

A Comparative Statement of the Three Draft and the Final Versions of the Doha Ministerial Text

The Final Ministerial Declaration of the fourth WTO Ministerial Conference held at Doha in November 2001, is a classic case of ‘is the glass half full or half empty?’ There are no clear winners or losers. Everyone is interpreting it in its own way and full implications will become clear only in the course of negotiations. However, it would be quite interesting to see and find out how the language of the text changed from the Harbinson’s Draft Ministerial Declaration of 26th September 2001 to the Final Ministerial Declaration.

The Final Declaration was adopted on 14th November 2001 after six days of intensive negotiations in Doha. However, the actual negotiation process started with the release of Harbinson’s first draft. Discussions, negotiations, arm-twisting and horse-trading continued for nearly 50 days till the final declaration was agreed. In between, two revised versions of the declaration were also released on 27th October and 13th November 2001.

It has been seen and experienced that too much emphasis is given to the wordings and framing of the language of the text. Perhaps, one reason could be, as the Members are not sure about the outcome at the time of negotiations, later on, how one interprets the language that matters.

For example, in final Ministerial Declaration, para 13 says that “...we take note of the non-trade concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture”.

Here, developing countries can easily interpret that this means that they can take care of their developmental needs like food security, rural development etc. But at the same time, the European Union can also pursue and push forward its ‘multifunctional’ agenda.

It is in this backdrop, this Annexure lays out the four texts as they were drafted for readers to see.

IMPLEMENTATION

DMD*	Rev.1 \$	Rev.2 +	Final 4 #
<u>Para 10</u> We attach the utmost importance to the implementation issues and related concerns and are determined to resolve them.	<u>Para12</u> We attach the utmost importance to implementation-related issues and concerns raised by Members and are determined to find appropriate solutions to them .	<u>Para12</u> -do-	<u>Para12</u> -do-
--- Taking note of the General Council Decisions of 15 December 2000 [and 3 October 2001], we adopt the further Decision contained in document ... to address other outstanding issues.	--- In this connection, and having regard to the General Council Decisions of 3 May and 15 December 2000, we further adopt the Decision on Implementation related issues and concerns in document Job(01)/139/Rev.1 to address a number of implementation problems faced by Members	--- do	--- do
--- We agree that remaining implementation issues should be fully addressed, in accordance with appropriate guidelines to be developed, under the work programme we are establishing.	--- We agree that negotiations on outstanding implementation issues shall be an integral part of the work programme we are establishing, and that agreement reached at an early stage in these negotiations shall be treated in accordance with the provisions of paragraph 40 below .	--- do	--- do
No mention.	--- In this regard, we shall proceed as follows: (a) where we provide a specific negotiating mandate in this Declaration, the relevant implementation issues shall be addressed under that mandate; (b) the other outstanding implementation issues shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee, established under paragraph 39 below, by the end of 2002 for appropriate action.	--- do	--- do

* DMD: Draft Ministerial Declaration, released by WTO on 26th September 2001.

\$ Rev.1: Revision 1, first revision of DMD, released by WTO on 27th October 2001.

+ Rev.2: Revision2, second revision of DMD, done in the midst of the Doha Ministerial Conference and released on 13th November 2001.

Final: Ministerial Declaration, agreed by all participating nations on 14th November 2001. This is also called Doha Development Agenda.

--- Para

AGRICULTURE

DMD	Rev.1	Rev.2	Final
<p><u>Para11</u> Text to be elaborated through further consultations based on the following elements:</p> <ul style="list-style-type: none"> • Reference to the ongoing negotiations, including a reference to the active participation of developing countries. • Reference to the long-term objective of reform in agriculture. • Reference to the direction or aims of reform in the areas of market access, domestic support and export competition. • Reference to special and differential treatment. • Reference to non-trade concerns. • Benchmarks and time-frames. • Negotiating body. 	<p><u>Para13</u> We recognise the work already undertaken in the negotiations initiated in early 2000 under Article 20 of AoA, including the large number of negotiating proposals submitted on behalf of a total of 121 Members</p>	<p><u>Para13</u> -do-</p>	<p><u>Para13</u> -do-</p>
	<p>... 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</p>	<p>... do</p>	<p>... do</p>

DMD	Rev.1	Rev.2	Final
	<u>commitment to this programme.</u>		
	<p>--- Building on the work carried out to date, we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support.</p>	<p>--- Building on the work carried out to date, we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of [, with a view to phasing out,] all forms of export subsidies; and substantial reductions in trade distorting domestic support.</p>	<p>--- Building on the work carried out to date and without prejudging the outcome of the negotiations members commit to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade distorting domestic support.</p>
	<p>--- We agree that special & 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 appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development.</p>	<p>--- do</p>	<p>--- do</p>
	<p>--- We take note of the non-trade</p>	<p>--- do</p>	<p>--- do</p>

