

**Special Session of the Dispute Settlement Body**  
**25-26 November 2004**

**MINUTES OF MEETING**

Held in the Centre William Rappard  
on 25-26 November 2004

*Chairman: Mr. David Spencer (Australia)*

The Chairman welcomed participants to the twenty-fourth meeting of the Special Session and said that the airgram for the meeting had been circulated in WTO/AIR/2448 and that the draft agenda (TN/DS/W/71) contained two items: (i) discussion of the contribution by Argentina, Brazil, Canada, India, New Zealand and Norway (Job (04)/52) and (ii) "Other Business". He recalled that it had been agreed at the previous meeting to continue the discussion on the informal contribution by the group of six countries contained in (Job (04)/52). He said that under "Other Business", he would make a statement concerning a communication received from the Chairman of the Special Session of the Committee on Trade and Development and also about the future work programme of the Special Session. The agenda of the meeting was subsequently adopted.

**1. Discussion of the contribution contained in Job(04)/52**

1. The Chairman recalled that a substantive discussion took place at the previous meeting on the contribution Job (04)/52 submitted on 19 May 2004 by Argentina, Brazil, Canada, India, New Zealand and Norway, and said that a number of delegations had raised several questions and requested clarifications of various aspects of the text. Pursuant to the agreement reached at that meeting, he intended to offer the floor to the proponents, so that they could respond to the questions raised and clarify certain aspects of their text. He asked delegations whether they would like the discussion of the text to take place in formal or informal mode. He said that at this stage of the negotiations, it might be advisable to have the discussions in informal mode, as it would provoke a more thorough exchange between delegations. The Chairman's suggestion was accepted by delegations.

2. The representative of Norway said that the proponents had made available a room document which would be circulated later to delegations. Like the previous meeting, he said that Brazil would make a presentation on sequencing, New Zealand on remand and Canada on post-retaliation.

3. The Chairman thanked the proponents for their contribution and said that it had helped energize and move forward the negotiations. He also commended delegations for their positive and very constructive comments. It was, however, apparent, from the broad-ranging discussions that there were still some substantive differences that needed to be resolved. He said that it was his intention to continue consulting with delegations on the future work programme of the Special Session.

## 2. Other Business

4. The Chairman said that he had received a communication from Mr. Faizel Ismail of South Africa, who is the Chairman of the Special Session of the Committee on Trade and Development in respect of the agreement-specific special and differential treatment proposals that were referred to the DSB Special Session by the then Chairman of the General Council in May 2003. He mentioned in his letter dated 29 October 2004 that nine proposals had been referred to the DSB Special Session and wanted to know the status of these proposals. He had proposed in that context to meet with him and Chairpersons of other bodies to which similar proposals had been referred in the following week. He undertook to report back to the Special Session the outcome of the meeting with Mr. Ismail and discuss any possible follow-up action that might have to be taken by the Special Session. He encouraged delegates to consult with their colleagues covering the CTD Special Session, so that they could be briefed on the work currently being pursued in that Committee.

5. As regards the future work programme of the Special Session, the Chairman recalled his earlier statement that he would be consulting with delegations until the end of the year. To facilitate progress in the negotiations, he encouraged delegations to continue meeting in various formats and configurations in order to exchange ideas and explore the possibility of developing joint texts. He again thanked the group of six countries and said that he had been encouraged by the excellent exchange of views on the three elements covered in the paper. He encouraged delegations to broaden their discussions to cover other elements as well. He inquired whether any delegation was working on any paper which they would like to submit as an input into the negotiating process.

6. He said that for purposes of reserving rooms and also to comply with the General Council decision on the scheduling of meetings, he had asked the Secretariat to tentatively schedule meetings of the Special Session for the first half of next year on the following dates: 18-19 January, 28 February, 1-2 March, 4-5 April, 9-10 May, 21-22 June and 28-29 July. He stressed that these were only tentative dates and did not reflect any particular intended work programme.

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