifetime of commitment to advancing the interests of the world's poorer nations and peoples.

Khor recalls his early days working with the Consumers Association of Penang – a consumer rights organization with a difference – and reflects on how he then helped build up the Third World Network to become a leading international NGO and voice of the Global South. Along the way, he shares his thoughts on a gamut of subjects from colonialism to the world trade system, and recounts his involvement in some of the major international civil society campaigns over the years.

From fighting industrial pollution in a remote Malaysian fishing village to addressing government leaders at United Nations conferences, this is Khor's account – told in his inimitably witty and down-to-earth style – of a life well lived.



ISBN: 978-967-0747-45-3  
168 pages

Martin Khor (1951-2020) was the Chairman (2019-20) and Director (1990-2009) of the Third World Network.

	PRICE	POSTAGE
Malaysia	RM30.00	RM4.00
Developing countries	US\$14.00	US\$7.00 (air)
Others	US\$20.00	US\$10.00 (air)

Orders from Malaysia – please pay by credit card/crossed cheque or postal order. Orders from Australia, Brunei, Indonesia, Philippines, Singapore, Thailand, UK, USA – please pay by credit card/cheque/bank draft/international money order in own currency, US\$ or Euro. If paying in own currency or Euro, please calculate equivalent of US\$ rate. If paying in US\$, please ensure that the agent bank is located in the USA. Rest of the world – please pay by credit card/cheque/bank draft/international money order in US\$ or Euro. If paying in Euro, please calculate equivalent of US\$ rate. If paying in US\$, please ensure that the agent bank is located in the USA. All payments should be made in favour of Third World Network Berhad., 131 Jalan Macalister, 10400 Penang, Malaysia. Tel: 60-4-2266728/2266159; Fax: 60-4-2264505; Email: [tw@twnetwork.org](mailto:tw@twnetwork.org) You can also order from our TWN Online Bookshop at: [www.twshop.com](http://www.twshop.com)

I would like to order.....copy/copies of **Putting the Third World First**. I enclose the amount of US\$/Euro/RM ..... (cheque/bank draft/IMO).

Please charge the amount of US\$/RM ..... to my credit card.

Visa                       Mastercard

A/c no.: \_\_\_\_\_ Expiry date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

# A brief history of global AI governance

The development of artificial intelligence (AI) technology is being driven by a handful of dominant countries and big tech companies with minimal democratic accountability. Flagging the limits and dangers of this ruleless approach, *Anita Gurumurthy* and *Nandini Chami* call for international cooperation to align AI with the collective interests of humanity, not corporate profiteering.

## The rules are that there are no rules

THE dust is yet to settle after the India AI Impact Summit held in February, but the United Nations process for the Global Dialogue on AI Governance is already upon us. Since generative AI found its iPhone moment in 2022, governments have been entrapped in the proverbial ‘Red Queen’ effect, running just to stay in the same place. The breakneck pace of AI innovation has resulted in global-scale anxiety.

The chatter on regulation is deafening. In just the four years from 2022 to 2026, the world has witnessed annual AI Summits (from Bletchley to New Delhi), high-profile plurilateral initiatives (the G7’s Hiroshima AI Process in 2023, the OECD’s voluntary reporting framework on AI risk management in 2025, and the BRICS Declaration on AI in 2025), and the establishment of the Global Dialogue by the UN in August 2025.

Yet, beyond the din of declarations lies the stark reality of countries scaling down AI regulation in 2025 – a palpable expediency that is dangerous for democracy worldwide. Strategic economic and military interests under the Trump administration have skewed AI deployment on the international stage, resulting in a rollback of some Biden-era safety rules. Silicon Valley Big Tech has more than taken the cue – dropping



Mathews Bertelli

**AI governance is at a precipitous point, with the absence of political will to rein in the tech corporations.**

any pretence of caring about ethics, normalising recklessness. Corporate lobbying in the European Union has led to a dilution of the EU AI Act, as permissive innovation and simplified compliance have become stand-ins for politico-economic sovereignty. Southern players like India have steered clear of a single comprehensive law, inviting industry to go forth and innovate within the comfort of voluntary standards. Meanwhile, China’s ‘controlled’ innovation approach speaks to an aggressive drive for AI integration in domestic manufacturing, education and health, with internal political impulses guiding the market.

Governance calls for intentionality; it needs pause, taking stock, examining competing considerations, and going back to constitutional values, public

interest and democratic visions of the future to make the decisions of the day. This short history of the AI governance landscape seems to suggest otherwise. In this essay, we reflect on the shifting interests and self-serving politics that have kept the needle on the AI governance compass deflected, preventing global alignment on our collective moral futures. We argue that the Global Dialogue on AI Governance must move the needle towards a geopolitics of universal solidarity and wellbeing, anchored in mutual responsibility and shared purpose.

## Summit-speak on safety – why outcomes have tiptoed around the known knowns

AI regulation rhetoric often veers in favour of the unbounded opportunity from AI, where



The AI Impact Summit in New Delhi in February 'fell back on a status-quoist deal for India with US Big Tech'.

addressing risks is treated as subsidiary. This optimistic slant is not an accident. It is carefully cultivated by a small group of 'edgelord' libertarians, who cast the harms of the AI paradigm as aberrations, things to tinker with for humanity to be delivered by the transhuman miracles of AI. The AI gospel is sold by its purveyors as capable of transcending biological limitations, eliminating suffering, disease, and even averting death. In this manufactured reality, the real materialities of AI-induced harm are naturalised as irrelevant.

The central agenda of the first global AI Summit in Bletchley, UK (November 2023), was to develop shared consensus 'on the opportunities and risks of AI', and 'the need for collaborative action on frontier AI safety'. Twenty-nine countries (including the United States and China) were able to arrive at an initial understanding on the directions for international collaboration to develop 'human-centric, trustworthy and responsible AI that is safe'. Participating countries committed broadly to the development of appropriate state-led evaluation and safety research, and participating companies expressed support for the next iteration of their models to undergo appropriate independent evaluation and testing. It was agreed that 'governments should apply the principle that models must be proven to be safe before they

are deployed (a "precautionary" approach), with a presumption that they are otherwise dangerous'.

But the trajectory of the debate was about to change. The year 2024 witnessed a new belligerence in Silicon Valley. The novelty of ChatGPT was fading, and Big Tech shifted to monetising AI. Companies like NVIDIA surpassed cloud giants in market value due to demand for AI infrastructure, while Google, Microsoft, Meta and Amazon were integrating AI into their products. The GenAI arms race was intensifying, with a proliferation of strategic partnerships, cross-sectoral collaborations and targeted solutions. AI was shifting from simple conversational bots to agentic AI, capable of completing multi-step tasks with minimal human oversight.

For the big players outcompeting each other in the GenAI market, the accuracy of their models was a key business concern to ensure their products showed up without false positives. Unlike with 2023's rushed AI adoption, early 2024 saw key leaders in the industry prioritising AI data accuracy, governance and security to combat hallucinations and bias. Companies were also adopting a 'Zero Trust' architecture to combat AI-powered cyberattacks. Resilient infrastructure was a vital ingredient for revenue and market performance.

However, the safety debate

had shrunk. At the Interim AI Summit held in Seoul in May 2024, with GenAI and its unfolding capabilities, the Global South, in particular, was more than cognisant that innovation and inclusivity needed to be on the agenda. Safety, for the countries at the table, was now a focus on malicious AI risks (such as capabilities to assist the development and use of chemical or biological weapons) and an agreement to work on risk thresholds for severe AI risks. The idea of the state's duty of care with respect to safe AI for the people did not reappear in subsequent Summits.

In Seoul, 16 technology companies, including prominent ones in the GenAI space – Meta, Anthropic, OpenAI, xAI and the Chinese company Zhipu AI – volunteered to publish safety frameworks for measuring risk and develop thresholds for determining 'intolerable' risk, and promised not to deploy models that exceed such particular thresholds. These were empty promises that did not see the light of day. Influential blocs such as the Organisation for Economic Cooperation and Development (OECD) piggybacked on the voluntary approach, even as the perils of AI technologies were becoming evident across the globe. For instance, by the end of 2024, in the 50 countries conducting national elections during that year, 80% were left facing GenAI incidents.

The EU AI Act, which entered into force in August 2024 to regulate AI based on risk levels, was a silver lining, no doubt – banning unacceptable risks like social scoring, mandating strict rules for high-risk AI and stipulating transparency obligations for general-purpose AI models. However, the US presidential elections that put Donald Trump back in office created a new normal. The changing geopolitical reality eventually saw the European AI law amended to favour European ‘competitiveness’ – drawing scrutiny from the European Data Protection Board (EDPB) and European Data Protection Supervisor (EDPS) regarding potential risks to fundamental rights and data protection standards.

Almost immediately after assuming office, in February 2025, President Trump revoked the Biden administration’s Executive Order on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, which had sought to establish guardrails for AI. For US trade and foreign policy, the tech bros and their wares were always critical ammunition. In the case of the new administration, a deregulated tech industry minus all the safety frills was easy opportunism. At the Paris AI Summit in the same month, US Vice-President J.D. Vance railed against excessive AI regulation that could cripple innovation. The Paris Summit’s final statement merely ‘noted’ the voluntary commitments on AI safety (a statement that ultimately the US did not sign).

A new epoch of no-holds-barred AI was upon us. In July 2025, UN Special Rapporteur Francesca Albanese demonstrated the complicity of a number of Big Tech companies in the economy of genocide in Gaza, a list that included signatories of the Frontier AI Safety Commitments. In October 2025, even as OpenAI announced its decision to allow verified adults to use ChatGPT to generate erotic content, Elon Musk launched

Grokopedia, an encyclopedia ‘fact-checked’ by AI and aligning with right-wing views. For the tech barons, it was now better to be sorry than safe. December 2025 saw Grok AI, Musk’s chatbot, integrated into the social media platform X. The tool was marketed as a less-restricted, ‘edgier’ alternative to other AI models, allowing users to create non-consensual sexually explicit images/deepfakes – extreme irresponsibility masquerading as innovation.

The 2026 India AI Summit in New Delhi was geared to ruffle no feathers, showcase India’s AI solutions, and use the occasion for prestige diplomacy. Despite mounting evidence on the inefficacy of the voluntary safety commitments approach, the India edition did not change course. The final Summit Declaration, endorsed by over 90 countries (including both the US and China), continues to place faith in ‘industry-led voluntary measures’.

As things stand, AI governance is at a precipitous point, with the absence of political will to rein in the tech corporations. From mines to microchips, drudgery to data, genetic material to GenAI, synthetic data to missile strikes – we are witnesses to global AI value chains that brazenly disregard human dignity, social peace and ecological wellbeing. The unprecedented geoeconomic power of the tech titans, fuelled by the US oligarchy, and the race to keep up with the innovation economy have eliminated considerations of global democratic accountability in AI governance.

On the road to the UN Global Dialogue this July, the conversation is badly in need of a moral compass that recognises the limits and dangers of AI solutionism and the need for global AI rules that acknowledge the wrongs of the current paradigm. The future to be secured is for humanity, not corporate profiteering.

## AI for the Global South – is catch-up even possible?

The Global Digital Compact (GDC), adopted by the UN in September 2024, provided a space to acknowledge the challenges for the Global South in the current digital order. It brought to the table the aspirations of the majority world for digital sovereignty. The *Governing AI for Humanity* report, released in the same month, articulated as a critical priority ‘the creation of a global fund for AI to put a floor under the AI divide’. The GDC underscored this agenda through an explicit commitment to building ‘capacities, especially in developing countries, to access, develop, use and govern artificial intelligence systems and direct them towards the pursuit of sustainable development’.

With the US elections in November 2024 and an international system dented by a trust deficit, development and humanitarian assistance suffered a huge setback. The idea of digital sovereignty descended to its most watered-down version, leaving developing countries, each to their own, to navigate a daunting economic playing field with few options. In late 2024, China had already abstained from accepting a global non-binding pact banning AI from controlling nuclear weapons at the ‘Responsible Artificial Intelligence in the Military Domain’ conference. China maintained that specific AI rules could violate its sovereignty and reduce accountability in conflict. The Biden administration at that point was introducing a range of measures intended to slow China’s development of an indigenous semiconductor ecosystem and advanced AI capabilities.

The Paris AI Summit in February 2025, co-chaired by France and India, issued a call ‘to narrow the inequalities and assist developing countries in AI capacity building’ and re-centre the role of the UN in shaping global AI

governance. Even though the US backed out, some commentators have seen this narrative shift as a ‘win’ for bringing back the development agenda front and centre of global AI governance discussions.

Just a few days after the Paris Summit, the Trump administration officially initiated a formal policy of tariff war against digital sovereignty assertions by other countries, targeting any regulation imposed on US digital service companies’ operations by foreign governments. This not only overturned the acceptable norms and legitimate purposes for tariff measures, including national security, support for developing industries, etc., but also converted trade policy into a blatant instrument for furthering Silicon Valley’s imperial ambitions.

A few months later, the BRICS bloc came together to send a strong message. The BRICS leaders’ ‘Statement on the Global Governance of AI’, adopted in Brazil in July 2025, explicitly intended to ‘support a constructive debate towards a more balanced approach’ in fostering ‘responsible development, deployment, and use of AI technologies for sustainable development and inclusive growth’. The Statement upheld digital sovereignty and the right to development as central to global AI governance.

It is no coincidence that just a month later, the Trump administration launched a tariff offensive against Brazil, specifically targeting the latter’s efforts to regulate US social media platforms operating in the country and the participation of US firms in its digital public infrastructure for payment services (Pix) – a direct attack against Brazil’s attempt to exercise its digital sovereignty. In September 2025, the US Department of Commerce blacklisted Chinese companies from acquiring advanced American technology; China retaliated by announcing export controls on the

rare earth minerals essential for the US semiconductor industry. This interdependence in the tech supply chain and market pressure forced both countries to come to a fragile de-escalation in Busan, South Korea, on the occasion of the APEC summit in October 2025, through a temporary truce. In the second half of 2025, India had also come in the line of attack, at one point being threatened by the US government with 50% tariffs and facing tremendous pressure from Washington to sign away its digital sovereignty rights for a trade deal with the US – including abandoning rights to impose digital service taxes, regulate cross-border data flows and institute data localisation measures.

The India AI Summit in February 2026 was an opportunity to respond with moral courage to this impasse. It could have orchestrated a strong coalition of countries promoting a solidarity-based global AI governance architecture attentive to Southern concerns. A principled consensus with strategic gains could have been forged among a group of nation-states committed to digital democracy and digital sovereignty. But this was not to be. In a world where essential infrastructures of connection remain in the hands of one country and its corporations, the headwinds are adverse, no doubt. Also, no hosting government wants a diplomatic failure. The New Delhi Declaration, unfortunately, fell back on a status-quoist deal for India with US Big Tech, reminiscent of the Paris Summit in 2025, which had resulted in \$100 billion flowing into the host country’s AI ecosystem as private investment. The final governance script in New Delhi was pretty predictable – a voluntary and non-binding framework for AI.

The writing on the wall is clear – it is not possible for the majority world to play catch-up. Around two-thirds of existing data centres are located in the US, China or Europe. Africa possesses less

than 1% of the world’s data centre capacity. In some nations, the cost of a single graphics processing unit (GPU) can represent 60–75% of GDP per capita, making it virtually unaffordable. Massive, structured, high-quality data collection and consistent energy supplies are beyond the current capacities of most developing nations.

Today, as the discourse shifts towards alternative models of AI, concrete pathways for international cooperation – grounded in a binding global agreement – become vital. A rejection of the extractive colonial apparatus that Big Tech-controlled infrastructures represent is a collective responsibility of all stakeholders. As development finance commitments are repudiated by the wealthiest of nations, and public finance avenues shrink, corporate philanthropy is raising its head as the saviour. Last July, OpenAI launched a \$50 million nonprofit fund. Major AI companies, from Microsoft and NVIDIA to IBM, Amazon and Meta, have followed with funding, tools and infrastructure. Google has recently announced a grant for government AI innovation, with support and mentorship. Anthropic candidly explained why investing in social good makes business sense: ‘It serves our broader work in AI development. The lessons we learn deploying AI to organisations serving vulnerable populations – lessons about privacy, trust, and responsible use – inform how we approach deployment everywhere.’ The democratic deficit in global AI governance has proven to be disastrous – the South has ended up as the field-testing environment, opening the floodgates for its data, labour and natural resources to be transferred into the coffers of Big Tech.

In the enmeshed world that AI is co-shaping, mutuality and reciprocity in global governance are non-negotiable. AI self-determination for nations and peoples from the Global South

Legend

- National Policy Response
- ▲ Global Processes
- ☆ Technology Milestone



is critical. Those excluded and rendered irrelevant by the current AI paradigm should not have to run twice as fast. They just need to get to another place from here on their own terms.

