DEVELOPMENTS SINCE THE THIRD WTO MINISTERIAL CONFERENCE IN SEATTLE

Evolution of the discussion since the Seattle Ministerial

1) Launch of a new round (“Doha Development Agenda”) and the Seattle failure

At the Fourth WTO Ministerial Conference held in Doha, Qatar on 9-14 November 2001, Ministers agreed to launch a new round of WTO trade liberalization negotiations. Following on the 1986-1994 Uruguay Round, these negotiations will represent the ninth round since the GATT era.

Numerous obstacles had to be dealt with to reach this point. Central among these was the failure of the Third WTO Ministerial in Seattle in November 1999, to resolve the differences among the developed countries, to bridge the deep gap between developed and developing countries, and to effectively deal with the growing opposition of civil societies to trade liberalization itself.
Japan and other member countries, in the wake of the Seattle meeting, agreed to deal with these issues through discussion in a variety of fora.

2) Maintaining momentum for the new round in various fora and opposing views

Japan recognizes how critical it is to maintain momentum for a new round of trade liberalization discussions. For example, looking at discussion in the year following Seattle, the Communiqué produced by the Kyushu-Okinawa G8 Summit in July 2000 noted members’ commitment to launching a new round within the year. The same extremely positive stance on the part of developed countries and their dedication to maintaining and strengthening momentum toward a new round was also evident at the Third Asia-Europe Meeting (ASEM) in Seoul in October, the ASEAN Economic Ministers + 3 (Japan, China, ROK) Meeting (AEM+3) in Chiang Mai, Thailand in November, and the Asia-Pacific Economic Cooperation (APEC) Leaders’ and Ministerial Meetings in Brunei.

At the same time, hard-line developing countries such as Malaysia, India, Pakistan and Egypt were pushing strongly for relaxation of certain obligations incurred under the Uruguay Round agreements because of the burden these obligations imposed. These countries opposed the launch of a new round on the grounds that it would mean commitment to new obligations (the “implementation” issue).

While taking the wishes of these developing countries into serious consideration, other member countries continued to consult on a formal and informal basis to move the discussion in the direction of a new round. One factor in the difficulties faced by developing countries in fulfilling their WTO Agreement obligations was a capacity shortfall. Japan led other developed APEC economies in promoting a capacity-building activity to develop the implementation abilities of developing APEC economies. As noted below, this endeavor spearheaded by Japan was applauded by APEC members as meeting developing economy needs.

3) Developments since summer 2001

In 2001 too, statements were adopted at the May Organization for Economic Cooperation and Development (OECD) Ministerial Council and Quad Trade
Ministers’ Meeting, the June APEC Meeting of APEC Ministers Responsible for Trade (MRT), and the September ASEM Economic Ministers’ Meeting urging the launch of a new round on the basis of a “sufficiently broad-based agenda” at the Doha Ministerial in November.

WTO Director-General Mike Moore also demonstrated initiative in planning a series of informal Ministerial Meetings as of summer 2001 for discussion of key agenda issues among some 20 key countries from the various regions including the Quad countries. The first meeting was held 31 August - 1 September in Mexico City, the second 14-15 October in Singapore. Japan was represented at both meetings by METI Minister Takeo Hiranuma, who was joined for the second by Minister for Foreign Affairs Makiko Tanaka. At the meeting, Ministers discussed the creation of investment rules, existing WTO rules (including the Anti-Dumping Agreement), the environment, agriculture and implementation policy. The influence of these “mini-Ministerials” worked effectively at the Doha Ministerial in November in bringing about the successful launch of a new round.

Discussion on Key Agenda Issues

Member countries had very different ideas as to the content of the new round — in other words, what should be negotiated — requiring a massive coordination effort. The complex interaction of national interests meant that, for example, while the United States wanted to focus on agriculture, services and other market access issues, other member countries who are agricultural exporters want the new round to focus on further agricultural liberalization. Many developing countries were strongly resistant to new agenda items such as investment and environment rules. Japan and the European Union (EU) stressed the need to address a sufficiently broad-based agenda, including new issues such as investment rules and the environment.

