

The work programme lists 21 subjects. The original deadline of 1 January 2005 was missed. So was the next unofficial target of the end of 2006

At the Fourth Ministerial Conference in Doha, Qatar, in November 2001 WTO member governments agreed to launch new negotiations. They also agreed to work on other issues, in particular the implementation of the present agreements. The entire package is called the **Doha Development Agenda (DDA)**.

The negotiations take place in the **Trade Negotiations Committee** and its subsidiaries, which are usually, either regular councils and committees meeting in “**special sessions**”, or specially-created **negotiating groups**. Other work under the work programme takes place in other WTO councils and committees.

The **Fifth Ministerial Conference in Cancún**, Mexico, in September 2003, was intended as a stock-taking meeting where members would agree on how to complete the rest of the negotiations. But the meeting was soured by discord on agricultural issues, including cotton, and ended in deadlock on the “Singapore issues” (*see below*). Real progress on the Singapore issues and agriculture was not evident until the early hours of 1 August 2004 with a set of decisions in the General Council (sometimes called the July 2004 package). The original **1 January 2005 deadline** was missed. After that, members unofficially aimed to finish the negotiations **by the end of 2006**, again unsuccessfully. Further progress in narrowing members’ differences was made at the Hong Kong Ministerial Conference in December 2005, but some gaps remained unbridgeable and Director-General Pascal Lamy suspended the negotiations in July 2006. Efforts then focused on trying to achieve a breakthrough in early 2007.

There are 19–21 subjects listed in the Doha Declaration, depending on whether to count the “rules” subjects as one or three. Most of them involve negotiations; other work includes actions under “implementation”, analysis and monitoring. This is an unofficial explanation of what the declaration mandates (listed with the declaration’s paragraphs that refer to them):

## Implementation-related issues and concerns (par 12)

“Implementation” is short-hand for developing countries’ problems in implementing the current WTO Agreements, i.e. the agreements arising from the Uruguay Round negotiations.

No area of WTO work received more attention or generated more controversy during nearly three years of hard bargaining before the Doha Ministerial Conference. Around 100 issues were raised during that period. The result was a two-pronged approach:

- More than 40 items under 12 headings were settled at or before the Doha conference for immediate delivery.
- The vast majority of the remaining items immediately became the subject of negotiations.

This was spelt out in a separate ministerial decision on implementation, combined with paragraph 12 of the main Doha Declaration.

The **implementation decision** includes the following (detailed explanations can be seen on the WTO website):

### General Agreement on Tariffs and Trade (GATT)

- Balance-of-payments exception: clarifying less stringent conditions in GATT for developing countries if they restrict imports in order to protect their balance-of-payments.
- Market-access commitments: clarifying eligibility to negotiate or be consulted on quota allocation.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org)

> trade topics > Doha Development Agenda

[www.wto.org](http://www.wto.org) >

the WTO > General Council

[www.wto.org](http://www.wto.org) >

trade topics > Doha Development Agenda

> Trade Negotiations Committee



## Agriculture

- Rural development and food security for developing countries.
- Least-developed and net food-importing developing countries.
- Export credits, export credit guarantees or insurance programmes.
- Tariff rate quotas.

## Sanitary and phytosanitary (SPS) measures

- More time for developing countries to comply with other countries' new SPS measures.
- Reasonable interval" between publication of a country's new SPS measure and its entry into force.
- Equivalence: putting into practice the principle that governments should accept that different measures used by other governments can be equivalent to their own measures for providing the same level of health protection for food, animals and plants.
- Review of the SPS Agreement.
- Developing countries' participation in setting international SPS standards.
- Financial and technical assistance.

## Textiles and clothing

- "Effective" use of the agreement's provisions on early integration of products into normal GATT rules, and elimination of quotas.
- Restraint in anti-dumping actions.
- The possibility of examining governments' new rules of origin.
- Members to consider favourable quota treatment for small suppliers and least-developed countries, and larger quotas in general.

## Technical barriers to trade

- Technical assistance for least-developed countries, and reviews of technical assistance in general.
- When possible, a six-month "reasonable interval" for developing countries to adapt to new measures.
- The WTO director-general encouraged to continue efforts to help developing countries participate in setting international standards.

## Trade-related investment measures (TRIMs)

- The Goods Council is "to consider positively" requests from least-developed countries to extend the seven-year transition period for eliminating measures that are inconsistent with the agreement.

## Anti-dumping (GATT Article 6)

- No second anti-dumping investigation within a year unless circumstances have changed.
- How to put into operation a special provision for developing countries (Article 15 of the Anti-Dumping Agreement), which recognizes that developed countries must give "special regard" to the situation of developing countries when considering applying anti-dumping measures.
- Clarification sought on the time period for determining whether the volume of dumped imported products is negligible, and therefore no anti-dumping action should be taken.
- Annual reviews of the agreement's implementation to be improved.