**A global dialogue with a conscience**

Dominant countries and big tech corporations have profited heavily from a 'finders keepers' digital economy. As the site of extraction for this unsustainable digital paradigm, the Global South has seen egregious harms – impoverishment of the data commons, hollowing out of productive local resources and

- February 2025 - The Trump Administration starts a tariff war against digital sovereignty measures of other countries.
- ☆ May 2025 - First reports of the use of AI tools for non-consensual generation of intimate images emerge.
- ▲ July 2025 - The BRICS Declaration on AI underscores "Digital Sovereignty and the Right to Development as Central to Global AI Governance".
- ▲ July 2025 - UN Special Rapporteur Francesca Albanese releases report on Big Tech complicity in the genocide economy of the Gaza war.
- ☆ July 2025 - NVIDIA beats Apple and Microsoft to become the world's first \$4 trillion public company.
- ☆ July 2025 - OpenAI launches a \$50M nonprofit fund.
- August 2025 - The Trump administration launches a tariff offensive against Brazil's digital sovereignty initiatives.
- September 2025 - The US Department of Commerce blacklists Chinese companies from acquiring advanced American technology. China retaliates by announcing export controls on rare earth minerals.
- ☆ October 2025 - Open AI decides to allow verified adults to use ChatGPT to generate erotic content.
- ☆ October 2025 - Elon Musk launches Grokipedia, an encyclopedia 'fact-checked' by AI and aligning with right-wing views.
- November 2025 - EU decides to delay 'high risk' AI rules until 2027 after Big Tech pushback.
- ▲ Feb 2026 - The New Delhi Declaration falls back on a status-quoist deal with US Big Tech

brutal exploitation of labour. The history of AI governance also points to the limits of corporate volunteerism in fixing an AI economy that is broken. The time is now to recognise and reject this irrefutable reality.

The norms and rules that hold a dialogic space create and shape its outcomes. The Global Dialogue on AI Governance must be intentionally designed to galvanise a genuine, non-instrumental communicative rationality; an open, honest and unconstrained conversation. It must architect the conditions for a critical mass of actors – governments, civil society, academia and the technical community – to rally around the imperative and plausibility of another AI paradigm.

The arc of humanity is predicated on whether international cooperation can embrace the following without delay:

- a precautionary approach to AI innovation – with clear public and corporate accountability safeguards grounded in international human rights law; and
- a concrete mechanism to support peoples and countries of the Global South – to realise their vision / another imagination of AI-assisted futures.

This calls for ‘common but differentiated responsibilities’ – a shared understanding to build humane AI futures in which everyone has a place, and for which the powerful and the plunderers must bear a heavier burden. ◆

*Anita Gurumurthy is a founding member and executive director of IT for Change, where she leads research collaborations and projects in relation to the network society, with a focus on governance, democracy and gender justice.*

*Nandini Chami is the deputy director at IT for Change. Her work largely focuses on research and policy advocacy in the domains of digital rights and development, and the political economy of women’s rights in the information society. She is part of the organisation’s advocacy efforts around the 2030 development agenda on issues of ‘data for development’ and digital technologies and gender justice.*

*The above article is reproduced from Bot Populi (botpopuli.net) under a Creative Commons licence (CC BY-SA 4.0).*

## Battles in the WTO

### Negotiations and Outcomes of the WTO Ministerial Conferences

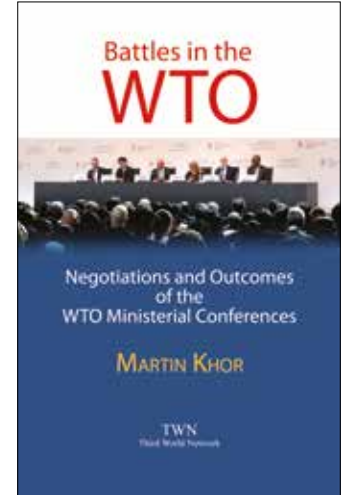
by *Martin Khor*

The World Trade Organisation has been an extremely controversial and divided organisation ever since its establishment in 1995. The big battles are most evident at its highest governing body, the Ministerial Conference, where the Trade Ministers of member states convene to chart the WTO’s course.

This book is a compilation of contemporaneous reports and analyses of what unfolded at each Ministerial, as well as a few “mini-Ministerials”, that took place from the WTO’s inception up to 2017. As these articles reveal, the Ministerials have been the stage on which battles over the future direction of the WTO are most prominently played out. These clashes have mainly pitted developed member states pushing to expand the WTO’s ambit into new subject areas, against many developing countries which call instead for redressing imbalances in the existing set of WTO rules.

This book also shines a light on the murky decision-making methods often employed during Ministerials, where agreements are sought to be hammered out by a select few delegations behind closed doors before being foisted on the rest of the membership. Such exclusionary processes, coupled with the crucial substantive issues at stake, have led to dramatic outcomes in many a Ministerial.

The ringside accounts of Ministerial battles collected here offer important insights into the contested dynamics of the WTO and the multilateral trading system in general.



ISBN: 978-967-0747-40-8 376 pages

	PRICE	POSTAGE
Malaysia	RM40.00	RM4.00
Developing countries	US\$14.00	US\$11.00 (air)
Others	US\$20.00	US\$15.00 (air)

Orders from Malaysia – please pay by credit card/crossed cheque or postal order.

Orders from Australia, Brunei, Indonesia, Philippines, Singapore, Thailand, UK, USA – please pay by credit card/cheque/bank draft/international money order in own currency, US\$ or Euro. If paying in own currency or Euro, please calculate equivalent of US\$ rate. If paying in US\$, please ensure that the agent bank is located in the USA.

Rest of the world – please pay by credit card/cheque/bank draft/international money order in US\$ or Euro. If paying in Euro, please calculate equivalent of US\$ rate. If paying in US\$, please ensure that the agent bank is located in the USA.

All payments should be made in favour of Third World Network Bhd., 131 Jalan Macalister, 10400 Penang, Malaysia. Tel: 60-4-2266728/2266159; Fax: 60-4-2264505; Email: twn@twnetwork.org or visit our online bookshop www.twnshop.com to order.

I would like to order ..... copy/copies of Battles in the WTO. I enclose the amount of US\$/Euro/RM ..... (cheque/bank draft/IMO).

Please charge the amount of US\$/RM ..... to my credit card:

Visa       Mastercard

A/c no.: ..... Expiry date: .....

Name: ..... Signature: .....

Address: .....

.....

# Multilateralism under threat at the WTO

When trade ministers met in March under the auspices of the World Trade Organization, they faced a US delegation bent on reshaping the body governing international trade into one where powerful countries can effectively ride roughshod over the interests of developing nations.

**Kinda Mohamadieh**

THE 14th Ministerial Conference (MC14) of the World Trade Organization (WTO), held in Yaoundé, Cameroon, on 26–29 March, was reported as a collapse resulting from a standoff between Brazil and the United States over extension of a moratorium on customs duties on e-commerce transmissions. However, this is just one screenshot of a bigger unfolding story where the US is attempting to enforce its will on the organisation while some other member states are resisting.

The Trump administration has not pulled the US out of the WTO so that it can complete a project of remaking the organisation into one that fits the US' vision of a new international order serving its 'national security interests'. Since the administration came into office, it has made clear that its approach to foreign relations will be based on brute power and politics of coercion. MC14 was one international forum where these dynamics were manifested.

The US' vision for remaking the WTO, as reflected in its submissions under the 'WTO reform' negotiations before MC14, along with the statement by the US Trade Representative in Yaoundé, entails an attack on the *raison d'être* of the organisation, which is multilateralism.

Multiple US administrations had maintained a fairly consistent



The 14th WTO Ministerial Conference took place in Yaoundé in March.

approach to the WTO, undermining some of its key functions, such as by paralysing its dispute settlement function and pushing for a self-determined 'national security' exception from WTO norms. The latter exception could effectively become an opt-out mechanism for the US from its obligations under the WTO rules – including the 'most-favoured nation' (MFN) principle – securing immunity from questioning for any US unilateral trade measure packaged as a 'security' issue.

Under the Trump administration, the US' talk at the WTO has not been sought to be hidden behind diplomatic or legal jargon. The US submissions have made clear that it is out to dismantle the fundamental pillar

upholding the multilateral trading system – that of non-discrimination and the MFN principle, under which a trade benefit accorded by one member state to another has to be extended to all other members. The US also wants to strip away 'special and differential treatment' for developing-country members, a core part of the original bargain behind the establishment of the WTO and which reflects an acknowledgment that one-size-fits-all rules do not work given the varying levels of development among members.

The US vision is to turn the WTO from a multilateral organisation where each member, big or small, has an equal voice, into a platform for plurilateral deals among the big players where it can

effectively control the setting of the agenda and focus the organisation on US corporate interests.

A WTO focused on plurilaterals as a norm rather than an exception will be a place where the voice of developing countries is eroded. Trade wars will potentially be imported into the WTO through simultaneous plurilateral initiatives and counter-initiatives, leading to further fragmentation of the trading regime. This will be a world where MFN is discarded, consensus decision-making undermined, and opportunities to advance issues of development eroded.

At MC14, the US focused attention on its proposal for a permanent moratorium on e-commerce customs duties. The US Trade Representative Jamieson Greer suggested there ‘would be consequences’ if the US did not get its way. This was the US administration carrying forward the agenda of its corporate tech giants. Since 1998, the US had secured this moratorium against the growing concerns of developing countries that this practice costs them billions of dollars in forgone tariff revenue that is key for their development, industrialisation and building of digital capacities.

The Trump administration has brought the multilateral trading system to its knees with its aggressive, unjustified tariff policies and illegal bilateral tariff deals over the past year. In Yaoundé, this same administration pushed to deny developing countries the legitimate use of tariff policy to advance developmental objectives and preserve digital sovereignty and capacity to develop their digital economy. It is clear that the US’ fight at the WTO is not only against China. It seeks to erase any trajectory towards industrialisation and competitive edge that any other developing country could potentially build under multilateralism.

With no decision achieved at MC14 on the e-commerce



**The WTO headquarters in Geneva. ‘The US vision is to turn the WTO from a multilateral organisation where each member, big or small, has an equal voice, into a platform for plurilateral deals among the big players....’**

moratorium nor on WTO reform, a package of measures to support least developed countries, and a separate moratorium on TRIPS ‘non-violation’ complaints, the work will be brought back to the WTO’s Geneva headquarters for further discussion. A question often posed in Geneva is how to keep the US engaged in the negotiations, which will become more prominent in light of what unfolded in Yaoundé. When negotiations are overwhelmed by this question, the attention moves away from efforts to make the organisation relevant for all its members, and a forum where negotiations lead to outcomes for members at different levels of development. Instead, even decision-makers in the WTO administrative body are focused on ensuring the US stays on board. This adds to the distortions.

In this context, developing countries face the larger threats of fragmentation and distraction from their key concerns and interests. Multiple US administrations already showed how they can keep key WTO negotiating agendas like dispute settlement reform in limbo

and block the functioning of the WTO Appellate Body against the will of the other members. In this case, the US’ blocking is void of any justified principled position, but rather a brutal imposition of its narrow interests on the rest of the WTO membership.

In the face of the US project, largely supported by the European Union, to remake the WTO – what international economic law expert Jane Kelsey calls ‘a coup underway at the WTO’ – developing countries need to stand together despite the differences they might have on some negotiating issues. They should collectively assess what a focus on plurilaterals would mean for them and for the WTO, its survival as a multilateral organisation and its potential to deliver for members at different levels of development. Managing differences while leveraging the power of dialogue, cooperation and coalition-building is crucial for them to maintain a voice and role in determining the WTO’s future direction. ◆

*Kinda Mohamadieh is a legal adviser and senior researcher with the Third World Network.*

# What the US seeks from ‘reform’ at the WTO

In its vision of WTO ‘reform’, the US would have a freer hand to set the trade body’s agenda at the expense of consensus decision-making.

**Goh Chien Yen and  
Kinda Mohamadieh**

AS trade ministers prepared to gather in Yaoundé, Cameroon, for the World Trade Organization (WTO)’s 14th Ministerial Conference (MC14), the preparatory process had produced a dense fog of competing ‘reform’ proposals, draft ministerial statements and workplans.

In the run-up to MC14, the facilitator-led consultations on ‘WTO reform’, held at the WTO headquarters in Geneva, focused on decision-making, development, special and differential treatment (S&DT), and level-playing-field issues under which the United States and the European Union (EU) sought new rules targeting state-owned enterprises and subsidies. In their so-called ‘reform’ proposals, fundamental pillars of the multilateral trading system, notably S&DT and non-discrimination through ‘most-favoured nation’ (MFN) treatment, were directly challenged and disparaged.

The sheer volume and scope of the consultations on ‘WTO reform’ had muddied the picture of what exactly needed ministerial attention and decision at MC14. It obscured the fact that the US – which has done more than any other WTO member state to destabilise the multilateral trading system through unilateral tariffs, bilateral Agreements on Reciprocal Trade (ARTs), and paralysing the WTO’s Appellate Body for adjudicating trade disputes – is not primarily interested in the reform or continued relevance of



Illustration by the authors using Gemini Nano Banana 2

the WTO. The country’s 2026 Trade Policy Agenda, released before MC14, makes this plain: the US will push to reorient the WTO’s negotiating function by ‘favouring meaningful plurilateral agreements’ and ‘urging reassessment of the Most Favoured Nation (MFN) principle’ so that trading nations can differentiate among partners in their liberalisation commitments.

The MFN rule is the foundational principle of the WTO that requires any trade advantage granted to one WTO member to be extended equally to all. The US paper on WTO reform submitted to the WTO’s General Council in December 2025 (WTO document WT/GC/W/984) argued that MFN ‘is not just unsuitable for this era’ but actively prevents countries from optimising their trade relationships. In its second reform paper, submitted just days before MC14 (WT/GC/W/998, 23 March 2026), the US called for a rethink of how the MFN principle functions and its links to reciprocity.

Meanwhile, outside the

WTO, the US was pursuing its trade interests through bilateral ARTs with Bangladesh, Cambodia, Indonesia, Malaysia and others. Since its Supreme Court struck down the legal basis for these ARTs, Sections 122 and 301 of the US’ 1974 Trade Act have been conveniently invoked.

The US pushback on MFN is closely linked to its proposition to turn the WTO into a platform for plurilateral deals among countries of similar interest. In its first reform submission in December 2025, the US argued that plurilateral agreements should allow ‘likeminded trading partners’ to strengthen ties ‘within the architecture of the WTO agreements’, with benefits limited to consenting parties – that is, on a non-MFN basis. The paper warns that without a path for plurilaterals, the WTO is ‘not a viable forum for negotiating’.

The US’ March submission on reform stresses the need to find ‘a more flexible pathway to incorporate plurilateral agreements

into the WTO architecture', pointing to the option of what it calls 'interim plurilaterals', which it understands to be 'voluntary and temporary agreements among a subset of Members to move forward on specific issues without needing full consensus'. Read together with the Trade Policy Agenda's call to reassess MFN, the logic becomes clear: plurilaterals will become the vehicle through which the US intends to displace MFN as the organising principle of the multilateral trading system. Members that cannot or choose not to join will simply be left out.

At MC14, the US actively supported the adoption of the plurilateral Investment Facilitation Agreement (IFA) into the WTO's legal architecture – despite the US not having participated in the IFA negotiations and having no interest in being a party to it. US Ambassador to the WTO Joseph Barloon identified the IFA as one of a limited number of issues the US wanted decided at MC14.

Why would the US seek to push through an agreement it will not sign? Because the IFA is not the end but the means. Its incorporation into the WTO – while its initiation, negotiation and addition have been formally contested – would establish that plurilateral agreements can be adopted and added to the WTO rulebook without the consent of all members. Once that door is opened, the principle of consensus in WTO agenda-setting and rule-making will be effectively undermined.

Before and at MC14, the US refused to offer concessions on agriculture trade, S&DT or the longstanding mandated issues that matter to developing-country members. It refused to engage on fixing the WTO dispute settlement system it broke. Instead, it has been leveraging the 'reform' agenda to extract structural concessions that will tilt the WTO's institutional machinery in its favour, while pursuing its trade interests bilaterally.



© WTO

**A meeting of the WTO's General Council in progress. If plurilateral deals are prioritised, the principle of consensus in WTO agenda-setting and rule-making would be effectively undermined.**

Besides advocating for plurilaterals at MC14, the US wanted a moratorium on customs duties on e-commerce transmissions to be made permanent while also expanding the scope of such transmissions. Over the course of the negotiations in Yaoundé, it revised its demands to extending the moratorium by four more years. Historically, the moratorium has been extended roughly every two years from one WTO ministerial conference to the next. Yet, the heavy-handedness of the US, the aggressive negotiating tactics it employed, as well as its refusal to offer anything in return, led to an impasse over this hot-button issue, which left MC14 with no outcome. (As a result, the moratorium has since expired.)

Both the institutionalisation of plurilaterals and the longer-term adoption of the e-commerce moratorium would have entailed developing countries giving up something concrete (MFN treatment, consensus-based decision-making, effective say over agenda-setting, customs revenue and regulatory autonomy in the digital economy) for nothing. Once plurilaterals are entrenched and the moratorium made permanent,

the US would have a freer hand to set the WTO agenda without negotiating with developing-country and least-developed-country members. S&DT, already under pressure from demands to end self-designation and narrow its application, would recede further as a meaningful principle and integral part of the negotiations.

