

**PROPOSALS FOR INCLUSION IN THE DRAFT TEXT FOR CANCÚN**

*Communication from Benin, Botswana, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Uganda, Zambia and Zimbabwe*

The following communication, dated 13 August 2003, has been received from the Permanent Mission of Kenya.

\_\_\_\_\_

I am pleased to submit two proposals, one on Singapore Issues and the second on Internal Transparency, for inclusion in the Draft text for Cancún.

This submission is made on behalf of the following delegations: Benin, Botswana, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Uganda, Zambia and Zimbabwe.

We are therefore requesting you to circulate the submission as an official WTO document and also provide to us an opportunity to introduce the paper during the next meeting.

\_\_\_\_\_

**PROPOSAL FOR DECISION ON SINGAPORE ISSUES**

Communication from the following Members: Benin, Botswana, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Uganda, Zambia and Zimbabwe

1. At the Fifth Ministerial Conference, Ministers will have to make a decision, based on explicit consensus, on the Singapore issues.
2. We propose that the following text be placed in the Draft Ministerial Text in the section on the Singapore Issues.

**THE SINGAPORE ISSUES**

Ministers take note of the discussions conducted since the Fourth Ministerial Conference on the issues of the relationship between trade and investment, the interaction between trade and competition policy, transparency in government procurement, and trade facilitation.

We further note that each of the issues has its own peculiar aspects and complexities and that WTO members have not reached a common multilateral context. We recognize the concerns of many developing country members about the potential serious implications of these issues on their economies and that the benefits of negotiating a multilateral framework for each of these issues is not evident to them.

Moreover, many developing countries have scarce resources and limited capacity to meaningfully negotiate these issues, especially as they grapple with implementation of existing WTO rules and the expanded work programme after the Doha Ministerial Conference.

This situation does not provide a basis for the commencement of negotiations in these areas. We decide that further clarification of the issues be continued in the respective Working Groups (on the relationship between trade and investment, interaction between trade and competition policy, and transparency in government procurement) and in the Council for Goods (for trade facilitation).

3. The above proposed text is in line with the decisions taken on these issues in the ACP Declaration on the Fifth Ministerial Conference of the WTO, adopted at the Sixth Meeting of ACP Trade Ministers (Brussels 31 July-1 August 2003); in the Mauritius Ministerial Declaration on the Fifth Ministerial Conference of the WTO, adopted at the African Union meeting of Ministers' Meeting of Trade (Grand Baie, Mauritius, 19-20 June 2003), and in the Dhaka Declaration, adopted at the Second LDC Trade Ministers' Meeting (Dhaka, Bangladesh, 31 May-2 June 2003).

---

## **PROPOSALS FOR IMPROVING THE DECISION-MAKING PROCESS IN THE WTO BEFORE AND AT THE FIFTH MINISTERIAL CONFERENCE**

Communication from the following Members: Benin, Botswana, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Uganda, Zambia and Zimbabwe

1. We are now at a crucial phase of the preparatory process towards the Fifth Ministerial Conference. It is thus vital that Members address the issue of the decision-making process and the procedures for the remainder of the preparatory process in Geneva and for the Ministerial Conference.

2. In this context, we reiterate the crucial importance of creating a transparent, democratic, all-inclusive and consultative decision-making process in the WTO, as this is vital to enhancing the credibility of the WTO and the multilateral trading system.

3. We reiterate the importance of taking decisions by consensus, in accordance with paragraph 1 of Article 9 of the WTO Agreement, especially in the context of the Ministerial Conference and its preparatory phase.

4. We urge all WTO members, with the assistance of the WTO Secretariat, to ensure the decision-making process at the Fifth Ministerial Conference and the remainder of the preparatory process is transparent and inclusive, through the adoption of procedural rules.

5. These rules should ensure, among other things, that:

(a) Proposals of the various members or groups of members are reflected adequately in draft texts that form the basis of negotiations.

(b) Transparent and inclusive mechanisms and procedures must be established so that all Members effectively participate in the drafting, revision and adoption of draft Ministerial texts during the preparatory process. In particular, adequate opportunity and time should be given to all Members, to review and revise the draft Ministerial texts, which must be approved by all Members through the General Council and not transmitted by any official on his or her own responsibility.

(c) At the Ministerial Conference, an official Committee of the Whole or plenary should be established and should operate throughout the Conference as the main decision-making body. This Committee should decide on items, including: the agenda, the appointment of officials, the establishment of any working groups or consultation groups, the Chairs of such groups, and the transparent and inclusive procedures for drafting, revising and adoption of Ministerial texts.

(d) Any consultations and discussions at the Ministerial Conference should be open ended and inclusive and such meetings should be announced and publicized in proper time including through plenary sessions, bulletins and electronic screens, etc.

(e) If small meetings or consultations on particular issues are considered useful, they should be governed by proper rules. All such proposed meetings should be approved by the plenary or the Committee of the Whole, and be open to all interested Members, and reports on these meetings should be made to the plenary or Committee of the Whole for the information and decision by all Members.

(f) Ministers are entitled to choose whichever officials, and in sufficient numbers required by them, to accompany them at all substantive meetings at the Ministerial Conference. The number of officials should not be restricted, given that the Ministers may require expert advice from various officials involved in the subjects.

(g) There should be fair procedures especially in the final day and hours of the Ministerial Conference. These include: (1) Any proposal for extension of the Conference should be a decision to be made by all Members and they should be given proper notice. (2) There should not be a last-night or last-day exclusive Green Room meeting. (3) The revised draft texts should be made available in all official languages 24 hours before the conclusion of the Conference so that Members have adequate time to reflect on them and to propose changes as deemed necessary.

(h) All issues of importance, including consideration of a proposal to extend the length of the Conference, should be put before all WTO members for a decision.

---