Below is a brief examination of the development of discussions in the lead-up to Doha in terms of the strengthening of anti-dumping disciplines, the creation of investment rules, trade and the environment, and intellectual property protection and access to medicines.
1) **Strengthening anti-dumping disciplines**

Because of the scope in the current Anti-Dumping Agreement for discretionary administration by national regulators, a worldwide tendency has emerged toward the abuse of anti-dumping measures. Given the strong possibility that such abuse will obstruct free trade, Japan and many other countries sought incorporation into the new round of negotiations on strengthening anti-dumping disciplines. However, with pressure from the steel industry and elsewhere marking anti-dumping measures as a highly political domestic issue, the United States alone strongly opposed beefing up anti-dumping disciplines. Discussion accordingly continued right into the Doha Ministerial, where the United States again found itself ranged against those countries in favor of anti-dumping negotiations. Ultimately, the United States accepted the inclusion of a clear statement in the Doha Ministerial Declaration that anti-dumping negotiations would be conducted.

2) **Investment Rule**

Since the Singapore Ministerial Conference in 1996, investment rules have been discussed along with the other “Singapore issues” of competition, trade facilitation, and transparency of government procurement as an area requiring the creation of new rules. However, because the development of investment rules could position the principle of national treatment as a conflicting obligation under international rules, developing countries, and particularly Malaysia with its Bumiputra policy (preferential treatment for domestic industries), maintained strong opposition to such rules on the grounds that they could compromise the survival of policies favoring domestic industry.

To facilitate rule creation, numerous developed countries put forward a range of flexible proposals which reflected sensitivity to the circumstances of developing countries, as well as holding seminars and otherwise working to garner developing country understanding. For example, Japan emphasized sensitivity to developing country concerns in coordinating the ambition level of the investment rules being formulated, and also held ad-hoc seminars with ASEAN countries as vehicles for engaging in discussion and deepening understanding of rule content. The EU sought the understanding of developing countries for an “opt-out” approach, suggesting that while all member countries needed to participate in rule negotiations, at the point of
adoption, countries could choose whether or not to accept the agreement. However, despite this demonstration of flexibility on the part of developed countries, hard-line developing nations maintained their opposition to the end, moving the issue on to the Doha agenda.

3) Environment

Outbreaks of foot-and-mouth disease and Bovine Spongiform Encephalopathy (BSE) and the growing environmental awareness of recent years have fostered strong civil concern over environmental issues, leading the EU to press strongly for negotiations on the environment in the new round. However, concerned that excessive protectionist measures would be instituted in the name of environmental protection, developing countries and many other nations protested vehemently against such negotiations.

Japan too regarded this sense of danger on the part of such a large section of the international community as entirely reasonable, and accordingly took a cautious stance on environment-related negotiations. At the same time, because environmental protection is an extremely critical issue which must be addressed with a view to the safety of human life over the long-term, Japan also expressed understanding of the need for environmental protection to the extent that it does not lead to the obstruction of trade (disguised protectionism). The term “honest broker” exemplifies the stance which Japan sought to take on this issue.

The EU submitted a new proposal in December 2000 to garner understanding by indicating its flexibility to parties opposed to placing the environment on the agenda, but discussions persisted through to the final stages of the Doha meeting.

4) Intellectual property rights protection (access to medicines)

Access to medicines was considered a particularly critical issue in terms of intellectual property rights protection. In the medical field, viruses and bacteria and human technology evolve in parallel, each alternately outpacing the other. To continue to develop products to beat viruses and other illnesses, incentives therefore need to be granted for the development of new medicines. At the same time, with AIDS and other infectious diseases rampant around the world, particularly in Asia,
Africa and in many developing areas, cures for such diseases need to be made readily available at affordable prices.