### Customs valuation (GATT Article 7)

- Extending the deadline for developing countries to implement the agreement.
- Dealing with fraud: how to cooperate in exchanging information, including on export values.

### Rules of origin

- Completing the harmonization of rules of origin among member governments.
- Dealing with interim arrangements in the transition to the new, harmonized rules of origin.

### Subsidies and countervailing measures

- Sorting out how to determine whether some developing countries meet the test of being below US\$1,000 per capita GNP allowing them to pay subsidies that require the recipient to export.
- Noting proposed new rules allowing developing countries to subsidize under programmes that have “legitimate development goals” without having to face countervailing or other action.
- Review of provisions on countervailing duty investigations.
- Reaffirming that least-developed countries are exempt from the ban on export subsidies.
- Directing the Subsidies Committee to extend the transition period for certain developing countries.

### Trade-related aspects of intellectual property rights (TRIPS)

- “Non-violation” complaints: the unresolved question of how to deal with possible TRIPS disputes involving loss of an expected benefit even if the TRIPS Agreement has not actually been violated.
- Technology transfer to least-developed countries.

### Cross-cutting issues

- Which special and differential treatment provisions are mandatory? What are the implications of making mandatory those that are currently non-binding?
- How can special and differential treatment provisions be made more effective?
- How can special and differential treatment be incorporated in the new negotiations?
- Developed countries are urged to grant preferences in a generalized and non-discriminatory manner, i.e. to all developing countries rather than to a selected group.

### Outstanding implementation issues

- To be handled under paragraph 12 of the main Doha Declaration.

### Final provisions

- The WTO Director-General is to ensure that WTO technical assistance gives priority to helping developing countries implement existing WTO obligations, and to increase their capacity to participate more effectively in future negotiations.
- The WTO Secretariat is to cooperate more closely with other international organizations so that technical assistance is more efficient and effective.

The implementation decision is tied into the **main Doha Declaration**, where ministers agreed on a future work programme to deal with unsettled implementation questions. “Negotiations on outstanding implementation issues shall be an integral part of the Work Programme” in the coming years, they declared. In the declaration, the ministers established a two-track approach. Those issues for which there was an agreed negotiating mandate in the declaration would be dealt with under the terms of that mandate.



ON THE WEBSITE:  
[www.wto.org](http://www.wto.org) > trade topics > Doha Development  
Agenda > Implementation Decision Explained

Those implementation issues where there is no mandate to negotiate, would be the taken up as “a matter of priority” by relevant WTO councils and committees. These bodies were to report on their progress to the Trade Negotiations Committee by the end of 2002 for “appropriate action”.

## Agriculture (pars 13, 14)

*Key dates: agriculture*

*Start: early 2000*

*“Framework” agreed:  
1 August 2004*

*Formulas and other “modalities” for countries’ commitments: originally 31 March 2003, now by 6th Ministerial Conference, 2005 (in Hong Kong, China)*

*Countries’ comprehensive draft commitments and stock taking: originally by 5th Ministerial Conference, 2003 (in Mexico)*

*Deadline: Now none.  
Originally by 1 January 2005, then unofficially by end of 2006.  
Part of single undertaking*

Negotiations on agriculture began in early 2000, under Article 20 of the WTO Agriculture Agreement. By November 2001 and the Doha Ministerial Conference, 121 governments had submitted a large number of negotiating proposals.

These negotiations have continued, but now with the mandate given by the Doha Declaration, which also includes a series of deadlines. The declaration builds on the work already undertaken, confirms and elaborates the objectives, and sets a timetable. Agriculture is now part of the single undertaking in which virtually all the linked negotiations were to end by 1 January 2005, now with the unofficial target of the end of 2006.

The declaration reconfirms the long-term objective already agreed in the present WTO Agreement: to establish a fair and market-oriented trading system through a programme of fundamental reform. The programme encompasses strengthened rules, and specific commitments on government support and protection for agriculture. The purpose is to correct and prevent restrictions and distortions in world agricultural markets.

Without prejudging the outcome, member governments commit themselves to comprehensive negotiations aimed at:

- market access: substantial reductions
- exports subsidies: reductions of, with a view to phasing out, all forms of these (in the 1 August 2004 “framework” members agreed to eliminate export subsidies by a date to be negotiated)
- domestic support: substantial reductions for supports that distort trade (in the 1 August 2004 “framework”, developed countries pledged to slash trade-distorting domestic subsidies by 20% from the first day any Doha Agenda agreement is implemented).

