



**Ministerial Conference
Tenth Session
Nairobi, 15-18 December 2015**

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**TENTH MINISTERIAL CONFERENCE
CONSULTATIONS ON MINISTERIAL DECLARATION**

**CONSOLIDATED DRAFT BY THE FACILITATORS
NAIROBI MINISTERIAL DECLARATION**

This draft consolidated text is presented under our own responsibility. Its purpose is solely to facilitate Members' discussions and hopefully assist them in reaching a consensual Ministerial Declaration. It is without prejudice to Members' positions and proposals and to the final outcome of the document. It is also without prejudice to the outcomes in the negotiations.

The textual proposals submitted by Members, as well as the discussions over the past 6 weeks, were the main inputs to this draft. To ensure brevity, readability and textual consistency, some modifications, additions and deletions were made to language submitted, where we found that this would better reflect the variety of positions expressed. The concerns regarding balance, length and overall level of specificity were also taken into account, cognisant of the different narratives presented in proposals received.

This text contains neither draft language on nor place holders for the most contentious issues identified by Members, namely the Reaffirmation of the DDA and Instructions on the way forward, and on New Issues. In addition, no draft language is proposed on the Security Exceptions where we detected strong divergences.

We hope that this text will be useful in further advancing and finalizing preparations for an outcome document for Nairobi.

We thank Members for their trust in us and for their constructive engagement throughout this process.

* In Original language only/En langue originale seulement/En el idioma original solamente.

¹ Documents issued in the RD series are not official WTO documents. They are intended for use in the WTO meeting rooms and are attributed an unofficial symbol for archiving purposes only.

DRAFT by Facilitators
Nairobi Ministerial Declaration

PART I

Preamble

1. We, the Ministers, have met in Nairobi, Kenya, from 15 to 18 December 2015 at our Tenth Session. As we conclude our Session, we would like to express our deep appreciation to the Government and people of Kenya for the exceptional organization and the warm hospitality we have received in Nairobi.
2. We note that our Tenth Session takes place as we mark the twentieth anniversary since the establishment of the WTO. On this occasion, we underline the crucial importance of the multilateral rules-based trading system and reaffirm the principles and objectives set out in the Marrakesh Agreement Establishing the World Trade Organization.
3. We reaffirm the pre-eminence of the WTO as the global forum for trade governance. We pay tribute to the major contribution that the rules-based multilateral trading system has made to the strength and stability of the global economy.
4. We note with concern the slow and uneven recovery from the severe economic and financial crisis of 2008, resulting in lower global economic growth, raising inequalities, unemployment and significantly slower expansion of international trade in recent years. We acknowledge that international trade can play a role towards achieving sustainable, robust and balanced growth for all.
5. We pledge to make the multilateral trading system responsive to existing challenges so as to provide a strong impetus to inclusive prosperity, welfare and development, especially in view of the needs of our weaker and vulnerable Members, in particular least developed countries (LDCs).
6. We reaffirm the centrality of development in the WTO's work and commit to continuing to make positive efforts designed to ensure that developing country Members, and especially the least-developed country Members, secure a share in the growth of world trade commensurate with the needs of their economic development.
7. We strongly reaffirm our commitment to the objective of sustainable development, as stated in the Preamble to the Marrakesh Agreement. In this regard, we recognize the role the WTO can play in contributing towards achievement of the 2030 Sustainable Development Goals.
8. We underscore the importance of coherence in global economic policy-making. We welcome initiatives for cooperation with other international organizations, and encourage the further strengthening of such collaboration in pursuit of common objectives such as promoting sustainable development through trade.

WTO's twentieth anniversary – achievements and challenges

9. On the occasion of the WTO's twentieth anniversary, we acknowledge important achievements under the functions of the Organization described in Article III of the Marrakesh Agreement.
10. We reaffirm the importance of work in regular bodies in furthering the objectives of the WTO Agreements and in facilitating meaningful exchange of information and sharing of experiences regarding the effective implementation and operation of their provisions. We note that the WTO's trade monitoring work, including trade policy reviews, has contributed consistently to the functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of Members.

11. We reiterate that the WTO shall remain the main forum to negotiate multilateral trade rules. At our Fourth Session, we launched for the first time in the history of the GATT and the WTO, a Development Round – the Doha Development Agenda. We have made some progress in the negotiations. We recall the adoption of the Protocol Amending the TRIPS Agreement and welcome the adoption of the Agreement on Trade Facilitation (TFA) as the first multilateral agreement since the establishment of the WTO. We commend those Members that have already ratified the respective Protocols and look forward to further ratifications. We note with regret that much less progress has been made in central elements of the WTO's negotiating agenda, in particular in agriculture.

12. As we recognize the centrality and primacy of the multilateral trading system, we take note that the plurilateral agreements concluded under the auspices of the WTO have deepened the framework of rules.