Developing countries recognized that encouraging new medicine development through intellectual property rights protection was important given their lack of technological capacity to develop new medicines and need to import these. At the same time, they argued that accommodations should be made for governments to relax such protection without reticence where it was for the purpose of protecting public health. Developed nations, on the other hand, as the developers of medicines, took the position that because adequate flexibility was built into the compulsory license system in terms of intellectual property rights protection, entitling governments under certain conditions to treat medicines as protection exceptions, discussion should be oriented toward further clarification of this flexibility. Both sides held fast to their stances, with the issue finally agreed to be taken into the Doha Ministerial.

*Domestic positions on the launch of a new round*

The positions of major powers in the lead-up to the launch of a new round are outlined below. Note that there is some duplication with the preceding paragraphs on key agenda issues.

1) Japan

In the wake of the Seattle Ministerial, Japan consistently maintained the position that negotiations needed to be sufficiently broad-based, believing that all the various agenda items should be included in the new round to ensure benefit to all participating countries.

More specifically, Japan envisaged a negotiation agenda which ranged from the Built-In Agenda (BIA) agreed during the Uruguay Round (agriculture and services) to strengthening and improving market access (tariffs on non-agricultural products), strengthening existing WTO rules, bolstering antidumping disciplines, and responding to 21st-century issues such as investment, competition, and e-commerce. This broad coverage in terms of a negotiation agenda was considered vital.
2) European Union

Like Japan, the EU was heavily committed to a new round, and strongly advocated the need for sufficiently broad-based negotiations. Environmental issues were considered particularly vital because of strong public interest. On the other hand, while agricultural negotiations were scheduled to begin in 2002 as part of the Built-In Agenda confirmed at the close of the Uruguay Round, the EU regarded these negatively because of the heavy impact which the elimination of export subsidies would have on EU farming countries.

3) United States

The United States generally gave priority to the Built-In Agenda of agriculture and services, but was extremely negative toward strengthening anti-dumping disciplines because the potential impact on domestic industries such as steel. The Clinton administration (incumbent at the time of the Seattle Ministerial) had pressed strongly for negotiations on labor issues, but the new Bush Republican administration took a more relaxed stance, with labor virtually disappearing from discussion in 2001.

The slowdown of the US economy and the massive terrorist attack of September 11, 2001 led the US government, and indeed the country as a whole, to seek a strong, hopeful message in support of the forward-looking operation of the world economy. These factors too contributed to the successful launch of a new round.

4) Developing countries

Developing countries were divided between those supporting the launch of a new round with a sufficiently broad agenda (Mexico, Chile, South Africa, etc.) and those countries against anything beyond the Built-In Agenda (India, Pakistan, Egypt, etc.). Almost all developing countries, however, felt that they had not reaped sufficient benefit from rounds to date. To that end, generally developing countries shared concerns on implementation to meet obligations, and were strongly interested in capacity-building to boost their ability to meet WTO Agreement commitments.
Efforts by Japan and Other Developed Countries Toward the New Round

1) Developing country confidence- and capacity-building efforts

The failure of the Seattle Ministerial highlighted the many problems with the existing WTO system, not the least of which is the broadening gap between developed and developing countries. Also, the Seattle Ministerial illuminated the lack of developing country confidence in the WTO system and the difference in response capacity between the developed and developing world. To deal with this problem, Japan and other developed nations made various efforts to build developing country confidence in the multilateral trading system, including those described below.

a) APEC capacity-building

For the last two years, Japan has been using the APEC framework to build the WTO Agreement implementation capacity of developing economies. By actively supporting the improvement of APEC developing economies’ abilities to implement obligations of the WTO, Japan has strengthened the capacity of these governments in addition strengthening its own economic relations. The “Strategic APEC Plan” formulated in line with developing economy needs were approved at the APEC Leaders’ and Ministerial Meetings in Brunei in November 2001. The plans were instituted in 2001 and have produced steady results.