The declaration makes special and differential treatment for developing countries integral throughout the negotiations, both in countries’ new commitments and in any relevant new or revised rules and disciplines. It says the outcome should be effective in practice and should enable developing countries to meet their needs, in particular in food security and rural development.

The ministers also take note of the non-trade concerns (such as environmental protection, food security, rural development, etc) reflected in the negotiating proposals already submitted. They confirm that the negotiations will take these into account, as provided for in the Agriculture Agreement.

A first step along the road to final agreement was reached on 1 August 2004 when members agreed on a “framework” (Annex A of the General Council decision).

The negotiations take place in “special sessions” of the Agriculture Committee.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > goods > agriculture > agriculture negotiations



## Services (par 15)

Negotiations on services were already almost two years old when they were incorporated into the new Doha agenda.

The WTO General Agreement on Trade in Services (GATS) commits member governments to undertake negotiations on specific issues and to enter into successive rounds of negotiations to progressively liberalize trade in services. The first round had to start no later than five years from 1995.

Accordingly, the services negotiations started officially in early 2000 under the Council for Trade in Services. In March 2001, the Services Council fulfilled a key element in the negotiating mandate by establishing the negotiating guidelines and procedures.

The Doha Declaration endorses the work already done, reaffirms the negotiating guidelines and procedures, and establishes some key elements of the timetable including, most importantly, the deadline for concluding the negotiations as part of a single undertaking.

The negotiations take place in “**special sessions**” of the **Services Council** and **regular meetings** of its relevant subsidiary committees or working parties.

## Market access for non-agricultural products (par 16)

The ministers agreed to launch tariff-cutting negotiations on all non-agricultural products. The aim is “to reduce, or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries”. These negotiations shall take fully into account the special needs and interests of developing and least-developed countries, and recognize that these countries do not need to match or reciprocate in full tariff-reduction commitments by other participants.

At the start, participants have to reach agreement on how (“modalities”) to conduct the tariff-cutting exercise (in the Tokyo Round, the participants used an agreed mathematical formula to cut tariffs across the board; in the Uruguay Round, participants negotiated cuts product by product). The agreed procedures would include studies and capacity-building measures that would help least-developed countries participate effectively in the negotiations. Back in Geneva, negotiators decided that the “modalities” should be agreed by 31 May 2003. When that date was missed, members agreed on 1 August 2004 on a new target: the Hong Kong Ministerial Conference in December 2005.

While average customs duties are now at their lowest levels after eight GATT Rounds, certain tariffs continue to restrict trade, especially on exports of developing countries — for instance “tariff peaks”, which are relatively high tariffs, usually on “sensitive” products, amidst generally low tariff levels. For industrialized countries, tariffs of 15% and above are generally recognized as “tariff peaks”.

Another example is “tariff escalation”, in which higher import duties are applied on semi-processed products than on raw materials, and higher still on finished products. This practice protects domestic processing industries and discourages the development of processing activity in the countries where raw materials originate.

The negotiations take place in a **Market Access Negotiating Group**.

*Key dates: services*

*Start: early 2000*

*Negotiating guidelines and procedures: March 2001*

*Initial requests for market access: by 30 June 2002*

*Initial offers of market access: by 31 March 2003*

*Stock taking: originally 5th Ministerial Conference, 2003 (in Mexico)*

*Revised market-access offers: by 31 May 2005*

*Deadline: Now none.*

*Originally by 1 January 2005, then unofficially by end of 2006.*

*Part of single undertaking*



ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > services > services negotiations

*Key dates: market access*

*Start: January 2002*

*Stock taking: 5th Ministerial Conference, 2003 (in Mexico)*

*Deadline: Now none.*

*Originally by 1 January 2005, then unofficially by end of 2006.*

*Part of single undertaking*



ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > market access > market access negotiations

*Key dates: intellectual property*

*Report to the General Council — solution on compulsory licensing and lack of pharmaceutical production capacity: originally by end of 2002, decision agreed 30 April 2003*

*Report to TNC — action on outstanding implementation issues under par 12: by end of 2002 (missed)*

*Deadline — negotiations on geographical indications registration system (wines and spirits): by 5th Ministerial Conference, 2003 (in Mexico) (missed)*

*Deadline — negotiations specifically mandated in Doha Declaration: now none. Originally by 1 January 2005, then unofficially by end of 2006. Part of single undertaking*

*Least-developed countries to apply pharmaceutical patent provisions: 2016*

## Trade-related aspects of intellectual property rights (TRIPS) (pars 17–19)

**TRIPS and public health.** In the declaration, ministers stress that it is important to implement and interpret the TRIPS Agreement in a way that supports public health — by promoting both access to existing medicines and the creation of new medicines. They refer to their separate declaration on this subject.