The reform agenda, for all its complexity, is secondary to the structural question: will the WTO remain a consensus-based institution where MFN and consensus decision-making ensure the smallest member has a say? Or will it be refashioned into a platform for variable-geometry agreements where the powerful set the terms and the rest face compliance or exclusion? This question remains key after MC14.

Developing countries have fought for decades to preserve a multilateral trading system in which trade could serve as a tool for their development. That system is now under direct threat – not from its irrelevance, but from a deliberate strategy to hollow it out from within. ◆

*Goh Chien Yen and Kinda Mohamadih are trade and investment lawyers at the Third World Network.*

# The backdoor strategy to adopt plurilateral agreements in the WTO

When is a WTO agreement not a WTO agreement? *Jane Kelsey* considers the case of the Agreement on Electronic Commerce, the latest instance of the push by a few influential countries to lend the WTO's institutional backing to a treaty that has no consensus support from the membership.

ARGUABLY, the most significant outcome from the World Trade Organization (WTO)'s 'reform' ministerial conference (MC14) in Yaoundé was the adoption of an Agreement on Electronic Commerce by just 66 member states. Under the Marrakesh Agreement, the Organization's constitution, an agreement among a subgroup of members can be adopted within the WTO framework only by consensus of the entire WTO membership, following which the accord is then listed under Annex 4 of the Marrakesh Agreement. This reflects the exceptional status of such a *plurilateral* agreement within the *multilateral* trade regime.

Yet, the Agreement on Electronic Commerce was never subject to discussion, let alone a consensus decision, by the WTO members at MC14. Ignoring that fact, its participants have branded it a WTO agreement – apparently with support from the WTO Director-General Dr Ngozi Okonjo-Iweala.

The agreement's significance goes far beyond its content. It is being treated by its proponents as a precedent for other plurilateral agreements to become de facto WTO instruments, without needing a mandate to initiate negotiations or securing a consensus for their adoption:

(a) In March, prior to the ministerial, the United States Trade Representative foreshadowed the adoption of 'interim plurilaterals', which he described as 'voluntary

and temporary agreements among a subset of Members to move forward on specific issues without needing full consensus'. There is no such thing as an 'interim plurilateral' in the WTO.

(b) At the launch of the agreement on the third day of the ministerial, Japan's trade minister said it 'serves as a successful milestone of the WTO's rule-making function in plurilateral format'.

(c) Canada's trade minister went further, misleadingly describing it as 'a path forward for a plurilateral initiative conceived and negotiated at the WTO'.

(d) At the conclusion of the ministerial, the Chair of the conference described it as a 'pragmatic pathway' to bring the agreement into effect while working towards its full incorporation into the WTO legal framework.

(e) At her final press conference in Yaoundé, the WTO Director-General proposed completing the work on the failed IFA plurilateral initiative (see below) and submitting that and the e-commerce agreement to the WTO secretariat for notification while waiting for the process to be agreed upon at the Organization's General Council. She was quoted as saying, 'Let's see if within the configuration of the WTO we can also have willing coalitions of members who, when there is an opportunity, can seize it in a plurilateral and move

ahead without necessarily waiting to go through the process.'

## The strategic context

This strategy is the latest step in over a decade of moves to shift the WTO from being a multilateral to a plurilateral institution, allowing the more powerful players effectively to dictate what matters are given priority for the development of new rules and to sideline those they do not support. This will disproportionately impact on developing countries and least developed countries (LDCs).

The first step in this push was the negotiation of a Trade in Services Agreement (TiSA) on the margins of the WTO between 2013 and 2016. That was designed to bypass multilaterally-mandated negotiations under the General Agreement on Trade in Services (GATS) and develop a plurilateral agreement that would be adopted in the WTO. The negotiation was actively facilitated by the WTO secretariat. However, TiSA was never concluded, so the question of how to incorporate it into the WTO without consensus support was never resolved.

In 2017, at MC11 in Buenos Aires, several subgroups of WTO members, led by the wealthier and more powerful countries, launched joint ministerial statements on sectoral topics. These became known as Joint Statement Initiatives (JSIs). The lead proponents were

almost identical to those who had declared the Doha ‘Development’ Round of multilateral negotiations dead at the previous ministerial.

These joint statements led to formal negotiations on three agreements that had no WTO negotiating mandate, and which bypassed existing institutional decisions, mandates and bodies on those matters. Again, this had the active support of the WTO secretariat. Despite the lack of formal status and multilateral participation, they were treated as negotiations within the WTO. However, this posed a dilemma for their adoption in the WTO, as that would require consensus. The first two attempts have been problematic.

The JSI on Services Domestic Regulation was the first to be concluded. Although the agreement added to the core rules of the GATS, its architects took a backdoor route for its adoption to avoid formally amending the GATS (which also requires consensus), by instead adding it to members’ GATS schedules of commitments. However, most of this subgroup also signed a side-letter saying this would not create a precedent. The potential to use this pathway in the future is also limited as the content of the agreement would need to relate exclusively to the GATS.

The first attempt to secure adoption of a JSI by consensus revolved around the Investment Facilitation Agreement (IFA). India, and initially South Africa, prevented its adoption at the WTO General Council over concerns about the systemic implications of the proliferation of plurilaterals and their overtaking multilateralism. India maintained that position at MC14. The IFA’s 129 participating countries issued a declaration at the end of the ministerial conference committing to seek timely integration of the IFA within the WTO framework. However, they would also ‘explore practical pathways’ towards the deal’s ‘effective implementation’. Informal discussions at MC14 indicate there has been consideration

about pursuing the same pathway as that adopted for the Agreement on Electronic Commerce, the third of the JSI plurilateral agreements.

The JSI negotiations on the e-commerce agreement had been concluded in July 2024. At the WTO General Council in February 2025 and December 2025, there was no consensus for the adoption of the agreement as an Annex 4 plurilateral agreement. An early draft of the MC14 agenda proposed its formal adoption as a plurilateral agreement by consensus; however, that was dropped from later versions. This reflects the much lower level of support for this JSI compared with the IFA. Some months earlier, the proponents had begun developing an alternative strategy to finesse the adoption of the JSI as a quasi-WTO instrument, irrespective of the legalities. Subsequently, adoption of the agreement by its signatories, who would then initiate their respective domestic ratification processes, was announced during MC14. They described it as a WTO agreement. However, the number of participating members in the JSI had dwindled from the original 91 to 66.

### Illegalities of the JSI on e-commerce

The original JSI e-commerce text was designed to be adopted, implemented and enforced within the WTO. That has not occurred. The Declaration on Interim Arrangements for the Agreement on Electronic Commerce issued by the 66 members at MC14 says the participants will continue to seek the agreement’s adoption as an Annex 4 agreement. Yet they are already describing it as a WTO agreement when it is not.

The Declaration contains the whole July 2024 agreement text, sandwiched between a 10-paragraph Declaration at the start and a 12-paragraph Annex on Interim Arrangements and a more detailed appendix on an alternative procedure for dispute settlement appeals through arbitration at the end. The Declaration says

the participants ‘affirm their commitment to *agree WTO rules* on trade-related aspects of electronic commerce, as announced on 25 January 2019 (WT/L/1056)’ (emphasis added). Document WT/L/1056 is the 2019 Joint Ministerial Statement where 49 members announced their intention to ‘commence *WTO negotiations* on trade-related aspects of e-commerce’ (emphasis added) – despite there being no mandate from all the WTO members for such negotiations – and hence to describe them as WTO negotiations on ‘WTO rules’. The document does not indicate which WTO body circulated it on behalf of that group of members. Such a ‘bootstraps’ argument allows members to seek to legitimise a final plurilateral agreement by citing their own previous joint statement and its assertions of WTO status.

The Declaration and accompanying text was given a WTO document number in the Ministerial Conference series. The allocation of specific document numbers at ministerial conferences dates back to the 2001 Doha conference, but there appear to be no rules that restrict what document can be given such a reference. This potentially opens the door to an unlimited range of member-initiated communications being tabled at a ministerial and securing a document number that confers some legitimacy on it as belonging within the WTO.

The e-commerce agreement still provides for the WTO secretariat to administer it. Upon the deposit of 45 instruments of acceptance, the agreement is meant to come into force among its parties – necessarily outside the WTO. Yet this process is to be supported by the WTO Director-General and the secretariat. The Director-General would receive the instruments of acceptance by parties to the agreement, which would be serviced by the secretariat. This is beyond the legal capacity of the Director-General, which is limited to WTO agreements. Further, the appendix on arbitration appeals says the

Director-General will notify the parties to a dispute and third parties about the results of selection of arbitrators in the dispute.

This seriously undermines the requirement in Article VI of the Marrakesh Agreement that the Director-General discharge her duties independently: 'In the discharge of their duties, the Director-General and the staff of the Secretariat shall not seek or accept instructions from any government or any other authority external to the WTO. They shall refrain from any action which might adversely reflect on their position as international officials.' WTO Members have a corresponding duty to 'respect the international character of the responsibilities of the Director-General and of the staff of the Secretariat and shall not seek to influence them in the discharge of their duties'.

In the case of the e-commerce agreement, it appears that the secretariat, led by the Director-General, and the subset of members participating in this JSI have collaborated to advance a position favoured by those members, thereby breaching their respective obligations under the Marrakesh Agreement. In addition, there has been no specific budget allocation in the WTO to support the unmandated JSIs or the Director-General's role.

### Unclear status of dispute settlement

The original text of the e-commerce agreement applied the dispute settlement provisions of the GATT and GATS and the WTO Dispute Settlement Understanding (DSU) to disputes under the agreement. This obviously cannot apply if the agreement has not been adopted by the WTO. So the annex on interim arrangements provides for a parallel process that replaces the WTO Dispute Settlement Body (DSB) with the Committee of the Parties until the agreement is adopted into the WTO.

But this does not address issues of enforcement whereby the DSB can authorise the suspension

of obligations or commitments in areas that are beyond the scope of the provision breached. Permission to authorise the suspension of concessions across the same and other covered WTO agreements requires consultation with the relevant WTO councils and sectoral bodies with responsibility for those agreements. Leaving that unamended would require those bodies to engage with a dispute settlement process for a non-WTO agreement.

### Which agreement is next?

A crunch issue at MC14 was the fate of the moratorium on customs duties on electronic transmissions, with the US wanting the moratorium to be made permanent and to explicitly cover the 'content' of such transmissions, and other members resisting its extension beyond another two years. No agreement was eventually reached at the ministerial, and the moratorium expired as a result. However, the US demands have already been accepted by some states in non-WTO agreements.

After the ministerial failed to agree, a subgroup of 23 members issued a new joint statement saying they would maintain the current practice of not imposing tariffs on e-transmissions, including content. This was described as an open-ended 'temporary plurilateral measure' that only applies until the next WTO General Council meeting in May 2026. Its function therefore seems symbolic, but it may be intended to send a message to other WTO members that the participants will enter a future plurilateral on the moratorium on their terms if they do not like the outcome at the General Council.

Interestingly, this joint statement did not include all the signatories to the JSI on e-commerce (the JSI also makes the moratorium permanent among its participants) but did include several members that are not party to the JSI (Ecuador, Guatemala, Mexico, Panama, Paraguay, Taiwan, the US, Uruguay).

### Implications of the e-commerce JSI as a precedent

This latest step in seeking to legitimise and normalise plurilateral agreements in the WTO has gone further than previous moves and actively snubbed the WTO rules. The Director-General's catchphrase of 'reform by doing' is now, with her sanction, allowing powerful states to remake the organisation at will. This has a number of profound systemic implications:

1. Unmandated plurilateral negotiations, and the adoption of the resulting agreements as WTO instruments, using a 'pragmatic' approach that is not provided in the rules would create a precedent for non-compliance with WTO rules more generally.

2. If plurilaterals can be adopted as de facto WTO agreements in this way, members will have no incentive to comply with the explicit requirements for consensus.

3. An open-ended plurilateral initiative that provides for future negotiations based on the will of a subgroup of members can override inbuilt negotiating mandates within the WTO on the same subject matter by making them irrelevant.

4. If the Director-General and secretariat facilitate and then service these plurilateral agreements, they will be exceeding the constitutional limits on their power and have no effective constraints on what they do.

5. If the WTO's instruments and the scope of its agreements can be expanded by collective action outside the rules, the institution itself will have no boundaries.

6. All of this works in favour of the power-brokers in the WTO whose economic and strategic influence will enable them to dictate the future direction, subjects and activities of the WTO at the expense of developing countries and LDCs. ♦

*Jane Kelsey is Emeritus Professor at the Faculty of Law, University of Auckland, Aotearoa New Zealand.*

# The fight to save special and differential treatment

Apart from seeking to jettison the multilateral approach, developed countries in the WTO are also taking aim at the principle of 'special and differential treatment', which entitles developing countries to certain rights and support measures under the WTO rules. *Abhijit Das* explains why such rights must be preserved and why their removal would undermine equity in the trading system.



Proposals to deny special and differential treatment to developing countries based on their share in international trade fail to recognise that such a criterion has little linkage with a country's living standards.

OVER the past few years, the developed countries have raised questions regarding the WTO's approach to special and differential treatment (S&DT) provisions, especially in respect to a member country's self-determination of its development status to avail of these provisions.<sup>1</sup> The US had in the past strongly advocated that the following categories of members should not avail themselves of special and differential treatment in current and future WTO negotiations: OECD membership; G20 membership; classified as a 'high-income' country by the World Bank; or accounting for no less than 0.5% of global merchandise trade.<sup>2</sup> The arguments made by the US in favour of gradu-

ation and differentiation among developing countries were effectively and repeatedly refuted by some developing countries, especially in the submission to the WTO (WTO document WT/GC/W/765) dated 18 February 2019.

While the developed countries seek graduation and differentiation among developing countries for having recourse to S&DT, the approach of many developing countries is to strengthen the existing S&DT provisions and make them more precise, effective and operational.<sup>3</sup> In another development, China has voluntarily opted out of having recourse to S&DT in current and future negotiations.<sup>4</sup> Meanwhile, some WTO members

have recently made submissions on WTO reform which put forward, among others, their proposed approaches to S&DT.

This article discusses some of the recent proposals on S&DT. Thereafter, it looks at the legal underpinning of S&DT provisions and examines whether the socio-economic realities in most developing countries have changed so as to warrant new approaches to S&DT. Subsequently, it proposes arguments against some of the approaches to graduation and differentiation. The concluding section suggests the way forward for developing countries.

## The attack on S&DT

Some of the recent submissions by certain WTO members on WTO reform include specific suggestions and approaches to S&DT. In its submission, the US is of the view that 'it may be appropriate for least-developed countries (LDCs) to benefit from certain flexibilities', and that reform in the area of 'development' must focus on 'transitioning all Members to follow the same rules, regardless of their economic differences'.<sup>5</sup> The message of the US is clear – S&DT would be available only for LDCs, and it would be confined merely to longer transition periods to implement the rules.

After noting that 'developing countries have had different experiences in terms of reaping the bene-

fits of global economic integration', the European Union suggests that 'more granular, targeted and differentiated approaches are needed going forward to ensure that the most vulnerable developing countries can unlock the benefits of global trade'.<sup>6</sup> The EU is further of the view that 'pragmatic approaches as well as objective and transparent criteria should be considered when it comes to differentiation between developing countries', and that reform work should be 'based on factual analysis of the effectiveness of the S&DT provisions in WTO agreements'. As some of the key S&DT provisions do not include any articulation of specific objectives that they seek to pursue, it remains unclear how 'effectiveness of the S&DT provisions' would be determined.

In its submission, Paraguay is of the view that 'the current self-classification system, without objective criteria or graduation criteria, makes it difficult to achieve consensus on formulating new rules'.<sup>7</sup> As a solution, it has proposed the following: 'Special and differential treatment must be needs-based, precise, effective and operational, so that it helps to address the particular difficulties of each Member and leads to the application of the negotiated rules, ensuring that the benefits of trade extend to everyone'.

China's approach to S&DT is that these provisions should be implemented in a 'more precise and effective manner to better facilitate the full integration of developing members into the multilateral trading system'.<sup>8</sup> The basis on which China links S&DT to facilitating full integration of developing countries into the multilateral trading system is unclear. Instead, it may have been appropriate to link S&DT provisions with 'positive efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development'.<sup>9</sup>



Asian Development Bank (CC BY-NC-ND 2.0)

**Under a draft agreement on fisheries subsidies being negotiated at the WTO, developing countries whose share of global marine capture production exceeds 0.8% would be deprived of the ability to provide capacity-enhancing subsidies.**

Based on his consultations with WTO members, the facilitator appointed by the WTO General Council chair to hold discussions on WTO reform has articulated the following perspective on S&DT: 'Reform should ensure inclusive integration of developing Members and Least Developed Countries (LDCs), balancing the need for effective flexibilities aimed at common rules applicable to and adherence to rules. Pragmatic, widely acceptable approaches are required to maintain legitimacy while advancing development objectives.'<sup>10</sup> The facilitator appears to suggest that there must be a balance between S&DT provisions on the one hand and adherence to common rules on the other. It also indirectly questions the present practice of self-determination of development status by WTO members for having access to S&DT provisions. This perspective does not capture the positions that developing countries have taken regarding S&DT, and could be utilised to promote approaches that divert from current practices, including reliance on criteria to govern access to S&DT.