Last year Japan provided comprehensive assistance related to the various WTO Agreements for the four ASEAN nations with which it has close economic relations (Thailand, Malaysia, Indonesia and the Philippines). This assistance has elicited high praise, and assistance programs will be continued.

b) Preferential measures for industrial products from least-developed countries (LDCs)

Since April last year, Japan has eliminated tariffs and quotas on more than 350 industrial products to improve market access for products from less developed
countries (LDC). This step has effectively eliminated tariffs and quotas on imports into Japan for all textile and clothing products and about 99 percent of industrial products from LDCs have entered duty-free and quota-free.

At the same time, the EU eliminated tariffs and quotas on all products except for arms (everything but arms) from LDCs, while the US, Canada and other developed countries have adopted preferential tariff measures for LDCs products as part of a worldwide trend.

c) Seminars to deepen mutual understanding with developing countries over the negotiation agenda

Many developing countries do not have adequate information or knowledge in relation to discussion on the type of negotiation proposed for each potential agenda item. This reality places officials representing LDCs at a disadvantage when considering the pros and cons of a new round of negotiations, not to mention negotiation content.

To solve this problem and enable developing countries to participate fully in substantive discussions, Japan began holding seminars as of last year for the ASEAN countries and China in order to deepen mutual understanding of the negotiation agenda. These developing countries have participated actively in these seminars, which have been successful in increasing understanding and exposing further issues.

2) Promotion of discussion through the Quad framework

As was the case through to the Uruguay Round, cooperation among the “Quad” countries (Japan, the US, Canada and the EU), the main engines of momentum behind negotiations, will be an essential element in ensuring swift and effective progress. Again, directly before the Doha Ministerial, the Quad countries engaged in close exchanges of views at the working level, creating joint proposals and coordinating their positions to ensure the successful launch of a new round. Such cooperation should be continued in the years to come, taking care to ensure transparency.
3) Using various fora to deepen discussion and maintain and strengthen momentum

Japan utilized not only WTO meetings, but also APEC, AEM+3, ASEM, the OECD and other international frameworks to advance discussions and enhance collective momentum toward the launch of a new round. Now, as the round gets underway, Japan must continue to seize these opportunities and actively lead discussion.

Discussion at the Fourth Ministerial Conference

Outline of results

In 2001 alone, the launching of a new round was advocated in declarations issued by meetings ranging from the OECD Ministerial Council and the Genoa G8 Summit to the various APEC meetings. Despite this broad based support and momentum, the Doha Ministerial failed to produce consensus on an agenda, stalling particularly over new items such as the formulation of environmental and investment rules. The fate of the new round, in fact, remained an open question until the final moments of the meeting, with an additional day required to finalize the Ministerial Declaration.

It was ultimately decided that the new round would comprise a broad-based agenda, responding to the 21st century issues, and conclude by 1 January 2005. During the course of the three-year negotiation period, the Fifth WTO Ministerial Conference would be held in Mexico in 2003 as a milestone at which to conduct interim reviews and other necessary work. An outline of the Ministerial Declaration is shown below.

[Key points in the Ministerial Declaration]
Ministerial Declaration URL:
http://wwwwtoorg/english/thewto_e/minist_e/min_e/mindecl_ehtm .01.

1) Market access
Members agreed to negotiations to reduce, or as appropriate, eliminate tariffs on non-agricultural products without \textit{a priori} exclusions as to product coverage. Discussion became bogged down in regard to the handling of export subsidies for agricultural products, which were part of the Built-In Agenda. Members finally committed themselves to negotiations aimed at “reductions of, with a view to phasing out, all forms of export subsidies” without prejudicing the results of the negotiations.

2) \textit{Rules}

Looking first at existing trade rules, members decided to launch negotiations on anti-dumping rules in light of growing number of cases in which anti-dumping measures are being imposed, a point which Japan had strongly emphasized.

The creation of new rules became one of the key Doha issues. Members agreed to begin preparatory work on the “Singapore issues” of “trade and investment” and “trade and competition” toward launching negotiations as of the next Ministerial. It was also agreed to begin negotiations on certain aspects of trade and environmental concerns, while a new body will be set up to carry out a work plan for electronic commerce.