This separate declaration on TRIPS and public health is designed to respond to concerns about the possible implications of the TRIPS Agreement for access to medicines.

It emphasizes that the TRIPS Agreement does not and should not prevent member governments from acting to protect public health. It affirms governments' right to use the agreement's flexibilities in order to avoid any reticence the governments may feel. The separate declaration clarifies some of the forms of flexibility available, in particular compulsory licensing and parallel importing. (For an explanation of these issues, go to the main TRIPS pages on the WTO website)

For the Doha agenda, this separate declaration sets two specific task. The **TRIPS Council** has to find a solution to the problems countries may face in making use of compulsory licensing if they have too little or no pharmaceutical manufacturing capacity, reporting to the General Council on this by the end of 2002 (this was achieved in August, 2003, *see intellectual property section of the "Agreements" chapter*). The declaration also extends the deadline for least-developed countries to apply provisions on pharmaceutical patents until 1 January 2016.

**Geographical indications — the registration system.** Geographical indications are place names (in some countries also words associated with a place) used to identify products with particular characteristics because they come from specific places. The WTO TRIPS Council has already started work on a multilateral registration system for geographical indications for wines and spirits. The Doha Declaration sets a deadline for completing the negotiations: the Fifth Ministerial Conference in 2003.

These negotiations take place in "special sessions" of the TRIPS Council.



**Geographical indications — extending the “higher level of protection” to other products.** The TRIPS Agreement provides a higher level of protection to geographical indications for wines and spirits. This means they should be protected even if there is no risk of misleading consumers or unfair competition. A number of countries want to negotiate extending this higher level to other products. Others oppose the move, and the debate in the TRIPS Council has included the question of whether the relevant provisions of the TRIPS Agreement provide a mandate for extending coverage beyond wines and spirits.

The Doha Declaration notes that the **TRIPS Council** will handle this under the declaration’s paragraph 12 (which deals with implementation issues). Paragraph 12 offers two tracks: “(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 [TNC], established under paragraph 46 below, by the end of 2002 for appropriate action.”

In papers circulated at the Ministerial Conference, member governments expressed different interpretations of this mandate.

Argentina said it understands “there is no agreement to negotiate the ‘other outstanding implementation issues’ referred to under (b) and that, by the end of 2002, consensus will be required in order to launch any negotiations on these issues”.

Bulgaria, the Czech Republic, EU, Hungary, India, Liechtenstein, Kenya, Mauritius, Nigeria, Pakistan, the Slovak Republic, Slovenia, Sri Lanka, Switzerland, Thailand and Turkey argued that there is a clear mandate to negotiate immediately.

**Reviews of TRIPS provision.** Two reviews have been taking place in the TRIPS Council, as required by the TRIPS Agreement: a review of Article 27.3(b) which deals with patentability or non-patentability of plant and animal inventions, and the protection of plant varieties; and a review of the entire TRIPS Agreement (required by Article 71.1).

The Doha Declaration says that work in the **TRIPS Council** on these reviews or any other implementation issue should also look at: the relationship between the TRIPS Agreement and the UN Convention on Biodiversity; the protection of traditional knowledge and folklore; and other relevant new developments that member governments raise in the review of the TRIPS Agreement. It adds that the TRIPS Council’s work on these topics is to be guided by the TRIPS Agreement’s objectives (Article 7) and principles (Article 8), and must take development fully into account.



ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > intellectual property

The four 'Singapore' issues:  
no negotiations until ...

For trade and investment, trade and competition policy, transparency in government procurement and trade facilitation, the 2001 Doha declaration does not launch negotiations immediately. It says "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 [i.e. how the negotiations are to be conducted]."

But consensus eluded members on negotiating the four subjects. Finally agreements was reached on 1 August 2004 to negotiate **trade facilitation** alone. The three other subjects were dropped from the Doha agenda.

**Key dates: trade and investment**

*Continuing work in working group with defined agenda: to 5th Ministerial Conference, 2003 (in Mexico)*

*Negotiations: after 5th Ministerial Conference, 2003 (in Mexico) subject to "explicit consensus" on modalities with deadline: by 1 January 2005, part of single undertaking. But no consensus: dropped from Doha agenda in 1 August 2004 decision*

**Key dates: trade and competition policy**

*Continuing work in working group with defined agenda: to 5th Ministerial Conference, 2003 (in Mexico)*

*Negotiations: after 5th Ministerial Conference, 2003 (in Mexico) subject to "explicit consensus" on modalities with deadline: by 1 January 2005, part of single undertaking. But no consensus: dropped from Doha agenda in 1 August 2004 decision*

## Relationship between trade and investment (pars 20–22)

This is a "Singapore issue" i.e. a **working group** set up by the 1996 Singapore Ministerial Conference has been studying it.