DMD	Rev.1	Rev.2	Final
	<p>concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the AoA.</p> <p><u>Para14</u> Modalities for the further commitments, including provisions for special and differential treatment, shall be established no later than ... Participants shall submit their comprehensive draft Schedules based on these modalities no later than ... The negotiations, including with respect to rules and disciplines and related legal texts, shall be concluded as part and at the date of conclusion of the negotiating agenda as a whole.</p>	<p><u>Para14</u> Modalities for the further commitments, including provisions for special and differential treatment, shall be established no later than 31 March 2003. Participants shall submit their comprehensive draft Schedules based on these modalities no later than the Fifth Session of the Ministerial Conference. The negotiations, including with respect to rules and disciplines and related legal texts, shall be concluded as part and at the date of conclusion of the negotiating agenda as a whole.</p>	<u>Para14</u> -do-

SERVICES

DMD	Rev.1	Rev.2	Final
<u>Para12</u> The mandated negotiations on trade in services are an important means of promoting the economic growth of all trading partners and the development of developing countries.	<u>Para15</u> The negotiations on trade in services shall be conducted with a view to promoting the economic growth of all trading partners and the development of developing countries.	<u>Para15</u> -do-	<u>Para15</u> The negotiations on trade in services shall be conducted with a view to promoting the economic growth of all trading partners and the development of developing and least-developed countries .
--- We take note with satisfaction the progress which has been made in these negotiations since their inception in January 2000, and the large number of proposals submitted by Members on a wide range of sectors and several horizontal issues, as well as on Movement of Natural Persons (MNP).	--- We recognise the work already undertaken in the negotiations, initiated in January 2000 under Article XIX of the GATS, and the large number of proposals submitted by Members on a wide range of sectors and several horizontal issues, as well as on MNP	--- do	--- do

DMD	Rev.1	Rev.2	Final
--- We reaffirm the guidelines and procedures for the negotiations adopted by the Council for Trade in Services on 28 th March 2001 as the basis for continuing the negotiations with a view to achieving the objectives of the GATS, as stipulated in the Preamble, Article IV and Article XIX of that Agreement.	--- do	--- do	--- do
	--- Participants shall submit initial requests for specific commitments by initial offers by ...	--- Participants shall submit initial requests for specific commitments by 30th June 2002 and initial offers by 31st March 2003 .	--- do

MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

DMD	Rev.1	Rev.2	Final
<u>Para13</u> We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks and tariff escalation, as well as non-tariff barriers.	<u>Para16</u> We agree to negotiations, which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs , and tariff escalation, in particular on products of export interest to developing countries , as well as non-tariff barriers.	<u>Para16</u> -do-	<u>Para16</u> -do-
--- Product coverage shall be comprehensive and without a priori exclusions.	--- do	--- do	--- do
--- The negotiations shall take into account the special needs and interests of developing and LDC participants, including through less than full reciprocity in reduction commitments.	--- The negotiations shall take fully into account the special needs and interests of developing and LDC participants, in accordance with the relevant provisions of Article XXVIII bis of GATT 1994 and the provisions cited in paragraph 43 below.	--- The negotiations shall take fully into account the special needs and interests of developing and LDC participants, including through less than full reciprocity in reduction commitments , in accordance with the relevant provisions of Article XXVIII bis of GATT 1994 and the provisions cited in paragraph 50.	--- do
No Mention	No Mention	--- The modalities to be agreed will include appropriate studies and capacity-building measures to assist LDC to participate effectively in the negotiations.	--- do

TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

DMD	Rev.1	Rev.2	Final
It is proposed that the issue of the relationship between intellectual property and [access to medicines] [public health] be addressed in a separate declaration.	<p><u>Para17 We stress the importance we attach to implementation and interpretation of the TRIPs Agreement in a manner supportive of public health, by promoting both access to existing medicines and research and development into new medicines and, in this connection, have adopted a separate Declaration.</u></p>	<p><u>Para17 We stress the importance we attach to implementation and interpretation of the TRIPs Agreement in a manner supportive of public health, by promoting both access to existing medicines and research and development into new medicines and, in this connection, are adopting a separate Declaration.</u></p>	<p><u>Para17 - do-</u></p>
<p><u>Para14 We agree to complete negotiations on the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits.</u></p>	<p><u>Para18 With a view to completing the work started in the TRIPs Council 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.</u></p>	<p><u>Para18 -do-</u></p>	<p><u>Para18 - do-</u></p>
<p><u>Para15 We agree [that the TRIPs Council shall examine issues related to possible negotiations on] [to negotiate] the extension of the protection of geographical indications provided for in Article 23 to additional product areas.</u></p>	<p><u>--- We 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 addressed in the Council for TRIPs pursuant to paragraph 12 of this Declaration.</u></p>	<p><u>--- do</u></p>	<p><u>--- do</u></p>
<p><u>Para16 We instruct the TRIPs Council, in pursuing its work programme, to give due</u></p>	<p><u>Para19 We instruct the Council for TRIPs, in pursuing its work</u></p>	<p><u>Para19 -do-</u></p>	<p><u>Para19 - do-</u></p>