\textit{Ministerial Discussion Process}

One of the factors behind the success of the Doha Ministerial was the thought and planning which went into the steering of the meetings. The following steps were taken at the Doha Ministerial to facilitate the progress of discussion.

In terms of structure, the plenary sessions directed by the Chair were held on the first day followed by discussions led by Heads of Delegations (HOD). At these meetings HODs spoke in turn about specific topics and the content of the Ministerial Declaration. These meetings were followed by discussion at smaller meetings where facilitators were entrusted with advancing the details of the respective agenda items.

3) \textit{Discussion on key issues}
Many hours of intense discussion took place at the Doha Ministerial. Japan attaches particular importance to the following topics: the strengthening of anti-dumping disciplines; the establishment of investment rules; the environment; TRIPS and access to medicines; and, implementation of existing WTO rules.

a) Anti-dumping rules

Issues concerning the Agreement on Anti-dumping was addressed along with the Agreement on Subsidies and Countervailing Measures under the category of existing WTO rules. However, the goal of Japan and other countries wanting to negotiate anti-dumping rules at Doha was a clear commitment in the Ministerial Declaration to negotiations for amendment of the Anti-Dumping Agreement. At the Doha meeting, Japan, the Republic of Korea, Chile and other countries in favor of launching negotiations on the topic of anti-dumping found themselves up against the United States, which opposes negotiating the Anti-dumping Agreement. Consultations with the facilitator for rules, Minister Alec Erwin from South Africa, as well as other parties, however, led to a slight compromise in consideration of the United States’ hard line against anti-dumping negotiations. The compromise resulted in the agreement to address anti-dumping and subsidy negotiations in the Ministerial Declaration.

b) Investment Rule (Singapore issue)

A standoff continued between Japan, the EU, the Republic of Korea, Switzerland along with other countries supporting investment rule negotiations and India, ASEAN, Africa and other countries opposed to such negotiations. Members, however, managed to adopt a Ministerial Declaration which referred to launching negotiations in this area at the Fifth Ministerial Conference on the basis of a decision on modalities of negotiation.

Discussion on investment continued through to the very last minute, even after the Doha meeting had been extended by a day. While consensus had been generally reached India, was still expressing its opposition at the HODs Meeting. WTO Director-General Mike Moore and host country Chair Youssef Kamal worked
to persuade reluctant parties, and a last minute agreement was eventually reached for inclusion in the Ministerial Declaration.

c) Environment

In the area of trade and environment, disagreement continued between the EC and European countries, which sought clarification negotiations on the relevant treaties, and the United States and the developing countries, which rejected such negotiations. It was finally decided in the Ministerial Declaration that negotiations would be conducted only on the relationship between existing WTO rules, which is based on the principle of promoting free trade, and specific trade obligations in Multilateral Environmental Agreements (MEAs) such as the Kyoto Protocol, and only by member nations party to MEAs. The possibility was, however, left open of negotiations on issues under consideration by the Committee on Trade and Environment as of the Fifth Ministerial Conference. Taking the wider perspective that the launching of a new round required broad-ranging reflection of members’ interests, Japan strongly supported the EU’s position and played a significant role in building consensus.

d) TRIPS Agreement and public health

In response to developing country concerns over the TRIPS and public health, agreement was reached on a political declaration to clarify the flexibility built into the TRIPS Agreement. In other words, while member countries are still committed under the TRIPS Agreement, TRIPS does not and should not prevent member governments from acting to protect public health. It was affirmed, for example, that crisis situations caused by AIDS or other diseases constitute national emergencies, for which governments may exercise their right to compulsory licensing.

e) Implementation

While the Chair of the General Council put forward a proposal on implementation before the Doha meeting which recognized many developing country concerns in regard to a number of agenda items, developing countries rejected this the proposal. At the Doha Ministerial, developing countries put forward
approximately 100 demands concerning, for example, relaxation of obligations, of which the Ministers made decisions on approximately 50 in a separate ministerial document (the same treatment given to access to medicines). This document indicated solutions and future directions on many substantive issues concerning developing countries. Of the remaining 50 demands, the 30 for which there is an agreed negotiating mandate in the Declaration will be negotiated accordingly, while the other 20 will be taken up as a matter of priority by the relevant WTO councils and committees.