13. We note that the Dispute Settlement Understanding (DSU) continues to offer a means for the settlement of disputes among Members that is unique in international agreements. The system has dealt with a large and growing number of disputes, demonstrating Members' continuing confidence in it. We recognize that the increasing number and growing complexity of disputes present challenges to the system. We therefore commit to further strengthen it, including through effective implementation of the rulings and recommendations of the Dispute Settlement Body (DSB).

14. We acknowledge that international trade continues to play a major role in the promotion of economic development and the alleviation of poverty. We recognize the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates. The majority of WTO Members are developing countries. We seek to place their needs and interests at the centre of the work in the WTO.

15. We recall the commitments made by Ministers at all of our previous sessions, as well as by the international community at the Fourth UN Conference on Least-Developed Countries in Istanbul, to assist LDCs secure beneficial and meaningful integration into the multilateral trading system and the global economy. We recognize that LDCs remain vulnerable and continue to face structural difficulties in the global economy. We underscore the continued importance of initiatives aimed at fully and meaningfully integrating LDCs into the multilateral trading system in a more effective manner.

16. We recognize the contribution of the Enhanced Integrated Framework (EIF) in mainstreaming trade in development policies of LDCs and building their trade capacity. This significant role in helping LDCs achieve their development objectives is duly recognized by the 2030 Agenda for Sustainable Development. We are determined to further intensify our efforts in securing the necessary level of financial contributions to the program with the view to enabling the delivery of predictable trade-related support to LDCs, based on the programme needs as set out in the EIF Phase Two Programme Framework.

17. We recognize the importance of the Aid for Trade initiative in supporting developing country Members to build supply-side capacity and trade-related infrastructure and we shall accord priority to the LDCs' needs. We take note of the outcomes of the WTO global reviews on Aid for Trade, in particular the Fifth Global Review, and recognize the continuing need for this initiative.

18. We note the substantial progress in WTO's technical assistance and capacity building, which focuses on the needs and priorities of beneficiary Members. We recognize that dedicated facilities such as the Standards and Trade Development Facility and the Trade Facilitation Agreement Facility can make an important contribution towards assisting developing country Members and LDCs to implement relevant WTO agreements. We also reiterate the importance of targeted and sustainable financial, technical, and capacity building assistance programmes to support the developing countries, in particular LDCs, to implement their agreements, to adjust to the reform process, and to benefit from opportunities presented.

19. We celebrate the enlargement of the Organization by accessions in accordance with Article XII of the Marrakesh Agreement. We note that the accessions of the Republic of Yemen, the Republic of Seychelles and the Republic of Kazakhstan to the WTO have been completed since our

last Session. In particular, we note with satisfaction that this Conference has completed the accession procedures for two least-developed countries, the Republic of Liberia and the Islamic Republic of Afghanistan. We recognize the contribution of accessions to the strengthening of the multilateral trading system. We highlight the need to provide technical assistance to acceding countries, including in the post-accession phase.

20. We take note of the reports from the General Council and its subsidiary bodies. We welcome the progress arising from these reports, and the Decisions stemming from them, in strengthening the effectiveness of the WTO as an organisation and the multilateral trading system as a whole.

PART II

21. We welcome the following decisions we have adopted at this Session:

- [TRIPS Non-violation and Situation Complaints – Draft Ministerial Decision]
- [Work Programme on Electronic Commerce – Draft Ministerial Decision]
- [Work Programme on Small Economies – Draft Ministerial Decision]
- [*Any additional decision to be inserted*]

22. We further welcome the adoption by the TRIPS Council of the Decision on the Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for Least-developed Country Members for certain obligations with respect to pharmaceutical products.

PART III

23. We welcome the advances made in the Doha Development Agenda. We regret that it has not been possible to reach agreement on all areas of the negotiations, including Agriculture, NAMA, Services, Rules, including fisheries subsidies, and TRIPS. In particular, we note the importance of agriculture to many WTO Members, including LDCs. We will therefore address all aspects of agriculture reform as a matter of priority.

24. In reaffirming the centrality of development, we agree that the principles of Special and Differential Treatment and Less Than Full Reciprocity for developing and least-developed country Members shall remain integral parts of the WTO's future work.

25. We strongly commit to addressing the marginalization of LDCs in international trade and to improving their effective participation in the multilateral trading system. Towards that end, we shall ensure that all issues of specific interest to LDCs shall be pursued on a priority basis.

26. We reaffirm our commitment to continue to address, in a substantive and meaningful manner, the needs of small, vulnerable economies (SVEs) and to adopt specific measures that would facilitate their fuller integration into the multilateral trading system, without creating a sub-category of WTO Members. We therefore call for the priorities of SVEs to be duly addressed in all areas of the negotiations and regular work.

27. We recognize the extensive commitments undertaken by Members that acceded under Article XII. We further recognize the need to narrow the gap in Members' commitments.

28. We reaffirm the need to ensure that Regional Trade Agreements (RTAs) remain complementary to, not a substitute for, the multilateral trading system. We agree to enhance the role of the Committee on Regional Trade Agreements so as to map the systemic implications of RTAs and their coherence with WTO rules. We deem it necessary to conduct a study on the systemic implications of RTAs, modalities of which will be decided by the General Council.
