

**WORLD TRADE  
ORGANIZATION**

**WT/GC/W/455**  
6 November 2001

(01-5440)

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**General Council**

Original: English

Para. 7. This paragraph should be located in the section on services. However, it is probably more adequate to simply delete it.

Para 8. This para should be deleted in the first instance. As alternative, we propose the following paragraph:

We reaffirm that ILO is the competent body to set and deal with all issues relating to labour standards. We therefore firmly oppose any linkage between trade and labour standards. We believe that issues relating to such standards should be dealt with by the competent international organization and not by the WTO.

Para 10. The issue of an 'expanding membership' does not bear relationship to this problem. A firm decision should be taken to seriously address this re-occurring problem. The General Council should be instructed to develop a work programme and recommend measures which will guarantee full and effective participation by all members and transparency by the fifth Ministerial.

Para 11. Any reference to an 'expanded negotiating agenda' should be deleted.

#### Implementation-Related Issues and Concerns - Paragraph 12

12. This para will be subject to approval of outcomes derived from Draft Decision on Implementation-Related Issues and Concerns (Job (01)/139/Rev.1) which still falls much short of our expectations. With regard to para 12 of the Draft Ministerial Declaration, following can be of major concern to developing countries:

- (a) All implementation issues should therefore be addressed under the existing Special Mechanism of the General Council, with the help of subsidiary bodies when needed, with a view to effectively resolving them latest by the end of 2002.
- (b) A related concern is the references in this para to paras 39 and 40 of the Draft Declaration. There is no agreement on the proposed organization of the new work program and, in view of the desire of developing countries to keep the implementation issues under the Special Mechanism of the General Council, there should not be any reference to other paras here.

#### Agriculture - Paragraph 13

Proposed Alternative formulation (inclusions indicated in bold):

13. We recognize the work already undertaken in the negotiations initiated in early 2000 under Article 20 of the Agreement on Agriculture, including the large number of negotiating proposals submitted on behalf of a total of 121 Members. We recall the long-term objective referred to in the Agreement to establish a fair and market-oriented trading system through a programme of fundamental reform encompassing strengthened rules and specific commitments on support and protection in order to correct and prevent restrictions and distortions in world agricultural markets. We reconfirm our commitment to this programme. Building on the work carried out to date, we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access, **including through the elimination or substantial reduction of tariff peaks, tariff escalation and non-tariff barriers**; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. **Recognising the vulnerability of the agriculture sector in developing countries** we agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the Schedules of concessions and commitments and as



18. With a view to completing the work started in the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) on the implementation of Article 23.4, we agree to negotiate the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits by the Fifth Session of the Ministerial Conference. We **also agree** ~~note~~ that issues related to the extension of the protection of geographical indications provided for in Article 23 to products other than wines and spirits will be **part of these negotiations addressed in the Council for TRIPS pursuant to paragraph 12 of this Declaration.**

19. We instruct the Council for TRIPS, in pursuing its work programme including under the review of Article 27.3(b), the review of the implementation of the TRIPS Agreement under Article 71.1 and the work foreseen pursuant to paragraph 12 of this Declaration, to examine, *inter alia*, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore. In undertaking this work, the TRIPS Council shall be guided by the objectives and principles set out in Articles 7 and 8 of the TRIPS Agreement, **the proposals already submitted by Members**, and shall take fully into account the **trade and development dimension-interests of developing countries**. **We direct the Council for TRIPS to complete these reviews expeditiously and, in any case, not later than end 2002. We also agree to exercise due restraint in the initiation of disputes against developing countries regarding the TRIPS agreement.**

Relationship between Trade and Investment, & Interaction between Trade and Competition Policy – Paragraphs 20 and 21

*Proposed alternative formulation*

20. The Working Group on the Relationship between Trade and Investment shall undertake further focused analytical work, based on proposals by Members. We commit ourselves to ensuring that appropriate arrangements are made for the provision of technical assistance and support for capacity building to developing countries throughout this analytical process. A report on this work shall be presented to the Fifth Session of the Ministerial Conference.

21. The Working Group on the Interaction between Trade and Competition Policy shall undertake further focused analytical work, based on proposals by Members. We commit ourselves to ensuring that appropriate arrangements are made for the provision of technical assistance and support for capacity building to developing countries throughout this analytical process. A report on this work shall be presented to the Fifth Session of the Ministerial Conference.

23. We agree to continue the ongoing study process, which would inter-alia also examine both the need and necessity of negotiations so as to build upon Articles V, VIII and X of the GATT 1994, taking into account existing WTO provisions on matters related to customs and other procedures and formalities to expedite movement, release and clearance of goods. Issues relating to compliance with any new obligations to be agreed shall be addressed in the study process, taking into account the concerns and constraints of developing and least-developed country participants. We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building during this entire process.