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attention to the relationship between the TRIPs Agreement and the Convention on Biological Diversity, the protection of traditional knowledge, non-violation complaints, and keeping the TRIPs Agreement abreast of new technological and other developments. In undertaking this work, the TRIPs Council shall be guided by the objectives and principles of the TRIPs Agreement and shall take fully into account the development dimension.	<p>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, <i>inter alia</i>, the relationship between the TRIPs Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by Members pursuant to Article 71.1. 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 and shall take fully into account the development dimension.</p>		
<u>Para 17</u> <i>The TRIPS Council shall report on the progress of its work set out above to the General Council at the end of 2002 and submit a final report to the Fifth session of the Ministerial Conference, which shall decide on further action.</i>	No mention	-do-	-do-

TRADE AND INVESTMENT

DMD	Rev.1	Rev.2	Final
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DMD	Rev.1	Rev.2	Final
<u>Para18</u> We agree to negotiations which shall aim to establish a multilateral framework of rules to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly foreign direct investment.	<u>Para20</u> In the period until the Fifth Session of the Ministerial Conference, work will focus on the clarification of elements of a possible multilateral framework to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly foreign direct investment, and to contribute to expansion of trade.	<u>Para20</u> [Recognising the case for a multilateral framework to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly FDI, that will contribute to expansion of trade]. We agree that at the Fifth Session of the Ministerial Conference a decision will be taken on whether to launch negotiations in this area.	<u>Para20</u> Recognising the case for a multilateral framework to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly FDI, that will contribute to the expansion of trade, and the need for enhanced technical assistance and capacity building in this area. We agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that session on modalities of negotiations.
--- The framework shall reflect in a balanced manner the interests of home and host countries, and take due account of governments' regulatory responsibilities and economic development objectives.	--- The framework should reflect in a balanced manner the interests of home and host countries, and take due account of the development policies and objectives of host governments as well as their right to regulate in the public interest.	<u>Para21</u> -do-	<u>Para22</u> -do-

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--- It shall include as core elements provisions on scope and definition, transparency, non-discrimination, pre-establishment commitments based on a GATS-type approach, and settlement of disputes between governments.	--- Core elements are: scope and definition; transparency; non-discrimination; modalities for pre-establishment commitments based on a GATS-type, positive list approach; development provisions; exceptions and safeguards; consultation and the settlement of disputes between Members; and negotiating modalities, including the question of participation.	--- In the period until the Fifth Session, further work in the Working Group will focus on the clarification of: scope and definition; transparency; non-discrimination; modalities for pre-establishment commitments based on a GATS-type, positive list approach; development provisions; exceptions and balance-of-payments safeguards; consultation and the settlement of disputes between Members.	--- do
--- The special development, trade and financial needs of developing and LDC participants shall be taken into account as an integral part of the framework, which shall enable Members to undertake obligations commensurate with their individual needs and circumstances.	--- The special development, trade and financial needs of developing and LDCs should be taken into account as an integral part of the framework, which should enable Members to undertake obligations and commitments commensurate with their individual needs and circumstances.	--- do	--- do
--- The negotiations shall pay due regard to other relevant WTO provisions and to existing bilateral and regional arrangements on investment.	--- Due regard should be paid to other relevant WTO provisions. Account should be taken, as appropriate, of existing bilateral and regional arrangements on investment. <i>At the Fifth Session,</i>	--- Due regard should be paid to other relevant WTO provisions. Account should be taken, as appropriate, of existing bilateral and regional arrangements on investment.	--- do

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	<i>a decision will be taken on modalities of negotiations in this area.</i>		
--- We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.	--- We commit ourselves to ensuring that appropriate arrangements are made for the provision of technical assistance and capacity building throughout, and as an element of the outcome.	<u>Para22</u> We recognise the needs of developing and LDCs for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.	<u>Para21</u> -do-
OR <u>Para19</u> <i>The working group on the relationship between trade and investment shall undertake</i>	No Mention	-do-	-do-

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<i>further focussed analytical work, based on proposals by Members. A report on this work shall be presented to the Fifth Session of the Ministerial Conference.</i>			

