

WORLD TRADE ORGANIZATION

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Trade Negotiations Committee

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ORGANIZATION OF NEGOTIATIONS ENVISAGED IN THE DOHA MINISTERIAL DECLARATION

Communication from Cuba, Dominican Republic, Honduras, India, Indonesia, Jamaica, Kenya,
Malaysia, Pakistan, Sri Lanka, Tanzania, Uganda, and Zimbabwe¹

The following communication, dated 28 January 2002, has been received from the Permanent Mission of India.

1. The Doha Ministerial Declaration (DMD) provides that the overall conduct of the negotiations shall be supervised by a Trade Negotiations Committee (TNC), under the authority of the General Council. The TNC shall establish appropriate negotiating mechanisms and supervise the progress of the negotiations (para 46). DMD further provides that the negotiations shall be conducted in a transparent manner among participants, in order to facilitate the effective participation of all (para 49).

2. The organization of the negotiations, including the structure and the process, should fully reflect the inter-governmental and member-driven character of the WTO. The organization of the work programme should be such that it facilitates and promotes effective participation by all the Members in the negotiations. The process should engender transparency and consensus-based decision making.

(a) Role of TNC

- As envisaged in the DMD, the General Council should exercise overall supervision of the functioning of the TNC;
- The negotiating procedures and structures of the TNC should be approved by the General Council;
- The Chairperson of both the TNC and the Negotiating Groups that may be set up under the TNC should be approved by the General Council;
- The TNC shall work in accordance with instructions from the General Council;

¹This communication is without prejudice to the individual positions held by these countries on the Chairmanship of the TNC.

- The TNC shall report to the General Council on the progress of work in the various negotiating groups after each of its meetings. If required, a special session of the General Council should be organized for this purpose;
- All negotiations should be conducted, as far as possible, in the special sessions of the existing bodies. We only envisage the setting up of two additional negotiating groups namely (i) Rules & (ii) Market access for non-agricultural products.

(b) Negotiating Process

- All negotiations, informal or formal ones, should be conducted only in meetings that are open to all members;
- Minutes of all meetings should be made available as soon as possible and in any case well in advance of the next meeting of the group, in all official languages. This would be essential so that non-Geneva based Missions can be kept abreast of the negotiations. This would also facilitate Geneva based delegations that are not able to participate in particular meetings for whatever reason;
- The Chairperson of the negotiating groups shall only submit negotiating texts, which have the consensus of the group and not texts prepared on his own authority. Negotiating texts should be made available to participants, in all official languages, well in advance of the next date of the meeting at which the text is to be considered. This would enable proper consideration of the issues by the Members and provide sufficient time for delegations to consult with their capitals;
- As negotiations progress, it will be the responsibility of each negotiating group, if necessary with the assistance of a drafting group, the membership of which will be open ended, to draft proposals for further consideration;
- Reports and draft decisions of the negotiating groups to be sent up to higher bodies, should be agreed upon in the concerned negotiating body by consensus. In case there is no consensus on any issue, differing views of members, with alternate suggestions for decision, should be reflected in the drafts to be sent up to higher bodies for decision.

(c) Role of Chairperson of TNC and Negotiating Bodies

- The chairpersons of the negotiating groups shall be elected by consensus from Geneva based Ambassadors;
- The chairperson shall ensure that the meetings of the groups are convened in accordance with the rules, procedures and guidelines established in this regard;
- They shall oversee the orderly conduct of the meeting. On the conclusion of the meeting chairpersons shall ensure that the minutes of the meetings are circulated to all the members within a fortnight in all languages;
- The chairperson shall present the output of the drafting group, including any draft decision and relevant papers, for the consideration of the negotiating group and the considered outcome of the negotiating group, at a subsequent stage, to the superior body;
- The chairperson of the TNC shall submit reports, which accurately reflect the deliberations in the negotiating group.
