

General Council
Trade Negotiations Committee

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DOHA WORK PROGRAMME ON SPECIAL AND DIFFERENTIAL TREATMENT AND OUTSTANDING IMPLEMENTATION ISSUES

*Communication from Bangladesh (on behalf of the LDC Group), India, Indonesia, Mauritius
(on behalf of the African Group) and Trinidad and Tobago (on behalf of the ACP Group)*

The following communication, dated 31 March 2004, is being circulated at the request of the Delegation of Kenya.

The mandate

1. Paragraph 12 of the Doha Ministerial Declaration lays down the mandate on outstanding implementation issues, in which the Ministers stated: “We attach the utmost importance to the implementation-related issues and concerns raised by Members and are determined to find appropriate solutions to them...We agree that negotiations on outstanding implementation issues shall be an integral part of the Work Programme we are establishing, and that agreements reached at an early stage in these negotiations shall be treated in accordance with the provisions of paragraph 47 below. 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 issue shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee, established under paragraph 46 below, by the end of 2002 for appropriate action.” In addition, there has been an additional category of implementation issues, which have been sent for consideration to the relevant subsidiary bodies, in accordance with the Doha Decision on Implementation-Related Issues and Concerns.

2. In paragraph 44 of the Doha Ministerial Declaration, Ministers reaffirmed that the provisions for special and differential treatment are an integral part of the WTO Agreements. Ministers noted the concerns expressed regarding their operation in addressing specific constraints faced by developing countries, particularly the least-developed countries. Ministers endorsed the work programme on S&D issues set out in paragraph 12 of the Doha Decision on Implementation-Related Issues and Concerns. The Doha mandate on S&D issues had three main elements, namely (i) to review all S&D provisions with a view to strengthening them and making them more precise, effective and operational, (ii) to identify those S&D provisions which should be made mandatory, and (iii) to consider how S&D treatment may be incorporated into the architecture of WTO rules. The report on the first two elements was to be sent to the General Council with clear recommendations for a decision by July 2002.

State of play since Doha

3. The relevant subsidiary bodies of the WTO were mandated by the Doha Ministerial Declaration to deliberate upon certain implementation issues and make recommendations for appropriate action by the General Council/TNC by December 2002. However, there has been hardly any progress in the successful resolution of the implementation and S&D issues in the period after Doha. As the implementation and S&D issues are an integral part of the Doha Ministerial Declaration, the co-sponsors of this paper have been consistently arguing that these issues will have to be addressed on a priority basis, as decided by the Ministers at Doha. There was no substantive discussion on these issues at the Cancún Ministerial Conference. In the post-Cancún phase too, there has been no discussion on the implementation and S&D issues.

Way forward

4. The lack of progress over the Doha mandate on the implementation and S&D issues is a source of deep concern to developing countries. The fulfilment of this mandate on a priority basis is extremely important to developing countries, particularly the least developed among them. We therefore believe that there is an urgent need to agree on a work programme for resolving the outstanding implementation issues and to operationalize S&D provisions within a specified time frame. The co-sponsors of this paper firmly believe that work on all the issues pursuant to the Doha Work Programme should move in tandem to achieve balanced overall progress.

5. A clear road map with specific benchmarks to fulfil the mandate on the outstanding implementation issues and S&D issues in a time bound manner is essential. The co-sponsors of this paper propose that all work on S&D issues should be dealt in CTD-SS. We remain committed to engaging constructively in discussing these issues, including the need for strengthening the negotiating machinery to address this important component of the Doha Work Programme, and expect active engagement and political will from all members towards this objective.