TRADE AND COMPETITION POLICY

DMD	Rev.1	Rev.2	Final
<u>Para20</u> We agree to negotiations aimed at enhancing the contribution of competition policy to international trade and development.	<u>Para21</u> In the period until the Fifth Session of the Ministerial Conference, work will focus on the clarification of elements of a possible multilateral framework aimed at enhancing the contribution of competition policy to international trade and development.	<u>Para23</u> [Recognising the case for a multilateral framework to enhance the contribution of competition policy to international trade and development,] we agree that at the Fifth Session of the Ministerial Conference a decision will be taken on whether to launch negotiations in this area.	<u>Para23</u> Recognising the case for a multilateral framework to enhance the contribution of competition policy to international trade and development, and technical assistance and capacity building in this area as referred to in paragraph 24, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.
--- The negotiations should establish a framework to address the following elements: core principles, including transparency, non-discrimination and procedural fairness, and provisions on hardcore cartels; modalities for voluntary cooperation; and support for progressive reinforcement of competition institutions in	--- In this connection, the following elements will be addressed: core principles, including transparency, non-discrimination and procedural fairness, and provisions on hardcore cartels; modalities for voluntary cooperation; support for progressive reinforcement of competition institutions in	<u>Para24</u> In the period until the Fifth Session, further work in the Working Group on the Interaction between Trade and Competition Policy will focus on the clarification of: core principles, including transparency, non-discrimination and procedural fairness, and provisions on	<u>Para25</u> -do-

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developing countries through capacity building.	developing countries through capacity building; and negotiating modalities, including the question of participation.	hardcore cartels; modalities for voluntary cooperation; and support for progressive reinforcement of competition institutions in developing countries through capacity building.	
--- In the course of negotiations, full account shall be taken of the situation of developing and LDC participants and appropriate flexibility provided to address them.	--- do	--- do	--- do
--- We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.	--- We commit ourselves to ensuring that appropriate arrangements are made for the provision of technical assistance and support for capacity building throughout, and as an element of the outcome.	<u>Para25</u> We recognise the needs of developing and LDCs for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through	<u>Para24</u> -do-

DMD	Rev.1	Rev.2	Final
		appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.	
OR <u>Para21</u> <i>The Working Group on the Interaction between Trade and Competition Policy shall undertake further focussed analytical work, based on proposals by Members. A report on this work shall be presented to the Fifth Session of the Ministerial Conference.</i>	No Mention	-do-	-do-

TRANSPARENCY IN GOVERNMENT PROCUREMENT

DMD	Rev.1	Rev.2	Final
No mention	-do-	-do-	<u>Para26</u> Recognising the case for a multilateral agreement on transparency in government procurement and the need for

			enhanced technical assistance and capacity building in this area, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.
<u>Para22</u> We agree to negotiations on a multilateral agreement on transparency in government procurement, building on the progress that has been made in the Working Group on Transparency in government procurement and taking into account participants' development priorities.	<u>Para22</u> We agree to negotiations on a multilateral agreement on transparency in government procurement, building on the progress that has been made in the Working Group on Transparency in Government Procurement and taking into account participants' development priorities, especially those of LDC participants.	<u>Para26</u> -do-	--- These negotiations will build on the progress made in the Working Group on Transparency in Government Procurement by that time and take into account participants' development priorities, especially those of LDC participants.
--- The negotiations shall be limited to the transparency aspects and will not restrict the scope for countries to give preferences to domestic supplies and suppliers.	--- do	--- do	--- do

<p>--- Issues relating to compliance with any new obligations to be agreed shall be addressed in the negotiations, taking into account the situation of developing and LDC participants.</p>	<p>--- <i>Matters related to the nature of commitments and their implementation shall be addressed in the negotiations, taking into account the situation of developing and LDC participants.</i></p>	<p>--- do</p>	<p>Dropped</p>
<p>--- We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreements to be negotiated.</p>	<p>--- <i>In the case of developing and LDCs, it is recognised that the implementation of the outcome shall be related to their capacities to implement and the technical assistance provided.</i> We commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.</p>	<p>--- do</p>	<p>--- We commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.</p>

TRADE FACILITATION

DMD	Rev.1	Rev.2	Final
No mention	-do-	-do-	<u>Para27</u> Recognising the case for further expediting the movement, release and clearance of goods,