In the period up to the 2003 Ministerial Conference, the declaration instructs the **working group** to focus on clarifying the scope and definition of the issues, transparency, non-discrimination, ways of preparing negotiated commitments, development provisions, exceptions and balance-of-payments safeguards, consultation and dispute settlement. The negotiated commitments would be modelled on those made in services, which specify where commitments are being made — "positive lists" — rather than making broad commitments and listing exceptions.

The declaration also spells out a number of principles such as the need to balance the interests of countries where foreign investment originates and where it is invested, countries' right to regulate investment, development, public interest and individual countries' specific circumstances. It also emphasizes support and technical cooperation for developing and least-developed countries, and coordination with other international organizations such as the UN Conference on Trade and Development (UNCTAD).

Since the 1 August 2004 decision, this subject has been dropped from the Doha agenda.

ON THE WEBSITE:



[www.wto.org](http://www.wto.org) > trade topics > investment

## Interaction between trade and competition policy (pars 23–25)

This is another "Singapore issue", with a working group set up in 1996 to study the subject.

In the period up to the 2003 Ministerial Conference, the declaration instructs the **working group** to focus on clarifying:

- core principles including transparency, non-discrimination and procedural fairness, and provisions on "hardcore" cartels (i.e. cartels that are formally set up)
- ways of handling voluntary cooperation on competition policy among WTO member governments
- support for progressive reinforcement of competition institutions in developing countries through capacity building.

The declaration says the work must take full account of developmental needs. It includes technical cooperation and capacity building, on such topics as policy analysis and development, so that developing countries are better placed to evaluate the implications of closer multilateral cooperation for various developmental objectives. Cooperation with other organizations such as the UN Conference on Trade and Development (UNCTAD) is also included.

Since the 1 August 2004 decision, this subject has been dropped from the Doha agenda.

ON THE WEBSITE:



[www.wto.org](http://www.wto.org) > trade topics > competition policy

## Transparency in government procurement (par 26)

A third “Singapore issue” that was handled by a working group set up by the Singapore Ministerial Conference in 1996.

The Doha Declaration says that the “negotiations shall be limited to the transparency aspects and therefore will not restrict the scope for countries to give preferences to domestic supplies and suppliers” — it is separate from the plurilateral Government Procurement Agreement.

The declaration also stresses development concerns, technical assistance and capacity building.

Since the 1 August 2004 decision, this subject has been dropped from the Doha agenda.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > government procurement



*Key dates: government procurement (transparency)*

*Continuing work in working group with defined agenda: to 5th Ministerial Conference, 2003 (in Mexico)*

*Negotiations: after 5th Ministerial Conference, 2003 (in Mexico) subject to “explicit consensus” on modalities with deadline: by 1 January 2005, part of single undertaking. But no consensus: dropped from Doha agenda in 1 August 2004 decision*

## Trade facilitation (par 27)

A fourth “Singapore issue” kicked off by the 1996 Ministerial Conference.

The declaration recognizes the case for “further expediting the movement, release and clearance of goods, including goods in transit, and the need for enhanced technical assistance and capacity building in this area”.

In the period until the Fifth Ministerial Conference in 2003, the **WTO Goods Council**, which had been working on this subject since 1997, “shall review and as appropriate, clarify and improve relevant aspects of Articles 5 (‘Freedom of Transit’), 8 (‘Fees and Formalities Connected with Importation and Exportation’) and 10 (‘Publication and Administration of Trade Regulations’) of the General Agreement on Tariffs and Trade (GATT 1994) and identify the trade facilitation needs and priorities of Members, in particular developing and least-developed countries”.

Those issues were cited in the 1 August 2004 decision that broke the Cancún deadlock. Members agreed to start negotiations on trade facilitation, but not the three other Singapore issues.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > trade facilitation



*Key dates: trade facilitation*

*Continuing work in Goods Council with defined agenda: to 5th Ministerial Conference, 2003 (in Mexico)*

*Negotiations: after 5th Ministerial Conference, 2003 (in Mexico) subject to “explicit consensus” on modalities, agreed in 1 August 2004 decision.*

*Deadline: Now none. Originally by 1 January 2005, then unofficially by end of 2006. Part of single undertaking*



*Key dates: anti-dumping, subsidies*

*Start: January 2002*

*Stock taking: 5th Ministerial Conference, 2003 (in Mexico)*

*Deadline: Now none.*

*Originally by 1 January 2005, then unofficially by end of 2006.*

*Part of single undertaking*

## WTO rules: anti-dumping and subsidies (par 28)

The ministers agreed to negotiations on the Anti-Dumping (GATT Article 6) and Subsidies agreements. The aim is to clarify and improve disciplines while preserving the basic concepts, principles of these agreements, and taking into account the needs of developing and least-developed participants.

