

**Preparations for the Fifth Session of the Ministerial Conference****Draft Cancún Ministerial Text**

The attached Draft Ministerial Text is being circulated by the Chairman of the General Council on his own responsibility, in close cooperation with the Director-General. It is intended as a first draft of an operational text through which Ministers at Cancún would register decisions and give guidance and instructions as appropriate in the negotiations and other aspects of the work programme agreed at Doha. It does not purport to represent agreement in whole or in part, and is without prejudice to any delegation's position on any issue.

This draft is guided by the mandates given at Doha and the actions required to carry them out. It is based on a reaffirmation of all the commitments taken at Doha, including the overall timetable for the Round.

The somewhat skeletal nature of this first draft is a reflection of the reality of our present situation. It reflects how far we still have to go in a number of key areas to fulfil the Doha mandates. The task ahead of us in the short time remaining before Cancún is to fill in the gaps in this draft so that it becomes a workable framework for action by Ministers. This will be the focus of intensive consultations in the coming weeks, centred on the informal Heads of Delegation process and the General Council. Our aim is to work with delegations to produce a text for transmission to Ministers by the latter part of August.

In some areas the discussions at next week's General Council on reports from WTO bodies may contribute to the evolution of this draft. In others, further dedicated consultations will clearly be necessary. We will need to continue to call upon the invaluable help of the Chairs of relevant bodies in this work. In carrying it out we will also continue to work in a transparent and inclusive way. We hope that the output of our collective effort will remain a concise and operationally focussed one, on the basis of which Ministers at Cancún can act to provide the added momentum we need for the year ahead.

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### Draft Cancún Ministerial Text

1. We reaffirm our Declarations made at Doha and the decisions we took there. We take note of the progress that has been made towards carrying out the Work Programme agreed at Doha, and recommit ourselves to completing it fully. We also renew our determination to conclude the negotiations launched at Doha successfully by the agreed date of 1 January 2005.

2. In pursuance of these objectives, we agree as follows:

*TRIPS & Public Health* 3. We welcome the decision on implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health set out in document [...].

*Agriculture negotiations* 4. We adopt the modalities for further commitments in agriculture set out in document [...] and agree that participants will submit their comprehensive draft Schedules based on these modalities no later than [...].

*NAMA negotiations* 5. We adopt the modalities for the negotiations on Market Access for Non-Agricultural Products contained in document [...] and we [...].

*Services negotiations* 6. We recognize the progress made in the services negotiations and urge participants to intensify their efforts to bring this process to a successful conclusion. We call upon those Members who have not yet submitted their initial offers to do so as soon as possible. Members should submit their improved offers by [...] and revised offers, with a view to finalizing the negotiations, should be submitted by [...]. The negotiations shall aim to achieve progressively higher levels of liberalization with no *a priori* exclusion of any service sector or mode of supply and shall give special attention to the sectors and modes of supply of export interest to developing countries. There shall be due respect for the right of Members to regulate in pursuance of national policy objectives. Negotiations on rule-making under the GATS shall be concluded in accordance with their respective mandates and deadlines. The Special Session of the Council for Trade in Services shall review progress in these negotiations by 31 March 2004.

*Rules negotiations* 7. We instruct the Negotiating Group on Rules to accelerate its work on anti-dumping and subsidies and countervailing measures, including fisheries subsidies, with a view to shifting its emphasis from identifying issues to seeking solutions. We note the considerable progress that has been made in the negotiations on improving transparency in Regional Trade Agreements and encourage the Group to reach a decision soon on its work on transparency and to accelerate its work on the clarification and improvement of RTA disciplines under existing WTO provisions.

*TRIPS negotiations* 8. We adopt the multilateral system of notification and registration of geographical indications for wines and spirits set out in document [...].

*Environment negotiations* 9. We take note of the progress made by the Committee on Trade and Environment Special Session (CTESS) in developing a common understanding of the concepts contained in its mandate in paragraph 31 of the Doha Declaration. We reaffirm our commitment to these negotiations and encourage the CTESS to accelerate its work.