DMD	Rev.1	Rev.2	Final
			<p>including goods in transit, and the need for enhanced technical assistance and capacity building in this area, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations</p>
<p><u>Para23</u> We agree to negotiations which shall 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.</p>	<p><u>Para23 With the aim of further expediting the movement, release and clearance of goods including goods in transit, we agree to negotiations which shall build upon Articles V, VIII and X of the GATT 1994 by clarifying and improving elements of those Articles, taking into account, as appropriate, existing WTO provisions on matters related to customs and other procedures and formalities for goods trade.</u></p>	<p><u>Para27 – do-</u></p>	<p>--- In the period until the Fifth Session, the Council for Trade in Goods shall review and as appropriate, clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 and identify the trade facilitation needs and priorities of Members, in particular developing and LDCs</p>
<p>--- Issues relating to compliance with any new obligations to be agreed shall be addressed in the negotiations, taking into account the situation of developing and LDC participants.</p>	<p>--- <i>Matters related to the nature of any additional commitments and their implementation shall be addressed in the negotiations, taking into account the situation of developing and LDC</i></p>	<p>--- do</p>	<p>Dropped</p>

DMD	Rev.1	Rev.2	Final
--- We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.	<p><i>participants.</i></p> <p>--- <i>In the case of developing and LDCs, it is recognised that the implementation of the outcome shall be related to their capacities to implement and the technical assistance provided.</i> We commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.</p>	--- do	--- We commit ourselves to ensuring adequate technical assistance and support for capacity building in this area.

WTO RULES

DMD	Rev.1	Rev.2	Final
<p><u>Para24</u> We agree to negotiations aimed at clarifying and improving disciplines under the existing Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures [...], taking into account the needs of developing and LDC participants.</p>	<p><u>Para24</u> In the light of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts and principles underlying them and taking into account the needs of developing and LDC participants. In the initial phase of the negotiations, participants will indicate the provisions that they seek to clarify and improve. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector of developing countries.</p>	<p><u>Para28</u> In the light of experience and of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts, principles and effectiveness of these Agreements, their objectives [and instruments] [and procedures], and taking into account the needs of developing and LDC participants. In the initial phase of the negotiations, participants will indicate the provisions that they seek to clarify and improve, including disciplines on</p>	<p><u>Para28</u> In the light of experience and of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives, and taking into account the needs of developing and LDC participants. In the initial phase of the negotiations, participants will indicate the provisions, including disciplines on trade distorting practices that they seek to clarify and improve in the subsequent</p>

DMD	Rev.1	Rev.2	Final
		<p>trade distorting practices, in the subsequent phase. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries.</p>	<p>phase. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries. We note that fisheries subsidies are also referred to in paragraph 31.</p>
<u>Para25</u> We also agree to negotiations aimed at clarifying and improving disciplines and procedures under the existing WTO provisions applying to regional trade agreements. <i>Issues relating to the application of any new obligations to existing regional trade agreements shall be addressed during the negotiations.</i> Participants shall also take into account the developmental aspects of regional trade agreements.	<u>Para25</u> We also agree to negotiations aimed at clarifying and improving disciplines and procedures under the existing WTO provisions applying to regional trade agreements. The negotiations shall take into account the developmental aspects of regional trade agreements.	<u>Para29</u> -do-	<u>Para29</u> -do-

DISPUTE SETTLEMENT UNDERSTANDING

DMD	Rev.1	Rev.2	Final
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<p><u>Para26</u> We agree to negotiations on possible amendments to the Dispute Settlement Understanding on the basis of proposals by Members. The negotiations should be based on the work done thus far and aim to produce a balanced package of amendments not later than May 2003, at which time we will take steps to ensure that the amendments enter into force as soon as possible thereafter.</p>	<p><u>Para26</u> 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 proposals by Members, 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.</p>	<p><u>Para30</u> -do-</p>	<p><u>Para30</u> -do-</p>
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TRADE AND ENVIRONMENT

DMD	Rev.1	Rev.2	Final
No Mention	-do-	<p><u>Para31</u> [With a view to enhancing the mutual supportiveness of trade and environment, we agree to negotiations on:</p> <ul style="list-style-type: none"> ▪ the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services, especially in relation to developing countries, in particular the least-developed among them; ▪ Procedures for regular information exchange between MEAs Secretariats and the relevant WTO Committee, and the criteria for the granting of observer status.] <p>[We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.]</p>	<p><u>Para31</u> With a view to enhancing the mutual supportiveness of trade and environment, we agree to negotiations, without prejudging their outcome, on:</p> <ul style="list-style-type: none"> ▪ The relationship between existing WTO rules and specific trade obligations set out in MEAs. The negotiations shall be limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question; ▪ Procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status; ▪ The reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services. <p>We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.</p>
Para27 We instruct the	Para27 We instruct the	Para32 We instruct the CTE, in	Para32 We instruct the CTE, in pursuing