As the recently held 14th Ministerial Conference of the WTO

in Yaoundé remained inconclusive on the question of WTO reform, developing countries have an opportunity to push development-oriented perspectives on S&DT provisions in future.

### **Closing economic gaps – the legal underpinning of S&DT provisions**

In Article XXXVI:1(c) of the General Agreement on Tariffs and Trade (GATT) 1994, the Contracting Parties noted that 'there is a *wide gap* between standards of living in less-developed countries and in other countries' (emphasis added). Provisions in paragraph 3 of the article specified the following: 'There is need for *positive efforts* designed to ensure that less-developed contracting parties secure a share in the growth in international trade commensurate with the needs of their economic development' (emphasis added).

What could constitute positive efforts was specified in paragraph 8 of the article, which states that 'The developed contracting parties do not expect reciprocity for commitments made by them in trade negotiations to reduce or remove tariffs and oth-

er barriers to the trade of less-developed contracting parties'. Over the past six decades, this has formed the basis for the concept of S&DT provisions and the principle of 'less than full reciprocity' under GATT/WTO, including less than full reciprocity in tariff negotiations.

### **Economic gaps between developed and developing countries have widened**

While many developing countries have made impressive progress in addressing hunger and poverty, they have actually fallen behind the developed countries in the standards of living as seen from calculations using per capita gross domestic product. A comparison of the gaps in per capita GDP between the US and 119 developing countries for which the data is available, shows that from 1994–96 to 2022–24, the gap has widened for 118 developing countries. Even if Portugal is taken as the comparator country, the results do not change significantly: 106 developing countries fell further behind Portugal in terms of the gap in per capita GDP over the same two periods.<sup>11</sup>

Thus, the rationale for S&DT continues to remain relevant and in fact has become even stronger now as compared with 1995 when the WTO was established. It is thus incorrect to focus on the absolute value of the GDP of some of the developing countries to argue for their exclusion from S&DT provisions in current and future negotiations.

### **Why a needs-based S&DT approach will not work**

It has been argued by some countries that instead of permitting developing countries to have recourse to S&DT in current and future negotiations on the basis of self-determination of development status, any member desirous of seeking recourse to S&DT must demonstrate why its circumstances justify a need for S&DT. This ap-

proach is riddled with pitfalls for most developing countries. The following arguments could be made against this approach:

- Many developing countries, especially the smaller economies and LDCs, may not have the technical expertise and human resources to demonstrate their need for S&DT, despite their circumstances warranting such provisions.
- As in the past, especially in the context of addressing implementation issues, proposals of interest to the developing countries in the WTO often face a web of technical questions aimed at impeding their progress.
- Given the current lack of trust among WTO members, there is concern that the developed countries will not allow developing countries to have recourse to S&DT even after the latter have demonstrated why their circumstances compel them to do so.
- A needs-based approach to S&DT is likely to become an exercise in bargaining, whereby the developed countries would seek to extract concessions in other areas.
- As most developing countries would not be able to negotiate collectively under this approach, their negotiating leverage would be substantially diminished.

### **Why sector-specific graduation from S&DT will not work**

It is the view of some members that some economic sectors may have dominant players who are developing members or LDCs. This may raise questions about 'incentives for competitors to commit to certain rules or grant flexibilities'. This hints at adopting an approach whereby developing countries which are presently dominant in certain sectors may not have recourse to S&DT in those sectors. The following arguments could be made to counter this approach:

- Countries that are competitive in some sectors today could

face significant economic and social disruption if path-breaking innovations subsequently emerge in that sector. S&DT provisions, say in the form of the flexibility to maintain high bound tariff rates, would help these countries make the transition from old to new technologies less disruptive.

- In the absence of suitable S&DT, even the developing countries that are competitive today would not be able to implement policies to catch up with those countries at the new technology frontier. In such a situation, developing countries would not be in a position to generate income and create jobs in the sectors deploying new technologies.

- Using the share of a country in international trade, especially exports, or in global production as the indicator of sector-level competitiveness can yield outcomes harmful to most developing countries. The ongoing WTO negotiations in respect of fisheries subsidies that contribute to overcapacity and overfishing (OCOF) provide a good illustration of this reality. Under the most recent negotiating text, developing countries whose share of the annual global volume of marine capture production exceeds 0.8% would be deprived of the ability to provide capacity-enhancing subsidies and hence would not be able to create a vibrant industrial fishing fleet. Sector-specific graduation in negotiations in other areas apart from fisheries subsidies could have similar perverse implications for most developing countries.

- It is likely that the indicator and the threshold for determining competitiveness within a particular sector may not reflect the prevailing economic realities in that sector for many developing countries.

- Small economies, many countries in Africa and LDCs do not have a diversified production base. These countries are competitive in just a handful of products. They would be hit hard if they are graduated out of having recourse to

S&DT provisions in the few sectors where they are currently competitive.

### **Why criteria-based graduation from S&DT will not work**

As mentioned above, the gaps in standard of living between the developed countries and most developing countries have widened since the establishment of the WTO. This reinforces the need to have precise and more effective S&DT in favour of developing countries, instead of the larger among them being compelled to give up recourse to S&DT in current and future negotiations.

It is difficult to understand how criteria-based graduation would take into account this stark reality in most developing countries. It is relevant to mention that three out of the four criteria proposed by the US as the basis for graduation – OECD membership, G20 membership and share in international trade – have little nexus with standards of living. Membership of the OECD and the G20 are based on a complex web of geopolitical considerations, while share in international trade or global production has little to do with standards of living. To take the US criteria to their logical conclusion, all the African countries which are members of the WTO would have to be graduated and hence would not be able to have recourse to S&DT in current and future negotiations, as the African Union is now a member of the G20.

### **If larger developing countries graduate out of S&DT, will other developing countries secure more effective S&DT?**

A narrative is sought to be created that if the larger developing countries cannot have recourse to S&DT, this would improve the prospects of other developing countries to secure effective S&DT. There is little evidence in support

of this narrative. In fact, it is likely that some of the smaller developing countries may eventually get graduated and thereafter be compelled to give up their recourse to S&DT provisions.

Further, it is a reality that in some of the negotiations over the past 2–3 decades, in order to split the developing countries, smaller developing countries were offered greater flexibilities as compared with those developing countries that could provide competition to the exports of the developed countries. S&DT provisions in negotiations on non-agricultural goods under the Doha Round and in the negotiations on the OCOF pillar in fisheries subsidies provide relevant illustrations of this trend. Given this reality at the negotiating table, it is unlikely that the developed countries would continue to have the strategic incentive to provide more effective S&DT provisions to smaller developing countries if the larger developing countries get graduated. Instead, after the larger developing countries get graduated, the prospects for the remaining developing countries to secure effective S&DT may actually be diminished.

### **The TFA approach to S&DT needs strengthening**

Section II of the WTO's Trade Facilitation Agreement (TFA) was hailed as a new approach to S&DT that would provide a template for the future. Indeed, the experiment of designing Section II is proof that developing countries and LDCs have been open to assessing and reviewing the approach to S&DT. However, it is important to note that Section II did not meet the initial proposition of developing countries and LDCs when negotiating the TFA, and its limitations have become increasingly clearer as implementation advances.

Developing countries had agreed to start negotiating a TFA in 2004 based on the premise that (1) they would be able to self-designate

the provisions that they can immediately implement (Category A), those that require a transition period for implementation (Category B) and those for which they need a transition period plus technical and financial assistance (Category C); and that (2) the obligation to implement the latter would be conditional on their acquisition of capacity through provision of technical and financial assistance by developed-country members, and after a self-assessment of their capacity to implement.

Yet, the negotiations resulted in a significant dilution of the main S&DT concepts that were supposed to underpin Section II, namely, 'self-assessment' and 'conditioning implementation on acquisition of capacity'. The procedural requirements under Section II ended up being burdensome, imposing narrow timelines and complex notification requirements on developing countries and LDCs. Extension of implementation timeframes beyond 18 months is subject to approval of the Trade Facilitation Committee overseeing the agreement. Moreover, the TFA does not capture any binding obligation for provision of financial and technical assistance by developed-country members; this was dropped from the text except for a weak and non-binding reference in a footnote.

In light of the financial constraints recently facing the TFA Facility (which was set up to provide assistance and support in implementing the agreement), it is not clear what would be the status of obligations for which developing countries or LDCs had requested a transition period and financial and technical assistance (i.e., Category C) if the assistance does not materialise before the identified transition period ends.

If the future of S&DT is to be inspired by Section II of the TFA, it is important to:

- put in place clear and mandatory rules to condition implementation by developing countries and

LDCs on the effective acquisition of capacity through technical and financial assistance;

- ensure procedural rules (including timeframes and notification requirements) are not burdensome on developing countries and LDCs in a way that dilutes their S&DT rights;

- safeguard self-assessment in determining the acquisition of capacity by the developing countries and LDCs, and allow extension of implementation timeframes in line with this assessment, based on a ‘notification’ procedure rather than a ‘request’ from the committee overseeing the agreement;

- establish clear mandatory rules regarding the obligation of developed-country members to provide the resources needed to deliver on the required financial and technical support, together with an effective process to monitor and annually report on the compliance with this obligation.

### Self-designation for access to S&DT provisions remains best option

As mentioned above, new approaches to S&DT, including needs-based and criteria-based approaches, are likely to be divisive, fraught with considerable uncertainty and technically complex. It is unclear whether a developing country would have to demonstrate its need for S&DT provisions during the negotiation for a new agreement or modification of an existing agreement, or during the implementation of the agreement.

Further, the needs-based and criteria-based approaches would diminish the incentive and opportunity for developing countries to forge coalitions during negotiations. This would have negative consequences for the negotiating dynamics from the perspective of developing countries. In the absence of effective coalitions of developing countries, these countries may find it onerous during negotiations to counter pro-

posed provisions that are aimed at benefiting mainly the developed countries.

Overall, continuing with the present approach of self-designation for access to S&DT provisions appears pragmatic and less beset with problems that would afflict other approaches. ♦

### Conclusions

Despite the impressive economic progress made by many developing countries over the past 2–3 decades, the gaps in living standards between most developing countries and the developed countries persist and have actually widened. Further, developing countries continue to confront many formidable socioeconomic challenges, which provides a strong argument for the continued relevance of S&DT provisions in their favour.

If future negotiations at the WTO do not fully consider these challenges and the developing countries fail to secure S&DT provisions, then they would be compelled to participate in a multilateral system in which they are not able to benefit from the rules. Such a system would not serve the overall objective of economic development in a large number of developing countries. If the multilateral trading system is unable to respond to their needs and development imperatives, some of the developing countries may not retain a high stake in the system.

To accept the proposition that the large developing countries should take on the same obligations as the developed countries in future multilateral trade negotiations would be a travesty of equity and fairness. Instead, in ongoing and future negotiations at the WTO, developing countries must have access to effective and precise S&DT on the basis of self-determination. Any debate on harmonising the obligations among developed and some developing countries must start

with removing the asymmetries and imbalances in various existing WTO agreements (particularly the Agreement on Agriculture and the Agreement on Subsidies and Countervailing Measures) which contain many provisions that provide substantial advantage primarily to the *developed* countries. ♦

*Abhijit Das is an international trade expert and former Head of the Centre for WTO Studies at the Indian Institute of Foreign Trade, New Delhi.*

*Kinda Mohamadieh contributed to this article, focusing on the Trade Facilitation Agreement.*

### Notes

1. WTO document WT/GC/W/757, dated 16 January 2019.
2. WTO document WT/GC/W/764, dated 15 February 2019.
3. Strengthening of S&DT provisions and addressing implementation issues have been core to the WTO rule reforms that developing countries have called for since 1996, and this subject was incorporated into the WTO’s Doha Development Agenda in 2001 (see WTO document WT/GC/W/778/Rev.3). The Doha Ministerial Declaration provided a clear mandate (in paragraph 44) to review all S&DT provisions with a view to strengthening them and making them more precise, effective and operational.
4. WTO document WT/GC/274, dated 24 September 2025.
5. WTO document WT/GC/W/984, dated 15 December 2025.
6. WTO document WT/GC/W/986, dated 21 January 2026.
7. WTO document WT/GC/W/987, dated 3 February 2026.
8. WTO document WT/GC/W/989, dated 18 February 2026.
9. Preamble to the Marrakesh Agreement Establishing the WTO.
10. WTO document JOB/GC/483, dated 12 December 2025, ‘WTO Reform’, Written Report by Facilitator to the General Council H.E. Mr Petter Ølberg (Norway) – Facilitator on WTO Reform.
11. Abhijit Das, Paavni Mathur and Sushil Kumar, ‘Special and Differential Treatment Provisions in the WTO: Evaluating Pathways for Development’, RIS Discussion Paper No. 328, 2026.

# MC14 and the negotiations on agriculture: A critical juncture for development

MC14 failed to yield any substantive decision concerning trade in agricultural products, one of the major issues on the WTO negotiating table. Going forward, developing countries need to ensure past promises in this area are kept, and resist constraints on their capacity to advance food security and farming livelihoods.

THE recently concluded 14th Ministerial Conference of the World Trade Organization was a critical moment in the history of the WTO, coming in the wake of an ‘outbreak’ of Trump tariffs and an extreme positioning of US trade policy since April 2025. Agriculture, being a critical part of the WTO agreements and negotiations, had much at stake for developing countries and least developed countries (LDCs) but MC14 failed to deliver anything of use on this front. Moreover, the limited negotiations on agriculture before and during MC14 witnessed a push by the most economically advanced WTO member state towards obliterating past development-oriented mandates and relaunching negotiations anew. Another move towards launching discussions on a new set of emerging issues, without resolving outstanding ones, also raised serious questions about the future direction of WTO rule-making on agricultural trade.

## The WTO and agriculture

Global trade and harmonised trade rules under the WTO, under the WTO Agreement on Agriculture (AoA) in particular, had been advocated as tools/solutions to improve availability of and access to food, increase global production and stabilise global markets. Moreover, these

### Ranja Sengupta

rules were to cater to agricultural development across developing countries and LDCs by ensuring fair access to global markets, facilitated by equitable subsidy disciplines on the developed countries who were large users of both domestic and export subsidies, as well as by some preferential policies for developing countries under special and differential treatment (S&DT) provisions.

But as it turned out, the AoA rules have allowed special flexibilities for *developed* countries through extra entitlements of domestic subsidies and rampant misuse of the Green Box subsidies. At the same time, the rules have imposed strict limits on subsidies of developing countries, thus narrowing their policy flexibility to address domestic agricultural concerns including by boosting domestic production to meet food security and livelihood needs. The AoA has also bound – i.e., imposed upper limits on – most agricultural import tariffs, which are the main tool developing countries use to protect their farmers from unfair competition. It is thus not a surprise that the 31-year record of the WTO has failed to deliver much for the Global South.

Instead, in the agriculture negotiations, developing countries

and LDCs have had to continuously fight on key issues and for policy space vital for ensuring agricultural production and development, livelihoods and long-term food security in their countries. The negotiations may have sometimes secured mandates to reach particular outcomes, but most of these mandates have remained unrealised up to and at MC14.

## The road to MC14 and key issues on the table<sup>1</sup>

One of the most important issues under negotiation is a **permanent solution on public stockholding (PSH)** which would allow developing countries and LDCs the policy space to provide price support subsidies to their farmers, especially small and marginal farmers, when purchasing food stocks for public food stockholding (and distribution) programmes. Such programmes are largely used by developing countries and LDCs for distribution of food to poor consumers, as well as for supporting farmers’ livelihoods and enabling them to continue production through price support policies. Both these objectives of PSH programmes are essential for ensuring long-term domestic food security in such countries.

While an interim solution on PSH was secured in 2013 at the WTO’s Bali Ministerial

Conference, a permanent solution – which, under a mandate from Bali, was to have been agreed by 2017 – has been repeatedly blocked. The permanent solution is needed to deliver a more user-friendly instrument free from the severe conditionalities imposed in the interim solution and allow more developing countries and LDCs to be able to use it. A 2022 submission<sup>2</sup> by the G-33, the African Group and the ACP Group comprising 80 countries has not even been discussed. Ahead of MC14, the permanent solution was raised in submissions by several countries and country groupings including the African Group,<sup>3</sup> the LDC Group,<sup>4</sup> the G-33<sup>5</sup> and Indonesia<sup>6</sup> that called for an outcome by MC15.

A **Special Safeguard Mechanism (SSM)** that would allow developing countries and LDCs to raise import duties to protect against destructive import surges, much along the lines of what is already enjoyed by developed countries under Article 5 of the AoA, has met with the same fate as the PSH permanent solution. Such import surges have repeatedly devastated farming livelihoods by creating uncertainty and volatility in domestic agricultural markets. Developing countries including the G-33 and the African Group have submitted several papers on the SSM<sup>7</sup> but progress on this issue has repeatedly been tied to demands by developed countries and very recently by agricultural exporting countries for further market opening.<sup>8</sup> The African Group, the LDC Group, the G-33 and Indonesia all flagged this issue in their submissions (see endnotes 3–6) before MC14.