- DSU negotiations* 10. We take note of the progress that has been made in the negotiations on dispute settlement. We renew our determination to pursue these negotiations with the aim of completing them not later than [May 2004]. Further negotiations shall be carried out on the basis of work done thus far, including the Chairman's text of 28 May 2003 and other proposals by participants.
- S&D treatment* 11. We take note of the progress that has been made in addressing issues of special and differential treatment in pursuance of the mandate given at Doha, and adopt the decisions set out in document [...]. We instruct the General Council to continue to monitor closely work on the proposals referred to negotiating groups and other WTO bodies. We further instruct the Committee on Trade and Development in Special Session to pursue, within the parameters of the Doha mandate, outstanding work, including *inter alia* on the cross-cutting issues, the monitoring mechanism, and the incorporation of special and differential treatment into the architecture of WTO rules, as referred to in TN/CTD/7, and report to the General Council. The General Council shall report on progress on all these issues to our next Session.
- Implementation* 12. We note that, while progress has been made under the mandates we gave at Doha concerning Implementation-Related Issues and Concerns, a number of the issues and concerns raised in this context remain outstanding. We instruct the WTO bodies concerned to redouble their efforts to resolve these issues, and instruct the General Council to report on progress to our next Session.
- Investment* 13. Taking note of the work done by the Working Group on the Relationship between Trade and Investment under the mandate we gave at Doha, and the work on the issue of modalities carried out at the level of the General Council, we [adopt by explicit consensus the decision on modalities of negotiations set out in document ...] [decide that ...].
- Competition* 14. Taking note of the work done by the Working Group on the Interaction between Trade and Competition Policy under the mandate we gave at Doha, and the work on the issue of modalities carried out at the level of the General Council, we [adopt by explicit consensus the decision on modalities of negotiations set out in document ...][decide that ...].
- Government Procurement* 15. Taking note of the work done by the Working Group on Transparency in Government Procurement under the mandate we gave at Doha, and the work on the issue of modalities carried out at the level of the General Council, we [adopt by explicit consensus the decision on modalities of negotiations set out in document ...] [decide that ...].
- Trade Facilitation* 16. Taking note of the work done on trade facilitation by the Council for Trade in Goods under the mandate we gave at Doha, and the work on the issue of modalities carried out at the level of the General Council, we [adopt by explicit consensus the decision on modalities of negotiations set out in document ...][decide that ...].
- Small Economies* 17. We reaffirm our commitment to the Work Programme on Small Economies and urge Members to adopt measures that would facilitate the fuller integration of small, vulnerable economies into the multilateral trading system. We take note of the report of the Committee on Trade and Development in Dedicated Session on the Work Programme on Small Economies to the General Council and the recommendations made therein. We instruct the General Council to report on

progress and action taken, together with any further recommendations as appropriate, to our next Session.

*Trade, Debt &  
Finance*

18. We take note of the report transmitted by the General Council on progress in the examination of the relationship between trade, debt and finance and agree that this work shall continue on the basis of the mandate contained in paragraph 36 of the Doha Declaration and the progress made in the Working Group to date.

*Trade &  
Transfer of  
Technology*

19. We take note of the report transmitted by the General Council on progress in the examination of the relationship between trade and transfer of technology and agree that this work shall continue on the basis of the mandate contained in paragraph 37 of the Doha Declaration and the progress made in the Working Group to date.

*CTE report*

20. We take note of the report transmitted by the General Council on the work undertaken by the Committee on Trade and Environment pursuant to paragraphs 32 and 33 of the Doha Declaration. We agree that this work shall continue on the basis of the progress made thus far and instruct the Committee to report to our next Session.

*TRIPS non-  
violation*

21. Taking note of the report from the Council for Trade-Related Aspects of Intellectual Property Rights on the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994, we [...].

*E-commerce*

22. We take note of the reports from the General Council and subsidiary bodies on the Work Programme on Electronic Commerce, and agree to continue the examination of issues under that ongoing Work Programme, with the current institutional arrangements. We instruct the General Council to report on further progress to our next Session. We declare that Members will maintain their current practice of not imposing customs duties on electronic transmissions until that Session.

*Technical  
Cooperation*

23. We welcome the report by the Director-General on the implementation and adequacy of the commitments on technical cooperation and capacity building we made in our Doha Declaration and request him to report further to our next Session. We recommit ourselves to provide all necessary support for this vital activity. We commend the work undertaken in regard to technical assistance and capacity building by the Director-General in the context of promoting coherence in global economic policy-making, and encourage him and the heads of the other relevant agencies to continue their efforts in this regard.

*LDCs*

24. We welcome the reports by the Director-General on issues affecting Least-Developed Countries (LDCs) and on the implementation of the commitment by Ministers to facilitate and accelerate the accession of the LDCs. We recognize the importance of improved market access for LDCs and trade-related technical assistance and capacity building and commit ourselves to intensify our efforts to facilitate their full integration into the multilateral trading system. We reiterate our endorsement of the Integrated Framework (IF) as a viable model for LDCs trade development. In this regard, we welcome the joint communiqué adopted by the six IF core agencies at their Third Heads of Agency meeting and the substantial progress made in the implementation of the IF. We request the Director-General to report to our next Session on further developments.

*Accessions*

25. We note with particular satisfaction that this Conference has completed the WTO accession procedures for [...]. We also welcome Armenia and the Former Yugoslav Republic of Macedonia as new Members since our last Session. We continue to attach great importance to concluding accession proceedings as quickly as possible and, in particular, to accelerating the accession of least-developed countries. In this regard, we reaffirm the guidelines to facilitate the accession of LDCs adopted by the General Council on 10 December 2002.

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