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<p>Committee on Trade and Environment (CTE) to pursue work on all items on its agenda within its current terms of reference, and in particular:</p> <ul style="list-style-type: none"> ▪ To address, in pursuance of the WTO's objective of sustainable development, those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development; ▪ To deepen the understanding of the relationship between the multilateral trading system and multilateral environment agreements (MEAs) . The CTE shall report to the Fifth Session of the Ministerial Conference on these issues. 	<p>CTE, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to:</p> <ul style="list-style-type: none"> ▪ The effect of environmental measures on market access and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development; ▪ The relationship between the multilateral trading system and MEAs; ▪ The relevant provisions of the Agreement on TRIPs; and ▪ Labelling. <p>Work on these issues</p>	<p>pursuing work on all items on its agenda within its current terms of reference, to give particular attention to:</p> <ul style="list-style-type: none"> ▪ The effect of environmental measures on market access, [especially in relation to developing countries, in particular the least-developed among them,] and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development; ▪ <i>The relationship between the multilateral trading system and MEAs;</i> ▪ The relevant provisions of the Agreement on TRIPs; and ▪ Labelling [requirements for environmental purposes]. <p>Work on these issues should include the identification of any need to clarify relevant WTO rules. The Committee shall report on [all items on its agenda] to the Fifth Session of the Ministerial Conference, and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations. The outcome of this work as well as the negotiations carried out under paragraph 31(i) and (ii) shall be compatible with the open and non-</p>	<p>work on all items on its agenda within its current terms of reference, to give particular attention to:</p> <ul style="list-style-type: none"> ▪ The effect of environmental measures on market access, especially in relation to developing countries, in particular the least-developed among them, and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development; ▪ The relevant provisions of the Agreement on TRIPs; and ▪ Labelling requirements for environmental purposes. <p>Work on these issues should include the identification of any need to clarify relevant WTO rules. The Committee shall report to the Fifth Session of the Ministerial Conference, and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations. The outcome of this work as well as the negotiations carried out under paragraph 31(i) and (ii) shall be compatible with the open and non-</p>

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<i>Para28 We direct the Committee on Technical Barriers to Trade (TBT) to expedite its work on labelling, bearing in mind that any measures in this field should not become disguised restrictions on trade, and report to the Fifth Session of the Ministerial Conference.</i>	should include the identification of any need to clarify relevant WTO rules. The Committee shall report to the Fifth Session of the Ministerial Conference and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations.	including the desirability of negotiations. [The outcome of this work as well as the negotiations carried out under paragraph 31 shall be compatible with the open and non-discriminatory nature of the multilateral trading system, shall not add to or diminish the rights and obligations of Members under existing WTO agreements, nor alter the balance of these rights and obligations, and will take into account the needs of developing and LDCs.]	discriminatory nature of the multilateral trading system, shall not add to or diminish the rights and obligations of Members under existing WTO agreements, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures, nor alter the balance of these rights and obligations, and will take into account the needs of developing and LDCs.
No Mention	-do-	<u>Para33</u> [We recognise the importance of technical assistance and capacity building in the field of trade and environment to developing countries, in particular the least-developed among them. We also encourage that expertise and experience be shared with Members wishing to perform environmental reviews at the national level. A report shall be prepared on these activities for the Fifth Session.]	<u>Para33</u> We recognise the importance of technical assistance and capacity building in the field of trade and environment to developing countries, in particular the least-developed among them. We also encourage that expertise and experience be shared with Members wishing to perform environmental reviews at the national level. A report shall be prepared on these activities for the Fifth Session.

TRADE AND LABOUR STANDARDS

DMD	Rev.1	Rev.2	Final
<u>Para6</u> We reaffirm our declaration made at the	<u>Para8</u> We reaffirm our	<u>Para8</u> We reaffirm our	<u>Para8</u>

<p>Singapore Ministerial Conference regarding internationally recognized core labour standards. We take note of work under way in the International Labour Organization (ILO) on the social dimensions of globalisation.</p>	<p>declaration made at the Singapore Ministerial Conference regarding internationally recognized core labour standards. We take note of work under way in the ILO on the social dimensions of globalisation. <i>The ILO provides the appropriate forum for a substantive dialogue on various aspects of the issue.</i></p>	<p>declaration made at the Singapore Ministerial Conference regarding internationally recognized core labour standards. We take note of work under way in the ILO on the social dimensions of globalisation.</p>	<p>-do-</p>
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ELECTRONIC COMMERCE

DMD	Rev.1	Rev.2	Final
<u>Para29</u> We take note of the work which has been done in the General Council and other relevant bodies since our Declaration of 20 May 1998 and agree to continue the Work Programme on Electronic Commerce.	<u>Para28</u> -do-	<u>Para34</u> -do-	<u>Para34</u> -do-
No Mention	--- The work to date demonstrates that electronic commerce creates new challenges and opportunities for trade for Members at all stages of development, and we recognise the importance of creating and maintaining an environment which is favourable to the future development of electronic commerce.	--- do	--- do
--- We instruct the General Council to consider the most appropriate institutional arrangements for handling the Work Programme, and to report on further progress to the Fifth Session of the Ministerial Conference.	--- do	--- do	--- do
--- We agree to maintain our current practice of not imposing customs duties on electronic transmissions until the Fifth Session	--- do	--- do	--- do