In overlapping negotiating phases, participants first indicated which provisions of these two agreements they think should be the subject of clarification and improvement in the next phase of negotiations. The ministers mention specifically fisheries subsidies as one sector important to developing countries and where participants should aim to clarify and improve WTO disciplines.

Negotiations take place in the **Rules Negotiating Group**.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > goods > antidumping

[www.wto.org](http://www.wto.org) > trade topics > goods > subsidies and countervailing measures



## WTO rules: regional trade agreements (par 29)

WTO rules say regional trade agreements have to meet certain conditions. But interpreting the wording of these rules has proved controversial, and has been a central element in the work of the Regional Trade Agreements Committee. As a result, since 1995 the committee has failed to complete its assessments of whether individual trade agreements conform with WTO provisions.

This is now an important challenge, particularly when nearly all member governments are parties to regional agreements, are negotiating them, or are considering negotiating them. In the Doha Declaration, members agreed to negotiate a solution, giving due regard to the role that these agreements can play in fostering development.

The declaration mandates 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.”

These negotiations fell into the general timetable established for virtually all negotiations under the Doha Declaration. The original deadline of 1 January 2005 was missed and the current unofficial aim is to finish the talks by the end of 2006. The 2003 Fifth Ministerial Conference in Mexico was intended to take stock of progress, provide any necessary political guidance, and take decisions as necessary.

Negotiations take place in the **Rules Negotiating Group**.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > goods > regional trade agreements



*Key dates: regional trade*

*Start: January 2002*

*Stock taking: 5th Ministerial Conference, 2003 (in Mexico)*

*Deadline: Now none.*

*Originally by 1 January 2005, then unofficially by end of 2006.*

*Part of single undertaking*

## Dispute Settlement Understanding (par 30)

The 1994 Marrakesh Ministerial Conference mandated WTO member governments to conduct a review of the Dispute Settlement Understanding (DSU, the WTO agreement on dispute settlement) within four years of the entry into force of the WTO Agreement (i.e. by 1 January 1999).

The Dispute Settlement Body (DSB) started the review in late 1997, and held a series of informal discussions on the basis of proposals and issues that members identified. Many, if not all, members clearly felt that improvements should be made to the understanding. However, the DSB could not reach a consensus on the results of the review.

The Doha Declaration mandates negotiations and states (in par 47) that these will not be part of the single undertaking — i.e. that they will not be tied to the overall success or failure of the other negotiations mandated by the declaration. Originally set to conclude by May 2003, the negotiations are continuing without a deadline.

Negotiations take place in “special sessions” of the Dispute Settlement Body.

ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > dispute settlement



*Key dates: disputes understanding*

*Start: January 2002*

*Deadline: originally by May 2003, currently no deadline, separate from single undertaking*

## Trade and environment (pars 31–33)

### New negotiations

**Multilateral environmental agreements.** Ministers agreed to launch negotiations on the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements. The negotiations will address how WTO rules are to apply to WTO members that are parties to environmental agreements, in particular to clarify the relationship between trade measures taken under the environmental agreements and WTO rules.

So far no measure affecting trade taken under an environmental agreement has been challenged in the GATT-WTO system.

**Information exchange.** Ministers agreed to negotiate procedures for regular information exchange between secretariats of multilateral environmental agreements and the WTO. Currently, the Trade and Environment Committee holds an information session with different secretariats of the multilateral environmental agreements once or twice a year to discuss the trade-related provisions in these environmental agreements and also their dispute settlement mechanisms. The new information exchange procedures may expand the scope of existing cooperation.

**Observer status.** Overall, the situation concerning the granting of observer status in the WTO to other international governmental organizations is currently blocked for political reasons. The negotiations aim to develop criteria for observership in WTO.

**Trade barriers on environmental goods and services.** Ministers also agreed to negotiations on the reduction or elimination of tariff and non-tariff barriers to environmental goods and services. Examples of environmental goods and services are catalytic converters, air filters or consultancy services on wastewater management.