Disciplines on massive **cotton subsidies** given by developed countries, the US being the biggest user, are another issue of interest to developing countries and LDCs that has continued to languish. Among the several demands put forward that are supposed to ensure greater market access for

poor cotton-producing countries, the one on domestic subsidies is the most urgent. In spite of a clear demand from the Cotton-4 African cotton-producing countries (Benin, Burkina Faso, Chad and Mali) and Côte d'Ivoire for a decision at MC14,<sup>9</sup> the Ministerial Conference failed to even take up this issue. In fact, the US had already rebuffed such demands earlier.<sup>10</sup>

It is to be noted that all the above three issues were the subject of specific reaffirmed mandates from the Nairobi Ministerial Conference of 2015. However, since then, there has not been any outcome on these issues. In fact, there is not even any other agreed ministerial decision on agriculture, except the one adopted on the World Food Programme<sup>11</sup> during the 12th Ministerial Conference of the WTO in 2022 which had very limited scope.

Overall **domestic support** (subsidies) disciplines that would rein in inequitable elements such as the extra AMS (Aggregate Measurement of Support) subsidy entitlements (under Article 6.3 of the AoA)<sup>12</sup> enjoyed mostly by the developed countries, have been the most critical and consistent demand of developing countries and LDCs since the formation of the WTO.<sup>13</sup> India and the African Group have submitted several proposals on this issue even in recent times.<sup>14</sup> The group of agricultural exporting countries known as the Cairns Group, which includes key players such as Brazil, Argentina, Australia and New Zealand, has also been submitting proposals on this issue.<sup>15</sup> However, they suggest imposing disciplines on all trade-distorting domestic subsidies, including entitlements specifically given to developing countries and LDCs known as Development Box subsidies, which has been opposed by most developing countries and LDCs. The African Group had in fact been working with the Cairns Group to reconcile their respective positions but this process reportedly

broke down a few months before MC14.<sup>16</sup>

Some developing countries have also been raising the need for greater policy tools to address **situations of food crisis**. Earlier proposals in this regard by the African Group and Pakistan were followed up in an African Group proposal ahead of MC14 (see endnote 3). But again, this issue has never found any serious takers especially among developed countries. The only solution offered by the latter is unfettered liberalisation, not taking into account structural inequalities at domestic and global levels.

In addition to the above issues, where developing countries and LDCs have been advocating positive outcomes, there are several issues largely of 'defensive' interest to most developing countries and LDCs. Such issues include increasing **market access** through tariff elimination, as well as the more complex issue of **removal of export restrictions** while balancing domestic food security needs in a situation of food crisis. Both these issues have been consistently pursued by the farm exporting countries.<sup>17</sup> Most developed countries have targeted export restriction measures in developing countries in spite of the fact that many of them have also pursued these measures themselves. However, demands for greater market access seem to have waned somewhat among some developed countries such as the EU, which itself has been grappling with domestic farmers' opposition to aggressive import liberalisation through tariff cuts. The US' recent tariff policies have, in fact, broken all rules and the MFN principle of the WTO. As in the case of the other issues above, neither of these issues made headway ahead of MC14.

In the run-up to MC14, the US administration's confrontationist attitude through 2025 had definitely created a chill factor on all WTO negotiation tracks. 2025 also

extracted a lot of energy from most WTO member states who were engaged in multiple bilateral deals. In agriculture, where developing countries and LDCs had the most to gain if mandated issues were to be resolved equitably, a strong US pushback seemed to be expected, leading to a clear lowering of ambition among them. Even other members, including developed countries and the Cairns Group, seemed to follow the same approach. Even though there were several proposals submitted between December 2025 and MC14, almost all sought to defer any major outcomes to MC15.<sup>18</sup>

### MC14: From actions to narratives

With most substantive decisions expected to be postponed to MC15, the negotiations in the last few months before MC14 focused more on the framework and approaches going forward.

The final draft of the declaration on agriculture that was to be adopted by MC14<sup>19</sup> – which was circulated ahead of the conference by the Chair of the WTO agriculture talks, Ambassador Ali Sarfraz Hussain of Pakistan – reflected the battle over narratives which has in fact increasingly underpinned the agriculture negotiations over the last few Ministerial Conferences. A lot of this narrative building seems centred around some key phrases and often reflects the gap between the thinking and priorities of agricultural exporters and developed countries on the one side and a vast majority of developing countries and LDCs on the other.

Ensuring ‘precise, effective and operational’ **special and differential treatment** and integrating and strengthening S&DT in the WTO’s agricultural rule-making has long been a core and consistent demand of developing countries and LDCs and continues to be an overarching framework for them. **Food security**

has also become a key agenda for them for more than a decade. In fact, both PSH and SSM are premised as critical tools to ensure food security in developing countries and LDCs. However, the concept of food security has also seen alternative interpretations from developed countries and farm exporters, with each advancing their own approach to ensuring global food security.

Another overarching framework advanced by developing countries is the need for flexible **policy space for agricultural development** including to promote production, livelihoods and incomes in addition to food security. Policy space has been their consistent demand echoed in other areas of WTO negotiations as well. This has also been clearly articulated by the net food-importing developing countries (NFIDCs) and LDCs. The concept of policy space for crisis management, in particular, has gained ground since the COVID-19 pandemic.

Developing countries have also reiterated the need to follow a **sequence approach** by resolving outstanding mandated issues first.

In contrast, as mentioned earlier, a core demand of the developed countries and the Cairns Group has been **agriculture market liberalisation** (market access) through tariff cuts, and they have argued this is the only way to achieve food security. On subsidies, the developed countries have been fighting hard to protect their own subsidies (while targeting developing-country subsidies). The Cairns Group, whose commercial interests drive a demand for complete liberalisation through both tariff and subsidy removal, has framed this as an agricultural **trade reform agenda** outlined under Article 20 of the AoA.<sup>20</sup> Pursuing this reform agenda, they argue, is critical to meet food security and sustainability needs. However, this approach has been countered by a majority of developing countries and LDCs who are unwilling

to commit to complete market liberalisation or subsidy cuts as the existing AoA rules and those proposed in further negotiations have been neither equitable nor generally beneficial for them. Ahead of MC14, the apparent need for ‘**a fair and market-oriented agricultural trading system**’ (as articulated in the AoA) was one of the key narratives, but most developing countries, especially LDCs, have referred only to a ‘fair’ agricultural trading system and dropped the reference to a ‘market-oriented’ one in their submissions.

The Chair’s draft declaration incorporated many of these ideas, including S&DT, the role of food security (though this was watered down to some extent compared with the original draft), the role of a reform process, negotiations based on Article 20 of the AoA, and a fair and market-oriented agricultural trading system. However, the draft declaration failed to specifically mention the issues with long-overdue mandates raised repeatedly by developing countries, on the grounds that these would be unacceptable to many members, most notably the US. While India and the Cotton-4 countries (and Côte d’Ivoire) wanted PSH and cotton to be mentioned specifically, their demands were not met. Even though the mandates continue in principle as far as future negotiations are concerned, the value of a ministerial declaration on agriculture in providing a positive pathway for developing countries and LDCs is drastically reduced without mention of the specific issues.

But it was another narrative that ultimately decided the fate of this skeletal declaration. For the last few years, and continuing till MC14, a narrative has been developing that the agriculture negotiations have been marked by ‘**limited progress**’ and ‘**significant divergences**’, therefore resulting in a ‘**stalemate**’.

This has paved the way for the argument that ‘relaunch’ of the negotiations is necessary.<sup>21</sup> This narrative has emerged even though developing countries have engaged in the negotiations in good faith, as evident from their continued submissions on all these issues, most of which have, however, not even made it to the negotiating table.

While this narrative has largely been put forward by the agricultural exporting countries, the US in fact called for a completely ‘new approach’ at MC14, one that ostensibly denies previous progress on key issues. Even when this was accommodated in the Chair’s text, the US went further and insisted on deletion of a reference in the text to ‘past ministerial decisions and declarations’. This would have forced developing countries and LDCs to forgo any gains on issues and concerns of critical importance for them, and for which they had already made concessions in other areas<sup>22</sup> or where developed countries are already enjoying a similar benefit.<sup>23</sup> In fact, the US apparently insisted at MC14 that the declaration should include reference only to new approaches and nothing else. This was understandably rejected by most developing countries and LDCs. Thus the US made sure that a declaration on agriculture could not go through at MC14. During the conference, India submitted a document<sup>24</sup> on ‘new approaches’ which argued that ‘any possible new approach shall be consistent with existing mandates and not dilute or replace them’. While this may be a basis for discussing new approaches going forward, it could not be discussed at MC14 given the paucity of time.

### ‘Emerging agricultural trade issues’

In another interesting development, one that may influence future negotiations, 12 WTO Members<sup>25</sup> submitted

a proposal on ‘emerging agricultural trade issues’<sup>26</sup> prior to MC14. This proposal suggested a ministerial decision at MC14 that would launch discussions on a gamut of issues with an open-ended agenda. The main focus seemed to be on sustainability and technology. While the proposal failed to get adopted as a ministerial decision, it was resubmitted on 31 March and circulated for information at the WTO General Council meeting on 6–7 May. It proposes a dialogue process launched by the 12 proponents which is open for other members to join and is to be reported to the General Council. In other words, it seems to be the start of a new Joint Statement Initiative (JSI) paving the way for a plurilateral agreement along the agriculture track.

It is important to remember that the many papers submitted on ‘reform’ by Brazil and the Cairns Group have already spanned the concept of sustainability. Brazil had also proposed a ‘dialogue on sustainable agriculture’ (WTO document JOB/AG/261). Further, a retreat on ‘Sustainable Agriculture in the Multilateral Trading System’ was held for WTO member states on 5–6 May 2025. The retreat failed to reach any consensus on the way forward.<sup>27</sup> In particular, given the US’ lack of enthusiasm for launching any workstream on agriculture and sustainability, this track did not advance much in the official negotiations.

The issue of technology in agriculture, most notably of genetically modified crops and digital technology, has also been creeping into WTO discussions through both the agriculture as well as the e-commerce tracks. In particular, the role of digital technology in agriculture is new, complex and extremely sensitive from a regulatory perspective, having significant implications for farmers’ livelihoods and their control over production and distribution.

While sustainability and technology are undeniably important issues for the future, whether these issues can be tackled in the WTO in a credible and development-friendly manner remains a question for developing countries and LDCs. Given past experience, there are major concerns that both issues may be framed in WTO discussions and negotiations in a manner that goes against these countries’ development objectives, in particular by imposing rules and standards that create barriers and take policy control away from their hands. For example, many believe that the United Nations Framework Convention on Climate Change (UNFCCC) is instead the best forum for addressing environment and climate-related issues, including the trade linkage. Also, since these are still very new policy issues, the domestic policy positioning must first be determined before any international commitments are undertaken.

Some developing countries have also indicated in the recent past that they would like to see the outstanding mandates in the agriculture negotiations resolved first before taking up any new issues or frameworks. In fact, there seems to be clear hesitance among many developing and least developed members on agreeing to a fully open-ended agenda that could bring any number of complex issues to the table, which could then be pushed to be placed on par with outstanding development issues.

### Moving forward

In the end, and perhaps not surprisingly under the circumstances, MC14 turned out to be a dismal show as far as meeting the interests of the majority of developing countries and LDCs on agriculture was concerned. Given the US pressure to obliterate past mandates, the failure to adopt a ministerial declaration on agriculture is no loss for the

developing countries and LDCs. But what happens now on the road to MC15 is critical.

These countries must ensure that past promises are kept and that they get the necessary policy space for the development of their agricultural sector, to meet their food security and livelihood needs. This is especially important given the increasing pressure coming on the agriculture sector through bilateral deals being negotiated outside the WTO. At the same time, while emerging issues such as technology and sustainability are important, when, where and how to address these issues remains an open question. ◆

*Ranja Sengupta is a senior researcher with the Third World Network.*

## Notes

- For a more detailed description of the key issues on the table before MC14, see Ranja Sengupta, 'The 14th Ministerial Conference of the WTO and the outstanding mandates on agriculture: Key issues for developing countries', TWN Briefing Paper, March 2026, available at [https://twn.my/title2/briefing\\_papers/twn/Agriculture%20MC14%20TWNBP%20Mar%202026%20Sengupta.pdf](https://twn.my/title2/briefing_papers/twn/Agriculture%20MC14%20TWNBP%20Mar%202026%20Sengupta.pdf)
- 'Public stockholding for food security purposes – Proposal by the African Group, the ACP, and G33', WTO document JOB/AG/229, 2022.
- 'African Group Submission on Agriculture for MC14', WTO document WT/MIN(26)/W/19, 17 March 2026, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2F-W T % 2 F M I N 2 6 % 2 F W 1 9 . p d f & Open = True>
- 'Proposal on Food Security and Resilience', submission by the LDC Group, WTO document WT/GC/W/980/Rev.1 | TN/AG/W/13, 8 December 2025.
- 'G-33 Ministerial Statement at the 14th WTO Ministerial Conference on Priorities and Collective Action toward Advancing Inclusive WTO Agricultural Negotiation post MC14', WTO document WT/MIN(26)/27, 26 March 2026, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2F-W T % 2 F M I N 2 6 % 2 F W 2 7 . p d f & Open = True>
- 'Draft Ministerial Decision on Promoting Food Security and Resilience in the Multilateral Trading System: Communication from Indonesia', WTO document TN/AG/W/14, 27 January 2026.
- WTO document JOB/AG/205/Rev.2, 2023, by the African Group, and WTO document JOB/AG/49, 2021, by the G-33.
- 'Reform of Agricultural Trade in the Form of Market Access: Communication from Argentina, Brazil, Paraguay and Uruguay', WTO document JOB/AG/255/Rev.1, 5 December 2025.
- 'Bamako Ministerial Decision on Cotton: Communication from the Co-Sponsors of the Sectoral Initiative in Favour of Cotton plus Côte d'Ivoire', WTO document WT/MIN(26)/1 | TN/AG/GEN/56 | TN/AG/SCC/GEN/27, 4 December 2025, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2FTN%2FAG%2F-GEN56.pdf&Open=True>
- See D. Ravi Kanth, 'WTO: Rebuffing Cotton-Four's hopes, US rejects cotton outcome for MC14', *SUNS* #10337, 21 November 2025, available at <https://www.twn.my/title2/wto.info/2025/ti251108.htm>
- 'A Ministerial Decision on World Food Programme (WFP) Food Purchases: Exemptions from Export Prohibitions or Restrictions', WTO document WT/MIN(22)/29, adopted on 17 June 2022, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/29.pdf&Open=True>
- See Ranja Sengupta, 'Extra AMS entitlements under the WTO Agreement on Agriculture continue to confer additional policy space for developed countries', TWN Briefing Paper, April 2023, available at [https://twn.my/title2/briefing\\_papers/twn/AMS%20entitlements%20TWNBP%20Apr%202023%20Sengupta.pdf](https://twn.my/title2/briefing_papers/twn/AMS%20entitlements%20TWNBP%20Apr%202023%20Sengupta.pdf)
- See Sachin Kumar Sharma et al., 'Revisiting Domestic Support Negotiations at the WTO: Ensuring a Level Playing Field', Working Paper No. CWS/WP/200/56, Centre for WTO Studies, June 2020, available at <https://wtocentre.iift.ac.in/workingpaper/WorkingPaper56.pdf>
- See WTO document JOB/AG/242/Rev.1, submitted by the African Group and Pakistan, 2023, and WTO document JOB/AG/216/Rev.1, submitted by India, 2023.
- See WTO documents JOB/AG/245 and JOB/AG/243 submitted in 2023 by the Cairns Group and Costa Rica respectively.
- See D. Ravi Kanth, 'Trade: WTO farm talks stall as chair rules out draft text for MC14', *SUNS* #10297, 25 September 2025, available at <https://twn.my/title2/wto.info/2025/ti250917.htm>
- See, for example, 'Reform of Agricultural Trade in the Form of Market Access: Communication from Argentina, Brazil, Paraguay and Uruguay', WTO document JOB/AG/255/Rev.1, 5 December 2025.
- For an analysis of the proposals submitted ahead of MC14, see Ranja Sengupta, 'The 14th Ministerial Conference of the WTO and the outstanding mandates on agriculture: Key issues for developing countries', TWN Briefing Paper, March 2026, available at [https://twn.my/title2/briefing\\_papers/twn/Agriculture%20MC14%20TWNBP%20Mar%202026%20Sengupta.pdf](https://twn.my/title2/briefing_papers/twn/Agriculture%20MC14%20TWNBP%20Mar%202026%20Sengupta.pdf)
- 'Draft Declaration on Agriculture, Trade and Global Food Security', WTO document WT/MIN(26)/W/12, 16 March 2026 (earlier JOB/AG/273/Rev.1, 5 March 2026), available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2F-W T % 2 F M I N 2 6 % 2 F W 1 2 . p d f & Open = True>
- See the 'Statement on the Importance of Reform of Agricultural Trade – Communication from Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama, Paraguay, Peru and Uruguay', WTO document WT/MIN(26)/31 | JOB/AG/275, 28 March 2026, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2FJOBS%2FAG%2F275.pdf&Open=True>
- See, for example, WTO document JOB/AG/272 submitted by Argentina, 20 February 2026.
- For example, developing countries and LDCs had agreed to the Trade Facilitation Agreement in the Bali Ministerial Conference in 2013, in return for the interim 'peace clause' on PSH and the promise of a permanent solution by 2017.
- The Special Safeguard provisions under Article 5 of the AoA already allow all developed countries and a handful of developing countries to have recourse to a safeguard mechanism that is very similar to the SSM demanded by developing countries and LDCs.
- 'Draft Declaration on Possible New Approaches to Advance Agricultural Negotiations', WTO document WT/MIN(26)/W/22, 28 March 2026, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2F-W T % 2 F M I N 2 6 % 2 F W 2 2 . p d f & Open = True>
- Australia, Brazil, Canada, Colombia, Costa Rica, Iceland, Liechtenstein, New Zealand, Peru, Switzerland, Ukraine and Uruguay.
- 'Draft Ministerial Decision for a Dialogue on Emerging Agricultural Trade Issues', WTO document WT/MIN(26)/W/6/Rev.3, 24 March 2026; revised version WT/MIN(26)/40, 31 March 2026, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q%3A%2F-W T % 2 F M I N 2 6 % 2 F 4 0 . p d f & Open = True>
- See D. Ravi Kanth, 'WTO: Retreat on "sustainable agriculture" fails to bring about consensus', *SUNS* #10218, 9 May 2025.