#### Dispute Settlement Understanding-Paragraph 26

26. WE AGREE TO NEGOTIATIONS ON IMPROVEMENTS AND CLARIFICATIONS OF THE DISPUTE SETTLEMENT UNDERSTANDING. THE NEGOTIATIONS SHOULD BE BASED ON THE WORK DONE THUS FAR AS WELL AS ANY ADDITIONAL PROPOSAL BY MEMBERS, **SPECIALLY THOSE PROVIDED BY DEVELOPING COUNTRIES** , AND AIM TO AGREE ON IMPROVEMENTS AND CLARIFICATIONS NOT LATER THAN MAY 2003, AT WHICH TIME WE WILL TAKE STEPS TO ENSURE THAT THE RESULTS ENTER INTO FORCE AS SOON AS POSSIBLE THEREAFTER.

#### Trade and Environment - Para graph 27

The last paragraph on trade and environment should be deleted and little roman (iv) must said: "eco-labelling" instead of "labelling".

#### Electronic Commerce – Paragraph 28

##### *Proposed alternative formulation*

We call upon the need of continuing the work program on e-commerce. We also reaffirm the need to bridge the digital divide and eliminate all restrictions to the participation of developing countries and to the access to modern technologies on a non-discriminatory basis.

#### Trade, Debt and Finance and Trade and Transfer of Technolog- Paragraph 30 and Paragraph 31

##### *Proposed alternative formulations*

30. We agree to an examination, under the auspices of the General Council, of the relationship between trade, debt and finance, **with a view to formulating** ~~and of any possible~~ recommendations on steps that **should** ~~might~~ be taken within the mandate and competence of the WTO to enhance the capacity of the multilateral trading system to contribute to a durable solution to the problem of external indebtedness of developing and least-developed countries, and to strengthen the coherence of international trade, financial and monetary policies, with a view to safeguarding the multilateral trading system from the effects of financial and monetary instability. ~~We instruct the General Council to consider the most appropriate institutional arrangements for handling this work.~~ The General Council shall report **with recommendations** to the Fifth Session of the Ministerial Conference on progress in the examination.

31. We agree to an examination, under the auspices of the General Council, of the relationship between trade and transfer of technology, **with a view to formulating** ~~and of any possible~~ recommendations on steps that **should** ~~might~~ be taken within the mandate of the WTO to increase flows of technology to developing countries. ~~We instruct the General Council to consider the most~~



obligations in light of their limited capacity; and we instruct the Sub-Committee for LDCs to design a work programme in consultation with committee Members, particularly with input from the LDCs, and to report on the agreed work programme to the General Council at its first meeting in 2002.

### Special and Differential Treatment - Paragraph 37

#### Proposed alternative formulation

37. ~~We reaffirm that provisions for special and differential treatment are an integral part of the WTO Agreements. We note the concerns expressed regarding their operation in addressing specific constraints faced by developing countries, particularly least-developed countries. In that connection, we also note that some Members have proposed a Framework Agreement on Special and Differential Treatment (WT/GC/W/442).~~ **We therefore agree to entrust the General Council to elaborate a Framework Agreement on Special and Differential Treatment. This elaboration should be completed by the 5<sup>th</sup> Ministerial Conference and should include the following elements:**

- a) **review of the effectiveness of all existing S&D treatment provisions in favor of developing countries with a view to ensuring that individual S&D treatment provisions are strengthened and made more precise, effective and operational;**
- b) **recommendations to ensure that S&D treatment is mandatory and legally binding**

42. The negotiations shall be conducted in a transparent **and democratic** manner among participants, in order to facilitate the **active, informed and** effective participation of all, **particularly the LDCs and the Members without having missions in Geneva**. They shall be conducted with a view to ensuring **equitable** benefits to all participants and to achieving an overall balance in the outcome of the negotiations. **For this purpose, an assessment of the results of the negotiations will be carried out with the help of UNCTAD before these results are definitively agreed upon by Members. The results of the negotiations will be adjusted in the light of this assessment.**

43. The negotiations and the other aspects of the Work Programme shall take fully into account the principle of special and differential treatment for developing and least-developed countries embodied in: Part IV of the GATT 1994; the Decision of 28 November 1979 on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries; the Uruguay Round Decision on Measures in Favour of Least-Developed Countries; and all other relevant WTO provisions. **Each negotiating body shall regularly report to the General Council the manner in which this is being complied with.**

44. Delete.

45. Those elements of the Work Programme which do not involve negotiations are also accorded a **similar high** priority. They shall be pursued under the overall supervision of the General Council, which shall report on progress to the Fifth Session of the Ministerial Conference.

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