*Key dates: environment*

*Committee reports to ministers: 5th and 6th Ministerial Conference, 2003 and 2005 (in Mexico and Hong Kong, China)*

*Negotiations stock taking: 5th Ministerial Conference, 2003 (in Mexico)*

*Negotiations deadline: now none. Originally by 1 January 2005, then unofficially by end of 2006. Part of single undertaking*

**Fisheries subsidies.** Ministers agreed to clarify and improve WTO rules that apply to fisheries subsidies. The issue of fisheries subsidies has been studied in the Trade and Environment Committee for several years. Some studies demonstrate these subsidies can be environmentally damaging if they lead to too many fishermen chasing too few fish.

Negotiations on these issues, including concepts of what are the relevant environmental goods and services, take place in “**special sessions**” of the **Trade and Environment Committee**. Negotiations on market access for environmental goods and services take place in the **Market Access Negotiating Group** and **Services Council “special sessions”**.

#### Work in the committee

Ministers instructed the **Trade and Environment Committee**, in pursuing work on all items on its agenda, to pay particular attention to the following areas:

- The effect of environmental measures on market access, especially for developing countries.
- Win-win-win” situations: when eliminating or reducing trade restrictions and distortions would benefit trade, the environment and development.
- Intellectual property. Paragraph 19 of the Ministerial Declaration mandates the TRIPS Council to continue clarifying the relationship between the TRIPS Agreement and the Biological Diversity Convention. Ministers also ask the Trade and Environment Committee to continue to look at the relevant provisions of the TRIPS agreement.
- Environmental labelling requirements. The Trade and Environment Committee is to look at the impact of eco-labelling on trade and examine whether existing WTO rules stand in the way of eco-labelling policies. Parallel discussions are to take place in the Technical Barriers to Trade (TBT) Committee.
- For all these issues: when working on these (market access, “win-win-win” situations, intellectual property and environmental labelling), the Trade and Environment Committee should identify WTO rules that would need to be clarified.
- General: ministers recognize the importance of technical assistance and capacity building programmes for developing countries in the trade and environment area. They also encourage members to share expertise and experience on national environmental reviews.



ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > environment

## Electronic commerce (par 34)

The Doha Declaration endorses the work already done on electronic commerce and instructs the **General Council** to consider the most appropriate institutional arrangements for handling the work programme, and to report on further progress to the Fifth Ministerial Conference.

The declaration on electronic commerce from the Second Ministerial Conference in Geneva, 1998, said that WTO members will continue their practice of not imposing customs duties on electronic transmissions. The Doha Declaration states that members will continue this practice until the Fifth Ministerial Conference.



ON THE WEBSITE:

[www.wto.org](http://www.wto.org) > trade topics > electronic commerce

## Small economies (par 35)

Small economies face specific challenges in their participation in world trade, for example lack of economy of scale or limited natural resources.

The Doha Declaration mandates the **General Council** to examine these problems and to make recommendations to the next Ministerial Conference as to what trade-related measures could improve the integration of small economies.

## Trade, debt and finance (par 36)

Many developing countries face serious external debt problems and have been through financial crises. WTO ministers decided in Doha to establish a **Working Group on Trade, Debt and Finance** to look at how trade-related measures can contribute to find a durable solution to these problems. This working group will report to the General Council which will in turn report to the next Ministerial Conference.

## Trade and technology transfer (par 37)

A number of provisions in the WTO agreements mention the need for a transfer of technology to take place between developed and developing countries.

However, it is not clear how such a transfer takes place in practice and if specific measures might be taken within the WTO to encourage such flows of technology.

WTO ministers decided in Doha to establish a working group to examine the issue. The **working group** will report to the General Council which itself will report to the next Ministerial Conference.

## Technical cooperation and capacity building (pars 38–41)

Through various paragraphs of the Doha Declaration, WTO member governments have made new commitments on technical cooperation and capacity building.

For example, the section on the relationship between trade and investment includes a call (par 21) for enhanced support for technical assistance and capacity building in this area.

Within the specific heading “technical cooperation and capacity building”, paragraph 41 lists all the references to commitments on technical cooperation within the Doha Declaration: paragraphs 16 (market access for non-agricultural products), 21 (trade and investment), 24 (trade and competition policy), 26 (transparency in government procurement), 27 (trade facilitation), 33 (environment),

*Key date: electronic commerce*

*Report on further progress: 5th Ministerial Conference, 2003 (in Mexico)*

*Key date: small economies*

*Recommendations: 5th and 6th Ministerial Conferences, 2003 and 2005 (in Mexico and Hong Kong, China)*

*Key date: debt and finance*

*General Council report: 5th and 6th Ministerial Conferences, 2003 and 2005 (in Mexico and Hong Kong, China)*

*Key date: technology transfer*

*General Council report: 5th and 6th Ministerial Conferences, 2003 and 2005 (in Mexico and Hong Kong, China)*

*Key dates: technical cooperation*

*Technical assistance funding raised 80%; Development Agenda Global Trust Fund set up: December 2001*

*Director-General reports to General Council: December 2002*

*Director-General reports to ministers: 5th and 6th Ministerial Conferences, 2003 and 2005 (in Mexico and Hong Kong, China)*

38-40 (technical cooperation and capacity building), 42 and 43 (least-developed countries). (Paragraph 2 in the preamble is also cited.)