# The looming spectre of ‘non-violation complaints’

A decades-old understanding at the WTO which protected recourse to certain policies overriding intellectual property rights has lapsed. With its expiry, the availability of everything from affordable farm inputs to life-saving generic medicines is now at risk.

**K.M. Gopakumar**

AT MC14, a longstanding moratorium on so-called ‘non-violation complaints’ under the WTO’s intellectual property rules – a mechanism that had been quietly extended at successive ministerial conferences for nearly three decades – was not renewed.

The stakes are higher than the obscure terminology suggests. The WTO’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) requires its member states to enforce 20-year patent monopolies across everything from veterinary vaccines and tractors to pharmaceuticals and medical devices. But the Agreement also contains flexibilities: provisions allowing governments to refuse patents on minor reformulations of existing products, or to issue compulsory licences for cheaper, life-saving generic alternatives to patented medicines. These are not loopholes; they are features of the Agreement, hard won in negotiations.

The difference these flexibilities make is tangible. In India, generic liver and kidney cancer drugs can cost up to 97% less than their patented equivalents. In Malaysia, cheaper generics enabled the government to provide free HIV and hepatitis C treatment. In Thailand, a government programme using generic versions of seven patented medicines saved \$370 million over five years and treated an additional 84,158 patients. Compulsory licensing made all of this possible. Without the moratorium, however,



LadyofProcrastination (CC BY-SA 2.0)

**Without a WTO moratorium on ‘non-violation complaints’, use of compulsory licensing to supply affordable generic alternatives to patented medicines could be subjected to legal challenge.**

any country issuing such a licence would be inviting a legal challenge.

Non-violation complaints are the catch. Under WTO law, a member state can bring a dispute even where no rule has been broken, on the grounds that an expected benefit has been ‘nullified or impaired’. Applied to TRIPS, non-violation complaints could be used to challenge a government for exercising the very flexibilities the Agreement provides: issuing a compulsory licence, say, or applying stricter patentability criteria. It is, in effect, a mechanism to penalise the lawful exercise of rights the Agreement itself confers.

This is not an abstract risk. The United States has repeatedly flagged Section 3(d) of India’s Patents Act (which restricts the scope of patentability) as a trade irritant in its annual National Trade Estimate reports. The Trump administration’s Agreement on Reciprocal

Trade with Argentina goes further, requiring Buenos Aires to ‘expeditiously’ repeal its own equivalent. The pharmaceutical giant Novartis already tried to argue before Indian courts that Section 3(d) breached the TRIPS Agreement. It failed. Without the moratorium, such challenges could migrate from national courts to the WTO, where enforcement carries the weight of trade sanctions.

WTO members have long recognised this danger, maintaining the moratorium on TRIPS non-violation complaints since the Agreement’s inception and renewing it at subsequent ministerial conferences. With MC14 failing to continue the extension, however, the moratorium has now expired.

The timing could hardly be worse for developing countries. Official development aid is in retreat, with the US pulling out of the World Health Organization (WHO), where

it had been the single largest donor, and cutting funding to GAVI, the vaccine alliance that has immunised more than a billion children in the world's poorest countries. In this environment, the ability to use TRIPS flexibilities, from compulsory licences on medicines to agricultural inputs to educational materials, is not a luxury. It is a lifeline.

Some trade officials may be tempted to shrug off the risk on the grounds that the appellate arm of the WTO's system for hearing disputes remains paralysed. That offers less comfort than it appears. The Multi-Party Interim Appeal Arbitration Arrangement (MPIA), a workaround joined by a growing number of WTO members, can still render WTO dispute panel rulings enforceable. The European Union also has its own enforcement regulation, sometimes called the 'ba-zooka', which allows Brussels to retaliate unilaterally against countries that appeal rulings into the void rather than joining the MPIA; it is already contemplating using it against Indonesia over nickel export restrictions. An Indian compulsory licence on a patented medicine could easily be the next target.

There is a further wrinkle. Several free trade agreements tie their intellectual property provisions to the WTO moratorium; with the expiry of the moratorium, non-violation complaints could automatically become actionable under those FTAs as well.

For farmers and patients, the math is simple: they need affordable seeds, fertilisers, machinery, spare parts and medicines, and the TRIPS non-violation moratorium is the legal backstop that keeps these within reach. For many developing countries, TRIPS flexibilities are no longer a policy option. They are the last line of defence. Letting the moratorium lapse pulls the rug from under those who can least afford it. ◆

*K.M. Gopakumar is a senior researcher and legal adviser with the Third World Network.*

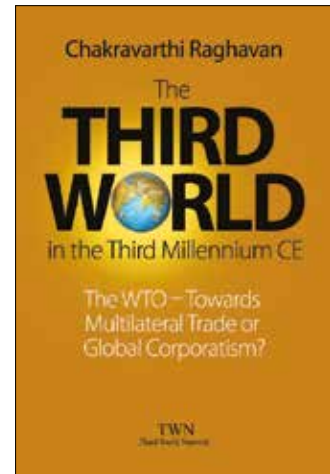
*This article was written with inputs from the TWN delegation that was at MC14 in Yaoundé.*

## The Third World in the Third Millennium CE The WTO – Towards Multilateral Trade or Global Corporatism?

By *Chakravarthi Raghavan*

THE second volume of The Third World in the Third Millennium CE looks at how the countries of the South have fared amidst the evolution of the multilateral trading system over the years. Even as the General Agreement on Tariffs and Trade (GATT) gave way to the World Trade Organization (WTO) as the institution governing international trade, this book reveals, the Third World nations have continued to see their developmental concerns sidelined in favour of the commercial interests of the industrial countries.

From the landmark Uruguay Round of talks which resulted in the WTO's establishment to the ongoing Doha Round and its tortuous progress, the scenario facing the developing countries on the multilateral trade front has been one of broken promises, onerous obligations and manipulative manoeuvrings. In such a context, the need is for the countries of the Third World to push back by working together to bring about a more equitable trade order. All this is painstakingly documented by Chakravarthi Raghavan in the articles collected in this volume, which capture the complex and contentious dynamics of the trading system as seen through the eyes of a leading international affairs commentator.



ISBN: 978-967-0747-00-2 448 pages

14 cm x 21.5 cm Year: 2014

	Price	Postage
Malaysia	RM45.00	RM4.00
Developing countries	US\$18.00	US\$14.00 (air)
Others	US\$25.00	US\$19.00 (air)

Orders from Malaysia – please pay by credit card/crossed cheque or postal order.  
Orders from Australia, Brunei, Indonesia, Philippines, Singapore, Thailand, UK, USA – please pay by credit card/cheque/bank draft/international money order in own currency, US\$ or Euro. If paying in own currency or Euro, please calculate equivalent of US\$ rate. If paying in US\$, please ensure that the agent bank is located in the USA.  
Rest of the world – please pay by credit card/cheque/bank draft/international money order in US\$ or Euro. If paying in Euro, please calculate equivalent of US\$ rate. If paying in US\$, please ensure that the agent bank is located in the USA.

All payments should be made in favour of: THIRD WORLD NETWORK BHD., 131 Jalan Macalister, 10400 Penang, Malaysia. Tel: 60-4-2266728/2266159; Fax: 60-4-2264505; Email: [tw@twnetwork.org](mailto:tw@twnetwork.org); Website: [www.twn.my](http://www.twn.my)  
Or visit our Online bookstore at [www.twn/my](http://www.twn/my) to order.

I would like to order ..... copy/copies of The THIRD WORLD in the Third Millennium CE: The WTO – Towards Multilateral Trade or Global Corporatism?

I enclose the amount of ..... by cheque/bank draft/IMO.

Please charge the amount of US\$/Euro/RM ..... to my credit card:

Visa  Mastercard

A/c No.: \_\_\_\_\_ Expiry date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

# Trump's coercive tactics in Latin America evoke era of gunboat diplomacy – and the rise of anti-imperialism it helped spur

Aggressive US intervention in Latin America in the early 20th century triggered a wave of anti-imperialist fervour in the region. Might Washington's present-day muscle-flexing spark a similar upsurge?

**Tony Wood**

IN Latin America, as in other parts of the world, the second Trump administration has adopted an increasingly aggressive policy.

From drone strikes on purported drug traffickers to increased tariffs on imports, and from the blockade on fuel shipments and threats of invasion in Cuba to the January military incursion into Venezuela, the US' more coercive approach to its hemispheric neighbours evokes an earlier period of US foreign policy.

Many commentators have found echoes of the 1989 capture of Panamanian leader Manuel Noriega in the kidnapping of Venezuelan President Nicolás Maduro. Others highlighted the longer history of US interventions in Latin America stretching back through the Cold War. That includes the Nixon administration's support for the 1973 coup against Salvador Allende in Chile and the CIA-sponsored removal of Guatemala's elected president Jacobo Arbenz in 1954.

Yet as a historian of early-20th-century Latin America, I believe the Trump administration's approach to Latin America more closely resembles an older pattern of US policy. Between 1900 and the mid-1930s, US forces intervened in one Latin American country after another. This practice was often

justified by the Roosevelt Corollary, President Theodore Roosevelt's addition to the Monroe Doctrine. In cases of 'chronic wrongdoing', Roosevelt said in 1904, the US would find itself compelled to exercise an 'international police power' in defence of US interests.

But crucially, how Latin Americans responded to the US exerting its dominance in the early 20th century may hold some lessons for the present day. One of the major side-effects of the US' so-called gunboat diplomacy was an upsurge of resistance and anti-imperialist thinking in the region's political life.

## The roots of anti-imperialism

In the 30 years after Roosevelt asserted the US' right to intervene across the hemisphere, US forces occupied Cuba three times – in 1906–09, 1912 and 1917–21. They also occupied Haiti from 1915 to 1934 and the Dominican Republic from 1916 to 1924. In Nicaragua, the US deployed the Marines from 1912 to 1925 and then again from 1926 to 1933, waging a counterinsurgency in which it used

aerial bombardment for the first time.

Across much of the region, then, this was a time when the US was quick to resort to force, unburdened by any concerns for Latin American countries' sovereignty.

Yet this era of external intervention also coincided with a period of remarkable political ferment, which I describe in my recently published book *Radical Sovereignty*.

In one place after another, from Buenos Aires to Mexico City and from Havana to Lima, movements sprang up that put forward sharp critiques of US power. Many of them grew out of student organisations in the late 1910s, while others drew on the rising strength of labour unions and newly formed leftist political parties.

In 1923, rural workers in the Mexican state of Veracruz formed a Peasant League. From the outset, they saw local issues as closely interwoven with international ones, and they argued that there was a compelling reason for this. As the league put it, 'Our internationalism is not the child of a crazed enthusiasm for empty phrases ... but of the need to take preventive measures, to bolster ourselves

against the enemy', which they identified as 'the imperialism of North America'.

Many of Latin America's radical movements at this time were inspired by the recent example of the Mexican Revolution. The new Mexican Constitution of 1917 had nationalised the country's land and natural resources, putting it on a collision course with US companies and landowners.

Others still were energised by the global repercussions of the Russian Revolution. This, of course, included several brand-new communist parties across the region. But at the time, many others in Latin America saw the Bolsheviks as part of a global anti-colonial wave.

### Mexico City as activist hub

My book explores the key role Mexico City played as a gathering point for these different political tendencies.

They included groups ranging from Mexican peasant leagues to the American Popular Revolutionary Alliance, an anti-imperialist movement formed by Peruvian exiles. Many of these organisations converged under the umbrella of the Anti-Imperialist League of the Americas. Founded in Mexico City in 1925, it soon had chapters in a dozen more countries across the region.

Between them, these movements brought into focus the novel features of US power. As the Cuban student leader and communist Julio Antonio Mella saw it in 1925 – at a time when his native country was highly dependent on the US but formally sovereign – the US was distinct. Unlike European empires, it largely refrained from direct control of territories, though it had pressed the Cubans to include in their 1901 constitution a provision allowing it to intervene in the island at will.

In Mella's view, the US was clearly an empire, one that mainly

exercised its dominance through commercial or financial pressures. For him, the dollar and Wall Street were as central to US power as the halls of government in Washington, DC.

For Ricardo Paredes, an Ecuadorean doctor who founded the country's Socialist Party in 1926, a new term was required to capture Latin American countries' contradictory position. Formally sovereign, they were not colonies as such. Yet they were economically and politically subordinated to Washington and Wall Street – 'dependent countries', as he phrased it in 1928.

For the Peruvian poet Magda Portal, a leading member of the anti-imperialist American Popular Revolutionary Alliance, US dominance played out differently in different parts of Latin America.

In a series of lectures she gave in Puerto Rico and the Dominican Republic in 1929, Portal divided the region into zones. While countries such as Argentina or Brazil were mainly sites for US investment, Mexico and the Caribbean were regularly subjected to US military force. Or, as Portal put it, 'Here imperialism wears no disguise.'

Portal concluded her lectures with a phrase that combined her analysis of US dominance with a resonant appeal for unity: 'We have a single and great enemy; let us form a single and great union.'

### United states of resistance?

Yet while there was much Latin American anti-imperialist thinkers could agree on, there were also profound divergences between them. This included questions of strategy as well as issues of principle. What role should different classes play in their movement? How radical a transformation of society were they pushing for? And what kind of state should emerge from it?

Over time, these differences turned into deep rifts that pitted

revolutionaries against democratic reformists, internationalists against nationalists, and pro-Soviets against anti-communists. These disagreements played an important role in Latin American politics over the rest of the century.

While many of these rifts became especially prominent during the Cold War, they developed out of earlier divisions over how best to counter US dominance.

The anti-imperialist upsurge of the 1920s and '30s was formative for a generation of Latin American radicals. Several of those who entered political life during these years went on to play key roles in major events of the 20th century. Raúl Roa, for example, who served as foreign secretary for Cuba's revolutionary government from 1959 to 1976, was first politicised in the island's anti-imperialist movement of the 1920s.

The men and women whose political visions were formed in the interwar period carried those ideals forward into the Cold War era. In important ways, the 1920s and 1930s laid vital groundwork for later and better-known radical movements.

Past is, of course, not always prologue. It is impossible to predict what the long-term consequences of current US policy in Latin America will be, especially given the rightward tilt that is currently unfolding across the region.

But looking at the region's anti-imperialist traditions does point to one possible outcome: The US' newly aggressive stance will, sooner rather than later, fuel a resurgence of anti-imperialist sentiment as the organising principle for a new generation of activists. ◆

*Tony Wood is Assistant Professor of History, Modern Latin America, at the University of Colorado Boulder in the US. His latest book is Radical Sovereignty: Debating Race, Nation, and Empire in Interwar Latin America. The above article was first published on The Conversation (theconversation.com) under a Creative Commons licence (CC BY-ND 4.0).*

# In Cuba, US media only films the darkness

*Michelle Ellner* decries US media coverage of Cuba that obscures more than it reveals.

WHEN the lights go out in Havana, the foreign cameras arrive to film the darkness.

They come for the blackout glow: candles in apartment windows, families sleeping on balconies, mothers fanning infants through another airless night. They come for the line outside the pharmacy, the bus that never comes, the refrigerator gone warm.

They come for the darkness.

A recent segment on Cuba by the US television network CBS offered viewers a familiar script: a 'failed' island, an ageing revolution, refugees in Florida, and Washington once again contemplating what to do with the place 90 miles away. But the segment was also built on an omission so large it swallowed the truth: that while these cameras speak of shortages and collapse, babies are dying under a policy designed to create both.