SMALL ECONOMIES

DMD	Rev.1	Rev.2	Final
<u>Para30</u> We agree to a work programme, under the auspices of the General Council, to examine issues relating to the trade of small economies. The objective of this work is to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system, and not to create a sub-category of WTO Members.	<u>Para29</u> -do-	<u>Para35</u> -do-	<u>Para35</u> -do-
--- The General Council shall review the work programme and make recommendations for action to the Fifth Session of the Ministerial Conference.	--- do	--- do	--- do

TRADE, DEBT AND FINANCE

DMD	Rev.1	Rev.2	Final
<u>Para31</u> We agree to an examination, under the auspices of the General Council, of the relationship between trade, debt and finance, and of any possible recommendations on steps that 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 LDCs, 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. <i>We instruct the General Council to consider the most appropriate institutional arrangements for handling this examination</i> and to report on progress to the Fifth Session of the Ministerial Conference.	<u>Para30</u> -do-	<u>Para36</u> Same language except, the proposal to examine this issue in a WTO Working Group under the auspices of the General Council.	<u>Para36</u> -do-

TRADE AND TRANSFER OF TECHNOLOGY

DMD	Rev.1	Rev.2	Final
<p><u>Para32</u> We agree to an examination, under the auspices of the GC, of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries. <i>We instruct the GC to consider the most appropriate institutional arrangements for handling this examination</i> and to report on progress to the Fifth Session of the Ministerial Conference.</p>	<u>Para31</u> -do-	<p><u>Para37</u> We agree to an examination, in a Working Group under the auspices of the GC, of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries. The GC shall report to the Fifth Session of the Ministerial Conference.</p>	<u>Para37</u> -do-

TECHNICAL COOPERATION AND CAPACITY BUILDING

DMD	Rev.1	Rev.2	Final
<u>Para33</u> We instruct the Secretariat to respond to requests from Members for technical assistance in the context of their mainstreaming of trade into national plans for economic development and strategies for poverty reduction.	<u>Para32</u> We confirm that technical cooperation and capacity building are core elements of the development dimension of the multilateral trading system, and we welcome and endorse the New Strategy for WTO Technical Cooperation for Capacity Building, Growth and Integration. We instruct the Secretariat, in coordination with other relevant agencies, to support domestic efforts for mainstreaming trade into national plans for economic development and strategies for poverty reduction.	<u>Para38</u> -do-	<u>Para38</u> -do-
--- The delivery of WTO technical assistance shall be designed to assist beneficiary countries to understand WTO rules and disciplines, implement obligations and exercise the rights of membership, including drawing on the benefits of an open, rules-based multilateral trading system.	--- do	--- do	--- do
--- Priority shall be accorded, in the delivery of trade-related technical assistance, to building capacity for multilateral trade negotiations in developing, least-developed, small and vulnerable, and transition economies, including those without representation in Geneva.	--- do	--- do	--- do
--- We underscore the urgent necessity for	<u>Para33</u> We underscore the urgent necessity	<u>Para39</u> -do-	<u>Para39</u>

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the coordinated delivery of technical assistance with relevant international and regional intergovernmental institutions within a coherent policy framework and timetable. We agree that there is a need for this assistance to benefit from secure and predictable funding.	for the effective coordinated delivery of technical assistance with bilateral donors, in the OECD Development Assistance Committee and relevant international and regional intergovernmental institutions, within a coherent policy framework and timetable. In the coordinated delivery of technical assistance, we instruct the D-G to consult with the relevant agencies, bilateral donors and beneficiaries, to identify ways of enhancing and rationalising the Integrated Framework for Trade-Related Technical Assistance to LDCs and the Joint Integrated Technical Assistance Programme (JITAP). We agree that there is a need for technical assistance to benefit from secure and predictable funding.		-do-
--- We therefore instruct the Committee on Budget, Finance and Administration to develop a plan for adoption by the General Council in December 2001 that will ensure long-term funding for WTO technical assistance at a level no lower than that of the current year.	<u>Para34</u> We therefore instruct the Committee on Budget, Finance and Administration to develop a plan for adoption by the GC in December 2001 that will ensure long-term funding for WTO technical assistance at an overall level no lower than that of the current year and commensurate with the activities outlined above.	<u>Para40</u> -do-	<u>Para40</u> -do-

