

General Council

PREPARATIONS FOR THE FOURTH SESSION OF THE MINISTERIAL CONFERENCE

Nigeria's Comments/Views on the Revised Draft Ministerial Declaration Job(01)/140/Rev.1

Communication from Nigeria

The following communication, dated 29 October 2001, has been received from the Permanent Mission of Nigeria.

1. Nigeria finds the revised text released by the Chairman of the General Council unsatisfactory because it is one-sided. The text generally accommodates in total the interests of developed countries while disregarding the concerns of the developing and least-developed countries. It is empty of contents on the issues of interest to developing countries including issues of Implementation, Special and Differential Treatment (S&D), LDC Issues, Subsidies and Countervailing Measures and TRIPS and Public Health.
2. For instance, while not giving much in Implementation that has been on the table since the conclusion of the Uruguay Round Agreements, it pushed vigorously the New Issues in favour of major delegations. The Singapore Ministerial Decision is that negotiations on the New Issues will take effect if a consensus is agreed. We have not reached a consensus on them. The Draft went further to include new views on TRIPS as if it is an agreed text. In the area of Industrial Tariffs Nigeria had co-sponsored a proposal by Kenya and several other countries that a study should be initiated on the implications of previous negotiations in the area of Industrial Tariff on the economies of developing countries before engaging in new negotiations in this area. Here again the Draft has failed to reflect the concerns of a large section of the membership. The text shows not much regard for our countries. We request the Chairman to indicate alternative views from the developing and least-developed countries in order to send a balanced document to Ministers.
3. It is rather unfortunate that the Chairman has decided to adopt this non-inclusive attitude by side-tracking the views of the developing and least-developed countries. Nigeria considers it a serious omission that the Draft has not projected the crucial differences in our views. This portends that there is no level playground in the WTO if one side only is heard in arguments and on issues that affect all our countries. It will be recalled that my delegation requested the Chairman to indicate the different views of delegations in square brackets when producing the second Draft. Apparently due to pressure of work this has not be done (not that the Chairman is insensitive to the request or feelings of the Nigerian delegation). This revised text does not clearly identify our interests, it only gave negotiating options, and we reject those options on the New Issues, TRIPS, Trade and Environment, S&D Treatment and the establishment of a Trade Negotiation Committee. The Chairman is therefore invited to please reflect in his revised text the alternative views so as to give the Ministers the other side of the story to enable them reach an informed decision.

4. Our request is that our proposals be reflected in the Draft Declaration alongside other proposals. Our request is consistent and supportive of a similar request made by the Delegation of Hong Kong, China before the Seattle Ministerial in 1999. At one of the Preparatory Special General Council meetings held on November 23, 1999 (Reference Doc. No.WT/GC/M/51) the following was recorded at paragraph 11:

"The representative of Hong Kong, China said that the positions of delegations which had made proposals before 19 October and which were not reflected in the text circulated on that date should not be prejudiced in any way by the transmission of that text to the Ministerial Conference. Furthermore, his delegation requested that, when circulating texts to the Ministerial Conference, the Secretariat should clearly state the source of the document, whether it concerned one or several delegations and whether it was being issued under the Chair's authority."

Time changes everything and the distance between Seattle and Doha appears long. But the problems remain the same.

5. Our demands are very modest but we insist on them being reflected in the Ministerial Declaration. These are that:

- All implementation issues should be addressed and resolved at Doha, in accordance with an earlier decision of the General Council.
- On the New Issues, the study process should continue pending such a time that there will be consensus on them as mandated by the Singapore Declaration. This will enable delegations to better understand them and ensure that outstanding issues are clarified. Consequently, we reject the opt in/opt out proposal in paragraph 20 and 21 in whatever form it is presented.
- The Members should initiate a study of the implications of previous negotiations in the area of industrial tariff on the economies of developing countries to guide them on how to proceed in the future.
- In the understanding of the developing countries, nothing in the TRIPS Agreement shall restrict Members from taking necessary action to protect public health in their countries.
- Environmental issues do not belong in the WTO and the Organisation should not be over-burdened with issues that rightly belong to other international Organisations.
- Special and Differential Treatment for developing and least-developed countries should be made mandatory and binding.
- If a new round of negotiations is agreed in Doha, it should be conducted within the existing negotiating bodies under the direct supervision of the General Council, hence there is no need for the establishment of a Trade Negotiating Committee.