A new report from the Center for Economic and Policy Research has found that the expansion of US sanctions beginning in 2017 was likely the primary cause of a dramatic rise in infant mortality in Cuba. According to the report, Cuba's infant mortality rate surged by 148% from 2018 to 2025. Had the rate remained stable, approximately 1,800 babies who died during those years would likely still be alive.

Read that again. Babies.

The report links the rise to the tightening of unilateral US coercive measures under the first Donald Trump administration, the continuation of most of those measures under Joe Biden, and further escalation under the second Trump administration. Instead of telling that story, primetime segments like CBS's recycle Cold



**A maternity and children's hospital in Havana. A report found that the expansion of US sanctions beginning in 2017 was likely the primary cause of a dramatic rise in infant mortality in Cuba.**

War clichés.

In this segment, people are invited to remember pre-revolutionary Cuba as a lost paradise. But beyond the casino lights were cane cutters; domestic workers; rural families without doctors; children without schools; Black Cubans denied the full rights, dignity and opportunities the government claimed to promise; workers surviving in an economy where much of the wealth flowed upwards. For many Cubans, the revolution was a rupture with dependency.

It is common in US media to shrink the Cuban Revolution into one beard, one speech, one man. As if millions of lives, shaped by inequality, dictatorship and foreign domination, could be reduced to nothing more than a personality cult.

Fidel Castro was central to Cuba's history, but so were peasants who wanted land, teachers who crossed mountains to teach literacy, doctors who stayed in poor neighbourhoods, workers who believed sovereignty meant something more than a flag.

Like any other country, Cuba has real internal problems. Bureaucracy exists. Economic errors exist. Frustration is real. Emigration is real. And yet, these realities are routinely seized upon by Washington as the readymade justification for intervention, pressure and policies that deepen the very conditions they claim to condemn.

For decades, the United States has built an external wall around the island brick by brick. Sanctions. Financial penalties. Shipping restrictions. Fuel pressure.

Banking obstacles. Threats against companies that trade. Punishments for third countries. Obstacles to medicine, parts, credit, investment and entrepreneurs. Policy papers described the logic openly generations ago: Create hardship, provoke desperation, generate political unrest.

This is where media like CBS plays a critical role by showing the suffering while obscuring the system that produces it. By rendering US policy as background noise rather than as an active force shaping the very reality being filmed. And this is not an isolated editorial choice. It is a pattern.

But when infant deaths rise sharply during a period of intensified external strangulation, honesty demands more than repeating those talking points. It requires naming cause and responsibility. And it requires asking a more uncomfortable question: If the Cuban system is truly destined to fail on its own, why has so much power been invested in making sure it does?

You don't spend decades trying to suffocate something that poses no alternative. Why isolate, sanction and punish a model you believe is irrelevant? Unless the fear is not that it will fail. Unless the fear is that it might, even with all its contradictions, suggest a different way of organising society. One where people are not reduced to clients, markets or consumers to be captured, but are honoured as human beings to be nourished, protected and allowed to flourish.

When I walked through Havana during a blackout, I saw neighbours calling across courtyards, playing dominoes by candlelight. Someone on the corner had a speaker with half a battery and enough music for three buildings. Two young people kissed along the Malecón. Someone cursed the government. Someone cursed the blockade. Someone cursed both. Someone laughed. I saw human beings remain stubbornly human.

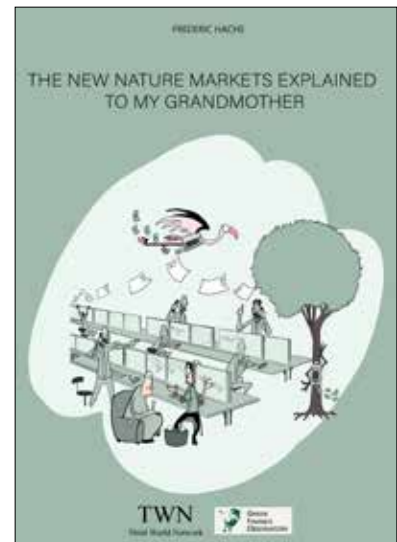
Why does CBS not cover that? Because they film the darkness. But the real story is not the candle in the window. It is the hand that cut the fuel, the policy that constricted the hospital, the silence that normalised preventable deaths, and the infants whose names will never appear in the broadcast. ◆

*Michelle Ellner is a Latin America campaign coordinator of CODEPINK, a feminist grassroots organisation working to end US warfare and imperialism, support peace and human rights initiatives, and redirect resources into healthcare, education, green jobs and other life-affirming programmes. This article is reproduced from Common Dreams (www.commondreams.org) under a Creative Commons licence (CC BY-NC-ND 3.0).*

## The New Nature Markets Explained to My Grandmother

Written and illustrated by Frederic Hache  
Co-published by Third World Network and Green Finance Observatory

As the chainsaws and bulldozers continue to move in on nature, a new market has emerged to facilitate trade in biodiversity credits – financial instruments that represent conservation or restoration schemes intended to offset loss of biological diversity elsewhere. However, the science behind offsetting is dubious, and existing offset projects have mostly not yielded positive outcomes for biodiversity and have even harmed the lives and livelihoods of indigenous and local communities. Even as it rakes in lucrative profits for the financial sector, focus on offsetting diverts attention from the changes in regulation, production and consumption required to protect biodiversity.



Written for a popular readership – including lovable grannies everywhere – this comicbook primer explains why the biodiversity credit market is a false solution and points to the real measures that need to be put in place if nature is to be saved.

**Print edition:**

RM20 (Malaysia)

US\$10 (other countries)

(Price excludes postage cost)

To order, please contact Third World Network:

Tel: +604-2266159

Email: [twnetwork.org](mailto:twnetwork.org)

PDF version available at: [https://www.twn.my/title2/books/pdf/New\\_Nature\\_Markets.pdf](https://www.twn.my/title2/books/pdf/New_Nature_Markets.pdf)

# Palestinian students are fighting for their right to education

As the Israeli occupation targets academic institutions, Palestinian students resist scholasticide while calling for tangible international solidarity.

Ashley Ver Beek

THE scenic campus of Birzeit University sits on a hill near Ramallah, 12 miles northwest of Jerusalem, in the occupied West Bank. Vast blue sky is visible from every road and sidewalk. Palestinian flags wave in the breeze.

The familiar campus bustle of classes, friends and events was violently interrupted on 6 January 2026, when Israeli forces raided the university in broad daylight, firing live rounds and employing sound grenades and tear gas to disperse crowds of students. Forty-one people were injured, with three students sustaining gunshot wounds and three hit by shrapnel, according to Al Jazeera. Eight thousand students were trapped on campus during the military assault.

The raid coincided with the student union's protest in solidarity with Palestinian political prisoners and a screening of *The Voice of Hind Rajab*, a film about a six-year-old girl murdered by the Israeli military during the ongoing genocide in Gaza. The Israeli occupation forces wrote in a statement that the raid was targeting 'a gathering in support of terrorism'.

This was the 26th raid on Birzeit University's campus since 2002 and the sixth since the beginning of the genocide in Gaza in October 2023. The other 25 universities in Palestine also experience raids, often in higher volumes, like Al-Quds University outside of Jerusalem.

Attacking Birzeit's campus, especially while class is in session,



Nalmimi (CC BY-SA 4.0)

The Birzeit University campus near Ramallah. Birzeit student volunteers and academics established the Right2Education campaign which is developing an international network of solidarity around the human right of education for Palestinians.

is part of a systematic policy 'to intimidate students and undermine their right to education, with the aim of suppressing Palestinian consciousness and targeting national institutions', said a statement from the university following the raid, authored by the Right2Education campaign.

## The right to education

Since its transition from a college to a university in 1975, Birzeit University has been forcibly shut down by Israeli military order 15 times. The longest period was 51 months, starting in January 1988, shortly after the start of the Palestinian uprising known as the first intifada. In response to these violations and forced hiatus, Birzeit student volunteers and academics birthed the Right2Education campaign. They provide legal aid to students and faculty facing arrest

and imprisonment by the Israeli occupation forces and have begun to develop an international network of solidarity around the human right of education for Palestinians.

The campaign has expanded beyond Birzeit University, with affiliated chapters at Hebron University in Hebron, Al-Quds University in Abu Dis and An-Najah National University in Nablus.

The need for student legal representation has only grown more pressing. Since Israeli occupation forces stormed the campus on 6 January, they have arrested several students, part of a pattern of increased arrests since October 2023, with an estimated 9,000 Palestinians being held indefinitely in Israeli prisons. Sundos Hammad, coordinator of the Right2Education campaign at Birzeit University, said that student arrests have doubled since the genocide began and more than 150 students are currently

imprisoned.

The campaign is also steadfast in its fight against scholasticide, which it defines as ‘deliberate destruction of education as a means to deny Palestinians the ability to rebuild their future and pursue justice and liberation through knowledge’. Scholasticide is part of the larger Israeli settler-colonial project that seeks to control, disrupt and ultimately erase every aspect of Palestinian life.

Aya Dola, who studies English literature at Birzeit, joined the campaign because she wants people to understand ‘the difficulties that we suffer daily just to get a very basic right to education. Even though it’s a fundamental human right, it becomes a privilege here in Palestine.’

One of those difficulties is simply getting to school. Palestinians are unable to travel between Gaza and the West Bank, and checkpoints between local cities make travel tedious. ‘The number of the checkpoints and roadblocks [in the West Bank] after the genocidal war in Gaza have increased from 600 before to over 1,000 today,’ Hammad said.

In front of the Birzeit University campus stands the Atara military checkpoint. ‘If the occupation decides to close the gates, it deprives more than 10,000 students from going to their university,’ said Dola. ‘They control the process of our education.’ She said the closures take a toll on her mental health.

The barriers mean that many students are limited to the school or university nearest to their home. For Nael Betaar, who is from Tulkarem, a town northwest of Nablus, it previously took an hour and a half to reach Birzeit. Now, checkpoints have lengthened the journey to six hours, making it unlikely for other students from his town to attend the university.

Betaar, a second-year accounting student and

spokesperson for the campaign, explained that fragmentation – the ‘physical and academic isolation of educational institutions’ – is a calculated tactic of movement restriction by the occupation to separate Palestinians who share the same national identity and history. ‘This isolation limits academic exchange. It prevents the unification of the educational system and forces each region to operate as a separate entity,’ Betaar said.

The Right2Education campaign documents Israel’s escalating attacks on education and urges global actors to ‘demand lifting of movement restrictions and the prevention of students from Gaza from reaching West Bank universities’, Betaar said. Such ‘divide and conquer’ tactics, also a pernicious feature of the Israeli occupation for non-students, seek to squash Palestinian autonomy and collective power.

### **‘We need more than solidarity’**

The goal of Israeli scholasticide, and genocide generally, is erasure – to convince the world that Palestinians do not exist. The Right2Education campaign is involved in several efforts to confront scholasticide through transnational academic solidarity.

The campaign urges international academic institutions to cut ties with Israeli universities, partner with Palestinian academic institutions, and divest from weapons manufacturing and war profiteers, along with ‘any companies that invest in the occupation and apartheid that we live under’, Hammad said.

Internationally, the demand for divestment from funding the occupation became louder after the genocidal assault on Gaza began in October 2023. Student movements globally and at over 150 universities in the US created

solidarity encampments for Gaza – including one at Birzeit University – and faced arrests, suspensions, expulsions and evictions.

The academic freedom of students in the US is also challenged when support for Israeli apartheid is on the line. Columbia University students Leqaa Kordia and Mahmoud Khalil, who are Palestinian, are among numerous student leaders targeted by the Trump administration for their anti-Zionist organising.

University administrations around the world have engaged in divestment conversations, though many conceded only to provide investment oversight committees. Dozens of student governments have voted in favour of divestment and are still pressuring their institutions to take meaningful financial action. But there have been a few successes: In the US, the University of San Francisco voted in May 2025 to sell its investments in apartheid profiteers and enablers after 18 months of pressure from students. In New York, Union Theological Seminary became one of the first institutions in 2024 to completely divest from Israeli companies, and the CUNY Union representing faculty and graduate students followed suit.

One particular target of divestment campaigns has been Palantir, a US surveillance tech corporation, which holds several university research partnerships and investors, and has active contracts with the Israeli occupation forces, US Immigration and Customs Enforcement (ICE) and the US Department of Defense, furthering state violence and genocide from the US to Palestine.

In a 2025 report, United Nations Special Rapporteur Francesca Albanese outlined ‘reasonable grounds’ that Palantir allegedly laid the technological foundation for Israeli military-developed surveillance systems like Lavender and Hasbora (the

Gospel in English) that are used in Gaza. These systems use artificial intelligence to generate automated airstrike and assassination targets in Gaza, according to the +972 news website.

The American Friends Service Committee is championing the Purge Palantir campaign, mapping institutional stakeholders across sectors like education and healthcare. They pressure investors and institutions to end their relationships with the surveillance tech company. Even before October 2023, students had been resisting academic relationships with Palantir. In 2019, over 1,000 students across 17 US colleges pledged not to work at Palantir due to its contracts with ICE.

After months of pressure from the student body and other actors, a Massachusetts Institute of Technology (MIT) research programme cut ties last year with Elbit Systems. Amid ongoing protests, students around the world and the Right2Education campaign are hopeful that other institutions like Cambridge University will follow suit and divest from war profiteers for good.

### **Cutting ties to the military-academic complex**

In addition to boycotting and divesting from weapons manufacturers, the Right2Education campaign calls for international academia to sever relationships with Israeli universities – which have deep ties to the arms industry.

Israeli weapons manufacturers Rafael, Elbit Systems and Israel Aerospace Industries were developed from military research infrastructure laid at multiple Israeli universities such as Technion-Israel Institute of Technology and the Weizmann Institute of Science, founded as far back as 1912.

Israeli faculty and students of these institutions created weapons used against Palestinians during the 1948 Nakba, Arabic for

‘catastrophe’, referring to the ethnic cleansing and expulsion of over 750,000 Palestinians from their ancestral lands to establish the state of Israel.

After 1948, Israeli universities stretched their campuses over ethnically cleansed villages and even used confiscated books from Palestinian homes to grow their libraries, anthropologist Maya Wind explains in her book *Towers of Ivory and Steel*.

Today, programmes like Hebrew University’s Havatzalot unite academic study and military intelligence training. Many of its graduates have gone on to serve in Unit 8200, the Israeli military’s surveillance intelligence unit, similar to the National Security Agency in the US. The Israeli Defense Ministry also sponsors Hebrew University’s Talpiot partnership programme, an even more selective programme that is often a launchpad into the Israeli military elite.

In the US, high-ranking universities like Columbia, Stanford and Princeton have active study abroad programmes and other relationships with Hebrew University, Tel Aviv University and others in occupied Palestinian territory. The University of Michigan remains in partnership with Technion and Weizmann, whose academics helped facilitate the Nakba.

At least eight US universities have partnered with Ariel University, established in an illegal West Bank settlement of the same name. Ariel has given academic credits to student volunteers involved in Hashomer Yeshiva, a formerly US-sanctioned youth organisation known for settler violence against Palestinians.

Last year, Harvard ended research ties with Birzeit University and the 12 universities in Gaza and instead expanded partnerships with Israeli universities.

But others, like MIT, are taking a different path.

### **Academic partnerships**

International collaboration with Birzeit and other Palestinian universities – a key tool to combat erasure – is growing. Recently, Right2Education conducted a tour in the UK that focused on expanding collaboration. The tour was fruitful in creating several paths to ongoing institutional cooperation, connecting Birzeit University and UK academics, faculty and students. This year, Birzeit University piloted the Palestinian Student Research Project, modelled after similar programmes at MIT and funded by a grant from them.

Birzeit University currently holds several other partnerships with international academic institutions, including in the Netherlands, Lebanon and Jordan. Birzeit is also discussing research and academic collaboration opportunities with Japanese universities.

These partnerships are especially vital in Gaza. All of the universities in Gaza have been destroyed partially or completely. Over 193 professors and more than 18,000 students have been killed in Gaza since the genocide began.

‘The world is dealing with the universities in Gaza as if they no longer exist. But these universities have resumed their online teaching since last June 2024,’ Hammad said. ‘Academic collaboration with Gazan universities affirms their right to exist and their right to education.’

Birzeit University’s Rebuilding Hope campaign supports online instruction in Gaza in partnership with West Bank universities, provides resources to Gazan universities and seeks to rebuild educational infrastructure.

### **Education as an act of anti-colonial resistance**

Since its creation in 1948, the state of Israel has used education as a tool for the Zionist settler-colonial project, enforcing state control over

Palestinian educational institutions. Although the Palestinian Ministry of Education oversees education in Palestinian territories, curriculums are censored by the Israeli government, removing references to Palestinian history, heritage and culture. This censorship serves to normalise Israeli narratives.

Hammad explained that knowledge erasure is a type of ‘invisible violation’, different from the physical restriction of movement or other tactics.