4) Factors behind the successful launch of a new round at Doha

A number of factors led to the successful launch of a new round at Doha, some of which are described below. It should of course be added that the international community was resolved to avoid a recurrence of the failure in Seattle. Additionally, the massive terrorist attack in the United States in September spurred widespread determination that a strong message should be communicated around the globe in favor of forward-looking operation of the world economy. These developments too marshaled momentum behind the launching of a new round.

a) “Harbinson Text”

General Council Chairman Stuart Harbinson, learning from the Seattle Ministerial, drafted an instrumental text in the success of the Doha Ministerial. The Harbinson Text was extremely brief and left bracketed only those few issues on which a decision at political level would be required, narrowing down from the outset those points on which substantial discussion would be conducted at Doha. Although WTO Ministerial Conferences run for five days, there is not always enough time for discussion given the other matters also on the agenda, such as accession approvals.

b) Inspired steering and constant transparency

As noted earlier, the Doha Ministerial employed HODs Meetings and meetings among “Friends of the Chair”, a mode of operation which provided two major advantages. First, the reporting process was an effective means of ensuring the transparency of individual discussions in terms of the whole agenda,
secondly, HODs members could concentrate on particularly interesting agenda items and participate deeply in negotiations, allowing more efficient progress with discussion.

Other measures to ensure transparency were also very effective. For example, monitors were placed around the hotel at which the conference was held, keeping conference schedules, venues and times extremely open.

c) Small-group meetings prior to Doha

Before the Doha Ministerial Conference, key countries met in Mexico in August, and October in Singapore to participate in informal WTO ministerial meetings. While no evident progress was made at these meetings, positions on key issues requiring resolution were shared among parties, and the frank exchange of views and mutual demonstrations of flexibility enabled them to deepen relationships and build confidence, which was certainly a plus in drawing together discussion at Doha.

Next steps

While the decision might have been made in Doha to launch a new round, the real negotiations still lie ahead. It would be no exaggeration to say that whether or not the world economy and Japan will truly benefit from the WTO system will hinge on approaches taken over the coming months and years.

Further, while the Doha Ministerial ran smoothly in terms of both process and agenda and ended in success, a number of issues still remain in terms of the WTO system itself. Some of these challenges are examined below.

1) Decision-making system

Great care was taken in Doha to maintain transparency, and there was none of the “Green Room” style of closed-door discussion or strong opposition to decisions seen at Seattle. At the same time, ensuring the transparency of decision-making among members is by no means an issue relevant only to ministerial conferences. Transparency needs to be constantly observed from the stage of working-level
discussion; otherwise, the lack of transparency at individual discussions may gradually build into major dissatisfaction. To resolve this issue, efforts need to be made to build into the WTO system mechanisms for ensuring transparency in further negotiations.

From this perspective, discussion in the negotiating groups on individual issues as well as in plenary sessions such as the General Council must be advanced with full transparency. Taking an informal, flexible yet transparent approach to discussion on each issue will be a critical task for the WTO in ensuring consensus-based decision-making.

b) Dealing with negotiations proper

The new round of negotiations will now move toward conclusion by 1 January 2005. Further progress with trade liberalization as a result of the new round will provide major benefits for the world economy and, of course, Japan. Japan has benefited greatly from the multilateral trading system, and as such, should actively lead negotiations as a means of stabilizing the world economy and securing national interests.

c) Issues responds to the needs of the 21st century

Issues arising from the advance of globalization, such as the creation of investment and competition rules and responses to environmental issues, represent a significant departure from trade liberalization in the classical sense. In recent years, the WTO has been called upon to deal actively with such 21st century issues, and action needs to be taken based on full discussion with all with member countries.