DMD	Rev.1	Rev.2	Final
No mention	No mention	<p><u>Para41</u> We have established firm commitments on technical cooperation and capacity building in various paragraphs in this Ministerial Declaration. We reaffirm these specific commitments contained in paragraphs 16, 22, 25-27, 33, 38-40, 42 and 43, and also reaffirm the understanding in paragraph 2 on the important role of sustainably financed technical assistance and capacity building programmes. We instruct the D-G to report to the Fifth Session of the Ministerial Conference, with an interim report to the GC in December 2002 on the implementation and adequacy of these commitments in the identified paragraphs.</p>	<u>Para41</u> - do -

LEAST-DEVELOPED COUNTRIES

DMD	Rev.1	Rev.2	Final
No mention.	<u>Para35</u> We acknowledge the seriousness of the concerns expressed by the LDCs in the Zanzibar Declaration adopted by their Ministers in July 2001.	<u>Para42</u> -do-	<u>Para42</u> -do-
<u>Para34</u> We recognise that the further integration of the LDCs into the trading system requires combined and inter-related action at three levels namely, market access, trade-related technical assistance and capacity building, and LDCs' domestic policy reforms	--- We recognise that the integration of the LDCs into the trading system requires combined and inter-related action at three levels, namely: market access, trade-related technical assistance and capacity building, and supporting domestic measures to mainstream trade priority areas of action into plans for economic development and strategies for poverty reduction.	--- do	--- do
--- We agree that the WTO should take into account, in designing its work programme for LDCs, the trade-related elements of the Brussels Declaration and Programme of Action consistent with the WTO's mandate adopted at the IIIrd UN Conference on the LDCs in May 2001.	--- We agree that the meaningful integration of LDCs into the trading system and the global economy will involve efforts by all WTO Members. We commit ourselves to the objective of duty-free, quota-free market access for products originating from LDCs. In this regard, we welcome the significant market access improvements by WTO Members in advance of the IIIrd UN Conference on LDCs in Brussels, May 2001.	--- do	--- do
No mention	--- We further commit ourselves to consider additional measures for progressive improvements in market access for LDCs. Accession of LDCs remains a priority for the Membership. We agree to work to accelerate negotiations with acceding LDCs. We instruct the Secretariat to reflect the priority we attach to LDCs' accessions in the annual plans for technical assistance. We agree that the WTO should take into account, in designing its work programme	--- do	---do

DMD	Rev.1	Rev.2	Final
	<p>for LDCs, the trade-related elements of the Brussels Declaration and Programme of Action, consistent with the WTO's mandate, adopted at LDC-III. We instruct the Sub-Committee for LDCs to design such a work programme and to report on the agreed work programme to the GC at its first meeting in 2002.</p>		
<p>--- We acknowledge the value of and endorse the Integrated Framework for Trade-Related Technical Assistance to LDCs (IF) as a viable model for LDCs' trade development. We appeal to development partners to increase contributions to the IF Trust Fund. We urge the core agencies, in coordination with development partners, to explore the enhancement of the IF and the extension of the model. We request the D-G, following coordination with all the core agencies, to report to Ministers at the Fifth Session of the Ministerial Conference.</p>	<p><u>Para36</u> We endorse the Integrated Framework for Trade-Related Technical Assistance to LDCs (IF) as a viable model for LDCs' trade development. We urge to development partners to increase contributions to the IF Trust Fund and WTO extra-budgetary trust funds in favour of LDCs. We urge the core agencies, in coordination with development partners, to explore the enhancement of the IF and the extension of the model to all LDCs, following the review of the IF and the appraisal of the ongoing Pilot Scheme in selected LDCs. We request the D-G, following coordination with heads of the other agencies, to provide an interim report to the GC in December 2002 and a full report to Ministers at the Fifth Session of the Ministerial Conference on all issues affecting LDCs.</p>	<u>Para43</u> -do-	<u>Para43</u> -do-

SPECIAL AND DIFFERENTIAL TREATMENT

DMD	Rev.1	Rev.2	Final
<u>Para35</u> Text to be considered, taking into account the report to be submitted by the Committee on Trade and Development.	<p><u>Para37</u> 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 LDCs. In that connection, we also note that some Members have proposed a Framework Agreement on special and differential treatment (WT/GC/W/442).</p>	<u>Para4</u> 4 -do-	<u>Para44</u> -do-
	<p>--- We therefore agree that all special and differential treatment provisions shall be reviewed with a view to strengthening them and making them more precise, effective and operational. In this connection, we endorse the work programme on special and differential treatment set out in the Decision on Implementation-Related Issues and Concerns.</p>	--- do	--- do

- Note:
1. Sentences in bold letters indicate either change from the previous draft or addition in the text.
 2. Sentences in italics indicate dropped from the following drafts.
 3. Sentences in both bold and italics indicate change from the preceding draft as well as missing in the following text.