‘The occupation wants us to say that “we don’t have a past, we don’t have history”, because our past and history create our identity, and they want to erase our identity,’ said Dola, the English literature student at Birzeit. ‘It is really difficult to experience [this] as a student, suffering and enduring all these things.’

Regardless of occupation and genocide, Palestinians have always made space for their history, stories and reproduction of knowledge. ‘We believe in our education as a form of resistance. It’s a part of our lives to be educated,’ Hammad said.

During the university closures of the first intifada, popular teaching projects emerged, fusing political and cultural education. Educator Yamila Hussein describes these efforts as a fight to “‘Palestinianise” the curriculum with a vision of national identity and the national struggle’. Leadership during the first intifada distributed communiques seeking to bring a more revolutionary consciousness into the education sector and catalyse the mass mobilisation of students and teachers to defy Israeli repression of education. ‘If knowledge were not resistance, the occupation would not be working against it,’ Betaar said.

The Right2Education campaign maintains emergency support for universities in Gaza and advocates to sustain education in the West Bank, especially for rural elementary schools like Al-Tahadi, which face ongoing settler attacks.

The campaign also facilitates ongoing opportunities for students to tell their stories at international gatherings, despite the risks of arrest and repression.

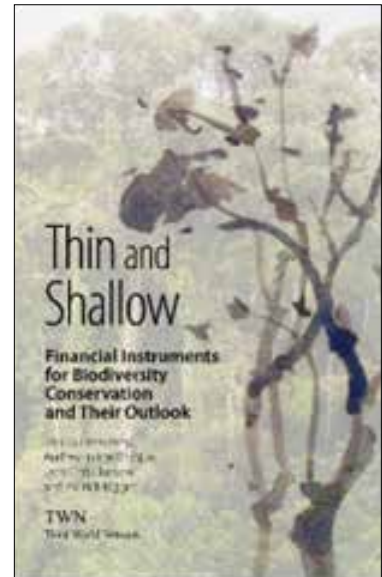
‘Ignorance is a potent ally of the settler-colonialism that we live under. It is a potent ally of the status quo that has been enforced on us,’ Hammad said. ‘Education can

change that status quo; it leads to the indigenous empowerment of our people and our self-determination, which leads to our liberation.’ ♦

*Ashley Ver Beek is a writer, researcher and community educator based in Chicago, USA. This article is reproduced from Waging Nonviolence (wagingnonviolence.org) under a Creative Commons licence (CC BY 4.0).*

## Thin and Shallow: Financial Instruments for Biodiversity Conservation and Their Outlook

Jessica Dempsey  
Audrey Irvine-Broque  
Jens Christiansen  
Patrick Bigger



Published by TWN  
Year: 2024 No. of pages: 55

This paper examines the track record of private financial mechanisms aimed at funding conservation of biological diversity. It finds that, due to lack of rigorous and consistent benchmarks and monitoring, these investments may not necessarily safeguard biodiversity and could even, in some cases, have adverse impacts. Further, despite decades of attempts to draw private capital to biodiversity protection, the quantum of finance remains limited, especially in the highly biodiverse countries of the Global South where it is most needed.

Written for a research project established by a group of central banks and financial supervisors, this paper cautions these authorities from deploying resources towards promoting such biodiversity-focused private financial instruments. Instead, the supervisory bodies are urged to step up policy coordination to address drivers of biodiversity loss in the financial system.

Available at: <https://www.twn.my/title2/books/pdf/Thin%20and%20shallow.pdf>

# Recipes for memory and connection

A cookbook project highlighting the favourite dishes of victims of forced disappearances in Mexico and Colombia offers solace and solidarity to the women searching for their loved ones.

WHEN Bibiana Mendoza prepared to cook her brother Manuel's favourite meal for the first time since his 2018 disappearance, she braced for a fresh wave of grief. To her surprise, laughter and hope stirred inside her as she chopped maize and peeled *chayote* alongside other women searchers who gathered in a Guanajuato kitchen where she prepared pork spine stew.

The others, too, prepared the preferred dishes of their disappeared loved ones: *mole* for Christian, eggs with chili for Fátima, squash blossom quesadillas for Adán. Eventually, these and dozens of other recipes would form the second edition of *The Recipe Book for Memory*.

'It was very painful knowing [Manuel] could be going without food,' Mendoza told the Ojalá website in a telephone interview. 'But *The Recipe Book* gave me joy.'

The project was born in 2019 out of a longstanding collaboration between photographer Zahara Gómez and the search collective Rastreadoras del Fuerte in Sinaloa, Mexico. Journalist Daniela Rea and designer Clarisa Moura later joined the editorial team. The project expanded to Guanajuato in 2022 and Colombia in 2025, mapping individual stories onto a common landscape of collective grief and hope amid systemic violence.

## From clandestine graves to kitchen tables

Mendoza's brother Manuel is one of more than 130,000 people reported disappeared in Mexico, the majority since the onset of

### Isàlia McIntyre

the so-called war on drugs in 2006. Near-total impunity reigns, with 99% of cases going unsolved and reports of state complicity.

It is family members, usually women, who scour the territory for clandestine graves and the remains of their loved ones. They do so in a climate of intimidation, stigma, criminalisation and violence. 'We've been beaten and arrested for protesting,' Mendoza said. The normalisation of these atrocities compounds the vulnerability of the searchers.

'How do you ask people not to be indifferent?' said Gómez in an online interview with Ojalá about the project's inception. 'It was about inviting people to the table. Let's talk about this together, all of us.'

*The Recipe Book for Memory* exposes the enduring emotional toll of human absence, when the disappeared are often reduced to under-reported statistics. For its creators, it is a means to 'embrace amidst the horror', according to Gómez. Disappearances fragment families and the social fabric, and food is a counterforce that forges community and bridges past and present.

When Mendoza started looking for her brother, there were no search collectives in Guanajuato. 'Just like the rest of society, we believed the message that we didn't deserve to be heard,' said Mendoza, who went on to establish an independent search brigade, which in 2025 located over 230 bodies in

clandestine graves.

Their work comes at tremendous personal risk. Guanajuato ranks among the most dangerous states for women searchers and leads the country in killings targeting them. A number of Mendoza's colleagues have been disappeared.

Beyond picks, shovels and forensic kits, the search for disappeared loved ones can assume many colours and shades, according to Mendoza. Some women pore over laws and push for reforms that would favour searchers, like establishing local search commissions. Others paint murals to keep their memory alive in public spaces.

'Sometimes we search with our voice, sometimes with our feet, sometimes with our heart, and sometimes by cooking, as with *The Recipe Book*,' she said.

## Food as memory, from Mexico to Colombia

In 2025, the editorial team brought the project to Colombia, together with Mendoza and other Mexican participants.

In collaboration with organisations in Bogotá and Medellín, they created *The Recipe Book for Memory*'s third edition, connecting cases across borders and time. The latest edition features 44 recipes and stories spanning from the 1948 Bogotazo to mass demonstrations in 2021, tracing cycles of state violence. Since the 1960s, 135,000 people have been reported disappeared in Colombia.

María del Pilar Navarrete was 20 years old and a mother of four

when her husband, Héctor Jaime Beltrán Fuentes, was disappeared during the 1985 Palace of Justice siege in Bogotá, when M-19 guerrillas stormed the Supreme Court in protest of then-president Belisario Betancur. The military counter-assault left nearly 100 dead and 11 disappeared, including Beltrán Fuentes, who worked in a café there.

‘Fortunately, I managed to find some of his body parts eight years ago,’ Navarrete told Ojalá, a grim reprieve to uncertainty’s corrosive grip on closure.

For *The Recipe Book for Memory*, Navarrete fried bocachico, a kind of fish, in memory of her husband, who was from the coast. It was her first time ever preparing it.

She served it with a full coastal spread of Héctor’s favourites: tomato-onion-avocado salad, rice, tamarind juice and tangy *suero costeño*, a kind of fermented milk. Héctor used to prepare bocachico often, but Navarrete had long avoided it.

‘It’s a very special job, removing the scales, scoring the fish, cleaning it well, then getting the oil to the perfect temperature so it doesn’t stick. I was very worried,’ Navarrete said, lighting up as she described the process. She fried the bocachico to perfection. ‘Food allows us to intertwine memories, love, flavour, smells and emotions.’

During our video call, Navarrete turned the camera to show me the colourful slogans invoking memory plastering her office wall. To her, memory is magical, a source of sustenance in the protracted search for justice. When memories are painful, ‘we allow ourselves to transform them in different ways, akin to kneading’, she said.

*The Recipe Book for Memory* is part of this alchemy. ‘It’s marvelous to be able to bring the person back to the real world this way, through food.’

Today, Navarrete is the national spokesperson for the truth

and justice strategy of Colombia’s Movement for Victims of State Crimes, a grassroots coalition of organisations and individuals. As in Mexico, to report a disappearance in Colombia is an act of courage that comes with great risk, especially when state forces are involved.

---

### ‘Food allows us to intertwine memories, love, flavour, smells and emotions.’

---

Like in Mexico, Navarrete pointed out that migrants, women and children are often excluded from official forced disappearance statistics, either for lacking legal standing or because they are dismissed as runaways.

In a context of shared horror, ‘*The Recipe Book* gifted us a different way of seeing ourselves, us, the searching women’, said Mendoza, the Guanajuato searcher. ‘We learnt that we are not alone, that even though I don’t know all the faces or the names of the searching women in Colombia, they, from their territories, accompany me in my search.’

The support is mutual. Mendoza is also searching for Nataly Sáenz, a Colombian woman who disappeared in Guanajuato, on behalf of Nataly’s brother. Nataly’s favourite dish is chicken stew simmered with yuca, potatoes and corn.

### Recipes as resistance

*The Recipe Book for Memory* belongs to a growing genre of cookbooks that serve as living archives of resistance.

*Cooking for Them: Memory, Struggle, and Hope in Every Dish*, published in 2024, pays tribute to femicide victims in Mexico through

their favourite recipes.

*The Raw, the Cooked, and the Finely Chopped: Flavors and Bitter Tastes of Women in Prison – A Jailhouse Cookbook*, from 2019, showcases the improvised recipes and deplorable conditions of women incarcerated in Santa Martha Acatitla prison in Iztapalapa, Mexico City.

And last year’s *Indigenous Food Culture: Territory, Tradition and Transformation of Food Systems in the Americas* shares a continent-wide struggle against industrial agriculture through dishes from 10 Indigenous communities.

In each of these cases, food-centred vignettes serve as tools to fight stigma. Kitchens become frontlines in broader struggles for dignity and justice, and food assumes its historical role as a vessel for living memory.

In times of systemic violence and social disconnection, *The Recipe Book* extends a compelling invitation to listen collectively. This work continues to grow and evolve through collaboration with collectives, communities, museums and spaces of memory. Future editions are underway, with stories from two other Latin American territories also marred by forced disappearances.

‘Sharing how you cook is telling people about your home, your family, how you live together,’ said Mendoza, ‘like opening a window to everyone.’

For Gómez, *The Recipe Book for Memory* project provided that window, and became ‘a way to learn, to see oneself in the other’.

‘With the love we have for each other, we’ve learnt to de-territorialise the disappeared,’ Mendoza said. ‘It doesn’t matter in what place, in what country, they disappeared; at this moment, they’re missing for us all.’ ♦

*Isàlia McIntyre is a freelance journalist based in Chiapas, Mexico. She covers human rights, culture and environmental justice. This article is reproduced from Ojalá (www.ojala.mx/en/ojala-home).*

# The Philippines' brutal history informs Glenn Diaz's powerful political novel

In the award-winning *Yñiga*, a disjointed narrative technique skilfully reflects the violent and complex history of the Philippines, writes *Sam Ryan*, who sees parallels between the colonial legacies of the island nation and of his native Australia.

WESTERN imperialism has a long history in the Philippines. Hundreds of years of Spanish colonisation, beginning in the 1500s, culminated in the Spanish-American War in 1897. The first attempt to declare the Philippine Republic in 1899 was followed by the Philippine-American War (1899–1902), then American control, Japanese occupation during World War II, and eventual independence in 1946.

This history of subjugation, and the subversion and trauma it elicits, is so complex that any linear narrative sanitises and abstracts it to the point that it becomes meaningless.

My opening paragraph fails to describe the brutality of this history and the countless incidents that propelled it. Detailed as a simple timeline, it is as if I'm outlining geological epochs. Missing is the human toll, the centuries of cultural mutilation, the violence and political interference, and the dysfunctional, corrupt politics this long history leaves in its wake.

Glenn Diaz is keenly aware of the sanitising nature of linear histories. His award-winning novel *Yñiga* resists that approach. It is composed as a series of disjointed scenes, jumping around in time within chapters, and sometimes within paragraphs, to capture the essence of memory and trauma.



The novel tells the fragmented story of Yñiga Calinauan, who returns to her hometown, where she is forced to reengage with her family history. But it begins with the arrest of a retired general, who has been hiding out in Yñiga's neighbourhood in Manila.

After the arrest, the neighbourhood is set alight. There is suspicion among the neighbours. Was the fire caused by a forgotten cigarette? Did it have something to do with the general's arrest? Did Yñiga tip off the authorities and

bring on the wrath of whatever corruption supported the general?

Regardless of the motivation, Yñiga is made homeless. Arriving in her childhood town, she reunites with her sister and a helper, Marco, who is later revealed to be her half-brother. Marco is organising a protest against a new power plant, taking after his and Yñiga's activist father, who had been 'disappeared' under the corrupt and dictatorial regime of Ferdinand Marcos. After Marco and Yñiga participate in the protest, Marco is kidnapped.

Throughout the novel, there are flashbacks to interviews between Yñiga and a man who is writing a biography of Yñiga's father. We never get the exact reasons for the biography, or the biographer's motivation. But Yñiga is suspicious throughout

the process, questioning her father's disappearance and noticing details about the biographer that link him to the army.

There are suggestions of sex in each of the scenes with Yñiga and the biographer, intermixed with flashbacks to sexual encounters with a previous lover, Diego. There is an ambiguity that declines as the novel progresses – was Yñiga having an affair with the biographer or Diego, or both? Why?

The novel is laced with references to specific



United States Department of State

The US embassy in Manila. *Yñiga* is laced with references to American neocolonialism in the Philippines.

CIA operations, such as the psychological warfare intended to quell the Hukbalahap ‘Huk’ Rebellion (1946–54) in the early years of independence, the lie the CIA put out that MSG makes you sleepy, and many others.

There are also references to Spanish colonisation, represented by the lighthouses whose construction began at the end of Spanish rule and continued under the Americans. The signs of neocolonialism are evident in the ubiquitous presence of Coca-Cola and the fact that *Yñiga* earns money writing essays for lazy Western undergraduates. The deadline for a paper on the CIA in Southeast Asia looms over the text.

### An allegory of resistance

The novel jumps between minor and major storylines: the protest, the subsequent arrests, incidents before the neighbourhood fire, *Yñiga*’s encounters with the biographer.

Towards the end, while she is pamphletting for a sit-in in response to the arrest of her comrades, *Yñiga* runs into a boatman she met earlier in the narrative. As she recounts the

reasons for protest and the long list of incidents that led to the arrests, she is overwhelmed. When she reflects on her factual recounting, she notices ‘the storyline sounded almost clinical, academic, defanged of the pain and wretched violence to which it tried to give shape’.

---

**In *Yñiga*, Diaz gives readers a glimpse into his country’s history in the only way that would do it justice.**

---

Although the novel ends on a somewhat hopeful note, a close reading reveals *Yñiga*’s suspicion of the futility to her struggle, and perhaps the wider struggle of resistance in the Philippines.

In the final chapter, the story flashes back to an incident in *Yñiga*’s childhood when she was forced to play the traditional Filipino game of *hampas-palayok*, which has its origins in the Spanish

*piñata*. The adults push her into the square where the claypot *piñata* hangs. She swings and turns, missing the pot each time, egged on by the adults. When her blindfold is taken off, a mass of laughter comes up from the crowd. She is embarrassed and ashamed at ‘the feeling of maniacally swinging a wooden bat in the laughing wind’.

The scene reads as an allegory of the resistance. *Yñiga* is playing a game introduced by the Spanish, blindfolded, too young to possess the coordination to be done in every direction by her community, swinging her

bat and missing. There is hope in the sections that follow, which is necessary for any useful writing about political struggles. Yet I can’t help but feel that Diaz could have ended the novel with *Yñiga*’s rumination on the laughing wind.

I am taken aback at the force of *Yñiga*. I have focused on its political aspects, but its artistry is in its composition. Rarely is this kind of disjointed technique deployed to meaningful effect in contemporary literature, where it often reads as an unnecessary reaching for some kind of artificial cultural value. In *Yñiga*, Diaz gives readers a glimpse into his country’s history in the only way that would do it justice.

Well done to the publisher, Pink Shorts Press, for bringing this powerful novel to Australia, a country that refuses to reckon with its own vicious colonial past and its complicity in America’s global crusade of political interference and oppression. It’s important that these stories are told, and told well. ♦

*Sam Ryan is a PhD candidate in Literary Studies at the University of Tasmania, Australia. This article was first published on The Conversation (theconversation.com) under a Creative Commons licence (CC BY-ND 4.0).*