Under this heading (i.e. pars 38–41), WTO member governments reaffirm all technical cooperation and capacity building commitments made throughout the declaration and add general commitments:

- The Secretariat, in coordination with other relevant agencies, is to encourage WTO developing-country members to consider trade as a main element for reducing poverty and to include trade measures in their development strategies.
- The agenda set out in the Doha Declaration gives priority to small, vulnerable, and transition economies, as well as to members and observers that do not have permanent delegations in Geneva.
- Technical assistance must be delivered by the WTO and other relevant international organizations within a coherent policy framework.

The **Director-General** reported to the **General Council** in December 2002 and to the **Fifth Ministerial Conference** on the implementation and adequacy of these new commitments.

Following the declaration's instructions to develop a plan ensuring long-term funding for WTO technical assistance, the **General Council** adopted on 20 December 2001 (one month after the Doha conference) a new budget that increased technical assistance funding by 80% and established a Doha Development Agenda Global Trust Fund with a proposed core budget of 15 million Swiss francs. The fund now has an annual budget of 24 million Swiss francs.



ON THE WEBSITE:

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*Key date: least-developed countries*

*Reports to: General Council: July 2002,  
5th and 6th Ministerial Conferences,  
2003 and 2005 (in Mexico and Hong Kong,  
China)*

## Least-developed countries (pars 42, 43)

Many developed countries have now significantly decreased or actually scrapped tariffs on imports from least-developed countries (LDCs).

In the Doha declaration, WTO **member governments** commit themselves to the objective of duty-free, quota-free market access for LDCs' products and to consider additional measures to improve market access for these exports.

Members also agree to try to ensure that least-developed countries can negotiate WTO membership faster and more easily.

Some technical assistance is targeted specifically for least-developed countries. The Doha Declaration urges **WTO member donors** to significantly increase their contributions.

In addition, the **Sub-Committee for LDCs** (a subsidiary body of the WTO Committee on Trade and Development) designed a work programme in February 2002, as instructed by the Doha Declaration, taking into account the parts of the declaration related to trade that was issued at the UN LDC Conference.



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## Special and differential treatment (par 44)

The WTO agreements contain special provisions which give developing countries special rights. These special provisions include, for example, longer time periods for implementing agreements and commitments or measures to increase trading opportunities for developing countries.

In the Doha Declaration, member governments agree that all special and differential treatment provisions should be reviewed with a view to strengthening them and making them more precise.

More specifically, the declaration (together with the Decision on Implementation-Related Issues and Concerns) mandates the **Trade and Development Committee** to identify which of those special and differential treatment provisions are mandatory, and to consider the implications of making mandatory those which are currently non-binding.

The Decision on Implementation-Related Issues and Concerns instructed the committee to make its recommendations for the **General Council** before July 2002. But because members needed more time, this was postponed to the end of July 2005.

*Key date: special and differential treatment*

*Recommendations to General Council:  
July 2002, July 2005*

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## Cancún 2003, Hong Kong 2005

The Doha agenda set a number of tasks to be completed before or at the Fifth Ministerial Conference in Cancún, Mexico, 10–14 September 2003. On the eve of the conference, on 30 August, agreement was reached on the TRIPS and public health issue. However, a number of the deadlines were missed, including “modalities” for agriculture and the non-agricultural market access negotiations, reform of the Dispute Settlement Understanding, and recommendations on special and differential treatment. Nor were members near to agreement on the multilateral geographical indications register for wines and spirits, due to be completed in Cancún.

Although Cancún saw delegations move closer to consensus on a number of key issues, members remained deeply divided over a number of issues, including the “Singapore” issues — launching negotiations on investment, competition policy, transparency in government procurement, and trade facilitation — and agriculture.

The conference ended without consensus. Ten months later, the deadlock was broken in Geneva when the General Council agreed on the “July package” in the early hours of 1 August 2004, which kicked off negotiations in trade facilitation but not the three other Singapore issues. The delay meant the 1 January 2005 deadline for finishing the talks could not be met. Unofficially, members aimed to complete the next phase of the negotiations at the Hong Kong Ministerial Conference, 13–18 December 2005, including full “modalities” in agriculture and market access for non-agricultural products, and to finish the talks by the end of the following year.

ON THE WEBSITE:

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