Specifically, in terms of investment and competition, to ensure that negotiations are launched at the next Ministerial, preparations are necessary to garner understanding of the importance of this issue not only among developed countries but also among members with less developed economies typically opposed to such rule creation. Active participation will also be needed in discussion on the environment, with negotiations pursued toward a result which achieves a balance between free trade and environmental protection. There is no advantage in producing a negotiation outcome which invites criticism of disguised protectionism.
On November 14, 2001 at the Fourth WTO Ministerial Conference in Doha, three ministerial declarations were adopted, including a Ministerial Declaration calling for a new round of negotiations based on a broad agenda. Representatives from more than 140 countries came together to call for a new round which responds to the needs of the 21st century. The meeting ended in success.

1. Ministerial Declaration key points

1) WTO rules (Paragraph 28)
Agreement to negotiations aimed at clarifying and improving disciplines under the Anti-Dumping Agreement (Agreement on Implementation of Article VI of the GATT 1994) and the Agreement on Subsidies and Countervailing Measures. Also contains a reference to fisheries subsidies.

2) Trade and investment (Paragraphs 20-22)
Agreement to continue preparatory work on the establishment of investment rules (particularly foreign direct investment) toward negotiations as of the WTO Fifth Session of the Ministerial Conference. Work will therefore begin immediately toward deriving an explicit consensus on modalities at the Fifth Session. This work will focus on scope and definition, transparency, non-discrimination, and commitment modalities. A key element will be an appropriate response to the concerns of developing countries and LDCs through capacity-building, etc.

3) Trade and competition (Paragraphs 23-25)
Agreement to continue preparatory work on the creation of rules on competition policy toward negotiations taking place after the Fifth Session of the Ministerial Conference. Work will therefore begin immediately toward deriving an explicit consensus on modalities at the Fifth Session. This work will focus on core principles, including transparency and non-discrimination, provisions on hard-core cartels, modalities for voluntary cooperation, and support for progressive reinforcement of competition institutions in developing countries. A key element will be an
appropriate response to the concerns of developing countries and LDCs through capacity-building, etc.

4) Trade and environment (Paragraph 31)
Agreement to begin negotiations on market access for environment-related goods and services and negotiations on the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs).

5) Agriculture (Paragraph 13)
Comprehensive negotiations will be carried out to achieve substantial improvements in market access; reduce, with a view to phasing out, all forms of export subsidies; and substantially reduce trade-distorting domestic support, without prejudging the outcome of the negotiations. It was also confirmed that non-trade concerns would be taken into account in the negotiations.

6) Market access for non-agricultural products (Paragraph 16)
Agreement to negotiations aiming to reduce or as appropriate eliminate tariff peaks, high tariffs and tariff escalation, as well as non-tariff barriers.

7) Electronic commerce (Paragraph 34)
Agreement to maintain the current moratorium on customs duties until the Fifth Session. General Council instructed to consider the most appropriate institutional arrangements for handling the Work Programme and report on further progress to the Fifth Session.

8) Post-Doha treatment of implementation issues (Paragraph 12)
The approximately 50 implementation issues not listed in the Decision on Implementation-Related Issues and Concerns (explained below) will be dealt with as follows. Those related to agreements for which a specific negotiating mandate is provided in the Ministerial Declaration (around 30), such as anti-dumping, shall be addressed under that mandate, while the remainder (around 20) shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee by the end of 2002 for appropriate action.

Key decisions on implementation
Of the approximately 100 issues identified by developing countries in relation to implementing the agreements arising from Uruguay Round negotiations, solutions and the direction of considerations were indicated for around 50, including anti-
dumping and subsidies. (As noted above, the remainder will be dealt with as stipulated in the Ministerial Declaration.)

Key points in the Declaration on the TRIPS Agreement and Public Health
A political declaration clarifying the flexibility built into the TRIPS Agreement in regard to government implementation of public health measures in response to the concerns of developing countries over the impact of intellectual property rights systems on access to medicines for HIV/AIDS and other infectious diseases. More specifically, the declaration clarified that crisis situations caused by HIV/AIDS or other diseases comprise national emergencies, and as such, governments have the right to compulsory licensing without prior consultation with patent holders.